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House of Representatives

The House met at 10 a.m.

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

O Lord, open my lips.

And my mouth shall declare Your praise. O Lord, give us voice that Your justice be heard again on Earth; and Your goodness be revealed in signs of unity and peace.

May all the words echoed in this Chamber today spring forth from Your spirit living in the hearts of this Nation.

Let Your truth and Your beauty be our guide as we gather to serve the common good.

We ask Your blessing now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 one-minutes on each side.

ELIAN'S UNCERTAIN FUTURE

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

Ms. ROS-LEHTINEN. Mr. Speaker, this morning, Juan Miguel Gonzalez arrived in the United States, more than 4 months after his little boy Elian was rescued at sea under miraculous circumstances.

Elian's fate is still uncertain. However, if deported there are truths we could be certain about. If deported, Elian will become the property of the Castro regime. Castro officials themselves declared just this week that Elian is Cuba's possession.

If forced to return to Cuba, Elian will be hospitalized for an undetermined period of time, and hospitalized is Castro's euphemism for reeducation and reprogramming.

If deported, 6-year-old Elian will be subjected to the type of education pictured here where children are given combat training and are forced to use rifles and other weapons as part of their elementary school curriculum.

Despite Elian's mother's ultimate sacrifice for him to live in freedom here in the United States, despite Elian's struggle to survive the perilous journey from Castro's Cuba, despite Elian's desire to remain in the United States, his days of liberty may give way to a future of forced child labor, enslavement, and oppression.

Today may mark a sad day for democracy, freedom, and the rule of law.

ENRON FIELD, NEW HOME OF THE HOUSTON ASTROS

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

Mr. GREEN of Texas. Mr. Speaker, I rise today to speak about a new baseball park that is opening for the Houston Astros National League opening this Friday night.

I know a lot of times Members get up, and I do it too, on 1-minutes and talk about the issues of the day, and that is important because that is what we are here for, but it is also used to talk about things that are happening across this great country of ours.

In Houston, Texas' tomorrow night National League opener, the Houston Astros, is in our new Enron Field. Having grown up in Houston and watched the old Colt 45s in Colt Stadium and the Astros in the Astrodome, our new home, the three-time defending National League Central Champions, the Houston Astros are opening in Enron Field. It has been called the ninth wonder of the world now because it replaces the Astrodome which was the eighth wonder of the world.

The new diamond was approved by the voters and built in the heart of downtown Houston, like a lot of baseball stadiums are being done today in advancing the economic vitality of our city centers. It features 42,000 seats and all the amenities that everyone could ever imagine that those of us who grew up with baseball cannot imagine that would be available. I am proud of the Astros along with the City of Houston, and best of luck tomorrow night when they play the Philadelphia Phillies.

PRESIDENT CLINTON'S TRIP TO INDIA

(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, we serve in historic times. This is the first administration in history to consume $50 million in what amounts to a 6-day expedition. The President has just returned from an official trip to India and Pakistan. On this trip, he took 77 Air Force planes and a huge entourage. He said he was going there to try to stop the arms race between India and Pakistan. It seems that the President and his aides spent more time sight-seeing at the Taj Mahal and looking for tigers

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than engaging in productive diplomacy, and all of this cost the taxpayers $50 million.

How interesting that it took Ken Starr 6 years to spend that much investigating indiscretions at the White House, and the White House called that investigation a waste of taxpayer money. Think of it, 6 days of sight-seeing versus 6 years of investigations. It turns out that Starr may have been the most frugal executive branch employee of them all.

INTERNATIONAL FAMILY PLANNING

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of international family planning. Today international guests from Kenya, Albania, Nigeria, Colombia, and Bangladesh will be visiting offices and participating in a forum cosponsored by the Congressional Caucus on Women'S Issues on why family planning matters.

They will testify with personal stories from the field on how important family planning is in saving women's lives.

In 1998, this body cut all U.S. funding for UNFPA and drastically cut USAID. Along with many of my colleagues, we fought back by introducing legislation to reinstate the U.S. contribution to UNFPA. We were successful last year in securing $25 million. This year it is time to go back to the future, back to 1995 levels for international family planning. I hope my colleagues will take advantage of our international guests visiting with us today and take the time to speak with them on what family planning programs give to communities around the world.

I hope they will support our bill H.R. 3634, the Saving Women's Lives Through International Family Planning Act.

FEED THE POOR AND HUNGRY CHILDREN IN AMERICA WITHOUT FRAUD AND ABUSE

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

Mr. BALLENGER. Mr. Speaker, I support giving all the help we can to poor, hungry children in America, but when the programs that are supposed to help children are wasting money instead, that is a problem.

A recent review by the House Committee on the Budget found that the food stamp program made an estimated $1.4 billion in improper payments in 1998, because food stamps are like currency, they can be easily used for fraudulent purposes.

For example, 14 members of an Indiana gang stole $728,000 worth of food stamps from four county welfare offices and proceeded to trade them for cocaine and explosives.

In 1995 and 1996, a total of $8.5 million in food stamps were paid out to 26,000 dead people in four States. No one knows who cashed in the benefits.

These are types of blatant fraud and abuse that hurt the children's food stamps that were designed to help and we need to do something about it.

INVESTIGATE CHINESE THREATS TO NATIONAL SECURITY

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

Mr. TRAFICANT. Mr. Speaker, the Justice Department has attacked Bill Gates and Microsoft with a passion, literally trying to destroy the company. Meanwhile, the Justice Department refuses to investigate serious allegations of crimes involving Communist Chinese nationals and top White House officials. Something is wrong here, very wrong. Microsoft may be a threat to software, but China is an absolute threat to hardware and the national security of the United States of America.

Now we may never see the day, but I predict unless Congress intervenes, our children and their children may some day meet a massive Chinese military threat armed to their dragon teeth with arms and weapons bought by the American taxpayers no less. Beam me up.

I yield back the fact that we need an investigation into these allegations.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, not too long ago I gave Bill Clinton my porker award for his $72 million trip to the African continent. Well, it looks like he is at it again. Clinton just returned from India, Pakistan, Bangladesh, and Switzerland with not one foreign policy success. He did nothing to ease the poverty in Bangladesh, was scoffed at by the Indian parliament, dismissed by Pakistani leaders, and rebuffed by the President of Syria.

Instead, he showered the America public with photos of himself playing with elephants, dancing with, quote, empowered women and touring the Taj Mahal with daughter Chelsea.

The 10-day trip included a virtual aerial armada of 26 military cargo planes and more than 50 other support aircraft. The Air Force, which had to do 177 strategic lift missions and 460 mission launches, has estimated that the price tag for the Asian tour could top $75 million.

Now I know the President needs to be protected but give me a break. ABC pegged this junket correctly when it said it was a protected sight-seeing tour. Bill Clinton gets my porker of the week award.

THE INTERNATIONAL ABDUCTION OF GLENN GEBHARD'S CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to continue in my mission to help bring our children home. Glenn Gebhard and his twin children Glenn and Shannon are just one example of the 10,000 American children who have been abducted to foreign countries. Shortly after he was married, Glenn's ex-wife moved back to Germany and took their children with her. For 2 years, he had contact with his children; but in 1994, she decided she would have no future contact.

Glenn has gone through the German court system numerous times and has actually been told by German judges that they do not believe in the laws that provide for unquestionable rights to access.

Glenn Gebhard has done nothing wrong. He has played by the rules. He has continued paying child support, yet he has not seen his children in almost 6 years, an eternity to a 7-year-old. Physical and psychological bonds have been severed between two children and their father who loves them. American children who are being held abroad must be returned to their parents. Countries who are not abiding by The Hague convention must be entreated to do so, and I ask my colleagues not to think as Members of Congress but as parents and grandparents and work with me to solve this pervasive problem.

American children and their parents are asking for your help. Please listen.

SPENDING KEEPS GOING HIGHER WHILE SAT SCORES KEEP GETTING LOWER

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

Mr. BARTLETT of Maryland. Mr. Speaker, is there a relationship between how much money is spent on education and how well students do? If I look at a graph showing SAT scores since 1960 and spending on education since 1960, I note that spending just keeps going higher and higher while SAT scores keep going lower and lower. Or if I look at how much money is spent in cities like Washington, New York, Chicago, or Kansas City, I note that school districts that spend the most money often have the lowest SAT scores, presumably meaning the worst schools.

What am I to conclude? Mr. Speaker, when I talk to teachers, and I don't mean education establishment bureaucrats in Washington, D.C., when I talk to teachers in the classroom they all agree that it is important that schools are adequately funded. But no one, virtually no one, says that money is the most important thing. So what makes

for better school achievement? Most important are loving parents who teach their children that education is important. No government program can do that. That is something that money cannot buy.

□ 1015

WORLD HEALTH DAY

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

Mr. CROWLEY. Mr. Speaker, tomorrow we celebrate World Health Day. Unfortunately, though, too many of the world's women have no cause for celebration. Nearly 600,000 women die each year from pregnancy and childbirth-related complications. That is one woman every minute.

For every maternal death that occurs worldwide, an estimated 30 additional women suffer pregnancy-related health problems.

More than 150 million married women in developing nations still want to space or limit childbearing, but do not have access to modern contraceptives.

Yet, despite these startling statistics, the U.S. commitment to women's health remains woefully inadequate.

That is why I, along with 31 of my colleagues, support legislation to increase the U.S. commitment to women's health by $300 million as part of our legislation, the Global Health Act 2000.

Mr. Speaker, H.R. 3826, the Global Health Act of 2000, authorizes $1 billion in additional resources to improve children's and women's health and nutrition, provide access to voluntary family planning, and combat the spread of infectious diseases, particularly HIV/AIDS.

Mr. Speaker, by passing the Global Health Act, the United States would make a giant leap forward in promoting access to healthcare for millions of the world's women. I hope we all can keep this in mind as we observe World Health Day tomorrow.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 460 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 460

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. 1776) to expand homeownership in the United States. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill 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 Banking and Financial Services. 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 Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. 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. OSE). The Chair recognizes the gentlewoman from Ohio (Ms. PRYCE) for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), 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 460 is a structured rule providing for the consideration of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

The rule provides for 1 hour of general debate, after which the House will consider a bipartisan manager's amendment, as well as 11 other amendments that the Committee on Rules made in order. Of these amendments, five will be offered by Democrats, four will be offered by Republicans, and three are bipartisan. Additionally, the rule allows the minority to offer the customary motion to recommit with or without instructions.

So I think it is fair to describe this rule as carefully balanced and fair. It gives Members on both sides of the aisle equal opportunity to alter the legislation, and the House will have the opportunity to fully debate the merits of the bill.

Mr. Speaker, the American Homeownership Act is the result of hard work and negotiation, and I commend the gentleman from New York (Mr. LAZIO) for his continued commitment to updating and improving our Nation's housing policies.

The goal of H.R. 1776 is simple. The bill seeks to help more Americans realize the dream of owning their own home. While today's economic prosperity has allowed our Nation's homeownership rate to peak at 67 percent and nearly 70 million households own their homes, we all know that not every American is enjoying today's economic boom. For too many hardworking families, homeownership seems an unattainable dream.

H.R. 1776 takes a number of steps to reduce the barriers to homeownership that low-income Americans face. For example, the bill reduces unnecessary, excessive regulation that adds thousands of dollars to the cost of a home.

Under this legislation, all proposed Federal regulations must include a housing impact analysis so that the Government can determine if policies will jeopardize the availability of affordable housing.

H.R. 1776 also empowers local communities to boost homeownership in their neighborhoods. People who own their homes have a greater stake in their neighborhoods; and by increasing homeownership, cities can look forward to cleaner, safer neighborhoods.

Under the bill, localities will be able to leverage public funds with private funds in order to increase homeownership opportunities. Through the creation of a mixed-income loan pool and a home loan guaranteed program, more Americans will have access to affordable housing.

Local flexibility is also enhanced by provisions that allow mayors and local government officials to use Federal funds to assist first-time home buyers who are municipal employees to purchase homes in the communities where they serve.

It makes sense for those who are largely responsible for the safety of our communities and who act as role models for our children, such as police officers, fire fighters, teachers, to actually live in the neighborhoods where they work.

This bill will grant localities the flexibility to establish smarter urban planning policies and strengthen their communities by allowing city workers to become our neighbors and keeping workers closer to their jobs.

The American Homeownership Opportunity Act also helps families who

rely on section 8 rent assistance, by giving public housing authorities the option of providing a single grant to a tenant as a down payment assistance in lieu of the monthly assistance for rent.

Special assistance is also provided to the disabled, to Native Americans, rural residents, and senior citizens through this bill.

Another housing policy that H.R. 1776 corrects is the existence of HUD-foreclosed, vacant, and substandard properties that scar neighborhoods and hamper economic vitality. This bill seeks to put these properties into the hands of local governments and community development corporations who can revitalize these neglected neighborhoods.

Finally, the bill updates the antiquated provisions of the Manufactured Housing Act to improve the quality, safety, and affordability of manufactured homes and the Federal management of the program. These changes are the result of cooperation and negotiation among Congress, the industry, and consumer groups.

In fact, Mr. Speaker, on the whole, H.R. 1776 is the product of cooperative efforts between Democrats and Republicans, and it enjoys the support of numerous organizations, including the National Education Association, the Homebuilders, the Mortgage Lenders, Community Bankers, the Fraternal Order of Police, the National Association of Realtors, to name just a few.

Still, for those who are not fully supportive of this bill, the rule provides the House with an opportunity to consider a number of amendments that may alter its provisions.

I hope that after today's full debate of this measure, its merits will be very clear and that the House will preserve the good policy of this long-awaited and carefully crafted bill.

I urge my colleagues to support the rule and the American Homeownership and Economic Opportunity Act. Let us take this opportunity to help more Americans know the pride and independence that owning a home offers.

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

Mr. MOAKLEY. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE), my dear friend, for yielding me the customary half hour; and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and in support of the bill to help more Americans own their homes. My Democratic and Republican colleagues on the Committee on Banking and Financial Services have worked together to fashion a housing bill designed to help working families to own homes, despite the rising home prices, as well as to address other inequities in our housing market. This is an excellent bipartisan bill, and I thank all Members on both sides of the aisle for their hard work.

Thanks to the 1993 Budget Act passed by the Democrats in Congress, the United States is now experiencing the highest rate of homeownership in history. Sixty-seven percent of Americans own their own homes. The 1993 Budget Act lowered mortgage rates, created budget surpluses, and sparked 7 years of economic growth, all of which have made it easier for people to own their own homes.

But as people throughout Massachusetts can tell us, with this strong economy, home prices continue to soar, making it harder and harder for low-income and middle-income families to buy their own homes. So this bill, Mr. Speaker, really responds by helping make sure that working-class families are not priced out of the housing market by the strong economy.

It also contains a provision called the teacher-next-door program, which expands the cop-next-door program, to help teachers, to help fire fighters, and police officers to buy homes.

That way, Mr. Speaker, public servants can stay near their important jobs by coming up with just 1 percent of the down payment instead of the usual 5 or 10 percent. Cities will be revitalized, and children will really have positive role models living right next door.

The bill also will help families who receive section 8 housing assistance also to buy homes. It will enable senior citizens who are house rich, cash poor, to borrow against the value of their homes for essentials like medication, food, and home repairs.

Mr. Speaker, last year, the Federal Housing Authority paid claims on over 71,000 defaulted loans for houses that were discovered to have major structural defects. This bill will help home buyers become aware of these major structural defects in the homes they are considering buying before it is too late.

My Republican colleagues on the Committee on Banking and Financial Services included many Democratic suggestions to require companies that manufacture homes to update their safety and construction standards. For that, I thank them.

I am sorry the Committee on Rules did not make in order the amendment of the gentleman from Massachusetts (Mr. FRANK) to take the safety standards for manufactured homes even a step further. My Republican colleagues also agreed to other pro-consumer provisions to help families, to protect families who buy these manufactured homes.

This bill contains a proposal to fight discrimination and a proposal to virtually eliminate the capital gains tax on principal home sales.

The American Homeownership bill is a bipartisan collection of many good ideas designed to strengthen and empower cities, reduce discrimination, and make it easier for working-class families to own their own homes. I commend my colleagues on the Committee on Banking and Financial Services committee for their excellent work.

I urge my colleagues to support both the rule and support the bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, we have no requests for time, so I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA), who is the author of one of the amendments that was adopted in the committee.

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

Mr. BACA. Mr. Speaker, I support the rule, and I would like to commend members of the Committee on Rules for including the manager's amendment that I proposed. As amended, I support the legislation.

As previously discussed, this is an opportunity for homeownership that presents an opportunity for pride for many individuals to own a home.

□ 1030

I know what it was like. I came from a family of 15, being the 15th in the family and not owning a home, and I remember the very first time that my parents could afford to buy a home. This opens an opportunity for many other individuals who will have that same opportunity to take pride and have dignity in a home. It is positive for our communities throughout the Nation that individuals will be able to afford to buy their home.

My amendment expresses the sense of the Congress that the Secretary of Housing and Urban Development should consult with other agencies to make additional properties available for law enforcement officers, teachers, and fire fighters. As we expand HUD's existing programs to cover fire fighters in this bill, it is essential that we encourage HUD to work with other agencies to find additional properties. These individuals have made great sacrifices for our communities, and that is fire fighters, and that is the amendment that I propose. We should recognize them for their unselfishness and their heroic actions. They are a part of our community. They are role models in our communities.

My amendment is supported by 230,000 fire fighters of the International Association of fire fighters. It is also supported by the San Bernardino Community College District which trains fire fighters through ongoing programs. I urge adoption of this rule and support of the legislation.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Once again I would like to emphasize the fairness of this rule. Of the 12 amendments made in order by the rule, five are Democrats' amendments, four are Republicans' amendments and three are bipartisan. I would say this is not only fair but generous since the

bill itself is not particularly controversial. Like the rule, the underlying bill is a careful balance built on compromise which has earned the support of 155 bipartisan cosponsors. It is also supported by numerous organizations from the Fraternal Order of Police and the Consortium for Citizens With Disabilities to the Homebuilders and America's Community Bankers.

Mr. Speaker, as Congress grapples with budget surpluses and many Americans bask in our Nation's economic prosperity, we cannot turn a blind eye to those who have been left behind and who are still struggling to know what the American dream is all about. We can give these hardworking individuals a chance to experience the pride and independence that is the heart of the American society by giving them a chance to own their own home. The flexibility, local control and personal empowerment that this bill offers to our housing policies is the right way to lend a helping hand to those Americans who are honest, hardworking citizens and who need a small boost to get ahead and improve their lives for themselves and their families. I urge support for this fair rule and for the American Homeownership and Economic Opportunity Act.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. OSE). Pursuant to House Resolution 460 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. 1776.

The Chair designates the gentleman from Indiana (Mr. PEASE) as Chairman of the Committee of the Whole, and requests the gentleman from Colorado (Mr. HEFLEY) to assume the chair temporarily.

□ 1033

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. 1776) to expand Homeownership in the United States, with Mr. HEFLEY (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 New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) each will control 30 minutes.

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

Mr. LAZIO. Mr. Chairman, I yield myself such time as I may consume. I am going to begin, if I can, by noting the bipartisan nature of this bill and the fact that we have had both Republicans and Democrats bring this bill together. I want to thank the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK) on the Democratic side and the gentleman from Iowa (Mr. LEACH) as well as many members of the committee for helping to contribute to this bill, particularly the gentleman from California (Mr. CAMPBELL). We would not be here picking up the last piece of the housing puzzle if it were not for the gentleman from Iowa (Mr. LEACH).

Over these last 5 years, we have taken up homeless legislation and passed it in the House, we have taken up section 8 and assisted housing reforms, passed it in the House, seen it signed into law, we have taken up Native American housing provisions in this House, had it passed and signed into law, did a 50-year rewrite of public housing reforms, took it up, passed it in this House, had it signed into law, and now we are on the threshold of completing the continuum of housing by addressing the American dream, homeownership. Again, we would not be here but for the fact of the leadership of the chairman of the committee, the gentleman from Iowa.

Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me this time. Let me just stress that the litany of bills that the gentleman from New York has just read off are testaments to the most extraordinary subcommittee chairmanship in the House of Representatives. They are all reflective of the work and the thoughtfulness of the gentleman from New York and the complementary bipartisan assistance of the minority, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New York (Mr. LAFALCE) in particular.

I would just like to mention two things about this bill. One is the big picture, macroeconomics. That is, that housing is getting more difficult for more Americans because of two phenomena.

One phenomenon is that the strong economy has made it more difficult for many people to purchase higher-priced houses. Pricing of housing is simply going up in some cases faster than income levels. Secondly, interest rates are at a credible rate compared to some periods in American history but an historically unprecedented differential has come into being between inflation and long-term interest rates, with inflation at 1½ percent, long-term interest at 8½ percent. That is a 7 point differential which is truly extraordinary when you think of mortgages being for 20- and 30-year time periods.

The second point I would like to make is that this bill has a number of elements, very carefully crafted elements. The most ingenious is that we are looking at particular professional classes of people, teachers and uniformed municipal employees as well as handicapped individuals, and giving them new rights and capacities that have never existed in law before.

The possibility of buying a House under FHA with a 1 percent down payment is an unprecedented new right that will give uniformed municipal employees greater incentive to live in the communities in which they save and serve the people and give teachers the greatest benefit that they have ever been given by the Federal Government.

I am very proud under the leadership of the gentleman from New York (Mr. LAZIO) that this Congress is bringing out one of the most extraordinary pro-education initiatives in the history of the House of Representatives. In the circumstance in which teacher shortages are mounting, there will be huge new incentives for young people to go into the teaching profession and huge new opportunities for teachers to live in the communities in which they actually teach.

And so I think this is something that this House can take great pride in at this time. Let me just conclude again by thanking the gentleman from New York, one of the most far sighted Members of this body and again point out that this bill has terrific collegial bipartisan support. I am particularly grateful to the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK).

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this legislation.

I would first like to recognize the very hard work that has gone into this legislation on both sides of the aisle. In particular, I would like to thank the gentleman from Iowa (Mr. LEACH), the committee chairman; the gentleman from New York (Mr. LAZIO), Housing and Community Opportunity Subcommittee chairman; and the gentleman from Massachusetts (Mr. FRANK), the Housing and Community Opportunity Subcommittee ranking member. I also want to express my appreciation to the majority for the bipartisan manner in which this bill has been considered, especially with respect to their receptivity to a number of Democratic proposals and recommendations which have been incorporated into this bill.

As we begin the debate on this housing bill, we should recognize that when it comes to the areas of homeownership and economic opportunity, we are doing remarkably well. Our Nation is enjoying a record homeownership rate of 67 percent, and we are enjoying the 7th year of strong economic growth.

While reasonable people can disagree, a strong case can be made that it was the budget policies that we launched in 1993 that are largely responsible for this record. A Federal budget deficit of $300 billion a year has given way to huge surpluses. We have experienced lower interest and mortgage rates, 7 years of robust economic growth and record levels of consumer confidence. This has translated into higher homeownership levels and obviously increased prosperity.

And so the question is, why even bring this bill up? The answer is that

our strong economy can have a downside for some. Rising home prices means that many young families still find themselves priced out of the housing market. Rising home prices mean that working families may find it hard to obtain housing anywhere near where they work or where good jobs are. And schools, police departments, fire departments, especially in high-cost areas find it increasingly difficult to recruit and retain public servants.

This bill addresses these challenges by using the FHA single family home loan program, CDBG, HOME and other Federal programs to increase opportunities for low- and middle-income families. I am pleased to report that many of the bill's provisions have come from our side of the aisle. For example, section 203 of the bill incorporates the provisions of legislation I introduced with a number of other Democrats, the Homeownership Opportunities for Educators and Municipal Employees Act.

This bill authorizes 1 percent cash down payment FHA loans for teachers, policemen, and firemen buying a home in the school district or jurisdiction that employs them. This provision has the strong support of the National Education Association, the American Federation of Teachers, the American Association of School Administrators and the Fraternal Order of Police.

Further, the Congressional Budget Office has concluded that if this provision is adopted, it would result in an additional 125,000 FHA loans to teachers, policemen, and firemen over the next 5 years, a significant increase in homeownership opportunities for our public servants.

The CBO has also concluded that the provision would increase our budget surplus by $162 million over that same period. This is a win-win situation. Our bill, H.R. 1776, also includes important HUD proposals for hybrid, ARM loans and down payment simplification to make FHA more flexible and to make it work more like the private sector.

I am also very pleased that the bill includes the text of a bill I recently introduced, the Affordable Long-term Care Insurance Act. Long-term care insurance is growing in popularity, growing in need. It is growing in popularity as a way to provide seniors with financial security against the threat of staggering nursing home costs, to preserve assets and to potentially reduce Medicaid expenditures.

The bill I introduced that is incorporated in H.R. 1776 would make it easier for senior citizens to buy long-term care insurance by making it more affordable through the FHA reverse mortgage loan program. This is done by waiving the up-front fee that HUD charges for such loans by as much as $4,400 when loan proceeds are used exclusively on an annual basis to purchase long-term care insurance.

The attractiveness of reverse mortgages then with an FHA guarantee which some 13 million Americans who own their home free and clear are eligible for is that reverse mortgages allow seniors to borrow against the equity in their own home without having to make monthly payments of principal or interest.

□ 1045

I would also like to acknowledge a number of provisions in the bill authored by my colleagues on the Democratic side of the aisle. These include the provision of the gentleman from Massachusetts (Mr. FRANK) to include financing opportunities for manufactured home lots, and to make CDBG and HOME more effective in high-cost jurisdictions; the provision of the gentleman from Massachusetts (Mr. CAPUANO) to create a pilot program to allow CDBG and HOME funds to be used for home down-payment assistance for two- and three-family residences and to allow use of HOME funds in conjunction with section 8 assistance for ''grand-families''; the amendment of the gentleman from Rhode Island (Mr. WEYGAND) dealing with the problem of lead paint poisoning; the provision of the gentlewoman from Oregon (Ms. HOOLEY) for funding for consortia to use for planning money for housing affordability strategies; the amendment of the gentleman from Texas (Mr. BENTSEN) to provide that unincorporated communities can fully participate in homeownership zones; and the amendments of the gentleman from Vermont (Mr. SANDERS) to promote homeownership for low-income renters and for those buying duplexes.

Finally, I would like to mention briefly Title XI, the manufactured housing section. Everyone agrees that we need to jump start the process of updating our manufactured housing construction and safety standards. The bill seeks to do that through the establishment of a private sector consensus committee to develop recommendations to make to HUD for the revision of these standards. Democrats' problems with this approach have been that earlier versions of these bills were tilted against the consumer and in favor of industry. During hearings last year, AARP testified that they were very concerned about this tilt, and we concurred in this assessment. Therefore, over the last year, my Democratic colleagues on the Committee on Banking and Financial Services have offered a number of changes to the bill to restore HUD control over the process of establishing standards and regulations to provide more balance to the consensus committee deliberations and to ensure that all existing regulatory activities are fully protected. I have much appreciate the willingness of the majority to work together with us and to accept these recommendations.

So in closing, this is a good bill. It has been considered in a bipartisan fashion. I urge Members to support it in a bipartisan fashion and the many important provisions included within it.

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

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. NEY), who was a contributor to many aspects of this bill. He is a Member of the Committee on Banking and Financial Services, and I am happy to have him here in support of the bill.

Mr. NEY. Mr. Chairman, I want to thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 1776, the American Homeownership and Economic Opportunity Act, opens the prospect of homeownership to many deserving American families. It is good, sound legislation; and I rise today to indicate my full support in its behalf and encourage my House colleagues to support its passage as well.

Homeownership continues to be a strong personal and social priority, occupying a preferred place in our Nation's system of values. Yet, significant numbers of households are still precluded from sharing in the benefits of homeownership, despite a strong economy and a record percentage of Americans who own their own home. This measure addresses those inequalities.

This bill contains several key provisions that expand homeownership opportunities and improve access to affordable housing for low- and moderate-income individuals. Additionally, the bill utilizes the strength of the FHA and expands homeownership opportunities for many deserving public employees and school personnel who can now find little or nothing affordable in the communities in which they work. Specifically, H.R. 1776 includes special provisions to help schoolteachers, police officers, firefighters, municipal employees, and corrections officers across America to purchase homes.

Mr. Chairman, this measure was approved by the House banking committee in the spirit of strong bipartisanship, largely through the perseverance and tireless efforts of my colleague, the gentleman from New York (Mr. LAZIO). I commend Members on both sides, especially the gentleman from New York, and I urge support for the bill.

Mr. LAFALCE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BENTSEN), a member of the Committee on Banking and Financial Services.

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

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

I rise in strong support of this legislation. This is good bipartisan legislation that the Committee on Banking and Financial Services on which I have the honor of serving reported a couple of weeks ago. It is important that it removes barriers to housing affordability and encourages homeownership, particularly for low- and moderate-income Americans.

It also creates for the first time a new type of adjustable rate mortgage financing product for first-time homebuyers through the FHA Guarantee program, and it authorizes the Section 203 program in this bill for qualified teachers, police, firefighters and municipal employees to apply for a 1 percent down FHA mortgage loan, making it easier for them to buy homes in communities in which they work. It is a program that has been utilized in my district in earlier incarnations and one that I think will be quite successful.

It also enhances the FHA guarantee of reverse mortgages for senior citizens. This is something I have worked on with my legislature in Texas, in the State of Texas. The people of Texas recently adopted a constitutional amendment providing for this, and this bill will make it even easier.

I am particularly pleased that this legislation includes a section dealing with the prevention of fraud in the HUD 203 K Title I program. Over the last couple of years, I have worked with the chairman of the housing subcommittee on abuse in this program. And in my district and around my district in the greater Houston, Texas, area, we have seen tremendous abuse of this program by contractors, unscrupulous contractors who come and defraud primarily elderly folks on fixed incomes and leave the taxpayers footing the bill.

Quite frankly, HUD had not done a sufficient job in monitoring this program. The gentleman from New York (Mr. LAZIO) and I had asked the General Accounting Office for a study on this program; and we found that there was a great deal of abuse, and this bill takes some steps to try and correct that. I commend the gentleman from New York for his work on that.

This bill also includes language which will, for the first time, have HUD take a look at unincorporated areas in the ETJ, in some of their homeownership grant programs; whereas before, that has not always gotten, I think, a fair hearing. This affects a lot of areas in my district and a lot of districts in Texas where we are at the perimeter of city boundaries, but it is still an urban-like area. I appreciate both the chairman and the ranking member for agreeing to include my language in the manager's amendment.

The bottom line, Mr. Chairman and my colleagues, is that this is a very good bill that I think both sides should support unanimously. It enhances homeownership opportunities for all Americans and will help build stronger communities. I commend the chairman and the ranking member of the subcommittee and the full committee for their work on this bill.

Mr. LAZIO. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. KELLY), a member of the Committee on Banking and Financial Services.

Mrs. KELLY. Mr. Chairman, I thank my friend and fellow New Yorker for yielding me this time.

Mr. Chairman, I rise today in strong support for H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

Today, we will consider this very important legislation which addresses a problem too many Americans face: the lack of available, affordable housing. The legislation enhances existing homeownership opportunities, but it creates new homeownership opportunities for low- and moderate-income Americans. It strengthens consumer protections for the single largest and most important purchase the majority of most Americans will make.

Homeownership is vital in any community and encourages homeowners to become more involved in their community. When a family owns a home in a community, they want that area to be clean and safe, and homeownership gives them a vested interest in making sure this happens. The pride and accomplishment of homeownership encourages owners to improve their property, to work together with neighbors, to improve the community as a whole. Homeownership and neighborhood improvements only enhance the lives of people living within the community.

While it is easy to see how homeownership can be a cornerstone of a community, it is unfortunately not available to all segments of the population. We must take the necessary steps to ensure that all Americans have an opportunity to achieve this part of the American dream.

Mr. Chairman, in H.R. 1776 we take steps to see that homes are available, strong, safe, and clean. Through flexibility granted by Federal agencies, these goals can be reached. We promote more available, affordable housing by establishing practical, uniform performance-based Federal construction standards for manufactured housing. We also reauthorize the Community Development Block Grant program and improve it by adding homeownership assistance for municipal employees and reauthorizing housing opportunities for people with the AIDS program. The reauthorization of the Home Investment Partnership programs makes affordable homes available to more people.

These are only a few of the many positive steps we take in H.R. 1776. I want to in particular make it very clear that by making homeownership assistance available to municipal employees, it makes it possible for many employees to live in the cities and municipalities in which they work.

I want to take a moment to thank my subcommittee chairman, the gentleman from New York (Mr. LAZIO), and our ranking member, the gentleman from Massachusetts (Mr. FRANK), for their strong cooperative effort in crafting and refining this vital legislation. Let me also note my appreciation for their openness to my efforts to help in this work.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to join us in strong support for this necessary legislation.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. FRANK), the ranking member of the Subcommittee on Housing, who really has been responsible for such a great bulk of the provisions of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member of the full committee who has been very instrumental in our working this out. I want to begin with more than a normal acknowledgment of the staffs on both sides, Democratic and Republican, because this is a bill in which a great deal of work has been done.

For example, the manufactured housing sections, there was an article in the Washington Post recently raising some questions from the consumer's standpoint about manufactured housing, and some of the questions were legitimate questions. I was pleased on reading the article to be able to say to myself, since I was alone when I read it, but to say that we had, in fact, anticipated many of those questions and had resolved them in a way that was mutually acceptable and protected the consumer interest, while at the same time recognizing that manufacturing continues to be a valuable housing resource for people of limited incomes.

So I think Members will find that the manufactured housing section there satisfies legitimate concerns raised by the American Association of Retired Persons, by residents of the mobile homes, and also by those in the States that have regulatory authority, as well as manufactured housing. That is clearly the motif of this bill.

I have said this before; I said this last year when we debated legislation to preserve existing section 8 tenancies. There is both a partisan ideological and a nonpartisan, nonidealogical aspect to housing. The partisan idealogical one is very legitimate, and we have a responsibility to deal with it. We deal with it when we debate the budget; we deal with it when we debate appropriations. That is, given the wealth of this country, many of us believe that we are dedicating insufficient resources to housing needs. Indeed, it is the very wealth and the increase in wealth that to many of us demands greater Federal funding to help with housing.

In many parts of the country, including the greater Boston area where much of my district is located, in the northern part of California, in other metropolitan areas, it is precisely the prosperity which we are enjoying as a Nation which helps drive up housing costs so that people who are not themselves direct participants in the new economy, people who are not prospering from stock options, who are not getting higher salaries because they bring skills that the global economy wants, these people now find themselves priced out of neighborhoods where they used to live.

□ 1100

It is, it seems to me, the responsibility of this society to take some small percentage of the wealth that is being generated and use it to help protect people who are the victims of the unequal distribution of that wealth. Those are efforts we will deal with.

We will get some aspects of that today. There will be legislation to increase, for instance, the authorization, an amendment to increase the authorization for housing with people with AIDS, bipartisan, and I strongly will support it.

But on the whole, this bill comes within the constraints that have been given to the Subcommittee on Housing and Community Opportunity and the full Committee on Banking and Financial Services by the budget process; that is, this is not an opportunity, and I wish it were, greatly to expand what we do. If it were, we would have legitimate ideological debates of the sort that a democracy ought to foster.

Today, however, we have the end product of negotiations within the framework that we were given. How do we then use those resources best? Those are less likely to be ideological. Once we have the resources, once we confront the existing realities, then we do have a situation where we have to figure out how best to make it work.

That is what this bill essentially does today. It makes some improvements, some adjustments. It is the best we can do with where we are.

There were a couple of pieces that I want to refer to involving Community Development Block Grants, because I believe strongly that the Community Development Block Grant should remain primarily a low-income program. I was pleased that the House last week, when we debated the supplemental appropriation bill, apparently to no purpose, since it never made it past the Rotunda, but we and the gentleman from New York, and the chairman of the subcommittee took a major role, the gentleman from Florida of the Committee on Appropriations did a major job on it, we said, yes, we want to make firefighting a CDBG-eligible activity, but we do not want to dilute the commitment to low-income people in that bill. That is what we did.

There are some amendments to this bill that some people say, are you not diluting it? I want to explain one in particular. I am a cosponsor of one that is in the manager's amendment that adds ten more areas which are high-cost areas which will get a change.

Here is the change. Right now under CDBG we use the national median. I represent some communities where, frankly, if you go by the national median, given the higher income in some of these communities, nobody would be eligible. So we are asking not that we ignore a low-income requirement, but that the low-income requirement be defined in terms of that particular metropolitan area.

There is another one that some people object to which says, we want to be able to let firefighters, police officers, teachers, live in the community. People have a paradox. In some cities we have passed laws saying to municipal employees, you must live in the city. What happens when we tell them they must live in the city because we think it is a value, but it becomes too expensive? So there is language that tries to deal with that.

On the whole, this is a bill which is inadequate in one sense, because it represents a national decision to devote too little of our wealth to this problem. But given that decision, which this subcommittee and committee could not affect within the context of this bill, I think we do an excellent job of adjusting within those restraints the programs so we get the maximum out of them. For that reason, I hope that the bill is passed.

On the amendments, I will myself be opposing any amendment which tries to dilute the CDBG income guidelines. But otherwise, I think we have a useful bill.

One other thing I would add. My colleague, the gentleman from Rhode Island, has an amendment to increase the FHA limits to reflect inflation and price increases. It is especially important, again, for those of us in the high-cost areas. That, it seems to me, is a good amendment. I will be strongly supporting it.

On the whole, this bill does the best we can with the limited resources this subcommittee was given to work with.

At the heart of Title XI of HR 1776, the Manufactured Housing Improvement Act is a consensus standards development process to update federal standards on manufactured housing.

It is important to note that this process of modernizing the safety standards has already begun. In June of 1998, the U.S. Department of Housing and Urban Development designated the Massachusetts-based National Fire Protection Association (NFPA) to make recommendations to HUD. NFPA is fully accredited by the American National Standards Institute (ANSI) to develop consensus American National Standards as specified by this bill.

In fact, the NFPA has submitted to HUD recommendations to completely revise and update the federal smoke detector requirements for manufactured homes. This was deemed to be a priority by consumers, fire safety experts, the manufactured housing industry and by HUD in that there has been an alarmingly high incident of non-working or disconnected smoke detectors when fires occur in these homes built to old HUD standards. These recommendations were submitted by NFPA to HUD over 14 months ago. We are still waiting for HUD to act on them. This bill will correct this deficiency by requiring that the consensus committee recommendations go into effect automatically within one year unless HUD objects.

The NFPA Consensus Committee is working on a number of other issues that concern consumers. One issue has to do with moisture and condensation problems of manufactured housing located in humid areas of our country.

In conclusion, the National Fire Protection Association has been carrying out the intent of this bill for the past two years and is ready to continue the process of updating the HUD standards, many of which are over 25 years old. This bill will require these modernized standards to go into effect on a much more expedited basis.

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN), vice chairman of the Subcommittee on Housing and Community Opportunity. He has been particularly effective in his leadership in promoting affordable housing tools, and especially for persons with disabilities and law enforcement officers. He has been an integral component of the entire process.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my friend and colleague, the gentleman from New York, for yielding time to me.

Let me begin by congratulating the gentleman from New York (Mr. LAZIO) for all of his hard work in putting this together. To be honest, I feel as good about this bill as I feel about anything we have done in my brief tenure in Congress.

This legislation has something for everyone. It does not solve all the problems of the world, obviously, but I do think it touches upon some very important challenges that we are facing in modern society.

I am very proud of what it does in the area of removing regulatory barriers. I do not think we spend enough time in this Congress looking at regulatory areas for affordable housing.

As we all know, for every thousand dollars that the cost of a house increases by, we are pricing 1 percent of the population out of the market. This legislation creates a housing impact analysis. It also creates grants for removing regulatory barriers, and creates a regulatory barrier clearinghouse. That is important.

Secondly, empowerment. We often use that phrase to mean lots of things, but this bill really is about empowerment. Those who I think are most challenged in terms of getting affordable housing these days are those people among us with disabilities. This legislation creates a pilot project to help people with disabilities afford their own home.

Finally, in the area of crime, this even makes some important strides in meeting some of our crime challenges. It contains a pilot project which encourages law enforcement officers to live in those high crime areas as described by local officials. So this legislation in my view really makes some important strides in a number of important areas. I think it is something we can all be very proud of across the aisle.

I would strongly encourage my colleagues to support this legislation, vote for it today, and then, quite frankly, go home and talk about it, talk to our constituents about what we have done.

I thank my colleague for yielding time to me, and again congratulate him.

Mr. LAFALCE. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK) to control the time.

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

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, I rise in strong support of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000.

Mr. Chairman, the issue of affordable housing has rapidly reached the level of a national crisis. From one end of this country to the other, we have working people, elderly people, low-income people who are scrambling hard to find peaceful and safe housing which they can afford.

In this, the richest country in the history of the world, in my view we should not be giving tax breaks to billionaires or spending money on wasteful military projects while so many of our people are having a hard time finding affordable housing.

This legislation is a step forward. I strongly support it. I would like to thank the gentleman from New York (Mr. LAZIO), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the gentleman from Massachusetts (Mr. FRANK), for their leadership on this legislation.

I especially want to thank them for their help in working with me on three amendments which I offered as a member of the Committee on Banking and Financial Services.

Let me briefly describe those amendments. The First Amendment would create a $5 million Federal investment to help low- and moderate-income homeowners buy duplexes. This funding would flow through the Neighborworks homeownership centers throughout the country. This amendment will make the dream of homeownership a reality for hundreds of first-time homebuyers.

Mr. Chairman, the number one barrier to homeownership is the up-front money needed to purchase a home, and this amendment helps address that problem. This amendment would allow neighborhood homeownership centers to provide some of that up-front money to hundreds of people throughout the country for the purpose of buying a duplex.

According to the Neighborhood Reinvestment Corporation, the $5 million in that amendment would generate an additional investment of $58 million, and create 285 units of duplex homeownership available to first-time homebuyers throughout the country.

The Second Amendment would authorize $2 billion to make homeownership a reality for recipients of Section 8 rental assistance. This funding will allow HUD to provide downpayment grants of up to 20 percent of the purchase price of a home in order to leverage 80 percent of the remaining costs from other sources, including State housing finance agencies and the Neighborhood Housing Services of America. A 50 percent match requirement is needed for participation in the program.

Mr. Chairman, the final amendment that I have offered would allow more nonprofits the ability to purchase single-family homes from HUD in a 50 percent discount in areas of very low homeownership. These low homeownership areas have been designated by HUD as revitalization areas.

This amendment would require HUD to designate all areas in the United States that meet the criteria for a revitalization area within 60 days after a nonprofit has made such a request.

Mr. Chairman, the bottom line is that in this country we have a housing crisis. This bill moves us a little bit closer to addressing it.

Mr. LAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

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

I would like to enter in a brief colloquy with my distinguished friend, the gentleman from New York (Mr. LAZIO). As the gentleman knows, this bill has a very important element that allows uniformed municipal employees, police, fire, to have access to certain FHA privileges, including 1 percent downpayment on mortgages.

Am I not right in believing that also this provision applies to the volunteer fire departments that exist in so many parts of America?

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

Mr. LEACH. I yield to the gentleman from New York.

Mr. LAZIO. The gentleman from Iowa is precisely correct. This provision and the provisions affecting flexibility for homeownership assistance are meant to incentivize homeownership for firefighters, whether they are paid or whether they are volunteer.

As the gentleman also correctly states, in many parts of America, including my communities, firefighting is done primarily by volunteer firefighters. These provisions would be incentives for them, as well.

Mr. LEACH. I appreciate that. I would just like to make one modest point. That is, there is probably no single professional element of America that has been more unpersonally rewarded than volunteer firemen. What this bill does is create the first substantive reward for people that have served their communities so bravely for so long.

I think this is a very appropriate endeavor. I want to thank the gentleman for insisting that this provision be designed in this fashion.

Mr. LAZIO. I thank the gentleman for his comments.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), a member of the subcommittee.

Mr. KANJORSKI. Mr. Chairman, I rise today to support and speak for the American Homeownership and Economic Opportunity Act. This bill will increase homeownership opportunities for all Americans, enhance access to affordable housing for low- and moderate-income individuals, and expand economic opportunity for underserved communities.

As we know, Mr. Chairman, our economy continues its record expansion, and our Nation has achieved its highest ownership rate in its history. The 1993 Budget Act helped form the foundation on which these accomplishments have been built.

The budget policies outlined in that law have contributed to a record budget surplus, lower interest and mortgage rates, 7 years of robust economic growth, and record levels of consumer confidence.

Despite our successes, significant numbers of households are still precluded from sharing in the benefits of homeownership. H.R. 1776 addresses many of these inequities. Among its provisions, the legislation helps schoolteachers, police officers, firefighters, municipal employees, and correction officers to purchase homes in the jurisdiction that employs them with reduced down payments and deferred FHA loan insurance premiums, reauthorizes funding for Community Development Block Grants, allows elderly homeowners to refinance their reverse mortgages, while establishing consumer protections to shield them against fraud and abuse.

Although H.R. 1776 is a good beginning, more still need to be done to help encourage economic investments in underserved communities. That is why I hope the House will pass the administration's New Markets initiative.

We have in recent weeks been working and making progress and negotiating a bipartisan plan that merges Democratic and Republican ideas for helping underserved communities. Thus, I am hopeful that we can pass legislation in this area in the upcoming months, and deliver on an agreement reached between the Speaker and the President last November to cooperate on economic development issues.

In closing, Mr. Chairman, H.R. 1776 is a solid piece of legislation that helps more people become homeowners in very innovative ways. Because increased ownership rates strengthen communities, I strongly support H.R. 1776, and encourage my colleagues to support its passage.

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), the vice chairman of the Committee on Banking and Financial Services, and thank him for his efforts to make sure consumers are protected, particularly with respect to with respect to low-income housing issues. That help has been invaluable.

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

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

I want to commend the gentleman from New York (Mr. LAZIO) for all the work on this bill, and everybody else who participated in it. This is one of the finest pieces of legislation dealing with housing that I have seen in the years that I have been here in this Congress.

It is simple in some respects compared to some of the complicated bills that have come to this floor, but it is something which does a good deal for a lot of people. It provides, as some have said, the opportunity for many more people to be able to get into a home and to actually own a home. I think that is the extraordinary part of this.

□ 1115

We need in America to have more homeownership. Those at the lower end of the spectrum of earnings should have the opportunity to feel a part of their community, to actually own their home. That is the beauty of this bill.

As has been said, there are several groups within the municipalities who may be employees, the firefighters, the police officers and others, who are given opportunities in this bill to be first-time homeowners that they might not otherwise have had, by the opening up of the provisions that allow the use of community development block grant monies and so forth for that purpose.

I think the central core of the bill is the portion of it that is really exciting that allows the Section 8 program of HUD to use the assistance that is provided now for rental assistance towards the purchase of a home by a down payment or a monthly mortgage payment. It is an extraordinary opportunity for many Americans under this particular section of the bill to gain their opportunities to actually own a home. A roof over one's head is a whole lot more than simply a roof. It is a part of being the community, and that is what we are all about.

Also in this bill, in H.R. 1776, there are provisions concerning manufactured housing that I think are important. It actually extends the amount of performance-based standards and enhances consumer protections that are so important to manufactured housing. It encourages the viability of that which is important to my home State and, as the gentleman from New York (Mr. LAZIO) knows, many of us have worked a long time to try to make these provisions viable. I thank the gentleman for including them in this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY), another member of the subcommittee.

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

Mr. Chairman, I would also like to thank the leadership, the gentleman from New York (Mr. LAZIO), the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the gentleman from Massachusetts (Mr. FRANK) for the hard work they did on a bipartisan bill that helps increase affordability in housing for all Americans, and it hopefully will bring a lot of Americans hopefully closer to that dream of homeownership.

I just want to highlight a few provisions in the bill that I think will help people in my district. With the help of the gentleman from New York (Mr. LAZIO), I was able to insert a provision that sets aside money for a regional, affordable housing pilot project.

The Portland metropolitan area has provided the Nation with a model in successful regional planning, and despite the area's growing affluence and increase in overall housing production, poverty and the need for affordable housing has not declined. The local governments of the Portland metropolitan region have recognized that these problems cut across county lines. They believe that housing and services for low-income people are better addressed by regional cooperation and are now working together to address these issues.

The regional affordable housing pilot project would provide funds to encourage localities to reach across those boundaries, to work together to plan for and build affordable housing.

I also want to commend the ranking member, the gentleman from Massachusetts (Mr. FRANK), and others for the hard work they did on manufactured housing. Our current laws really do not protect our consumers, and so what this bill does is inserts a protection for consumer protection for dispute resolution, so if there is a problem between the housing manufacturer and the installers this can go to dispute resolution so that the consumer is not bounced back and forth.

I am also pleased with a provision that reflects H.R. 3884, the House Act, introduced by the gentleman from New York (Mr. LAFALCE), myself, and others. This bill would give teachers, police officers, and other municipal employees the opportunity to get a lower down payment FHA loan for a home in the town or county where they work. This will help address a tremendous problem in my district where city employees often have long commutes to work because they cannot afford to live in a home in the town that employs them.

Once again, I would like to congratulate the gentleman from New York (Mr. LAZIO) and the other ranking members on bringing a bill to the floor that will not only break down barriers in affordable housing but will create new housing opportunities for millions of Americans, and I urge support.

The CHAIRMAN. The Chair advises the Committee that the gentleman from Massachusetts (Mr. FRANK) has 2½ minutes remaining, the gentleman in New York (Mr. LAZIO) has 15 minutes remaining.

Mr. LAZIO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama (Mr. RILEY), a member of the committee.

Mr. RILEY. Mr. Chairman, I just want to commend the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) for the hard work they have done on this.

Mr. Chairman, I want to proclaim my support of H.R. 1776. It seems to me that the least my colleagues and I can do is help those who serve our community and to help ease the financial burden they have in purchasing a home. I personally know how hard that can be and that is why, Mr. Chairman, it is high time that we here in Washington reach out to those people to whom we owe so much.

Who amongst us has not had a teacher that we remember or taken for granted the protection and security provided by police officers and firefighters. Heroism must be recognized and rewarded.

To my way of thinking, this is a means to say thank you to those who sacrifice so much for our protection and care. This bill would do just that, Mr. Chairman. It would reward America's heroes. I encourage my colleagues in the House to support this fine bipartisan legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield our remaining 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of H.R. 1776, a bipartisan bill reauthorizing and improving programs that build our communities and that make housing more accessible and affordable to our citizens.

Mr. Chairman, I represent a district in North Carolina that, in most respects, is an economic success story, with a lively market in rental housing and in home building and sales. But we are in danger of pricing people upon whom our community depends out of that housing market.

For example, to afford a two-bedroom apartment, a person making the minimum wage in my district would have to work 96 hours a week. Working a 40-hour week for that same two-bedroom apartment, that person would have to make $12.40 an hour. And even with homeownership at historically high levels, the American dream is still out of reach for far too many people.

H.R. 1776 will help. It will make it easier for teachers and police officers and firefighters to buy homes in neighborhoods that need leaders as they rebuild. It will increase the ability of senior citizens to use reverse mortgages, a program I helped initiate a few years ago, to stay in their homes and to drawdown their equity for living expenses.

It will expand Section 8 assistance to permit families with disabled persons to purchase a home. It will establish workable construction, safety, installation, and dispute resolution standards for manufactured housing.

In these and many other respects, this bill will improve housing, will improve housing policy, and will improve the quality of life for thousands of Americans. I urge my colleagues to support this bill.

Mr. LAZIO. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), who has been of incredible help on many parts of this homeownership bill and other housing initiatives, particularly as they affect rural America.

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

Mr. BEREUTER. Mr. Chairman, I want to thank the gentleman from New York (Mr. LAZIO) for his kind remarks and thank him and the chairman of the full committee for bringing and expediting this legislation and similarly express appreciation to their Democrat counterparts.

Of course, housing is one of the most important investments that Americans make. Homeownership gives an individual or family a sense of pride in themselves, their home, as well as in their community. It is one of the reasons why this bill, H.R. 1776, is so important and I rise in support of it.

I would like to focus on four general provisions of this legislation which promote homeownership. First of all, the legislation goes to great lengths to promote homeownership for Americans across the entire country. First, families can use their Federal rental vouchers for mortgage payments.

Two, mayors and local governing officials can be given increased flexibility to use the Community Development Block Grant program and HOME Federal housing block grant funds for homeownership assistance.

Three, a HOME loan guarantee program is created to allow communities to tap into future HOME grants for affordable housing developments.

Four, all Federal agencies are required to include a housing impact analysis to ensure that proposed regulations do not have a negative impact on affordable housing.

Furthermore, I would like to focus on four specific provisions with which this Member was involved. First, H.R. 1776 extends the grandfather status until the 2010 census for similarly situated cities nationwide like Norfolk, Nebraska, to continue to be able to use the USDA Rural Housing Service programs.

Second, the American Homeownership and Economic Opportunity Act also includes a permanent authorization for Section 184, the Native American Home Loan Guarantee program, which this Member authored with the help of many of my colleagues. Under current law, the Section 184 program is authorized only through 2001.

Third, a provision is included in this legislation which would create the Indian Lands Title Report Commission, with a sunset, to improve the procedure by which the Bureau of Indian Affairs conducts title reviews in connection with the status of Indian lands. This provision is identical to a bill this Member introduced previously in this Congress. Moreover, the Commission should facilitate the use of Section 184 program to benefit additional Native Americans in purchasing homes on Indian reservations. This is the only program that effectively permits Indians who live on reservations to actually purchase a home or, more likely, to build a home.

Fourth and lastly, this Member is pleased that as a matter of equity the manager's amendment includes a provision which I support. It extends Native American housing assistance programs to native Hawaiians. In particular, the manager's amendment applies the Section 184 loan guarantee program to the unique legal status of Hawaiian homelands.

Mr. Chairman, for these and many other reasons, I urge support of the legislation and thank my colleagues, particularly the gentleman from New York (Mr. LAZIO), for his exceptional work.

Mr. LAZIO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. ROYCE). Again I want to thank him for his helping in bringing about a compromise among consumers, the industry, and administration with regard to manufactured housing.

Mr. ROYCE. Mr. Chairman, I rise today in strong support of title II of H.R. 1776, and specifically this title II contains H.R. 710 and that is the Manufactured Housing Improvement Act of which I am a cosponsor.

Manufactured housing represents more than 20 percent of all new single family homes sold in the United States. It is the fastest growing segment of our housing industry and despite the significant growth of that industry, the Federal manufactured housing program has not been considered a mainstream regulatory activity within HUD. As a consequence, it suffers from an outdated regulatory structure that hinders both producers and it hinders consumers. The Manufactured Housing Improvement Act addresses this problem by establishing a private sector consensus committee to make recommendations to the HUD Secretary for updating standards and regulations. This committee will be self-funded with the costs covered by label fees that the industry must pay on each home. This provision is long overdue, Mr. Chairman. I urge my colleagues to support it.

Mr. LAZIO. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in support of H.R. 1776, and I want to thank the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. FRANK), and especially the gentleman from New York (Mr. LAZIO) for their hard work on this legislation and their dedication to helping all families achieve the American dream.

The Homeownership and Economic Opportunity Act will help low-income families in the cycle of paying rent rather than a mortgage. One-third of American families make under $25,000 a year, putting homeownership out of reach for nearly 100 million Americans.

Increased flexibility to States within existing Federal programs will empower partnerships between public and private sectors and strengthen community-based nonprofit groups. In reducing regulatory barriers and granting local housing authorities more flexibility in promoting homeownership as this bill does will give families an alternative to paying rent. Homeownership creates equity for families and makes future investments possible.

Additionally, the impact of these regulations is clear when one considers that the cost of a $200,000 home could be cut by 14 percent, or $28,000, by streamlining the process governing land construction and land development.

I also commend the authors of H.R. 1776 for including provisions that enable teachers, firefighters, and police to live in the communities where they work. Encouraging these individuals to purchase homes can only strengthen communities. As a cosponsor of the American Homeownership and Economic Opportunity Act, I urge all my colleagues to vote for this bill.

Mr. LAZIO. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA), a great champion of homeowners across America.

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Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from New York (Mr. LAZIO) for that very nice introduction.

Mr. Chairman, I rise in strong support of this legislation. It is an excellent bill. I certainly want to congratulate the gentleman from New York (Chairman LAZIO) for his leadership and his fine work. As far as I can tell, I think we have a pretty good wide base of bipartisan support for this legislation.

Now, I would like to make the point about the general subject of homeownership which is the American

dream. Sixty-seven percent of all Americans, that is an all-time high, have fulfilled that American dream and now own their own homes. Anything we can do here to make it more fair and equitable, both Republicans and Democrats, we should; and I think we are moving in that direction. Both parties are entitled to feel proud about it.

But I would, however, like to discuss one portion of this bill, title IX. This is entitled the Private Mortgage Insurance Technical Corrections Clarification Act.

This title, which is identical to the bill, H.R. 3637, which I, the gentleman from Iowa (Mr. LEACH), and the gentleman from New York (Mr. LAFALCE) introduced earlier, the gentleman from New York (Mr. LAZIO) and other Members have made it an integral part of this landmark PMI legislation. He has put it into this legislation.

PMI, as it is known, private mortgage insurance, is required on mortgages when a borrower puts down less than 20 percent equity when buying a home. Many consumers complain that it was hard, if not impossible, to terminate the PMI requirement, even after they had well over 20 percent of equity.

In 1998, Congress made it easier for homeowners to terminate the PMI payments. But more was necessary. Title IX contains several important and essential technical corrections to the 1998 law. I do not know that we have time to go into all of them, but I think that it is important for us to know that these changes, although they may seem only technical in nature, are absolutely essential for us to implement Congress's original intention in the 1998 law and to protect the consumers.

They are the product of several months of meeting between the industry, consumer groups, as well as the Republican, Democratic staff. It is a bipartisan effort that demonstrates that we in the Congress can work in the interest of the people.

In closing, Mr. Speaker, I think we should remember that PMI charges for homeowners can be anywhere from several hundred to several thousand dollars in payments annually. The PMI payments are a real cost of homeownership to millions of Americans. Lenders can and should be reasonably protected from these defaults, but there is no reason why homeowners should pay PMI charges longer than necessary. We are going to help them do the American dream and not charge them too much.

Mr. LAZIO. Mr. Chairman, may I inquire as to how much time is remaining for both sides.

The CHAIRMAN. The gentleman from New York (Mr. LAZIO) has 5½ minutes remaining. The gentleman from New York (Mr. LAFALCE) has no time remaining.

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

Mr. Chairman, we have been laying out the debate about the underlying principles of the bill that is before us. This bill is about opportunity and empowerment, responsibility, and flexibility. It is about the underlying premise of America, which is that we are a Nation of achievers, we are a Nation that embraces opportunity, we cherish the ideal of self-sufficiency and independence; and it is embodied in the end in the family home.

For many of us, the most important financial investment that we ever make in our lives is the purchase of a home. Homeownership creates a sense of community. It binds neighbors together. It invests all in the common good. The equity that one builds up in a home is often used to help their children go to college or to tap into to start one's own business.

Today, Mr. Chairman, two-thirds of all Americans own their own homes, continuing a trend since the mid-1990s of historically high homeownership rates. Much of this success can be attributed to a strong American economy, the product of Federal fiscal restraint, a balanced budget, and the enterprising spirit of working men and women across the country.

Yet, paradoxically, it is the very strength of the economy that has had a problematic impact on some segments of the home buying population. In many of the regions of the country, particularly in those places where economic growth is the most robust, rising home prices have severely impacted homeownership affordability.

The Washington Post calls it a ''Quiet Crisis in Housing Prices.'' In New York, for example, thousands of families pay more than half their income toward rent, often for a small one-bedroom apartment. Over the last 10 years, average prices for new single-family homes have risen almost 50 percent.

For mayors and city managers trying to attract a quality workforce or revitalize inner-city neighborhoods, a lack of affordable housing is a significant barrier to community renewal. Without the right tools to draw high-quality teachers and police officers, fire fighters, and other civil servants, cities are limited in their ability to build social capital and grow community prosperity.

People like Jean-Ann Bryant, an elementary schoolteacher in suburban San Jose, California, whose $37,000 a year salary falls far, far short of what was required in a region where the average cost of a home is an unbelievable $631,000. In Austin, Texas, the price of real estate has risen to the point where accountants earning about $45,000 a year find it difficult to qualify for a mortgage.

Nor is the problem of qualifying for affordable housing to be found solely a problem in the red-hot economies of our Nation's high-tech meccas. We find similar stories in Richmond, Virginia; Denver, Colorado; and St. Louis, Missouri.

There are specific segments of the American population that have been hit particularly hard by rising home prices. Yes, it is true, when one is in the African American and Hispanic communities, we are under 50 percent. Working families are priced out of the real estate market. Despite our best effort to date, black and Hispanic homeownership rates have remained stubbornly below 50 percent.

The shortage of affordable housing becomes more severe as one descends the rungs of the socio-economic ladder. For those at the lower end of the wage scales in America, the stakes of the housing affordability issue are of a far greater weight. For the working poor or the disabled, the rise in rents and home prices can quite literally make the difference between having a roof over one's head or living on the street or in a shelter.

Our challenge must be to do more. The American Homeownership and Economic Opportunity Act is our effort to give more of these families an opportunity to achieve the American dream of owning a home.

This proposal reauthorizes existing Federal housing block grant programs under HUD, but adds additional flexibility for local communities to create their own homeownership tools.

For example, mayors and community officials are given flexibility when targeting teachers and law enforcement officials, fire fighters for homeownership opportunities, including down payment assistance. It allows 1 percent down payments for FHA-insured home loan mortgages to help increase that social capital and provide incentives for people in the community as for teachers and police officers and fire fighters living in high-crime areas.

The bill modernizes HUD's regulatory regime overseeing the manufactured housing industry, which is an increasingly lower-cost alternatives for many Americans for affordability. The proposal allows greater use of low-income rent subsidies for locally created homeownership perhaps.

So instead of living in a basement apartment, instead of having one's whole family huddled in a basement apartment, we are going to be able to use the section 8 program to actually bring the promise of homeownership to lower-income Americans.

Mr. Chairman, I am also proud, particularly proud of the provisions of the bill that attack the blight of vacant HUD-foreclosed homes and neighborhoods across the country. HUD's inventory of foreclosed properties total almost 50,000 homes, and thousands fall into the inventory every month. These vacant properties, the subject of ''Fleecing of America,'' the site of violent criminal and drug-related activity, the cause of decreasing property values in neighborhoods across the country is a national disgrace. These properties are taken over by drug dealers, properties that children are raped in and teenagers are killed in.

Every single thing we can do to ensure that these properties remain in

HUD's inventory for the shortest period of time possible will mean safer neighborhoods, safer streets, and safer families.

Mr. Chairman, I urge this body to embrace this bill.

Ms. HOOLEY of Oregon. Mr. Chairman, I would like to comment upon one aspect of the changes to the manufactured housing language within H.R. 1776—and that is the composition of the Consensus Committee. First, let me say that I applaud the diligence of all those who contributed to the final provisions of title XI of H.R. 1776—both my colleagues on the Banking Committee and those in the private sector. I believe it is a product of which we should all be extremely proud.

In the midst of modifications to the language, however, there was one change which I feel warrants brief comment during today's floor discussion. One result of the discussions which transpired over the last several months in order to reach the final version of Title XI, has been to change the makeup of the Consensus Committee so that it is in compliance with the American National Standards institute (ANSI) guidelines. Specifically, the formerly five subgroups of the Consensus Committee have been streamlined to three, with seven members serving on each.

Mr. Chairman, as you know, it is important that the consensus committee is comprised of a balance of consumers, industry experts, and government officials who will advise HUD on safety standards and regulation enforcement. I am aware that consumer groups felt they had been underrepresented in the ''Users'' category. In the process of increasing their representation in the ''Users'' category, however, others—such as the home builders—fell out of the ''General Interest'' category. This industry's presence in this category in no way undermines the additional representation of the consumer groups. In fact, I believe they are a critical component of the consensus committee and that such industry members should be members.

Mr. CALVERT. Mr. Chairman, I rise in support of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000. This is an important housing measure being debated before us today. My personal background in the real estate industry, I believe, has given me an insider's perspective on this issue and I am confident that this bill will significantly increase the affordability and accessibility of housing.

I understand the importance of affordable family housing to the American dream. Every American family should be given the ability to purchase and own a safe, well built home. I don't think anybody in the chamber would disagree that homeownership is a fundamental component of the American dream.

H.R. 1776 will make that American dream a reality for thousands of families.

One issue of great importance to my constituents in southern California, and others throughout the nation, is that alternative affordable housing be made available. An excellent example of just that has been manufactured housing. These factory-built homes are every bit as reliable as site-built homes, and are becoming increasingly the choice of many Americans.

As cochair of the Manufactured Housing Caucus, I am happy to see the provisions in this bill that seek to update and improve the housing regulations applied to manufactured homes. Particularly, the creation of a consensus committee—comprised of consumers, manufacturers and other housing industry partners—to make sure that the concerns of all parties are addressed. H.R. 1776 will improve the installation standards that protect consumers and provide a dispute resolution program for consumers at no cost.

Mr. Chairman, these new regulations allow the manufactured housing industry to compete fairly and continue to grow. I urge my colleagues to support H.R. 1776 and homeownership.

Mr. FORBES. Mr. Chairman, as the newest Member of the House Committee on Banking and Financial Services, I am very happy that the House is now considering this important legislation, ''American Homeownership and Economic Opportunity Act'' (H.R. 1776).

Homeownership is a pivotal building block for family security, stability, and strong communities. All families deserve the opportunity to achieve the American dream of owning a home.

Like other areas around our country, Suffolk County, NY, is plagued with high property taxes and very expensive real estate prices. According to a study by the National Low Income Housing Coalition, housing costs in Long Island are the fourth highest in the country, with only San Francisco, CA, San Jose, CA, and Stamford, CT, higher.

In order to be able to afford the average two-bedroom apartment on Long Island, family needs to have an average household income of $45,000 per year—which just happens to be Long Island average household income.

Buying a home is an even greater challenge—even for middle-income families. With such high rental costs, high utility costs, and high taxes, the ability of an average family to also save for a down payment is almost impossible.

Because of these exorbitant costs, young families, senior citizens and our teachers, police officers, firefighters, and municipal civil servants can barely afford to live on Long Island.

Provisions in this bill will help my neighbors in Long Island, who work so hard just to make ends meet, finally buy their first home.

For example, this bill amends HUD program formulas so that they are based on local area, median incomes, not on the national median income. Tying the eligibility to the local median income is particularly important on Long Island to enable home ownership.

I am also proud that the HOUSE act (H.R. 3884), of which I am an original cosponsor with Mr. LAFALCE, has been included into this bill. The HOUSE act provides lower down payments and assistance with closing costs to qualified K–12 teachers, policemen, and firemen. This new program will assist some of our most honored citizens in becoming homeowners.

Overall, in addition to helping those most in need in our communities, this catchall bill will help moderate- and lower-income families in Long Island, and around the country, to purchase homes. Mr. Chairman, I am proud of this bill and urge its swift passage.

Mr. LARSON. Mr. Chairman, I rise today in support of the bill we have before the House today, which seeks to broaden the path to homeownership for our Nation's citizens and help foster the development of healthy, economically vibrant neighborhoods.

The American Homeownership and Economic Opportunity Act of 2000 encourages the removal of unnecessary regulatory barriers that hinder the production of affordable housing and drive up the costs of homeownership.

I became a proud co-sponsor of this bill last year, and I am very pleased that through the steady leadership of the gentleman from Iowa, Mr. LEACH, the gentleman from New York, Mr. LAFALCE, the other gentleman from New York, Mr. LAZIO, and the gentleman from Massachusetts, Mr. FRANK, we were able to come together to bring this important bipartisan legislation before the House today. I also want to express my appreciation for the efforts of the gentleman from Massachusetts, my good friend Mr. CAPUANO, who I know has worked very diligently on the Banking and Financial Services Committee to support this bill.

Currently, about 70 million Americans own their own homes. However, in households with annual incomes under $25,000, which is about one-third of total households in this country. Americans incur increasing hardships when buying their own homes and generally cannot afford the monthly mortgage payments. This is particularly true in African-American and Hispanic communities where the ownership rates are even lower.

This bill will help communities create homeownership programs tailored to their needs, and would enable local governments to increase the impact of their funding, thereby helping more of their citizens achieve homeownership. Specifically, it will give localities added flexibility when working with Federal housing and community development block grant programs, in order to leverage public funds with private sources of capital.

In addition, H.R. 1776 would give communities are also given the tools needed to encourage increased homeownership opportunities for working, middle class families whose occupations from the backbone of communities, and who are in integral components of our neighborhoods: teachers, police officers, fire fighters, including volunteer firefighters who are such an essential part of many communities around the country, and other municipal employees. A provision in the bill will allow urban communities to apply for funds from the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) programs so homeownership assistance may be offered to municipal employees for the purchase of homes within their communities.

Finally, H.R. 1776 modernizes the manufactured housing industry by giving HUD the ability to enhance its monitoring of the industry and its protection of consumers. The current framework for regulating the manufactured housing industry is severely outdated and ill suited to address the needs of consumers. I was particularly heartened to learn that the provisions included in H.R. 1776 represent a carefully crafted compromise between HUD, the industry, and consumers to ensure that manufactured housing is a viable, affordable housing resource.

Mr. Chairman, this bill is not only about increasing homeownership around the country, it is also about empowering our lower income and minority households, rebuilding and revitalizing our communities, allowing our teachers to remain involved and active in the communities they serve, assisting police officers who are asked to remain close to the people they

protect, and rewarding firefighters who keep our homes safe for ourselves and our children. Helping all Americans, especially those who serve the public and those with lower incomes, realize the dream of homeownership must be a goal for this Congress and for this country to achieve.

Again, Mr. Chairman, I am pleased to have my name attached to this bipartisan bill as a cosponsor, and I urge all my colleagues to support it.

Mr. MORAN of Virginia. Mr. Chairman, I rise today in support of H.R. 1776, the American Homeownership and Economic Opportunity Act.

Our nation is currently enjoying its highest homeownership rate—66.8 percent. A significant cause of this achievement is the Balanced Budget Act of 1997 which has created record budget surpluses, lower interest and mortgage rates, seven years of robust economic growth, and record levels of consumer confidence.

Although great strides have been made to encourage homeownership, we must do more to advance the availability of affordable housing. H.R. 1776 reauthorizes the Community Development Block Grant and the HOME Investment Partnership Programs, both of which help localities provide affordable housing. This bill provides local governments the flexibility necessary to use federal funds to assist school teachers, police officers, firefighters and municipal employees to buy homes in the communities in which they work.

I have been a strong supporter of the creation of mixed-income communities. I support passage of H.R. 1776 which will provide localities the flexibility they need to use community development block grant programs to leverage public funds with private sources of capital. Local government officials must have access to the mechanisms necessary to generate resources that will allow them to create homeownership programs tailored to the specific needs of each locality. Passage of this bill will only enhance existing efforts to create safe and affordable housing for the citizens of Virginia's 8th district.

Other provisions of H.R. 1776 that I believe are crucial to improving homeownership in our country include:

A pilot program will be established to give Public Housing Authorities flexibility in allowing families to use Section 8 subsidies toward the purchase of a home. An identical program will be created to assist families with one or more members who are disabled.

Authorization of grants for ''homeownership zones,'' which are large scale development projects in distressed neighborhoods.

Substantial strides have been made in providing the opportunity for all Americans to achieve homeownership. While more people than ever before own their homes, there is still much work to be done toward ensuring that the opportunity to share the dream is equally available to everyone. Passage of H.R. 1776 brings us one step closer to making these dreams a reality.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 1776, the American Homeownership and Economic Opportunity Act and urge its adoption.

While the current homeownership rate is at a record high of 66%, the purchase of a first home remains out of reach for many young people and low- and moderate-income families. I believe H.R. 1776, through a number of unique programs, will enable more Americans to purchase their first home.

A key provision in this bill would provide under the Community Development Block Grant (CDBG) and HOME Investment Partnerships programs, a targeted homeownership program for uniformed municipal employees (policemen, firemen, city maintenance workers, and teachers). Assistance could be in the form of downpayment assistance, help with closing costs, housing counseling, or subsidized mortgage rates. I applaud this innovative approach.

I would like to call my colleagues' attention to a valuable pilot program in this bill, to encourage law enforcement agents to buy homes in locally designated high-crime areas by making them eligible for FHA mortgage loans with no downpayment.

H.R. 1776 also authorizes HUD to distribute $25 million in competitive grants to local governments for homeownership programs in ''homeownership zones''. These zones will be locally designated residential areas where large-scale development projects are designed to provide housing for low- to moderate-income families.

In addition, this bill increases the ability of senior citizens to use ''reverse mortgages'' for living expenses—particularly long-term care—by allowing them to refinance these mortgages.

Environmental cleanup and economic development activities related to ''Brownfields'' stand to benefit as well, by being classified as a permanent eligible activity for CDBG funds under this bill.

Mr. Chairman, H.R. 1776 will make substantial strides towards insuring affordable housing is a reality in our country and the dream of first-time homeownership is attainable. I urge my colleagues to vote ''yes'' on this bill.

Mrs. McCARTHY of New York. Mr. Chairman, I rise today in support of H.R. 1776, the American Homeownership and Economic Opportunity Act. This important bill increases the possibility of owning a home to many deserving American families, particularly in my district on Long Island, NY, where homeownership opportunities lag because of affordability concerns.

Despite a strong economy and record percentages of Americans who own their own homes, Long Islanders continue to experience gaps in homeownership—especially among our middle-income professionals. Hard working professionals such as teachers, police officers, firefighters and corrections officers should not have to struggle to own a home.

H.R. 1776 addresses this concern. It contains numerous provisions allowing deserving Long Island teachers and public employees to obtain mortgages with just one percent downpayment requirement through the Federal Housing Administration. Moreover, H.R. 1776 allows qualifying homebuyers to defer the payment of the upfront mortgage insurance premium—usually two percent of the mortgage amount. As a result of these beneficial provisions, qualified Long Island borrowers can expect to save thousands of dollars in upfront costs when they purchase a home.

In addition to assisting aspiring homeowners, this legislation also benefits the realtors and senior citizens in my district who also suffer from the lack of affordable housing on Long Island.

Housing is the foundation upon which everything else is built. In my district, homeownership holds many intangible benefits ranging from increased educational attainment for children to homeowners maintaining a more active interest and involvement in the communities they reside. H.R. 1776 contributes to these important outcomes and I urge my colleagues to vote in support of this measure.

Ms. SANCHEZ. Mr. Chairman, I rise today in disappointment that my amendment was not made in order to H.R. 1776.

My amendment would empower shared housing placement organizations with the authority to run background checks on potential shared housing participants.

This amendment does not mandate any agency to run background checks—they simply authorize the shared housing agencies to request FBI files through local and state agencies.

And the cost of this program is fully supported by user fees, not federal tax dollars.

It makes sense to bring this proposal during this debate of H.R. 1776.

Homeownership is said to be an important building block of strong families and healthy communities.

What's astonishing and saddening to hear, is that each year, an estimated 1 to 2 million Americans are victims of abuse in their own homes, namely seniors and the disabled.

As many people grow older, remaining in their homes should increase their level of comfort and security, rather than threaten their peace of mind.

Many seniors seeking independence during the later years of their lives enter into shared housing agreements where they can remain in their own homes and still receive daily care.

These arrangements are made by non-fee, home-finder referral services that match seniors or the disabled with others who wish to share a house, apartment, or mobile home at affordable rates.

There are more than 350 referral programs throughout the country.

Unfortunately, senior citizens and the disabled are too often manipulated and abused physically or financially, by their caretakers within the privacy of their own homes. And this abuse is on the rise.

Currently, there is neither a national nor a statewide standard procedure that is available to screen shared housing participants.

Similar laws already exist to allow for background checks of child care providers, school bus drivers, and security guards—but not shared housing applicants.

It is now only logical to extend this provision to protect seniors in their own homes.

These checks will give referral agencies the ability to protect their clients from abuse and threats by known criminals.

The International Union of Police Associations and local police departments have endorsed this amendment.

The FBI, Agency on Aging, and the Southern California Shared Housing Coalition have all endorsed the fundamental concepts behind the amendment, and agree that fighting elder abuse is an important cause.

With the ever-expanding Baby Boom Generation and their growing need for long term care, we must begin addressing the safety of their care.

It is essential to pass federal legislation in order to give these shared housing agencies

access to FBI criminal background reports. I have worked closely with the FBI on this legislation to ensure that the technical language protects all privacy rights and investigative standards.

The potential for abuse in shared housing arrangements is preventable.

This amendment gives shared housing agencies an important tool to protect the elderly from scam artists and criminals, and at no cost to the federal government.

This legislation is simple, yet it could save the life and fortunes of our elderly.

I urge my colleagues to join me in attacking crime without spending taxpayer dollars.

It is our responsibility to give the American people the tools to do so.

Although we will not have the opportunity to debate this issue today, I look forward to working with my colleagues to address this very important matter.

Mr. DOYLE. Mr. Chairman, I rise today in strong support of making it easier for more Americans to pursue the American dream. Owning a home and building a good community, in which to raise children, will become less difficult because of this bill.

Neighborhoods could possibly be the most important aspect of a child's life. Neighborhoods dictate what quality of school the child attends; the amount of crime and social decay with which child comes in contact; and the services that are available to them in times of need. This bill will accomplish the very important goal of creating a financially vested interest in creating a good environment. Homeowners are aware that the value of their homes will decrease if the schools are not kept up. The value of their home will decrease if crime goes up. This bill will give the local citizens the economic incentives to be involved in mitigating social ills and increasing the quality of life.

This bill contains a provision that will allow Section 8 rental assistance vouchers to be used as down payment assistance. This support can open the door to homeownership for many low-income citizens, and allows them to partake in the American dream. As we all know, being a home owner allows for housing tax credits and can be the only investment that many low-income folks make. Owning a home is a benefit to homeowners because they now have a significant asset. Their monthly rent check is now going to pay for their mortgage. The house will pay off in the end for them.

H.R. 1776 will also rebuild our local neighborhoods by allowing teachers, police officers, and firefighters the opportunity to buy a home in the jurisdiction in which they work. In this time of economic prosperity, there is no reason why the very people who teach our children and serve and protect our citizens should not be able to afford homeownership in the town they work in. They have chosen a life of service and are intrinsic to the well-being of the community. Making it possible for them to live in the localities is good policy, because it gives them a reason to be involved on a personal level. It is a stronger motivation for them to help in the creation, the rebuilding, or the upkeep of the community they serve.

I ask my colleagues to support this very important legislation that will bring cohesion to some disjointed communities and acknowledge the role that public servants can play in communities.

Mr. ACKERMAN. Mr. Chairman, I rise today to indicate my strong support on behalf of H.R. 1776, The American Homeownership and Economic Opportunity Act. This important bill opens the prospect of homeownership to many deserving American families, particularly in my area of Northeast Queens, northern Nassau County and Northwestern Suffolk County, New York where homeownership opportunities have lagged because of affordability concerns.

Despite a strong economy and record percentages of Americans who own their own homes, in my district we continue to experience gaps in homeownership especially among our middle-income professionals—teachers, police officers, firefighters, and corrections officers. These deserving individuals have the necessary income to make their monthly mortgage payments but not enough cash for the downpayments necessary to purchase the home in the communities where they work.

H.R. 1776 appropriately addresses this problem. The legislation contains important provisions that will now permit deserving Queens and Long Island teachers and public employees to obtain mortgages with just one percent downpayment requirement through the Federal Housing Administration. Plus, H.R. 1776 allows qualifying homebuyers to defer the payment of the upfront mortgage insurance premium—customarily two percent of the mortgage amount. As a result of these beneficial provisions, qualified borrowers can expect to save thousands of dollars in upfront costs when they purchase a home. I cannot begin to imagine how valuable the savings will mean for ownership in the Queens and Long Island areas as a result of H.R. 1776.

Mr. Chairman, housing is the foundation on which everything else is built. In Queens and Long Island, homeownership holds many tangible benefits that range from increased educational attainment for children residing in an owned home to homeowners maintaining a more active interest and involvement in the communities in which they reside. H.R. 1776 certainly contributes to these important positive outcomes and I wholeheartedly urge my colleagues to vote in support of this important legislation.

Mr. SWEENEY. Mr. Chairman, I rise today in strong support of H.R. 1776, ''The American Homeownership and Economic Opportunity Act of 2000'' and am proud to be a cosponsor of this legislation.

Many citizens in my district dream of owning their own home. Rising costs of living and increased amounts of government regulation often hinder the pursuit of this dream. Fulfillment of this ambition is sometimes unattainable without some form of assistance. H.R. 1776 provides that required assistance.

The bill affords lower and moderate income families the opportunity to buy rather than rent housing, thus allowing them to realize the American dream. This legislation streamlines the regulatory regime to make it easier for state and local officials to tailor housing for the needy to local requirements.

This Act creates a HOME Loan Guarantee program to allow communities within my district to tap into future HOME grants for affordable housing development. HOME is one of the most successful Federal block grant programs because it creates affordable housing for low-income families in rural areas. The HOME program provides a flexible resource to States and localities to increase the supply of affordable housing, through both construction and rehabilitation.

I plan to hold a Housing and Economic Development Forum in my own Congressional District later this month and am proud to trumpet H.R. 1776 as a positive achievement of this Congress. I will gather with developers, non-profit housing organizations, community bankers, state and local officials, and community development professionals to explore how our communities can best develop affordable housing and stimulate economic growth. Many of the programs established in The American Homeownership and Economic Opportunity Act will aid us in accomplishing that goal.

The citizens of my district eagerly anticipate enactment of H.R. 1776 and the joys of owning their own home. Investing in a home is the most significant equity investment for families throughout the country. We all know that housing needs to be more affordable and accessible for homeowners and H.R. 1776 provides important tools to hard working American families looking to achieve the dream of home ownership.

Mr. Chairman, please join me in voting for this bill.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of H.R. 1776 and specifically Title 3. Mr. Chairman, Title 3 of the Homeownership and Economic Opportunity Act allows public housing agencies in lieu of providing monthly assistance payments on behalf of a family may provide a grant to be used as a contribution toward the down payment required to purchase a home.

While this nation is enjoying its highest homeownership rate, for millions of low and moderate income families housing remains far too expensive, or is severely substandard. The absence of tools to make home ownership affordable denies many families the opportunity to contribute to the nation's economic and social well being. Just as importantly, many reports conclude that increased home ownership by those who traditionally have been restricted to neighborhoods with significant rental property or with extremely low values, can improve the family's educational attainment, health and may reduce residential segregation.

Passage of this bill is vitally important to my district the 7th district of Illinois, since I represent nearly 65% of all the public housing in the city of Chicago. Homeownership for this population prior to this bill was not available to them.

The Homeownership and Economic Opportunity Act will help my constituents achieve what for many families, 3 generations could not accomplish—homeownership. It is my view that for those individuals who toil and strain to do the deed and create things to make life worth living the opportunity of homeownership is priceless. This is an excellent bill and I congratulate the Chairman, Ranking member and all members who worked to put this bill before us today.

Therefore, I encourage my colleagues on both sides of the aisle to strongly support passage of this bill.

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 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 1776

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Homeownership and Economic Opportunity Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Housing impact analysis.
Sec. 103. Grants for regulatory barrier removal strategies.
Sec. 104. Eligibility for community development block grants.
Sec. 105. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP THROUGH MORTGAGE INSURANCE AND LOAN GUARANTEES

Sec. 201. Extension of loan term for manufactured home lots.
Sec. 202. Downpayment simplification.
Sec. 203. Reduced downpayment requirements for loans for teachers and uniformed municipal employees.
Sec. 204. Preventing fraud in rehabilitation loan program.
Sec. 205. Neighborhood teacher program.
Sec. 206. Community development financial institution risk-sharing demonstration.
Sec. 207. Hybrid ARMs.
Sec. 208. Home equity conversion mortgages.
Sec. 209. Law enforcement officer homeownership pilot program.
Sec. 210. Study of mandatory inspection requirement under single family housing mortgage insurance program.
Sec. 211. Report on title I home improvement loan program.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—COMMUNITY DEVELOPMENT BLOCK GRANTS

Sec. 401. Reauthorization.
Sec. 402. Prohibition of set-asides.
Sec. 403. Public services cap.
Sec. 404. Homeownership for municipal employees.
Sec. 405. Technical amendment relating to brownfields.
Sec. 406. Income eligibility.
Sec. 407. Housing opportunities for persons with AIDS.

TITLE V—HOME INVESTMENT PARTNERSHIPS PROGRAM

Sec. 501. Reauthorization.
Sec. 502. Eligibility of limited equity cooperatives and mutual housing associations.
Sec. 503. Administrative costs.
Sec. 504. Leveraging affordable housing investment through local loan pools.
Sec. 505. Homeownership for municipal employees.
Sec. 506. Use of section 8 assistance by ''grandfamilies'' to rent dwelling units in assisted projects.
Sec. 507. Loan guarantees.
Sec. 508. Downpayment assistance for 2- and 3-family residences.

TITLE VI—LOCAL HOMEOWNERSHIP INITIATIVES

Sec. 601. Reauthorization of Neighborhood Reinvestment Corporation.
Sec. 602. Homeownership zones.
Sec. 603. Lease-to-own.
Sec. 604. Local capacity building.
Sec. 605. Consolidated application and planning requirement and super-NOFA.
Sec. 606. Assistance for self-help housing providers.
Sec. 607. Housing counseling organizations.
Sec. 608. Community lead information centers and lead-safe housing.

TITLE VII—NATIVE AMERICAN HOUSING HOMEOWNERSHIP

Sec. 701. Lands Title Report Commission.
Sec. 702. Loan guarantees.
Sec. 703. Native American housing assistance.

TITLE VIII—TRANSFER OF HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS

Sec. 801. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.
Sec. 802. Transfer of HUD assets in revitalization areas.

TITLE IX—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 901. Short title.
Sec. 902. Changes in amortization schedule.
Sec. 903. Deletion of ambiguous references to residential mortgages.
Sec. 904. Cancellation rights after cancellation date.
Sec. 905. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 906. Definitions.

TITLE X—RURAL HOUSING HOMEOWNERSHIP

Sec. 1001. Promissory note requirement under housing repair loan program.
Sec. 1002. Limited partnership eligibility for farm labor housing loans.
Sec. 1003. Project accounting records and practices.
Sec. 1004. Definition of rural area.
Sec. 1005. Operating assistance for migrant farmworkers projects.
Sec. 1006. Multifamily rental housing loan guarantee program.
Sec. 1007. Enforcement provisions.
Sec. 1008. Amendments to title 18 of United States Code.

TITLE XI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 1101. Short title and references.
Sec. 1102. Findings and purposes.
Sec. 1103. Definitions.
Sec. 1104. Federal manufactured home construction and safety standards.
Sec. 1105. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 1106. Public information.
Sec. 1107. Research, testing, development, and training.
Sec. 1108. Fees.
Sec. 1109. Dispute resolution.
Sec. 1110. Elimination of annual report requirement.
Sec. 1111. Effective date.
Sec. 1112. Savings provision.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the priorities of our Nation should include expanding homeownership opportunities by providing access to affordable housing that is safe, clean, and healthy;

(2) our Nation has an abundance of conventional capital sources available for homeownership financing;

(3) experience with local homeownership programs has shown that if flexible capital sources are available, communities possess ample will and creativity to provide opportunities uniquely designed to assist their citizens in realizing the American dream of homeownership; and

(4) each consumer should be afforded every reasonable opportunity to access mortgage credit, to obtain the lowest cost mortgages for which the consumer can qualify, to know the true cost of the mortgage, to be free of regulatory burdens, and to know what factors underlie a lender's decision regarding the consumer's mortgage.

(b) PURPOSE.—It is the purpose of this Act—

(1) to encourage and facilitate homeownership by families in the United States who are not otherwise able to afford homeownership; and

(2) to expand homeownership through policies that—

(A) promote the ability of the private sector to produce affordable housing without excessive government regulation;

(B) encourage tax incentives, such as the mortgage interest deduction, at all levels of government; and

(C) facilitate the availability of flexible capital for homeownership opportunities and provide local governments with increased flexibility under existing Federal programs to facilitate homeownership.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Housing Affordability Barrier Removal Act of 2000''.

SEC. 102. HOUSING IMPACT ANALYSIS.

(a) APPLICABILITY.—Except as provided in subsection (b), the requirements of this section shall apply with respect to—

(1) any proposed rule, unless the agency promulgating the rule—

(A) has certified that the proposed rule will not, if given force or effect as a final rule, have a significant deleterious impact on housing affordability; and

(B) has caused such certification to be published in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule, together with a statement providing the factual basis for the certification; and

(2) any final rule, unless the agency promulgating the rule—

(A) has certified that the rule will not, if given force or effect, have a significant deleterious impact on housing affordability; and

(B) has caused such certification to be published in the Federal Register at the time of publication of the final rule, together with a statement providing the factual basis for the certification.

Any agency making a certification under this subsection shall provide a copy of such certification and the statement providing the factual basis for the certification to the Secretary of Housing and Urban Development.

(b) EXCEPTION FOR CERTAIN BANKING RULES.—The requirements of this section shall not apply to any proposed or final rule relating to—

(1) the operations, safety, or soundness of—

(A) federally insured depository institutions or any affiliate of such an institution (as such term is defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k));

(B) credit unions;

(C) the Federal home loan banks;

(D) the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502);

(E) a Farm Credit System institution; or

(F) foreign banks or their branches, agencies, commercial lending companies, or representative offices that operate in the United States, or any affiliate of a foreign bank (as such terms are defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101); or

(2) the payments system or the protection of deposit insurance funds or the Farm Credit Insurance Fund.

(c) STATEMENT OF PROPOSED RULEMAKING.—Whenever an agency publishes general notice of proposed rulemaking for any proposed rule, unless the agency has made a certification under subsection (a), the agency shall—

(1) in the notice of proposed rulemaking—

(A) state with particularity the text of the proposed rule; and

(B) request any interested persons to submit to the agency any written analyses, data, views, and arguments, and any specific alternatives to the proposed rule that—

(i) accomplish the stated objectives of the applicable statutes, in a manner comparable to the proposed rule;

(ii) result in costs to the Federal Government equal to or less than the costs resulting from the proposed rule; and

(iii) result in housing affordability greater than the housing affordability resulting from the proposed rule;

(2) provide an opportunity for interested persons to take the actions specified under paragraph (1)(B) before promulgation of the final rule; and

(3) prepare and make available for public comment an initial housing impact analysis in accordance with the requirements of subsection (d).

(d) INITIAL HOUSING IMPACT ANALYSIS.—

(1) REQUIREMENTS.—Each initial housing impact analysis shall describe the impact of the proposed rule on housing affordability. The initial housing impact analysis or a summary shall be published in the Federal Register at the same time as, and together with, the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial housing impact analysis to the Secretary of Housing and Urban Development.

(2) MONTHLY HUD LISTING.—On a monthly basis, the Secretary of Housing and Urban Development shall cause to be published in the Federal Register, and shall make available through a World Wide Web site of the Department, a listing of all proposed rules for which an initial housing impact analysis was prepared during the preceding month.

(3) CONTENTS.—Each initial housing impact analysis required under this subsection shall contain—

(A) a description of the reasons why action by the agency is being considered;

(B) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(C) a description of and, where feasible, an estimate of the extent to which the proposed rule would increase the cost or reduce the supply of housing or land for residential development; and

(D) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

(e) PROPOSAL OF LESS DELETERIOUS ALTERNATIVE RULE.—

(1) ANALYSIS.—The agency publishing a general notice of proposed rulemaking shall review any specific analyses and alternatives to the proposed rule which have been submitted to the agency pursuant to subsection (c)(2) to determine whether any alternative to the proposed rule—

(A) accomplishes the stated objectives of the applicable statutes, in a manner comparable to the proposed rule;

(B) results in costs to the Federal Government equal to or less than the costs resulting from the proposed rule; and

(C) results in housing affordability greater than the housing affordability resulting from the proposed rule.

(2) NEW NOTICE OF PROPOSED RULEMAKING.—If the agency determines that an alternative to the proposed rule meets the requirements under subparagraphs (A) through (C) of paragraph (1), unless the agency provides an explanation on the record for the proposed rule as to why the alternative should not be implemented, the agency shall incorporate the alternative into the final rule or, at the agency's discretion, issue a new proposed rule which incorporates the alternative.

(f) FINAL HOUSING IMPACT ANALYSIS.—

(1) REQUIREMENT.—Whenever an agency promulgates a final rule after publication of a general notice of proposed rulemaking, unless the agency has made the certification under subsection (a), the agency shall prepare a final housing impact analysis.

(2) CONTENTS.—Each final housing impact analysis shall contain—

(A) a succinct statement of the need for, and objectives of, the rule;

(B) a summary of the significant issues raised during the public comment period in response to the initial housing impact analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and

(C) a description of and an estimate of the extent to which the rule will impact housing affordability or an explanation of why no such estimate is available.

(3) AVAILABILITY.—The agency shall make copies of the final housing impact analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

(g) AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.—

(1) DUPLICATION.—Any Federal agency may perform the analyses required by subsections (d) and (f) in conjunction with or as a part of any other agenda or analysis required by any other law, executive order, directive, or rule if such other analysis satisfies the provisions of such subsections.

(2) JOINDER.—In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of subsections (d) and (f).

(h) PREPARATION OF ANALYSES.—In complying with the provisions of subsections (d) and (f), an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

(i) EFFECT ON OTHER LAW.—The requirements of subsections (d) and (f) do not alter in any manner standards otherwise applicable by law to agency action.

(j) PROCEDURE FOR WAIVER OR DELAY OF COMPLETION.—

(1) INITIAL HOUSING IMPACT ANALYSIS.—An agency head may waive or delay the completion of some or all of the requirements of subsection (d) by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of subsection (a) impracticable.

(2) FINAL HOUSING IMPACT ANALYSIS.—An agency head may not waive the requirements of subsection (f). An agency head may delay the completion of the requirements of subsection (f) for a period of not more than 180 days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of subsection (f) impracticable. If the agency has not prepared a final housing impact analysis pursuant to subsection (f) within 180 days from the date of publication of the final rule, such rule shall lapse and have no force or effect. Such rule shall not be repromulgated until a final housing impact analysis has been completed by the agency.

(k) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) HOUSING AFFORDABILITY.—The term ''housing affordability'' means the quantity of housing that is affordable to families having incomes that do not exceed 150 percent of the median income of families in the area in which the housing is located, with adjustments for smaller and larger families. For purposes of this paragraph, area, median family income for an area, and adjustments for family size shall be determined in the same manner as such factors are determined for purposes of section 3(b)(2) of the United States Housing Act of 1937.

(2) AGENCY.—The term ''agency'' means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts-martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by—

(i) sections 1738, 1739, 1743, and 1744 of title 12, United States Code;

(ii) chapter 2 of title 41, United States Code;

(iii) subchapter II of chapter 471 of title 49, United States Code; or

(iv) sections 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix, United States Code.

(3) FAMILIES.—The term ''families'' has the meaning given such term in section 3 of the United States Housing Act of 1937.

(4) RULE.—The term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law, including any rule of general applicability governing grants by an agency to State and local governments for which the agency provides an opportunity for notice and public comment; except that such term does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.

(5) SIGNIFICANT.—The term ''significant'' means increasing consumers' cost of housing by more than $100,000,000 per year.

(l) DEVELOPMENT.—Not later than 1 year after the date of the enactment of this title, the Secretary of Housing and Urban Development shall develop model initial and final housing impact analyses under this section and shall cause such model analyses to be published in the Federal Register. The model analyses shall define the primary elements of a housing impact analysis to instruct other agencies on how to carry out and develop the analyses required under subsections (a) and (d).

(m) JUDICIAL REVIEW.—

(1) DETERMINATION BY AGENCY.—Except as otherwise provided in paragraph (2), any determination by an agency concerning the applicability of any of the provisions of this title to any action of the agency shall not be subject to judicial review.

(2) OTHER ACTIONS BY AGENCY.—Any housing impact analysis prepared under subsection (d) or (f) and the compliance or noncompliance of the agency with the provisions of this title shall not be subject to judicial review. When an action for judicial review of a rule is instituted, any housing impact analysis for such rule shall constitute part of the whole record of agency action in connection with the review.

(3) EXCEPTION.—Nothing in this subsection bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.

SEC. 103. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

''(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) $15,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005.''.

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking ''STATE GRANTS'' and inserting ''GRANT AUTHORITY'';

(2) in the matter preceding paragraph (1), by inserting after ''States'' the following: ''and units of general local government (including consortia of such governments)'';

(3) in paragraph (3), by striking ''a State program to reduce State and local'' and inserting ''State, local, or regional programs to reduce'';

(4) in paragraph (4), by inserting ''or local'' after ''State''; and

(5) in paragraph (5), by striking ''State''.

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking ''and for the selection of units of general local government to receive grants under subsection (f)(2)''; and

(2) by inserting before the period at the end the following: ''and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act''.

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

''(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).''.

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting ''and'' after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 104. ELIGIBILITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS.

(a) IN GENERAL.—Section 104(c)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(c)(1)) is amended by inserting before the comma the following: '', which shall include making a good faith effort to carry out the strategy established under section 105(b)(4) of such Act by the unit of general local government to remove barriers to affordable housing''.

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to create any new private right of action.

SEC. 105. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''receive, collect, process, and assemble'' and inserting ''serve as a national repository to receive, collect, process, assemble, and disseminate'';

(B) in paragraph (1)—

(i) by striking '', including'' and inserting ''(including''; and

(ii) by inserting before the semicolon at the end the following: ''), and the prevalence and effects on affordable housing of such laws, regulations, and policies'';

(C) in paragraph (2), by inserting before the semicolon the following: '', including particularly innovative or successful activities, strategies, and plans''; and

(D) in paragraph (3), by inserting before the period at the end the following: '', including particularly innovative or successful strategies, activities, and plans'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

''(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

''(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted.''; and

(3) by adding at the end the following new subsections:

''(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

''(d) TIMING.—The clearinghouse under this section (as amended by section 105 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.''.

TITLE II—HOMEOWNERSHIP THROUGH MORTGAGE INSURANCE AND LOAN GUARANTEES

SEC. 201. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking ''fifteen'' and inserting ''twenty''.

SEC. 202. DOWNPAYMENT SIMPLIFICATION.

(a) IN GENERAL.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by realigning the matter that precedes clause (ii) an additional 2 ems from the left margin;

(B) in the matter that follows subparagraph (B)(iii)—

(i) by striking the 6th sentence (relating to the increases for costs of solar energy systems) and all that follows through the end of the penultimate undesignated paragraph; and

(ii) by striking the 2d and 3rd sentences of such matter; and

(C) by striking subparagraph (B);

(2) by transferring and inserting subparagraph (A) of paragraph (10) after subparagraph (A) of paragraph (2) and amending such subparagraph by striking all of the matter that precedes clause (i) and inserting the following:

''(B) not to exceed an amount equal to the sum of—'';

(3) by transferring and inserting the last undesignated paragraph of paragraph (2) (relating to disclosure notice) after subsection (e), realigning such transferred paragraph so as to be flush with the left margin, and amending such transferred paragraph by inserting ''(f) DISCLOSURE OF OTHER MORTGAGE PRODUCTS.—'' before ''In conjunction'';

(4) by transferring and inserting the sentence that constitutes the text of paragraph (10)(B) after the period at the end of the first sentence that follows subparagraph (B) (relating to the definition of ''area''); and

(5) by striking paragraph (10) (as amended by the preceding provisions this section).

(b) CONFORMING AMENDMENTS.—Section 245 of the National Housing Act (12 U.S.C. 1715z–10) is amended—

(1) in subsection (a), by striking '', or if the mortgagor'' and all that follows through ''case of veterans''; and

(2) in subsection (b)(3), by striking '', or, if the'' and all that follows through ''for veterans,''.

SEC. 203. REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.

(a) IN GENERAL.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)), as amended by section 202 of this Act, is further amended by adding at the end the following new paragraph:

''(10) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a mortgage described in subparagraph (B)—

''(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

''(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

''(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

''(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

''(i) under which the mortgagor is an individual who—

''(I) is employed on a full-time basis as (aa) a teacher or administrator in a public or private

school that provides elementary or secondary education, as determined under State law, except that secondary education shall not include any education beyond grade 12, or (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), except that such term shall not include any officer serving a public agency of the Federal Government); and

''(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii); and

''(ii) made for a property that is located within the jurisdiction of—

''(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located); or

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor.''.

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(10)(B):

''(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

''(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(10)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.''.

SEC. 204. PREVENTING FRAUD IN REHABILITATION LOAN PROGRAM.

(a) IN GENERAL.—Section 203(k) of the National Housing Act (12 U.S.C. 1709(k)) is amended by adding at the end the following new paragraph:

''(7) PREVENTION OF FRAUD.—To prevent fraud under the program for loan insurance authorized under this subsection, the Secretary shall, by regulation, take the following actions:

''(A) PROHIBITION OF IDENTITY OF INTEREST.—The Secretary shall prohibit any identity-of-interest, as such term is defined by the Secretary, between any of the following parties involved in a loan insured under this subsection: the borrower (including, in the case of a borrower that is a nonprofit organization, any member of the board of directors or the staff of the organization), the lender, any consultant, any real estate agent, any property inspector, and any appraiser. Nothing in this subparagraph may be construed to prohibit or restrict, or authorize the Secretary to prohibit or restrict, the functioning of a affiliated business arrangement that complies with the requirements under section 8(c)(4) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2607(c)(4)).

''(B) NONPROFIT PARTICIPATION.—The Secretary shall establish minimum standards for a nonprofit organization to participate in the program, which shall include—

''(i) requiring such an organization to disclose to the Secretary its taxpayer identification number and evidence sufficient to indicate that the organization is an organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under subtitle A of such Code;

''(ii) requiring that the board of directors of such an organization be comprised only of individuals who do not receive any compensation or other thing of value by reason of their service on the board and who have no personal financial interest in the rehabilitation project of the organization that is financed with the loan insured under this subsection;

''(iii) requiring such an organization to submit to the Secretary financial statements of the organization for the most recent 2 years, which have been prepared by a party that is unaffiliated with the organization and is qualified to prepare financial statements;

''(iv) limiting to 10 the number of loans that are insured under this subsection, made to any single such organization, and, at any one time, have an outstanding balance of principal or interest, except that the Secretary may increase such numerical limitation on a case-by-case basis for good cause shown; and

''(v) requiring such an organization to have been certified by the Secretary as meeting the requirements under this subsection and otherwise eligible to participate in the program not more than 2 years before obtaining a loan insured under this section.

''(C) COMPLETION OF WORK.—The Secretary shall prohibit any lender making a loan insured under this subsection from disbursing the final payment of loan proceeds unless the lender has received affirmation, from the borrower under the loan, both in writing and pursuant to an interview in person or over the telephone, that the rehabilitation activities financed by the loan have been satisfactorily completed.

''(D) CONSULTANT STANDARDS.—The Secretary shall require that any consultant, as such term is defined by the Secretary, who is involved in a home inspection, site visit, or preparation of bids with respect to any loan insured under this section shall meet such standards established by the Secretary to ensure accurate inspections and preparation of bids.

''(E) CONTRACTOR QUALIFICATION.—The Secretary shall require, in the case of any loan that is insured under this subsection and involves rehabilitation with a cost of $25,000 or more, that the contractor or other person performing or supervising the rehabilitation activities financed by the loan shall—

''(i) be certified by a nationally recognized organization as meeting industry standards for quality of workmanship, training, and continuing education, including financial management;

''(ii) be licensed to conduct such activities by the State or unit of general local government in which the rehabilitation activities are being completed; or

''(iii) be bonded or provide such equivalent protection, as the Secretary may require.''.

(b) REPORT ON ACTIVITY OF NONPROFIT ORGANIZATIONS UNDER PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress regarding the participation of nonprofit organizations under the rehabilitation loan program under section 203(k) of the National Housing Act (12 U.S.C. 1709(k)). The report shall—

(1) determine and describe the extent of participation in the program by such organizations;

(2) identify and compare the default and claim rates for loans made under the program to nonprofit organizations and to owner-occupier participants;

(3) analyze the impact, on such organizations and the program, of prohibiting such organizations from participating in the program; and

(4) identify other opportunities for such organizations to acquire financing or credit enhancement for rehabilitation activities.

(c) REGULATIONS.—The Secretary of Housing and Urban Development shall issue final regulations and any other administrative orders or notices necessary to carry out the provisions of this section and the amendments made by this section not later than 120 days after the date of the enactment of this Act.

SEC. 205. NEIGHBORHOOD TEACHER PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Neighborhood Teachers Act''.

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) teachers are an integral part of our communities;

(2) other than families, teachers are often the most important mentors to children, providing them with the values and skills for self-fulfillment in adult life; and

(3) the Neighborhood Teachers Act recognizes the value teachers bring to community and family life and is designed to encourage and reward teachers that serve in our most needy communities.

(c) DISCOUNT AND DOWNPAYMENT ASSISTANCE FOR TEACHERS.—Section 204(h) of the National Housing Act (12 U.S.C. 1710(h)) is amended—

(1) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 50 PERCENT DISCOUNT FOR TEACHERS PURCHASING PROPERTIES THAT ARE ELIGIBLE ASSETS.—

''(A) DISCOUNT.—A property that is an eligible asset and is sold, during fiscal years 2000 through 2004, to a teacher for use in accordance with subparagraph (B) shall be sold at a price that is equal to 50 percent of the appraised value of the eligible property (as determined in accordance with paragraph (6)(B)). In the case of a property eligible for both a discount under this paragraph and a discount under paragraph (6), the discount under paragraph (6) shall not apply.

''(B) PRIMARY RESIDENCE.—An eligible property sold pursuant to a discount under this paragraph shall be used, for not less than the 3-year period beginning upon such sale, as the primary residence of a teacher.

''(C) SALE METHODS.—The Secretary may sell an eligible property pursuant to a discount under this paragraph—

''(i) to a unit of general local government or nonprofit organization (pursuant to paragraph (4) or otherwise), for resale or transfer to a teacher; or

''(ii) directly to a purchaser who is a teacher.

''(D) RESALE.—In the case of any purchase by a unit of general local government or nonprofit organization of an eligible property sold at a discounted price under this paragraph, the sale agreement under paragraph (8) shall—

''(i) require the purchasing unit of general local government or nonprofit organization to provide the full benefit of the discount to the teacher obtaining the property; and

''(ii) in the case of a purchase involving multiple eligible assets, any of which is such an eligible property, designate the specific eligible property or properties to be subject to the requirements of subparagraph (B).

''(E) MORTGAGE DOWNPAYMENT ASSISTANCE.—If a teacher purchases an eligible property pursuant to a discounted sale price under this paragraph and finances such purchase through a mortgage insured under this title, notwithstanding any provision of section 203 the downpayment on such mortgage shall be $100.

''(F) PREVENTION OF UNDUE PROFIT.—The Secretary shall issue regulations to prevent undue

profit from the resale of eligible properties in violation of the requirement under subparagraph (B).

''(G) AWARENESS PROGRAM.—From funds made available for salaries and expenses for the Office of Policy Support of the Department of Housing and Urban Development, each field office of the Department shall make available to elementary schools and secondary schools within the jurisdiction of the field office and to the public—

''(i) a list of eligible properties located within the jurisdiction of the field office that are available for purchase by teachers under this paragraph; and

''(ii) other information designed to make such teachers and the public aware of the discount and downpayment assistance available under this paragraph.

''(H) DEFINITIONS.—For the purposes of this paragraph, the following definitions shall apply:

''(i) The terms 'elementary school' and 'secondary school' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), except that, for purposes of this paragraph, elementary education (as used in such section) shall include pre-Kindergarten education.

''(ii) The term 'eligible property' means an eligible asset described in paragraph (2)(A) of this subsection.

''(iii) The term 'teacher' means an individual who is employed on a full-time basis, in an elementary or secondary school, as a State-certified classroom teacher or administrator.''.

(d) CONFORMING AMENDMENTS.—Section 204(h) of the National Housing Act (12 U.S.C. 1710(h)) is amended—

(1) in paragraph (4)(B)(ii), by striking ''paragraph (7)'' and inserting ''paragraph (8)'';

(2) in paragraph (5)(B)(i), by striking ''paragraph (7)'' and inserting ''paragraph (8)''; and

(3) in paragraph (6)(A), by striking ''paragraph (8)'' and inserting ''paragraph (9)''.

(e) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement the amendments made by this section.

SEC. 206. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715z–14) is amended—

(1) by striking the section heading and inserting the following:

''RISK-SHARING DEMONSTRATION'';

(2) by striking ''reinsurance'' each place such term appears and insert ''risk-sharing'';

(3) in subsection (a)—

(A) in the first sentence, by striking ''private mortgage insurers'' and inserting ''insured community development financial institutions''; and

(B) in the second sentence—

(i) by striking ''two'' and inserting ''4''; and

(ii) by striking ''March 15, 1988'' and inserting ''the expiration of the 5-year period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000'';

(4) in subsection (b)—

(A) by striking ''private mortgage insurance companies'' each place such term appears and inserting ''insured community development financial institutions'';

(B) in the first sentence, by striking ''which have been determined to be qualified insurers under section 302(b)(2)(C)'';

(C) by striking paragraph (1) and inserting the following new paragraph:

''(1) assume the first loss on any mortgage insured pursuant to section 203(b), 234, or 245 that covers a one- to four-family dwelling and is included in the program under this section, up to the percentage of loss that is set forth in the risk-sharing contract;''; and

(D) in paragraph (2)—

(i) by striking ''carry out (under appropriate delegation) such'' and inserting ''delegate underwriting,''; and

(ii) by striking ''function'' and inserting ''functions'';

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking ''of'' the first place it appears and insert ''for'';

(ii) by striking ''insurance reserves'' and inserting ''loss reserves''; and

(iii) by striking ''such insurance'' and inserting ''such reserves''; and

(B) in the second sentence, by striking ''private mortgage insurance company'' and inserting ''insured community development financial institution'';

(6) in subsection (d), by striking ''private mortgage insurance company'' and inserting ''insured community development financial institution''; and

(7) by adding at the end the following new subsection:

''(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—For purposes of this section, the term 'insured community development financial institution' means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).''.

SEC. 207. HYBRID ARMS.

(a) IN GENERAL.—Section 251 of the National Housing Act (12 U.S.C. 1715z–16) is amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' after ''(a)'';

(2) by striking subsection (b) and inserting the following new subsection:

''(b) DISCLOSURE.—In the case of any loan application for a mortgage to be insured under any provision of this section, the Secretary shall require that the prospective mortgagee for the mortgage shall, at the time of loan application, make available to the prospective mortgagor a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act (15 U.S.C. 1601 et seq.).'';

(3) in subsection (c), by inserting ''LIMITATION ON INSURANCE AUTHORITY.—'' after ''(c)''; and

(4) by adding at the end the following new subsection:

''(d) HYBRID ARMS.—The Secretary may insure under this subsection a mortgage that—

''(1) has an effective rate of interest that shall be—

''(A) fixed for a period of not less than the first 3 years of the mortgage term;

''(B) initially adjusted by the mortgagee upon the expiration of such period and annually thereafter; and

''(C) in the case of the initial interest rate adjustment, shall be subject to the limitation under clause (2) of the last sentence of subsection (a) (relating to prohibiting annual increases of more than 1 percent) only if the interest rate remains fixed for 5 or fewer years; and

''(2) otherwise meets the requirements for insurance under subsection (a) that are not inconsistent with the requirements under paragraph (1) of this subsection.''.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement section 251(d) of the National Housing Act (12 U.S.C. 1715z–16(d)), as added by subsection (a) of this section, in advance of rulemaking.

SEC. 208. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMS.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

''(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

''(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

''(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

''(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

''(A) the mortgagor has received the disclosure required under paragraph (2);

''(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

''(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

''(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

''(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

''(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

''(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

''(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

''(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary. The Secretary shall prohibit the charging of any broker fees in connection with mortgages insured under this subsection.''.

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and

opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) HOUSING COOPERATIVES.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (2), by striking ''mortgage',''; and

(2) by adding at the end the following new paragraphs:

''(4) MORTGAGE.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

''(A) under a lease for not less than 99 years that is renewable; or

''(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

''(5) FIRST MORTGAGE.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.''.

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED FOR COSTS OF LONG-TERM CARE INSURANCE OR HEALTH CARE.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

''(l) WAIVER OF UP-FRONT PREMIUMS.—

''(1) MORTGAGES TO FUND LONG-TERM CARE INSURANCE.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (3)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract (as such term is defined in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)) that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(2) MORTGAGES TO FUND HEALTH CARE COSTS.—In the case of any mortgage insured under this section under which the future payments described in subsection (b)(3) will be used only for costs for health care services (as such term is defined by the Secretary) for the mortgagor or members of the household residing in the property that is subject to the mortgage and comply with limitations on such payments, as shall be established by the Secretary and based upon the purposes of this subsection and the accumulated equity of the mortgagor in the property, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

''(3) AUTHORITY TO REFINANCE EXISTING MORTGAGE AND FINANCE CLOSING COSTS.—A mortgage described in paragraphs (1) or (2) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.''.

(d) STUDY OF SINGLE NATIONAL MORTGAGE LIMIT.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 209. LAW ENFORCEMENT OFFICER HOMEOWNERSHIP PILOT PROGRAM.

(a) ASSISTANCE FOR LAW ENFORCEMENT OFFICERS.—The Secretary of Housing and Urban Development shall carry out a pilot program in accordance with this section to assist Federal, State, and local law enforcement officers purchasing homes in locally-designated high-crime areas.

(b) ELIGIBILITY.—To be eligible for assistance under this section, a law enforcement officer shall—

(1) have completed not less than 6 months of service as a law enforcement officer as of the date that the law enforcement officer applies for such assistance; and

(2) agree, in writing, to use the residence purchased with such assistance as the primary residence of the law enforcement officer for not less than 3 years after the date of purchase.

(c) MORTGAGE ASSISTANCE.—If a law enforcement officer purchases a home in locally-designated high-crime area and finances such purchase through a mortgage insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.), notwithstanding any provision of section 203 or any other provision of the National Housing Act, the following shall apply:

(1) DOWNPAYMENT.—

(A) IN GENERAL.—There shall be no downpayment required if the purchase price of the property is not more than the reasonable value of the property, as determined by the Secretary.

(B) PURCHASE PRICE EXCEEDS VALUE.—If the purchase price of the property exceeds the reasonable value of the property, as determined by the Secretary, the required downpayment shall be the difference between such reasonable value and the purchase price.

(2) CLOSING COSTS.—The closing costs and origination fee for such mortgage may be included in the loan amount.

(3) INSURANCE PREMIUM PAYMENT.—There shall be 1 insurance premium payment due on the mortgage. Such insurance premium payment—

(A) shall be equal to 1 percent of the loan amount;

(B) shall be due and considered earned by the Secretary at the time of the loan closing; and

(C) may be included in the loan amount and paid from the loan proceeds.

(d) LOCALLY-DESIGNATED HIGH-CRIME AREA.—

(1) IN GENERAL.—Any unit of local government may request that the Secretary designate any area within the jurisdiction of that unit of local government as a locally-designated high-crime area for purposes of this section if the proposed area—

(A) has a crime rate that is significantly higher than the crime rate of the non-designated area that is within the jurisdiction of the unit of local government; and

(B) has a population that is not more than 25 percent of the total population of area within the jurisdiction of the unit of local government.

(2) DEADLINE FOR CONSIDERATION OF REQUEST.—Not later than 60 days after receiving a request under paragraph (1), the Secretary shall approve or disapprove the request.

(e) LAW ENFORCEMENT OFFICER.—For purposes of this section, the term ''law enforcement officer'' has such meaning as the Secretary shall provide, except that such term shall include any individual who is employed as an officer in a correctional institution.

(f) SUNSET.—The Secretary shall not approve any application for assistance under this section that is received by the Secretary after the expiration of the 3-year period beginning on the date that the Secretary first makes available assistance under the pilot program under this section.

SEC. 210. STUDY OF MANDATORY INSPECTION REQUIREMENT UNDER SINGLE FAMILY HOUSING MORTGAGE INSURANCE PROGRAM.

The Comptroller General of the United States shall conduct a study regarding the inspection of properties purchased with loans insured under section 203 of the National Housing Act. The study shall evaluate the following issues:

(1) The feasibility of requiring inspections of all properties purchased with loans insured under such section.

(2) The level of financial losses or savings to the Mutual Mortgage Insurance Fund that are likely to occur if inspections are required on properties purchased with loans insured under such section.

(3) The potential impact on the process of buying a home if inspections of properties purchased with loans insured under such section are required, including the process of buying a home in underserved areas where losses to the Mutual Mortgage Insurance Fund are greatest.

(4) The difference, if any, in the quality of homes purchased with loans insured under such section that are inspected before purchase and such homes that are not inspected before purchase.

(5) The cost to homebuyers of requiring inspections before purchase of properties with loans insured under such section.

(6) The extent, if any, to which requiring inspections of properties purchased with loans insured under such section will result in adverse selection of loans insured under such section.

(7) The extent of homebuyer knowledge regarding property inspections and the extent to which such knowledge affects the decision of homebuyers to opt for or against having a property inspection before purchasing a home.

(8) The impact of the Homebuyer Protection Plan implemented by the Department of Housing and Urban Development on the number of appraisers authorized to appraise homes with mortgages insured under section 203 of the National Housing Act.

(9) The cost to homebuyers incurred as a result of the Homebuyer Protection plan, taking into consideration, among other factors, an increase in appraisal fees.

(10) The benefit or adverse impact of the Homebuyer Protection Plan on minority homebuyers.

(11) The extent to which the appraisal requirements of the Homebuyer Protection Plan conflict with State laws regarding appraisals and home inspections.

Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report containing the results of the study and any recommendations with respect to the issues specified under this section.

SEC. 211. REPORT ON TITLE I HOME IMPROVEMENT LOAN PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress containing recommendations for improvements to the property improvement loan insurance program under title I of the National Housing Act, including improvements designed to address problems relating to home improvement contractors obtaining loans on behalf of homeowners.

(b) CONSULTATION.—In developing and determining recommendations for inclusion in the report under this section and in preparing the report, the Secretary shall consult with interested persons, organizations, and entities, including representatives of the lending industry, the home improvement industry, and consumer organizations.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) DOWNPAYMENT ASSISTANCE.—

''(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

''(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) IN GENERAL.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by 1 or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) DETERMINATION OF AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term ''disabled family'' has the meaning given the term ''person with disabilities'' in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—COMMUNITY DEVELOPMENT BLOCK GRANTS

SEC. 401. REAUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—The last sentence of section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended to read as follows: ''For purposes of assistance under section 106, there is authorized to be appropriated $4,900,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005.''.

(b) ENTITLEMENT GRANTS.—

(1) IN GENERAL.—Section 102(a)(5)(B) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)(B)) is amended—

(A) by inserting ''(I)'' after ''(iii)''; and

(B) by inserting before the period at the end the following: '', or (II) has a population in its unincorporated areas of not less than 450,000, except that a town or township which is designated as a city pursuant to this subclause shall have only its unincorporated areas considered as a city for purposes of this title''.

(2) TREATMENT AS SEPARATE FROM URBAN COUNTIES.—Section 102(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following new paragraph:

''(2) Notwithstanding paragraph (1), a town or township that is classified as a city by reason of subclause (II) of section 102(a)(5)(B)(iii) shall be treated, for purposes of eligibility for a grant under section 106(b)(1) from amounts made available for a fiscal year beginning after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, as an entity separate from the urban county in which it is located.''.

(3) ELIGIBILITY OF CERTAIN URBAN COUNTIES.—Section 102(a)(6) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(6)) is amended—

(1) in subparagraph (D)—

(A) in clause (v), by striking ''or'' at the end;

(B) in clause (vi), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of the enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government.''; and

(2) by adding at the end the following new subparagraph:

''(F) Notwithstanding any other provision of this paragraph, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, includes 10 cities each having a population of less than 50,000, and has a population in its unincorporated areas of 190,000 or more but less than 200,000, shall thereafter remain classified as an urban county.''.

SEC. 402. PROHIBITION OF SET-ASIDES.

Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303), as amended by section 401 of this Act, is further amended—

(1) by inserting after ''SEC. 103.'' the following: ''(a) IN GENERAL.—''; and

(2) by adding at the end the following new subsection:

''(b) PROHIBITION OF SET-ASIDES.—Except as provided in paragraphs (1) and (2) of section 106(a) and section 107, amounts appropriated pursuant to subsection (a) of this section or otherwise to carry out this title (other than section 108) shall be used only for formula-based grants allocated pursuant to section 106 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.''.

SEC. 403. PUBLIC SERVICES CAP.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''fiscal years 1993'' and all that follows through ''unit of general local government'' and inserting the following: ''fiscal years 1993 through 2006 to the City of Los Angeles, the County of Los Angeles, or any other unit of general local government located in the County of Los Angeles, such city, such county, or each such unit of general local government, respectively,''.

SEC. 404. HOMEOWNERSHIP FOR MUNICIPAL EMPLOYEES.

(a) ELIGIBLE ACTIVITIES.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22)(C), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following new paragraph:

''(24) provision of direct assistance to facilitate and expand homeownership among uniformed employees (including policemen, firemen, and sanitation and other maintenance workers) of, and teachers who are employees of, the metropolitan city or urban county (or an agency or school district serving such city or county) receiving grant amounts under this title pursuant to section 106(b) or the unit of general local government (or an agency or school district serving such unit) receiving such grant amounts pursuant to section 106(d), except that—

''(A) such assistance may only be provided on behalf of such employees who are first-time homebuyers under the meaning given such term in section 104(14) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(14)), except that, for purposes of this paragraph, such section shall be applied by substituting 'section 105(a)(24) of the Housing and Community Development Act of 1974' for 'title II';

''(B) notwithstanding section 102(a)(20)(B) or any other provision of this title, such assistance may be provided on behalf of such employees whose family incomes do not exceed—

''(i) 115 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families; or

''(ii) with respect only to areas that the Secretary determines have high housing costs, taking into consideration median house prices and median family incomes for the area, 150 percent of the median income of the area involved, as determined by the Secretary with adjustments for smaller and larger families;

''(C) such assistance shall be used only for acquiring principal residences for such employees, in a manner that involves obligating amounts with respect to any particular mortgage over a period of one year or less, by—

''(i) providing amounts for downpayments on mortgages;

''(ii) paying reasonable closing costs normally associated with the purchase of a residence;

''(iii) obtaining pre- or post-purchase counseling relating to the financial and other obligations of homeownership; or

''(iv) subsidizing mortgage interest rates; and

''(D) any residence purchased using assistance provided under this paragraph shall be subject to restrictions on resale that are—

''(i) established by the metropolitan city, urban county, or unit of general local government providing such assistance; and

''(ii) determined by the Secretary to be appropriate to comply with subparagraphs (A) and (B) of section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(3)), except that, for purposes of this paragraph, such subparagraphs shall be applied by substituting 'section 105(a)(24) of the Housing and Community Development Act of 1974' for 'this title';''.

(b) PRIMARY OBJECTIVES.—Section 105(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(c)) is amended by adding at the end the following new paragraph:

''(5) HOMEOWNERSHIP ASSISTANCE FOR MUNICIPAL EMPLOYEES.—Notwithstanding any other provision of this title, any assisted activity described in subsection (a)(24) of this section shall be considered, for purposes of this title, to benefit persons of low and moderate income and to be directed toward the objective under section 101(c)(3).''.

SEC. 405. TECHNICAL AMENDMENT RELATING TO BROWNFIELDS.

Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)), as amended by section 404 of this Act, is further amended—

(1) in paragraph (25), by striking the period and inserting ''; and''; and

(2) by adding at the end the following new paragraph:

''(26) environmental cleanup and economic development activities related to Brownfields projects in conjunction with the appropriate environmental regulatory agencies.''.

SEC. 406. INCOME ELIGIBILITY.

(a) IN GENERAL.—In addition to the exceptions granted pursuant to section 590 of the Quality Housing and Work Responsibility Act of 1998 (42 U.S.C. 5301 note), the Secretary of Housing and Urban Development shall, for not less than 10 other jurisdictions that are metropolitan cities or urban counties for purposes of title I of the Housing and Community Development Act of 1974, grant exceptions not later than 90 days after the date of the enactment of this Act for such jurisdictions that provide that—

(1) for purposes of the HOME investment partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act, the limitation based on percentage of median income that is applicable under section 104(10), 214(1)(A), or 215(a)(1)(A) for any area of the jurisdiction shall be the numerical percentage that is specified in such section; and

(2) for purposes of the community development block grant program under title I of the Housing and Community Development Act of 1974, the limitation based on percentage of median income that is applicable pursuant to section 102(a)(20) for any area within the State or unit of general local government shall be the numerical percentage that is specified in subparagraph (A) of such section.

(b) SELECTION.—In selecting the jurisdictions for which to grant such exceptions, the Secretary shall consider the relative median income of such jurisdictions and shall give preference to jurisdictions with the highest housing costs.

SEC. 407. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.

Section 863 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12912) is amended to read as follows:

''SEC. 863. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subtitle $260,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005.''.

TITLE V—HOME INVESTMENT PARTNERSHIPS PROGRAM

SEC. 501. REAUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12724) is amended to read as follows:

"SEC. 205. AUTHORIZATION.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $1,650,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, 2004, and 2005, of which—

''(1) not more than $25,000,000 in each such fiscal year shall be for community housing partnership activities authorized under section 233; and

''(2) not more than $15,000,000 in each such fiscal year shall be for activities in support of State and local housing strategies authorized under subtitle C, of which, in each of fiscal years 2001 and 2002, $3,000,000 shall be for funding grants under section 246.

''(b) PROHIBITION OF SET-ASIDES.—Except as provided in subsection (a) of this section and section 217(a)(3), amounts appropriated pursuant to subsection (a) of this section or otherwise to carry out this title shall be used only for formula-based grants allocated pursuant to section 217 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.''.

(b) ALLOCATIONS OF AMOUNTS.—Section 104(19) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(19)) is amended by adding at the end the following: ''The term 'city' shall have the meaning given such term in section 102(a)(5)(B) of such Act. A town or township that is classified as a city by reason of subclause (II) of section 102(a)(5)(A)(B)(iii) of such Act shall be treated, notwithstanding section 102(d)(1) of such Act, as an entity separate from the urban county in which it is located for purposes of allocation of amounts under section 217 of this Act to units of general local government from amounts made available for any fiscal year beginning after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.''.

(c) PILOT PROGRAM FOR DEVELOPING REGIONAL HOUSING STRATEGIES.—Subtitle C of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12781 et seq.) is amended by adding at the end the following new section:

"SEC. 246. PILOT PROGRAM FOR DEVELOPING COMPREHENSIVE REGIONAL HOUSING AFFORDABILITY STRATEGIES.

''(a) AUTHORITY.—The Secretary may, using any amounts made available for grants under this section, make not more than 3 grants for each of fiscal years 2001 and 2002 to consortia of units of general local government described in subsection (b) for costs of developing and implementing comprehensive housing affordability strategies on a regional basis.

''(b) ELIGIBLE CONSORTIA.—A consortium of units of general local government described in this subsection is a consortium that—

''(1) is eligible under section 216(2) to be deemed a unit of general local government for purposes of this title; and

''(2) consists of multiple units of general local government; and

''(3) contains only units of general local government that are geographically contiguous.

''(c) MULTI-STATE REQUIREMENT.—In each fiscal year in which grants are made under this section, not less than one of the consortia that receives a grant shall be a consortium described in subsection (b) that includes units of general local government from 2 or more States.''.

SEC. 502. ELIGIBILITY OF LIMITED EQUITY COOPERATIVES AND MUTUAL HOUSING ASSOCIATIONS.

(a) CONGRESSIONAL FINDINGS.—Section 202(10) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721(10)) is amended by inserting ''mutual housing associations,'' after ''limited equity cooperatives,''.

(b) DEFINITIONS.—Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) is amended—

(1) by redesignating paragraph (23) as paragraph (22);

(2) by redesignating paragraph (24) (relating to the definition of ''insular area'') as paragraph (23); and

(3) by adding at the end the following new paragraphs:

''(26) The term 'limited equity cooperative' means a cooperative housing corporation which, in a manner determined by the Secretary to be acceptable, restricts income eligibility of purchasers of membership shares of stock in the cooperative corporation or the initial and resale price of such shares, or both, so that the shares remain available and affordable to low-income families.

''(27) The term 'mutual housing association' means a private entity that—

''(A) is organized under State law;

''(B) is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(C) owns, manages, and continuously develops affordable housing by providing long-term housing for low- and moderate-income families;

''(D) provides that eligible families who purchase membership interests in the association shall have a right to residence in a dwelling unit in the housing during the period that they hold such membership interest; and

''(E) provides for the residents of such housing to participate in the ongoing management of the housing.''.

(c) ELIGIBILITY.—Section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745) is amended—

(1) in subsection (b), by adding after and below paragraph (4) the following:

''Housing that is owned by a limited equity cooperative or a mutual housing association may be considered by a participating jurisdiction to be housing for homeownership for purposes of this title to the extent that ownership or membership in such a cooperative or association, respectively, constitutes homeownership under State or local laws.''; and

(2) in subsection (a), by adding at the end the following new paragraph:

''(6) LIMITED EQUITY COOPERATIVES AND MUTUAL HOUSING ASSOCIATIONS.—Housing that is owned by a limited equity cooperative or a mutual housing association may be considered by a participating jurisdiction to be rental housing for purposes of this title to the extent that ownership or membership in such a cooperative or association, respectively, constitutes rental of a dwelling under State or local laws.''.

SEC. 503. ADMINISTRATIVE COSTS.

Section 212(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(c)) is amended by adding at the end the following new sentence: ''A participating jurisdiction may use amounts made available under this subsection for a fiscal year for administrative and planning costs by amortizing the costs of administration and planning activities under this subtitle over the entire duration of such activities.''.

SEC. 504. LEVERAGING AFFORDABLE HOUSING INVESTMENT THROUGH LOCAL LOAN POOLS.

(a) ELIGIBLE INVESTMENTS.—Section 212(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(b)) is amended by inserting after ''interest subsidies'' the following: '', advances to provide reserves for loan pools or to provide partial loan guarantees,''.

(b) TIMELY INVESTMENT OF TRUST FUNDS.—Section 218(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748) is amended to read as follows:

''(e) INVESTMENT WITHIN 15 DAYS.—

''(1) IN GENERAL.—The participating jurisdiction shall, not later than 15 days after funds are drawn from the jurisdiction's HOME Investment Trust Fund, invest such funds, together with any interest earned thereon, in the affordable housing for which the funds were withdrawn.

''(2) LOAN POOLS.—In the case of a participating jurisdiction that withdraws Trust Fund amounts for investment in the form of an advance for reserves or partial loan guarantees under a program providing such credit enhancement for loans for affordable housing, the amounts shall be considered to be invested for purposes of paragraph (1) upon the completion of both of the following actions:

''(A) Control of the amounts is transferred to the program.

''(B) The jurisdiction and the entity operating the program enter into a written agreement that—

''(i) provides that such funds may be used only in connection with such program;

''(ii) defines the terms and conditions of the loan pool reserve or partial loan guarantees; and

''(iii) provides that such entity shall ensure that amounts from non-Federal sources have been contributed, or are committed for contribution, to the pool available for loans for affordable housing that will be backed by such reserves or loan guarantees in an amount equal to 10 times the amount invested from Trust Fund amounts.''.

(c) EXPIRATION OF RIGHT TO WITHDRAW FUNDS.—Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) is amended to read as follows:

''(g) EXPIRATION OF RIGHT TO DRAW FUNDS.—

''(1) IN GENERAL.—If any funds becoming available to a participating jurisdiction under this title are not placed under binding commitment to affordable housing within 24 months after the last day of the month in which such funds are deposited in the jurisdiction's HOME Investment Trust Fund, the jurisdiction's right to draw such funds from the HOME Investment Trust Fund shall expire. The Secretary shall reduce the line of credit in the participating jurisdiction's HOME Investment Trust Fund by the expiring amount and shall reallocate the funds by formula in accordance with section 217(d).

''(2) LOAN POOLS.—In the case of a participating jurisdiction that withdraws Trust Fund amounts for investment in the manner provided under subsection (e)(2), the amounts shall be considered to be placed under binding commitment to affordable housing for purposes of paragraph (1) of this subsection at the time that the amounts are obligated for use under, and are subject to, a written agreement described in subsection (e)(2)(B).''.

(d) TREATMENT OF MIXED INCOME LOAN POOLS AS AFFORDABLE HOUSING.—

(1) IN GENERAL.—Section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745) is amended by adding at the end the following new subsection:

''(c) LOAN POOLS.—Notwithstanding subsections (a) and (b), housing financed using amounts invested as provided in section 218(e)(2) shall qualify as affordable housing only if the housing complies with the following requirements:

''(1) In the case of housing that is for homeownership—

''(A) of the units financed with amounts so invested—

''(i) not less than 75 percent are principal residences of owners whose families qualify as low-income families—

''(I) in the case of a contract to purchase existing housing, at the time of purchase;

''(II) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

''(III) in the case of a contract to purchase housing to be constructed, at the time the contract is signed;

''(ii) all are principal residences of owners whose families qualify as moderate-income families—

''(I) in the case of a contract to purchase existing housing, at the time of purchase;

''(II) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

''(III) in the case of a contract to purchase housing to be constructed, at the time the contract is signed; and

''(iii) all comply with paragraphs (3) and (4) of subsection (b), except that paragraph (3) shall be applied for purposes of this clause by substituting 'subsection (c)(2)(B)' and 'low- and moderate-income homebuyers' for 'paragraph (2)' and 'low-income homebuyers', respectively; and

''(B) units made available for purchase only by families who qualify as low-income families shall have an initial purchase price that complies with the requirements of subsection (b)(1).

''(2) In the case of housing that is for rental, the housing—

''(A) complies with subparagraphs (D) through (F) of subsection (a)(1);

''(B)(i) has not less than 75 percent of the units occupied by households that qualify as low-income families and is occupied only by households that qualify as moderate-income families; or

''(ii) temporarily fails to comply with clause (i) only because of increases in the incomes of existing tenants and actions satisfactory to the Secretary are being taken to ensure that all vacancies in the housing are being filled in accordance with clause (i) until such noncompliance is corrected; and

''(C) bears rents, in the case of units made available for occupancy only by households that qualify as low-income families, that comply with the requirements of subsection (a)(1)(A).

Paragraphs (4) and (5) of subsection (a) shall apply to housing that is subject to this subsection.''.

(2) DEFINITION.—Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), as amended by section 502 of this Act, is further amended by adding at the end the following new paragraph:

''(28) The term 'moderate income families' means families whose incomes do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median income for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.''.

SEC. 505. HOMEOWNERSHIP FOR MUNICIPAL EMPLOYEES.

(a) ELIGIBLE ACTIVITIES.—Paragraph (2) of section 215(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)) is amended to read as follows:

''(2) is the principal residence of an owner who—

''(A) is a member of a family that qualifies as a low-income family—

''(i) in the case of a contract to purchase existing housing, at the time of purchase;

''(ii) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

''(iii) in the case of a contract to purchase housing to be constructed, at the time the contract is signed; or

''(B)(i) is a uniformed employee (which shall include policemen, firemen, and sanitation and other maintenance workers) or a teacher who is an employee, of the participating jurisdiction (or an agency or school district serving such jurisdiction) that is investing funds made available under this subtitle to support homeownership of the residence; and

''(ii) is a member of a family whose income, at the time referred to in clause (i), (ii), or (iii) of subparagraph (A), as appropriate, and as determined by the Secretary with adjustments for smaller and larger families, does not exceed 115 percent of the median income of the area, except that, with respect only to such areas that the Secretary determines have high housing costs, taking into consideration median house prices and median family incomes for the area, such income limitation shall be 150 percent of the median income of the area, as determined by the Secretary with adjustments for smaller and larger families;''.

(b) INCOME TARGETING.—Section 214(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12744(2)) is amended by inserting before the semicolon the following: ''or families described in section 215(b)(2)(B)''.

(c) ELIGIBLE INVESTMENTS.—Section 212(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(b)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, in the case of homeownership assistance for residences of owners described in section 215(b)(2)(B), funds made available under this subtitle may only be invested (A) to provide amounts for downpayments on mortgages, (B) to pay reasonable closing costs normally associated with the purchase of a residence, (C) to obtain pre- or post-purchase counseling relating to the financial and other obligations of homeownership, or (D) to subsidize mortgage interest rates.''.

SEC. 506. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(7) WAIVER OF QUALIFYING RENT.—

''(A) IN GENERAL.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

''(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

''(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

''(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.''.

SEC. 507. LOAN GUARANTEES.

Subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) is amended by adding at the end the following new section:

''SEC. 227. LOAN GUARANTEES.

''(a) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, only to such extent or in such amounts as provided in appropriations Acts, the notes or other obligations issued by eligible participating jurisdictions or by public agencies designated by and acting on behalf of eligible participating jurisdictions for purposes of financing (including credit enhancements and debt service reserves) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing (including real property acquisition, site improvement, conversion, and demolition), and other related expenses (including financing costs and relocation expenses of any displaced persons, families, businesses, or organizations). Housing funded under this section shall meet the requirements of this subtitle.

''(b) REQUIREMENTS.—Notes or other obligations guaranteed under this section shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by the Secretary. The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period otherwise causes the guarantee to constitute an unacceptable financial risk.

''(c) LIMITATION ON TOTAL NOTES AND OBLIGATIONS.—The Secretary may not guarantee or make a commitment to guarantee any note or other obligation if the total outstanding notes or obligations guaranteed under this section on behalf of the participating jurisdiction issuing the note or obligation (excluding any amount defeased under a contract entered into under subsection (e)(1)) would thereby exceed an amount equal to 5 times the amount of the participating jurisdiction's latest allocation under section 217.

''(d) USE OF PROGRAM FUNDS.—Notwithstanding any other provision of this subtitle, funds allocated to the participating jurisdiction under this subtitle (including program income derived therefrom) are authorized for use in the payment of principal and interest due on the notes or other obligations guaranteed pursuant to this section and the payment of such servicing, underwriting, or other issuance or collection charges as may be specified by the Secretary.

''(e) SECURITY.—To assure the full repayment of notes or other obligations guaranteed under this section, and payment of the issuance or collection charges specified by the Secretary under subsection (d), and as a prior condition for receiving such guarantees, the Secretary shall require the participating jurisdiction (and its designated public agency issuer, if any) to—

''(1) enter into a contract, in a form acceptable to the Secretary, for repayment of such notes or other obligations and the other specified charges;

''(2) pledge as security for such repayment any allocation for which the participating jurisdiction may become eligible under this subtitle; and

''(3) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, which may include increments in local tax receipts generated by the housing assisted under this section or disposition proceeds from the sale of land or housing.

''(f) REPAYMENT AUTHORITY.—The Secretary may, notwithstanding any other provision of this subtitle or any other Federal, State, or local law, apply allocations pledged pursuant to subsection (e) to any repayments due the United States as a result of such guarantees.

''(g) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the notes or other obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

''(h) TAX STATUS.—With respect to any obligation guaranteed pursuant to this section, the

guarantee and the obligation shall be designed in a manner such that the interest paid on such obligation shall be included in gross income for purposes of the Internal Revenue Code of 1986.

''(i) MONITORING.—The Secretary shall monitor the use of guarantees under this section by eligible participating jurisdictions. If the Secretary finds that 50 percent of the aggregate guarantee authority for any fiscal year has been committed, the Secretary may impose limitations on the amount of guarantees any 1 participating jurisdiction may receive during that fiscal year.

''(j) GUARANTEE OF TRUST CERTIFICATES.—

''(1) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary deems appropriate, guarantee the timely payment of the principal of and interest on such trust certificates or other obligations as may—

''(A) be offered by the Secretary or by any other offeror approved for purposes of this subsection by the Secretary; and

''(B) be based on and backed by a trust or pool composed of notes or other obligations guaranteed or eligible for guarantee by the Secretary under this section.

''(2) FULL FAITH AND CREDIT.—To the same extent as provided in subsection (g), the full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee by the Secretary under this subsection.

''(3) SUBROGATION.—In the event the Secretary pays a claim under a guarantee issued under this section, the Secretary shall be subrogated fully to the rights satisfied by such payment.

''(4) OTHER POWERS AND RIGHTS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of—

''(A) the power to contract with respect to public offerings and other sales of notes, trust certificates, and other obligations guaranteed under this section, upon such terms and conditions as the Secretary deems appropriate;

''(B) the right to enforce, by any means deemed appropriate by the Secretary, any such contract; and

''(C) the Secretary's ownership rights, as applicable, in notes, certificates or other obligations guaranteed under this section, or constituting the trust or pool against which trust certificates or other obligations guaranteed under this section are offered.

''(k) AGGREGATE LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary under this section shall not at any time exceed $2,000,000,000.''.

SEC. 508. DOWNPAYMENT ASSISTANCE FOR 2- AND 3-FAMILY RESIDENCES.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall carry out a pilot program under this section under which covered jurisdictions may use amounts described in subsection (b) to make loans to eligible homebuyers for use as downpayments on 2- and 3-family residences.

(b) COVERED ASSISTANCE.—Notwithstanding section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) and section 212 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742), a covered jurisdiction may use amounts provided to the jurisdiction pursuant to section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5406(b)) and amounts in the HOME Investment Trust Fund for the jurisdiction for downpayment loans meeting the requirements of subsection (d) to homebuyers meeting the requirements of subsection (c), but only to the extent such jurisdictions agree to comply with the requirements of this section, as the Secretary may require.

(c) ELIGIBLE HOMEBUYERS.—A homebuyer meets the requirements of this subsection only if the homebuyer is an individual or family—

(1) whose income does not exceed 80 percent of the median family income for the area within which the residence to be purchased with the downpayment loan under subsection (d) is located; except that the Secretary may, pursuant to a request by a covered jurisdiction demonstrating that the jurisdiction has high housing costs (taking into consideration median home prices and median family incomes for the area), increase the percentage limitation under this paragraph to not more than 110 percent of the median family income for the area;

(2) who has successfully completed a program regarding the responsibilities and financial management involved in homeownership and ownership of rental property that is approved by the Secretary;

(3) has a satisfactory credit history and record as a tenant of rental housing; and

(4) who, if such individual or family has an income that exceeds 80 percent of the median income for the area, enters into a binding agreement to comply with the requirements under subsection (e) (relating to affordability of other dwelling units in the residence).

(d) NO-INTEREST DOWNPAYMENT LOANS.—A loan meets the requirements of this subsection only if—

(1) the principal obligation of the loan—

(A) may be used only for a downpayment for acquisition of a 2- or 3-family residence and for closing costs and other costs payable at the time of closing, as the Secretary shall provide; and

(B) does not exceed the amount that is equal to the sum of (i) 7 percent of the purchase price of the residence, and (ii) such closing and other costs;

(2) the borrower under the loan is paying, for acquisition of the residence, at least 3 percent of the cost of acquisition of the residence in cash or its equivalent;

(3) the borrower under the loan will occupy a dwelling unit in the residence purchased using the loan as the principal residence of the borrower;

(4) the loan terms—

(A) do not require the borrower to be prequalified for a loan that finances the remainder of the purchase price of a residence described in paragraph (1)(A); and

(B) provide that the proceeds of the loan are available for use (as provided in paragraph (1)) only during the 4-month period beginning upon the making of the loan to the borrower and that such proceeds shall revert to the covered jurisdiction upon the conclusion of such period if the borrower has not entered into a contract for purchase of a residence meeting the requirements of such paragraph before such conclusion, except that the Secretary shall provide that covered jurisdictions may extend such 4-month period under such circumstances as the Secretary shall prescribe;

(5) the loan terms provide for repayment of the principal obligation of the loan, without interest, at such time as the covered jurisdiction may provide, except that the principal obligation shall be immediately repayable at the time that the borrower—

(A) transfers or sells the borrower's ownership interest in such residence or ceases to use the residence purchased with the loan proceeds as his or her principal residence; or

(B) obtains a subsequent loan secured by such residence or any equity of the borrower in such residence, the proceeds of which are not used to prepay or pay off the entire balance due on the existing loan secured by such residence; or

(6) the loan terms provide that, upon sale of the residence purchased with the proceeds of the loan, the borrower shall repay to the covered jurisdiction (together with the principal obligation of the loan repayable pursuant to paragraph (5)(A)) an additional amount that bears the same ratio to any increase in the price of the residence upon such sale (compared to the price paid for the residence upon purchase using such loan) as the amount of the loan bears to the purchase price paid for the residence in the purchase using such loan; and

(7) the loan complies with such other requirements as the Secretary may prescribe.

(e) AFFORDABILITY OF RENTAL UNITS.—Any dwelling units in the residence purchased using a loan provided pursuant to the authority under this section to a borrower described in subsection (c)(4) of this section shall be used only as rental dwelling units and shall be made available for rental only at a monthly rental price that does not exceed the fair market rent under section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), as periodically adjusted, for a unit of the applicable size located in the area in which the residence is located. Compliance with this subsection shall be monitored and enforced by the covered jurisdiction providing the amounts for the downpayment loan under this section for the purchase of such residence.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COVERED JURISDICTION.—The term ''covered jurisdiction'' means, with respect to a fiscal year—

(A) a metropolitan city or urban county that receives a grant for such fiscal year pursuant to section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)); or

(B) a jurisdiction that is a participating jurisdiction for such fiscal year for purposes of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

TITLE VI—LOCAL HOMEOWNERSHIP INITIATIVES

SEC. 601. REAUTHORIZATION OF NEIGHBORHOOD REINVESTMENT CORPORATION.

Section 608(a)(1) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)(1)) is amended by striking the first sentence and inserting the following: ''There is authorized to be appropriated to the corporation to carry out this title $95,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Of the amounts appropriated to the corporation for fiscal year 2001, $5,000,000 shall be available only for the corporation to provide assistance under duplex homeownership programs established before the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000 through Neighborworks Homeownership Center pilot projects established before such date of enactment.''.

SEC. 602. HOMEOWNERSHIP ZONES.

Section 186 of the Housing and Community Development Act of 1992 (42 U.S.C. 12898a) is amended to read as follows:

''SEC. 186. HOMEOWNERSHIP ZONE GRANTS.

''(a) AUTHORITY.—The Secretary of Housing and Urban Development may make grants to units of general local government to assist homeownership zones. Homeownership zones are contiguous, geographically defined areas, primarily residential in nature, in which large-scale development projects are designed to reclaim distressed neighborhoods by creating homeownership opportunities for low- and moderate-income families. Projects in homeownership zones are intended to serve as a catalyst for private investment, business creation, and neighborhood revitalization.

''(b) ELIGIBLE ACTIVITIES.—Amounts made available under this section may be used for projects that include any of the following activities in the homeownership zone:

''(1) Acquisition, construction, and rehabilitation of housing.

''(2) Site acquisition and preparation, including demolition, construction, reconstruction, or installation of public and other site improvements and utilities directly related to the homeownership zone.

''(3) Direct financial assistance to homebuyers.

''(4) Homeownership counseling.

''(5) Relocation assistance.

''(6) Marketing costs, including affirmative marketing activities.

''(7) Other project-related costs.

''(8) Reasonable administrative costs (up to 5 percent of the grant amount).

''(9) Other housing-related activities proposed by the applicant as essential to the success of the homeownership zone and approved by the Secretary.

''(c) APPLICATION.—To be eligible for a grant under this section, a unit of general local government shall submit an application for a homeownership zone grant in such form and in accordance with such procedures as the Secretary shall establish.

''(d) SELECTION CRITERIA.—The Secretary shall select applications for funding under this section through a national competition, using selection criteria established by the Secretary, which shall include—

''(1) the degree to which the proposed activities will result in the improvement of the economic, social, and physical aspects of the neighborhood and the lives of its residents through the creation of new homeownership opportunities;

''(2) the levels of distress in the homeownership zone as a whole, and in the immediate neighborhood of the project for which assistance is requested;

''(3) the financial soundness of the plan for financing homeownership zone activities;

''(4) the leveraging of other resources; and

''(5) the capacity to successfully carry out the plan.

''(e) GRANT APPROVAL AMOUNTS.—The Secretary may establish a maximum amount for any grant for any funding round under this section. A grant may not be made in an amount that exceeds the amount that the Secretary determines is necessary to fund the project for which the application is made.

''(f) PROGRAM REQUIREMENTS.—A homeownership zone proposal shall—

''(1) provide for a significant number of new homeownership opportunities that will make a visible improvement in an immediate neighborhood;

''(2) not be inconsistent with such planning and design principles as may be prescribed by the Secretary;

''(3) be designed to stimulate additional investment in that area;

''(4) provide for partnerships with persons or entities in the private and nonprofit sectors;

''(5) incorporate a comprehensive approach to revitalization of the neighborhood;

''(6) establish a detailed time-line for commencement and completion of construction activities; and

''(7) provide for affirmatively furthering fair housing.

''(g) INCOME TARGETING.—At least 51 percent of the homebuyers assisted with funds under this section shall have household incomes at or below 80 percent of median income for the area, as determined by the Secretary.

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act, a grant under this section shall be treated as assistance under the HOME Investment Partnerships Act and shall be subject to the regulations issued by the Secretary to implement section 288 of such Act.

''(i) REVIEW, AUDIT, AND REPORTING.—The Secretary shall make such reviews and audits and establish such reporting requirements as may be necessary or appropriate to determine whether the grantee has carried out its activities in a timely manner and in accordance with the requirements of this section. The Secretary may adjust, reduce, or withdraw amounts made available, or take other action as appropriate, in accordance with the Secretary's performance reviews and audits under this section.

''(j) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001 and such sums as may be necessary for fiscal year 2002, to remain available until expended.''.

SEC. 603. LEASE-TO-OWN.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that residential tenancies under lease-to-own provisions can facilitate homeownership by low- and moderate-income families and provide opportunities for homeownership for such families who might not otherwise be able to afford homeownership.

(b) REPORT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress—

(1) analyzing whether lease-to-own provisions can be effectively incorporated within the HOME investment partnerships program, the public housing program, the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937, or any other programs of the Department to facilitate homeownership by low- or moderate-income families; and

(2) any legislative or administrative changes necessary to alter or amend such programs to allow the use of lease-to-own options to provide homeownership opportunities.

SEC. 604. LOCAL CAPACITY BUILDING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a), by inserting ''National Association of Housing Partnerships,'' after ''Humanity,''; and

(2) in subsection (e), by striking ''$25,000,000'' and all that follows and inserting '', for each fiscal year, such sums as may be necessary to carry out this section.''.

SEC. 605. CONSOLIDATED APPLICATION AND PLANNING REQUIREMENT AND SUPER-NOFA.

(a) CONSOLIDATED APPLICATION.—Section 106 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12706) is amended to read as follows:

''SEC. 106. CONSOLIDATED APPLICATION FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS.

''(a) REQUIREMENT.—The Secretary shall, by regulation, provide for jurisdictions to comply with the planning and application requirements under the covered programs under subsection (b) by submitting to the Secretary, for a program year, a single consolidated submission under this section that complies with the requirements for planning and application submissions under the laws relating to the covered programs and shall serve, for the jurisdiction, as the planning document and an application for funding under the covered programs.

''(b) COVERED PROGRAMS.—The covered programs under this subsection are the following programs:

''(1) The HOME investment partnerships program under title II of this Act (42 U.S.C. 12721 et seq.).

''(2) The community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

''(3) The economic development initiative program under section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)).

''(4) The emergency shelter grants program under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11371 et seq.).

''(5) The housing opportunities for persons with AIDS program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.).

''(c) PROGRAM YEAR.—In establishing requirements for a consolidated submission under this section, the Secretary shall provide for a consolidated program year, which shall comply with the various application and review deadlines under the covered programs.

''(d) ADEQUACY OF EXISTING REGULATIONS.—The regulations of the Secretary relating to consolidated submissions for community planning and development programs, part 91 of title 24, Code of Federal Regulations, as in effect on March 1, 1999, shall be considered to be sufficient to comply with this section, except to the extent that the program referred to in paragraph (3) of subsection (b) is not covered by such regulations.

''(e) CONSISTENCY.—The Secretary shall, by regulation or otherwise, as deemed by the Secretary to be appropriate, require any application for housing assistance under title II of this Act, assistance under the Housing and Community Development Act of 1974, or assistance under the Stewart B. McKinney Homeless Assistance Act, to contain or be accompanied by a certification by an appropriate State or local public official that the proposed housing activities are consistent with the housing strategy of the jurisdiction to be served.''.

(b) SUPER-NOFA.—The Department of Housing and Urban Development Act is amended by inserting after section 12 (42 U.S.C. 3537a) the following new section:

''SEC. 13. NOTICE OF FUNDING AVAILABILITY.

''(a) REQUIREMENT.—In making amounts for a fiscal year under the covered programs under subsection (b) available to applicants, the Secretary shall issue a consolidated notice of funding availability that—

''(1) applies to as many of the covered programs as the Secretary determines is practicable;

''(2) simplifies the application process for funding under such programs by providing for application under various covered programs through a single, unified application;

''(3) promotes comprehensive approaches to housing and community development by providing for applicants to identify coordination of efforts under various covered programs; and

''(4) clearly informs prospective applicants of the general and specific requirements under law for applying for funding under such programs.

''(b) COVERED PROGRAMS.—The covered programs under this subsection are the programs that are administered by the Secretary and identified by the Secretary for purposes of this section, in the following areas:

''(1) Housing and community development programs.

''(2) Economic development and empowerment programs.

''(3) Targeted housing assistance and homeless assistance programs.''.

SEC. 606. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

''(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.''.

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: '', which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land''.

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking ''if the organization or consortia has not used any grant amounts'' and inserting ''the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used'';

(B) by striking ''(or,'' and inserting '', except that such period shall be 36 months''; and

(C) by striking ''within 36 months), the Secretary shall recapture such unused amounts'' and inserting ''and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts''; and

(2) in subsection (j), by inserting after ''carry out this section'' the following: ''and grant amounts provided to a local affiliate of the organization or consortia that is developing 5 or more dwellings in connection with such grant amounts''.

(d) TECHNICAL CORRECTIONS.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking ''Habitat for Humanity International, its affiliates, and other''; and

(2) in subsection (e)(2), by striking ''consoria'' and inserting ''consortia''.

SEC. 607. HOUSING COUNSELING ORGANIZATIONS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended—

(1) in subsection (a)(1)(ii), by inserting ''and cooperative housing'' before the semicolon at the end; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraph:

''(C) to the National Cooperative Bank Development Corporation—

''(i) to provide homeownership counseling to eligible homeowners that is specifically designed to relate to ownership under cooperative housing arrangements; and

''(ii) to assist in the establishment and operation of well-managed and viable cooperative housing boards.'';

(B) in paragraph (4)(A), by inserting before the semicolon at the end the following: ''or, in the case of a home loan made to finance the purchase of stock or membership in a cooperative ownership housing corporation, by the stock or membership interest''; and

(C) in paragraph (6)(C), by adding before the period at the end the following: ''and includes a loan that is secured by a first lien given in accordance with the laws of the State where the property is located and that is made to finance the purchase of stock or membership in a cooperative ownership housing corporation the permanent occupancy of dwelling units of which is restricted to members of such corporation, where the purchase of such stock or membership will entitle the purchaser to the permanent occupancy of 1 of such units''.

SEC. 608. COMMUNITY LEAD INFORMATION CENTERS AND LEAD-SAFE HOUSING.

Section 1011(e) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852(e)) is amended—

(1) in paragraph (7), by inserting '', which may include leasing of lead-safe temporary housing'' before the semicolon at the end;

(2) in paragraph (9), by striking ''and'' at the end;

(3) by redesignating paragraph (10) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

''(10) provide accessible information through centralized locations that provide a variety of residential lead-based paint poisoning prevention services to the community that such services are intended to benefit; and''.

TITLE VII—NATIVE AMERICAN HOUSING HOMEOWNERSHIP

SEC. 701. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the ''Commission'') to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) 4 members shall be appointed by the President.

(B) 4 members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) 4 members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than 8 of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

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

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

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

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $500,000. Such sums shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 702. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.''; and

(2) in paragraph (7), by striking ''each of fiscal years 1997, 1998, 1999, 2000, and 2001'' and inserting ''each fiscal year''.

SEC. 703. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking ''if the Secretary'' and all that follows through the period at the end and inserting the following: ''for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.''.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end

the following: ''The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).''.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

''(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.''.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

''(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

''(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

''(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

''(4) may be corrected through the sole action of the recipient.''.

(e) ELIGIBILITY OF LAW ENFORCEMENT OFFICERS FOR HOUSING ASSISTANCE.—Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) LAW ENFORCEMENT OFFICERS.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if—

''(A) the officer—

''(i) is employed on a full-time basis by the Federal Government or a State, county, or tribal government; and

''(ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and

''(B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

(f) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

''SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

''If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).''.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

''SEC. 405. REVIEW AND AUDIT BY SECRETARY.

''(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

''(b) ADDITIONAL REVIEWS AND AUDITS.—

''(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

''(A) determine whether the recipient—

''(i) has carried out—

''(I) eligible activities in a timely manner; and

''(II) eligible activities and certification in accordance with this Act and other applicable law;

''(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

''(iii) is in compliance with the Indian housing plan of the recipient; and

''(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

''(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

''(c) REVIEW OF REPORTS.—

''(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

''(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

''(A) may revise the report; and

''(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

''(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.''.

(g) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking ''The formula,'' and inserting the following:

''(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula''; and

(2) by adding at the end the following:

''(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.''.

(h) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking ''Except as provided'' and inserting the following:

''(1) IN GENERAL.—Except as provided'';

(3) by striking ''If the Secretary takes an action under paragraph (1), (2), or (3)'' and inserting the following:

''(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)''; and

(4) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN ACTIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

''(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

''(i) provide notice to the recipient at the time that the Secretary takes that action; and

''(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

''(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.''.

(i) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary'';

(2) by striking ''(1) is not'' and inserting the following:

''(A) is not'';

(3) by striking ''(2) is a result'' and inserting the following:

''(B) is a result'';

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: '', if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement''; and

(5) by adding at the end the following:

''(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

''(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

''(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

''(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

''(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).''.

(j) REFERENCE.—Section 104(b)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)(1)) is amended by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''.

(k) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

''209. Noncompliance with affordable housing requirement.''.

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: ''Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).''.

TITLE VIII—TRANSFER OF HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS

SEC. 801. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking ''FLEXIBLE AUTHORITY.—'' and inserting ''DISPOSITION OF HUD-OWNED PROPERTIES. (a) FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS.—''; and

(2) by adding at the end the following new subsection:

''(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

''(1) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to the requirements of this section, to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations consent to transfer and the Secretary determines that such transfer is practicable.

''(2) QUALIFIED HUD PROPERTIES.—For purposes of this subsection, the term 'qualified HUD property' means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is owned by the Secretary and is—

''(A) an unoccupied multifamily housing project;

''(B) a substandard multifamily housing project; or

''(C) an unoccupied single family property that—

''(i) has been determined by the Secretary not to be an eligible asset under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

''(ii) is an eligible asset under such section 204(h), but—

''(I) is not subject to a specific sale agreement under such section; and

''(II) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

''(3) TIMING.—The Secretary shall establish procedures that provide for—

''(A) time deadlines for transfers under this subsection;

''(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

''(C) such units and corporations to express interest in the transfer under this subsection of such properties;

''(D) a right of first refusal for transfer of qualified HUD properties to units of general local government and community development corporations, under which—

''(i) the Secretary shall establish a period during which the Secretary may not transfer such properties except to such units and corporations;

''(ii) the Secretary shall offer qualified HUD properties that are single family properties for purchase by units of general local government at a cost of $1 for each property, but only to the extent that the costs to the Federal Government of disposal at such price do not exceed the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g));

''(iii) the Secretary may accept an offer to purchase a property made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

''(iv) the Secretary shall accept an offer to purchase such a property that is made during such period by such a unit or corporation and that complies with the requirements of this paragraph;

''(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

''(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

''(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

''(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

''(A) UPON ENACTMENT.—Upon the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

''(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

''(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

''(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

''(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

''(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

''(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

''(11) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COMMUNITY DEVELOPMENT CORPORATION.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

''(B) COST RECOVERY BASIS.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than the sum of (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish, and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

''(C) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

''(D) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

''(E) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(F) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

''(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

''(ii) on not less than 3 separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6

consecutive hours due to a malfunction of the heating system for the unit;

''(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced 3 or more blown fuses or tripped circuit breakers during the preceding 90-day period;

''(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

''(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

''(G) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

''(H) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

''(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

''(J) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

''(12) REGULATIONS.—

''(A) INTERIM.—Not later than 30 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

''(B) FINAL.—Not later than 60 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall issue such final regulations as are necessary to carry out this subsection.''.

SEC. 802. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)), upon the request of the chief executive officer of a county or the government of appropriate jurisdiction and not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

TITLE IX—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SECTION 901. SHORT TITLE.

This title may be cited as the ''Private Mortgage Insurance Technical Corrections and Clarification Act''.

SEC. 902. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(B) in paragraph (16)(B), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect'';

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

''(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

''(B) the unpaid balance of the loan after each such scheduled payment is made.''; and

(2) in section 3(f)(1)(B)(ii), by striking ''amortization schedules'' and inserting ''the amortization schedule then in effect''.

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: ''A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.''.

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.''.

(2) CONFORMING AMENDMENTS.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)'';

(ii) in subparagraph (A)(ii)(IV), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(iii) in subparagraph (B)(iii), by striking ''section 3(f)'' and inserting ''section 3(g)''; and

(B) in paragraph (2), by striking ''section 3(f)(1)'' and inserting ''section 3(g)(1)''.

SEC. 903. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) TERMINATION OF PRIVATE MORTGAGE INSURANCE.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting ''on residential mortgage transactions'' after ''imposed''; and

(2) in subsection (g) (as so redesignated by section 902(c)(1)(A) of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''mortgage or'';

(B) in paragraph (2), by striking ''mortgage or''; and

(C) in paragraph (3), by striking ''mortgage or'' and inserting ''residential mortgage or residential''.

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''mortgage or'' the first place it appears; and

(ii) by striking ''mortgage or'' the second place it appears and inserting ''residential''; and

(B) in paragraph (2), by striking ''mortgage or'' and inserting ''residential'';

(2) in subsection (c), by striking ''paragraphs (1)(B) and (3) of subsection (a)'' and inserting ''subsection (a)(3)''; and

(3) in subsection (d), by inserting before the period at the end the following: '', which disclosures shall relate to the mortgagor's rights under this Act''.

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''a residential mortgage or''; and

(B) in paragraph (2), by inserting ''transaction'' after ''residential mortgage''; and

(2) in subsection (d), by inserting ''transaction'' after ''residential mortgage''.

SEC. 904. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after ''cancellation date'' the following: ''or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

''(3) is current on the payments required by the terms of the residential mortgage transaction; and''; and

(2) in subsection (e)(1)(B) (as so redesignated by section 902(c)(1)(A) of this title), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

SEC. 905. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) GOOD PAYMENT HISTORY.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''the later of (i)'' before ''the date''; and

(ii) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the semicolon; and

(B) in subparagraph (B)—

(i) by inserting ''the later of (i)'' before ''the date''; and

(ii) by inserting '', or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)'' before the period at the end.

(b) AUTOMATIC TERMINATION.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

''(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction.''

(c) PREMIUM PAYMENTS.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

''(h) ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.''.

SEC. 906. DEFINITIONS.

(a) REFINANCED.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after ''refinanced'' the following: ''(under the meaning given such term in the regulations issued by

the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))''.

(b) MIDPOINT OF THE AMORTIZATION PERIOD.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by section 902(a)(1)(D) of this Act) the following new paragraph:

''(7) MIDPOINT OF THE AMORTIZATION PERIOD.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.''.

(c) ORIGINAL VALUE.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by section 902(a)(1)(C) of this Act) is amended—

(1) by inserting ''transaction'' after ''a residential mortgage''; and

(2) by adding at the end the following new sentence: ''In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.''.

(d) PRINCIPAL RESIDENCE.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by section 902(a)(1)(C) of this Act) by striking ''primary'' and inserting ''principal''; and

(2) in paragraph (15) (as so redesignated by section 902(a)(1)(C) of this Act) by striking ''primary'' and inserting ''principal'';

TITLE X—RURAL HOUSING HOMEOWNERSHIP

SEC. 1001. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking ''$2,500'' and inserting ''$7,500''.

SEC. 1002. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking ''nonprofit limited partnership'' and inserting ''limited partnership''.

SEC. 1003. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

''(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

''(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

''(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

''(1) ACTION TO RECOVER ASSETS OR INCOME.—

''(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

''(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

''(C) DEFINITION.—For the purposes of this subsection, the term 'person' means—

''(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

''(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

''(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

''(2) AMOUNT RECOVERABLE.—

''(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

''(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

''(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

''(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.''.

SEC. 1004. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by striking ''year 2000'' and inserting ''year 2010''.

SEC. 1005. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking ''project'' and inserting ''tenant or unit''.

SEC. 1006. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p–2) is amended—

(1) in subsection (c), by inserting ''an Indian organization,'' after ''thereof,'';

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

''(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term;'';

(3) in subsection (i)(2), by striking ''(A) conveyance to the Secretary'' and all that follows through ''(C) assignment'' and inserting ''(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment'';

(4) in subsection (s), by adding at the end the following new subsection:

''(4) INDIAN ORGANIZATION.—The term 'Indian organization' means the governing body of an Indian tribe, band, group, pueblo, or community, including native villages or native groups, as defined by the Alaska Claims Settlement Act (43 U.S.C. 1601 et seq.), (including corporations organized by the Kenai, Juneau, Sitka, and Kodiak) which is eligible for services from the Bureau of Indian Affairs or an entity established or recognized by the governing body for the purpose of financing economic development.'';

(5) in subsection (t), by inserting before the period at the end the following: ''to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000'';

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively;

(8) by adding at the end the following new subsections:

''(u) FEE AUTHORITY.—

''(1) IN GENERAL.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

''(2) EXCESS FUNDS.—Any fees described in paragraph (1) collected in excess of the amount required in paragraph (1) during a fiscal year, shall be available to the Secretary, without further appropriation and without fiscal year limitation, for use by the Secretary for costs of administering (including monitoring) program activities authorized pursuant to this section and shall be in addition to other funds made available for this purpose.

''(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.''.

SEC. 1007. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

''SEC. 543. ENFORCEMENT PROVISIONS.

''(a) EQUITY SKIMMING.—

''(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per

violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

''(b) CIVIL MONETARY PENALTIES.—

''(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

''(A) submitting information to the Secretary that is false;

''(B) providing the Secretary with false certifications;

''(C) failing to submit information requested by the Secretary in a timely manner;

''(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

''(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

''(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

''(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

''(3) AMOUNT.—

''(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

''(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

''(ii) $50,000 per violation.

''(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

''(i) the gravity of the offense;

''(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

''(iii) the ability of the violator to pay the penalty;

''(iv) any injury to tenants;

''(v) any injury to the public;

''(vi) any benefits received by the violator as a result of the violation;

''(vii) deterrence of future violations; and

''(viii) such other factors as the Secretary may establish by regulation.

''(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

''(5) REMEDIES FOR NONCOMPLIANCE.—

''(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

''(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.''.

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 1008. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming),'' after ''coupons having a value of not less than $5,000,''.

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting ''or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,'' before ''shall be fined under this title''.

TITLE XI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 1101. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Manufactured Housing Improvement Act''.

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, an Act, a section, or any other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 1102. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

''FINDINGS AND PURPOSES

''SEC. 602. (a) FINDINGS.—The Congress finds that—

''(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

''(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

''(b) PURPOSES.—The purposes of this title are—

''(1) to facilitate the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department of Housing and Urban Development;

''(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

''(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards;

''(4) to encourage innovative and cost-effective construction techniques;

''(5) to protect owners of manufactured homes from unreasonable risk of personal injury and property damage;

''(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

''(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

''(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.''.

SEC. 1103. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking ''dealer'' and inserting ''retailer'';

(2) in paragraph (12), by striking ''and'' at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

''(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards development process;

''(15) 'consensus committee' means the committee established under section 604(a)(3);

''(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

''(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

''(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

''(19) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder;

''(20) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems; and

''(21) 'monitoring'—

''(A) means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations recommended by the consensus committee and promulgated in accordance with section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

''(B) may include the periodic inspection of retail locations for transit damage, label tampering, and retailer compliance with this title.''.

(b) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 613 (42 U.S.C. 5412), by striking ''dealer'' each place it appears and inserting ''retailer'';

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking ''dealer'' each place it appears and inserting ''retailer'';

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking ''dealer'' and inserting ''retailer'';

(B) in subsection (b)(3), by striking ''dealer or dealers'' and inserting ''retailer or retailers''; and

(C) in subsections (d) and (f), by striking ''dealers'' each place it appears and inserting ''retailers'';

(4) in section 616 (42 U.S.C. 5415), by striking ''dealer'' and inserting ''retailer''; and

(5) in section 623(c)(9), by striking ''dealers'' and inserting ''retailers''.

SEC. 1104. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ESTABLISHMENT.—

''(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

''(A) shall—

''(i) be reasonable and practical;

''(ii) meet high standards of protection consistent with the enumerated purposes of this title; and

''(iii) where appropriate, be performance-based and objectively stated; and

''(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

''(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

''(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

''(i) terminate on the date on which a contract is entered into under subparagraph (B); and

''(ii) require the administering organization to—

''(I) appoint the initial members of the consensus committee under paragraph (3);

''(II) administer the consensus standards development process until the termination of that agreement; and

''(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

''(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring in accordance with this title.

''(C) PERFORMANCE REVIEW.—The Secretary—

''(i) shall periodically review the performance of the administering organization; and

''(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

''(3) CONSENSUS COMMITTEE.—

''(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

''(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

''(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with this subsection; and

''(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

''(B) MEMBERSHIP.—The consensus committee shall be composed of—

''(i) 21 voting members appointed, subject to approval by the Secretary, by the administering organization from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

''(ii) 1 member appointed by the Secretary to represent the Secretary on the consensus committee, who shall be a nonvoting member.

''(C) DISAPPROVAL.—The Secretary may disapprove, in writing with the reasons set forth, the appointment of an individual under subparagraph (B)(i).

''(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member shall be appointed in accordance with the selection procedures, which shall be established by the Secretary and which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), to ensure equal representation on the consensus committee of the following interest categories:

''(i) PRODUCERS.—7 producers or retailers of manufactured housing.

''(ii) USERS.—7 persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

''(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—7 general interest and public official members.

''(E) BALANCING OF INTERESTS.—

''(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee—

''(I) the administering organization in its appointments shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

''(II) the Secretary may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

''(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

''(F) ADDITIONAL QUALIFICATIONS.—

''(i) FINANCIAL INDEPENDENCE.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of individuals appointed under subparagraph (D)(iii) shall not have—

''(I) a significant financial interest in any segment of the manufactured housing industry; or

''(II) a significant relationship to any person engaged in the manufactured housing industry.

''(ii) POST-EMPLOYMENT BAN.—An individual appointed under clause (ii) or (iii) of subparagraph (D) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and for the 1-year period after, membership of that individual on the consensus committee.

''(G) MEETINGS.—

''(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and publish advance notice of each such meeting in the Federal Register. All meetings of the consensus committee shall be open to the public.

''(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at the meetings shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

''(H) INAPPLICABILITY OF OTHER LAWS.—

''(i) ADVISORY COMMITTEE ACT.—The consensus committee shall not be considered to be an advisory committee for purposes of the Federal Advisory Committee Act.

''(ii) TITLE 18.—The members of the consensus committee shall not be subject to section 203, 205, 207, or 208 of title 18, United States Code, to the extent of their proper participation as members of the consensus committee.

''(iii) ETHICS IN GOVERNMENT ACT OF 1978.—The Ethics in Government Act of 1978 shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

''(I) ADMINISTRATION.—The consensus committee and the administering organization shall—

''(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

''(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

''(J) STAFF.—The administering organization shall, upon the request of the consensus committee, provide reasonable staff resources to the consensus committee. Upon a showing of need, the Secretary shall furnish technical support to any of the various interest categories on the consensus committee.

''(K) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which an administration agreement under paragraph (2)(A) is completed with the administering organization.

''(4) REVISIONS OF STANDARDS.—

''(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

''(i) consider revisions to the Federal manufactured home construction and safety standards; and

''(ii) submit proposed revised standards and regulations, if approved in a vote of the consensus committee by two-thirds of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

''(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

''(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, publish such proposed revised standard in the Federal Register for notice and comment. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard and any such comments shall be submitted directly to the consensus committee without delay.

''(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARD.—If the Secretary rejects the proposed revised standard, the Secretary shall publish the rejected proposed revised standard in the Federal Register with the reasons for rejection and any recommended modifications set forth.

''(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

''(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

''(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revisions proposed by the consensus committee, which the Secretary shall, not later than 7 calendar days after receipt, cause to be published in the Federal Register as a notice of the recommended revisions of the consensus committee to the standard, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

''(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARD.—If the Secretary rejects the proposed revised standard, the Secretary shall publish the rejected proposed revised standard in the Federal Register with the reasons for rejection and any recommended modifications set forth.

''(5) REVIEW BY THE SECRETARY.—

''(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted

by the consensus committee under paragraph (4)(A).

''(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

''(C) PROCEDURES.—If the Secretary—

''(i) adopts a standard recommended by the consensus committee, the Secretary shall—

''(I) issue a final order without further rulemaking; and

''(II) cause the final order to be published in the Federal Register;

''(ii) determines that any standard should be rejected, the Secretary shall—

''(I) reject the standard; and

''(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

''(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

''(I) cause the proposed modified standard to be published in the Federal Register, together with an explanation of the reason or reasons for the determination of the Secretary; and

''(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

''(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to publish notice of the action in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed standard is submitted to the Secretary under paragraph (4)(A)—

''(A) the recommendations of the consensus committee—

''(i) shall be considered to have been adopted by the Secretary; and

''(ii) shall take effect upon the expiration of the 180-day period that begins upon the conclusion of such 12-month period; and

''(B) not later than 10 days after the expiration of such 12-month period, the Secretary shall cause to be published in the Federal Register a notice of the failure of the Secretary to act, the revised standard, and the effective date of the revised standard, which notice shall be deemed to be an order of the Secretary approving the revised standards proposed by the consensus committee.

''(b) OTHER ORDERS.—

''(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

''(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

''(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

''(A) the Secretary shall—

''(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

''(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

''(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

''(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

''(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments along with the Secretary's response thereto to be published in the Federal Register; and

''(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

''(4) REQUIRED ACTION.—The Secretary shall act on any proposed regulation or interpretative bulletin submitted by the consensus committee by approving or rejecting the proposal within 120 days from the date the proposal is received by the Secretary. The Secretary shall either—

''(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

''(B) reject the proposed regulation or interpretative bulletin and—

''(i) provide a written explanation of the reasons for rejection to the consensus committee; and

''(ii) cause the proposed regulation and the written explanation for the rejection to be published in the Federal Register.

''(5) EMERGENCY ORDERS.—If the Secretary determines, in writing, that such action is necessary in order to respond to an emergency which jeopardizes the public health or safety, or to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation, following a request by the Secretary, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

''(A) provides to the consensus committee a written description and sets forth the reasons why emergency action is necessary and all supporting documentation; and

''(B) issues and publishes the order in the Federal Register.

''(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, inspections, monitoring, or other enforcement activities which constitutes a statement of general or particular applicability and future offset and decisions to implement, interpret, or prescribe law of policy by the Secretary is subject to the provisions of subsection (a) or (b) of this subsection. Any change adopted in violation of the provisions of subsection (a) or (b) of this subsection is void.

''(7) TRANSITION.—Until the date that the consensus committee is appointed pursuant to section 1104(a)(3), the Secretary may issue proposed orders that are not developed under the procedures set forth in this section for new and revised standards.'';

(2) in subsection (d), by adding at the end the following: ''Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated hereunder nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.'';

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

''(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations, or issuing interpretations under this section, shall—'';

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 1105. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

''SEC. 605. MANUFACTURED HOME INSTALLATION.

''(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

''(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

''(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent possible, taking into account the factors described in section 604(e), be consistent with—

''(A) the home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall be consistent with—

''(A) the home designs that have been approved by a design approval primary inspection agency; and

''(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

''(3) FACTORS FOR CONSIDERATION.—

''(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

''(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

''(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

''(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act.

''(2) INSTALLATION STANDARDS.—

''(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-

year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B).

''(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

''(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

''(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

''(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

''(i) the model manufactured home installation standards established under subsection (b); or

''(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of the manufactured home that equals or exceeds the protection provided by the model manufactured home installation standards established under subsection (b);

''(B) the training and licensing of manufactured home installers; and

''(C) inspection of the installation of manufactured homes.''.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

''(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, provides for an installation program established by State law that meets the requirements of section 605(c)(3);''.

SEC. 1106. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting ''to the Secretary'' after ''submit''; and

(B) by adding at the end the following: ''The Secretary shall submit such cost and other information to the consensus committee for evaluation.'';

(2) in subsection (d), by inserting '', the consensus committee,'' after ''public''; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 1107. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(4) encouraging the government sponsored housing entities to actively develop and implement secondary market securitization programs for FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

''(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.''.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following new subsection:

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) GOVERNMENT SPONSORED HOUSING ENTITIES.—The term 'government sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

''(2) FHA MANUFACTURED HOME LOANS.—The term 'FHA manufactured home loan' means a loan that—

''(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

''(B) otherwise insured under the National Housing Act and made for or in connection with a manufactured home.''.

SEC. 1108. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

''AUTHORITY TO ESTABLISH FEES

''SEC. 620. (a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

''(1) establish and collect from manufactured home manufacturers such reasonable fees as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

''(A) conducting inspections and monitoring;

''(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title; these funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

''(C) providing the funding for a noncareer administrator and Federal staff personnel for the manufactured housing program;

''(D) administering the consensus committee as set forth in section 604; and

''(E) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

''(2) use any fees collected under paragraph (1) to pay expenses referred to in paragraph (1), which shall be exempt and separate from any limitations on the Department of Housing and Urban Development regarding full-time equivalent positions and travel.

''(b) CONTRACTORS.—When using fees under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

''(c) PROHIBITED USE.—Fees collected under subsection (a) shall not be used for any purpose or activity not specifically authorized by this title unless such activity was already engaged in by the Secretary prior to the date of enactment of this title.

''(d) MODIFICATION.—Any fee established by the Secretary under this section shall only be modified pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

''(e) APPROPRIATION AND DEPOSIT OF FEES.—

''(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of all fees collected pursuant to subsection (a). These fees shall be held in trust for use only as provided in this title.

''(2) APPROPRIATION.—Such fees shall be available for expenditure only to the extent approved in an annual appropriation Act.''.

SEC. 1109. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)), as amended by section 5(b) of this Act, is amended by inserting after paragraph (11) (as added by section 5(b) of this Act) the following:

''(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and''; and

(2) by adding at the end the following:

''(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

''(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2).

''(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

''(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under that paragraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.''.

SEC. 1110. ELIMINATION OF ANNUAL REPORT REQUIREMENT.

The Act is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 1111. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before such date.

SEC. 1112. SAVINGS PROVISION.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and

all regulations pertaining thereto in effect immediately before the date of the enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation which is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect for a period of 2 years from the date of enactment of this Act or for the remainder of the contract term, whichever period is shorter.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–562. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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.

It is now in order to consider amendment No. 1 printed in House Report 106–562.

AMENDMENT NO. 1 OFFERED BY MR. LAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LAZIO:

Page 28, line 24, after the comma insert ''except that elementary education shall include pre-Kindergarten education, and''.

Page 36, strike line 13, and all that follows through page 37, line 2, and insert the following:

SEC. 206. COMMUNITY PARTNERS NEXT DOOR PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Community Partners Next Door Act''.

(b) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) teachers, law enforcement officers, fire fighters, and rescue personnel help form the backbones of communities and are integral components in the social capital of neighborhoods in the United States; and

(2) providing a discounted purchase price on HUD-owned properties for teachers, law enforcement officers, fire fighters, and rescue personnel recognizes the intrinsic value of the services provided by such employees to their communities and to family life and encourages and rewards those who are dedicated to providing public service in our most needy communities.

Page 37, line 10, after ''TEACHERS'' insert ''AND PUBLIC SAFETY OFFICERS''.

Page 37, line 14, after ''teacher'' insert ''or public safety officer''.

Page 38, line 2, after ''teacher'' insert ''or public safety officer''.

Page 38, line 9, after ''teacher'' insert ''or public safety officer''.

Page 38, line 11, after ''teacher'' insert ''or public safety officer''.

Page 38, line 20, after ''teacher'' insert ''or public safety officer''.

Page 39, line 4, after ''teacher'' insert ''or public safety officer''.

Page 39, strike line 15, and all that follows through page 40, line 6.

Page 40, line 7, strike ''(H)'' and insert ''(G)''.

Page 40, after line 20, insert the following:

''(iii) The term 'public safety officer' means an individual who is employed on a full-time basis as a public safety officer described in section 203(b)(10)(B)(i)(I)(bb).

Page 40, line 21, strike ''(iii)'' and insert ''(iv)''.

Page 40, line 24 after ''State-certified'' insert ''or State-licensed''.

Page 40, line 24, before ''ad-'' insert ''or as an''.

Page 41, lines 14 and 15, strike ''**COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION**''.

Strike line 24 on page 41 and all that follows through page 42, line 1, and insert the following:

(A) in the first sentence, by inserting ''and insured community development financial institutions'' after ''private mortgage insurers'';

Page 42, strike lines 12 through 15, and insert the following:

(A) in the first sentence, by inserting ''and with insured community development financial institutions'' before the period at the end;

Page 42, after line 18, insert the following new subparagraph:

(C) in the second sentence, by inserting ''and insured community development financial institutions'' after ''private mortgage insurance companies'';

Page 42, line 19, strike ''(C)'' and insert ''(D)''.

Page 43, line 3, strike ''(D)'' and insert ''(E)''.

Page 43, strike lines 17 through 23 and insert the following:

(B) in the second sentence, by inserting ''or insured community development financial institution'' after ''private mortgage insurance company'';

(6) in subsection (d), by inserting ''or insured community development financial institution'' after ''private mortgage insurance company''; and

Page 59, line 10, strike ''1 year'' and insert ''3 months''.

Page 59, after line 23, insert the following new section:

SEC. 212. SENSE OF CONGRESS REGARDING MAKING PROPERTIES AVAILABLE FOR HOMEOWNERSHIP PROGRAMS.

It is the sense of the Congress that the Secretary of Housing and Urban Development should consult with the heads of other agencies of the Federal Government that own or hold properties appropriate for use as housing to determine the possibility and effectiveness of including such properties in programs that make housing available for law enforcement officers, teachers, or fire fighters.

Page 110, after line 2, insert the following: The Secretary may not treat any application for a grant under this section adversely in any manner solely on the basis that the homeownership zone is located, in whole or in part, within unincorporated areas.

Page 119, after line 1, insert the following new subsection:

(a) EXTENSION OF PROGRAMS.—

(1) EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2005''.

(2) PREPURCHASE AND FORECLOSURE PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(12) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(12)) is amended by striking ''fiscal year 1994'' and inserting ''fiscal year 2005''.

Page 119, line 2, before ''Section'' insert ''(b) COOPERATIVE OWNERSHIP HOUSING CORPORATIONS.—

Page 121, strike lines 12 and 13 and insert the following:

TITLE VII—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Page 138, strike lines 12 through 18 and insert the following new subsection:

(j) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking ''Davis-Bacon Act (40 U.S.C. 276a–276a–5)'' and inserting ''Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)''; and

(2) by adding at the end the following new paragraph:

''(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.''.

Page 139, after line 16, insert the following new subtitle:

Subtitle B—Native Hawaiian Housing

SEC. 721. SHORT TITLE.

This subtitle may be cited as the ''Hawaiian Homelands Homeownership Act of 2000''.

SEC. 722. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing

problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 723 of this subtitle, eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479, 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 723. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

''TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

''SEC. 801. DEFINITIONS.

''In this title:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

''(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

''(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

''(i) for an elderly family, an elderly person; or

''(ii) for a near-elderly family, a near-elderly person.

''(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

''(i) 2 or more elderly persons or near-elderly persons, as the case may be, living together; and

''(ii) 1 or more persons described in clause (i) living with 1 or more persons determined under the housing plan to be essential to their care or well-being.

''(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

''(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

''(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

''(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

''(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

''(B) the median income for the State of Hawaii.

''(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised

sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

''(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

''(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

''(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

''(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

''(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

''(d) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

''(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

''(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

''(B) expenses incurred in preparing a housing plan under section 803.

''(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

''SEC. 803. HOUSING PLAN.

''(a) PLAN SUBMISSION.—The Secretary shall—

''(1) require the Director to submit a housing plan under this section for each fiscal year; and

''(2) provide for the review of each plan submitted under paragraph (1).

''(b) 5-YEAR PLAN.—Each housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

''(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

''(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

''(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

''(c) 1-YEAR PLAN.—A housing plan under this section shall—

''(1) be in a form prescribed by the Secretary; and

''(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

''(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

''(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

''(I) the geographical needs of those families; and

''(II) needs for various categories of housing assistance; and

''(ii) a description of the estimated housing needs for all families to be served by the Department.

''(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

''(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

''(ii) the uses to which the resources described in clause (i) will be committed, including—

''(I) eligible and required affordable housing activities; and

''(II) administrative expenses.

''(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

''(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

''(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

''(I) rental assistance;

''(II) the production of new units;

''(III) the acquisition of existing units; or

''(IV) the rehabilitation of units;

''(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

''(I) the involvement of private, public, and nonprofit organizations and institutions;

''(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

''(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

''(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

''(v) a description of—

''(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vi) a description of—

''(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

''(II) the requirements and assistance available under the programs referred to in subclause (I);

''(vii) a description of—

''(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

''(aa) transitional housing;

''(bb) homeless housing;

''(cc) college housing; and

''(dd) supportive services housing; and

''(II) the requirements and assistance available under such programs;

''(viii)(I) a description of any housing to be demolished or disposed of;

''(II) a timetable for that demolition or disposition; and

''(III) any other information required by the Secretary with respect to that demolition or disposition;

''(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

''(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

''(I) promote the safety of residents of the affordable housing;

''(II) facilitate the undertaking of crime prevention measures;

''(III) allow resident input and involvement, including the establishment of resident organizations; and

''(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

''(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

''(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

''(i) a certification that the Department of Hawaiian Home Lands will comply with—

''(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

''(II) other applicable Federal statutes;

''(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under

this title, in compliance with such requirements as may be established by the Secretary;

''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

''(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

''(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

''(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

''(B) to an eligible family on the basis that the family is a Native Hawaiian family.

''(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

''(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 804. REVIEW OF PLANS.

''(a) REVIEW AND NOTICE.—

''(1) REVIEW.—

''(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

''(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

''(2) NOTICE.—

''(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

''(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

''(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

''(ii) the Director shall be considered to have been notified of compliance.

''(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

''(1) the reasons for noncompliance; and

''(2) any modifications necessary for the plan to meet the requirements of section 803.

''(c) REVIEW.—

''(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

''(A) set forth the information required by section 803 to be contained in the housing plan;

''(B) are consistent with information and data available to the Secretary; and

''(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

''(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

''(d) UPDATES TO PLAN.—

''(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

''(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

''(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

''SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

''(a) PROGRAM INCOME.—

''(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

''(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

''(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

''(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

''(A) whether the Department retains program income under paragraph (1); or

''(B) the amount of any such program income retained.

''(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

''(b) LABOR STANDARDS.—

''(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

''(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

''(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

''(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

''SEC. 806. ENVIRONMENTAL REVIEW.

''(a) IN GENERAL.—

''(1) RELEASE OF FUNDS.—

''(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

''(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

''(ii) to the public undiminished protection of the environment.

''(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

''(2) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

''(B) CONTENTS.—The regulations issued under this paragraph shall—

''(i) provide for the monitoring of the environmental reviews performed under this section;

''(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

''(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

''(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

''(b) PROCEDURE.—

''(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

''(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

''(c) CERTIFICATION.—A certification under the procedures under this section shall—

''(1) be in a form acceptable to the Secretary;

''(2) be executed by the Director of the Department of Hawaiian Home Lands;

''(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

''(4) specify that the Director—

''(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

''(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

''SEC. 807. REGULATIONS.

''The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

''SEC. 808. EFFECTIVE DATE.

''Except as otherwise expressly provided in this title, this title shall take effect on the date of enactment of the American Homeownership and Economic Opportunity Act of 2000.

''SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

''(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

''(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

''(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

''(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

''(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

''(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

''(E) to—

''(i) promote the development of private capital markets; and

''(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

''(2) ELIGIBLE FAMILIES.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

''(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

''(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

''(I) section 810(b);

''(II) model activities under section 810(f); or

''(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

''(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

''(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

''(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

''(ii) the need for housing for the family cannot be reasonably met without the assistance.

''(D) PREFERENCE.—

''(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

''(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

''(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

''SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

''(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

''(1) develop or to support affordable housing for rental or homeownership; or

''(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

''(b) ACTIVITIES.—The activities described in this subsection are the following:

''(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

''(A) real property acquisition;

''(B) site improvement;

''(C) the development of utilities and utility services;

''(D) conversion;

''(E) demolition;

''(F) financing;

''(G) administration and planning; and

''(H) other related activities.

''(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

''(A) housing counseling in connection with rental or homeownership assistance;

''(B) the establishment and support of resident organizations and resident management corporations;

''(C) energy auditing;

''(D) activities related to the provisions of self-sufficiency and other services; and

''(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

''(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

''(A) the preparation of work specifications;

''(B) loan processing;

''(C) inspections;

''(D) tenant selection;

''(E) management of tenant-based rental assistance; and

''(F) management of affordable housing projects.

''(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

''(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

''(A) designed to carry out the purposes of this title; and

''(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

''SEC. 811. PROGRAM REQUIREMENTS.

''(a) RENTS.—

''(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

''(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

''(b) MAINTENANCE AND EFFICIENT OPERATION.—

''(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

''(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

''(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

''(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

''(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under

this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

"SEC. 812. TYPES OF INVESTMENTS.

''(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

''(1) the discretion to use grant amounts for affordable housing activities through the use of—

''(A) equity investments;

''(B) interest-bearing loans or advances;

''(C) noninterest-bearing loans or advances;

''(D) interest subsidies;

''(E) the leveraging of private investments; or

''(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

''(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

''(b) INVESTMENTS.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

"SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

''(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

''(1) each dwelling unit in the housing—

''(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

''(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

''(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

''(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

''(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

''(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

''(I) avoid termination of low-income affordability, in the case of foreclosure; or

''(II) transfer ownership in lieu of foreclosure; and

''(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

''(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

"SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

''(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

''(1) do not contain unreasonable terms and conditions;

''(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

''(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

''(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

''(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

''(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

''(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises.

''(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

''(1) are consistent with the purpose of providing housing for low-income families;

''(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

''(3) provide for—

''(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

''(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

"SEC. 815. REPAYMENT.

''If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

''(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

''(2) require repayment to the Secretary of any amount equal to those grant amounts.

"SEC. 816. ANNUAL ALLOCATION.

''For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

"SEC. 817. ALLOCATION FORMULA.

''(a) ESTABLISHMENT.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

''(b) FACTORS FOR DETERMINATION OF NEED.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

''(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

''(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

''(3) any other objectively measurable conditions that the Secretary and the Director may specify.

''(c) OTHER FACTORS FOR CONSIDERATION.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

''(1) geographic distribution within Hawaiian Home Lands; and

''(2) technical capacity.

''(d) EFFECTIVE DATE.—This section shall take effect on the date of enactment of the American Homeownership and Economic Opportunity Act of 2000.

"SEC. 818. REMEDIES FOR NONCOMPLIANCE.

''(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—

''(1) IN GENERAL.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

''(A) terminate payments under this title to the Department;

''(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

''(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

''(2) ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

''(b) NONCOMPLIANCE BECAUSE OF A TECHNICAL INCAPACITY.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

''(1) is not a pattern or practice of activities constituting willful noncompliance; and

''(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

''(c) REFERRAL FOR CIVIL ACTION.—

''(1) AUTHORITY.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with

a recommendation that an appropriate civil action be instituted.

''(2) CIVIL ACTION.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

''(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

''(B) for mandatory or injunctive relief.

''(d) REVIEW.—

''(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

''(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

''(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

''(2) PROCEDURE.—

''(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

''(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

''(3) DISPOSITION.—

''(A) COURT PROCEEDINGS.—

''(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

''(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

''(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

''(B) SECRETARY.—

''(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

''(I) may—

''(aa) modify the findings of fact of the Secretary; or

''(bb) make new findings; and

''(II) shall file—

''(aa) such modified or new findings; and

''(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

''(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

''(I) supported by substantial evidence on the record; and

''(II) considered as a whole.

''(4) FINALITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

''(i) the jurisdiction of the court shall be exclusive; and

''(ii) the judgment of the court shall be final.

''(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

''SEC. 819. MONITORING OF COMPLIANCE.

''(a) ENFORCEABLE AGREEMENTS.—

''(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

''(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

''(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

''(B) remedies for breach of the provisions referred to in paragraph (1).

''(b) PERIODIC MONITORING.—

''(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

''(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

''(3) RESULTS.—The results of each review under paragraph (1) shall be—

''(A) included in a performance report of the Director submitted to the Secretary under section 820; and

''(B) made available to the public.

''(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

''SEC. 820. PERFORMANCE REPORTS.

''(a) REQUIREMENT.—For each fiscal year, the Director shall—

''(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

''(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

''(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

''(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

''(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

''(3) indicate the programmatic accomplishments of the Department; and

''(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

''(c) SUBMISSIONS.—The Secretary shall—

''(1) establish a date for submission of each report under this section;

''(2) review each such report; and

''(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

''(d) PUBLIC AVAILABILITY.—

''(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

''(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

''SEC. 821. REVIEW AND AUDIT BY SECRETARY.

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

''(A) the Director has—

''(i) carried out eligible activities under this title in a timely manner;

''(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

''(iii) a continuing capacity to carry out the eligible activities in a timely manner;

''(B) the Director has complied with the housing plan submitted by the Director under section 803; and

''(C) the performance reports of the Department under section 821 are accurate.

''(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

''(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

''(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

''SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

''To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

''SEC. 823. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

''(1) a description of the progress made in accomplishing the objectives of this title;

''(2) a summary of the use of funds available under this title during the preceding fiscal year; and

''(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

''(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

''SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such

sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 724. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

''SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

''(3) FAMILY.—The term 'family' means 1 or more persons maintaining a household, as the Secretary shall by regulation provide.

''(4) GUARANTEE FUND.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

''(5) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

''(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

''(B) are acquired pursuant to that Act.

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

''(i) genealogical records;

''(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

''(iii) birth records of the State of Hawaii.

''(7) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

''(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

''(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

''(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who is—

''(A) a Native Hawaiian family;

''(B) the Department of Hawaiian Home Lands;

''(C) the Office of Hawaiian Affairs; or

''(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

''(2) ELIGIBLE HOUSING.—

''(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

''(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

''(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

''(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

''(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal or State law.

''(4) LENDERS.—

''(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

''(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

''(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

''(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

''(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

''(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

''(5) TERMS.—The loan shall—

''(A) be made for a term not exceeding 30 years;

''(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

''(C) involve a principal obligation not exceeding—

''(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

''(ii) the amount approved by the Secretary under this section; and

''(D) involve a payment on account of the property—

''(i) in cash or its equivalent; or

''(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

''(d) CERTIFICATE OF GUARANTEE.—

''(1) APPROVAL PROCESS.—

''(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

''(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

''(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

''(3) EFFECT.—

''(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

''(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

''(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

''(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

''(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

''(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

''(e) GUARANTEE FEE.—

''(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

''(2) PAYMENT.—The fee under this subsection shall—

''(A) be paid by the lender at time of issuance of the guarantee; and

''(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

''(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

''(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

''(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

''(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

''(1) IN GENERAL.—

''(A) GROUNDS FOR ACTION.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

''(i) has failed—

''(I) to maintain adequate accounting records;

''(II) to service adequately loans guaranteed under this section; or

''(III) to exercise proper credit or underwriting judgment; or

''(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

''(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

''(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

''(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

''(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

''(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

''(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

''(i) to maintain adequate accounting records;

''(ii) to adequately service loans guaranteed under this section; or

''(iii) to exercise proper credit or underwriting judgment.

''(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

''(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

''(i) PAYMENT UNDER GUARANTEE.—

''(1) LENDER OPTIONS.—

''(A) IN GENERAL.—

''(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

''(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in 1 of the following manners:

''(I) FORECLOSURE.—

''(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

''(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(II) NO FORECLOSURE.—

''(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

''(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

''(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

''(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

''(2) LIMITATIONS ON LIQUIDATION.—

''(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

''(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

''(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

''(2) CREDITS.—The Guarantee Fund shall be credited with—

''(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

''(B) any amounts appropriated pursuant to paragraph (7);

''(C) any guarantee fees collected under subsection (d); and

''(D) any interest or earnings on amounts invested under paragraph (4).

''(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

''(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

''(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

''(C) acquiring such security property at foreclosure sales or otherwise;

''(D) paying administrative expenses in connection with this section; and

''(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

''(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

''(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

''(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

''(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

''(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

''(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

''(k) REQUIREMENTS FOR STANDARD HOUSING.—

''(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

''(2) STANDARDS.—The standards referred to in paragraph (1) shall—

''(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

''(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

''(i) be decent, safe, sanitary, and modest in size and design;

''(ii) conform with applicable general construction standards for the region in which the housing is located;

''(iii) contain a plumbing system that—

''(I) uses a properly installed system of piping;

''(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

''(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

''(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

''(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

''(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

''(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements

of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.''.

Page 166, in line 10, strike the dash and all that follows through ''GENERAL.'' in line 11.

Page 166, strike lines 17 through 25.

Strike line 25 on page 173, and all that follows through line 2 on page 174, and insert the following:

''(1) to protect the quality, durability, safety, and affordability of manufactured homes;''

Page 174, strike lines 11 through 13 and insert the following:

''(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;''.

Page 176, line 18, before the semicolon insert '', including the inspection of homes in the plant''.

Page 176, line 21, strike both commas.

Strike line 25 on page 176 and all that follows through ''means'' in line 1 on page 177, and insert the following:

''(21) 'monitoring' means

Page 177, lines 5 through 7, strike ''recommended by the consensus committee and promulgated in accordance with'' and insert ''promulgated under this title, giving due consideration to the recommendations of the consensus committee as provided in''.

Page 177, line 10, strike ''; and'' and insert ''.''.

Page 177, strike lines 11 through 13.

Page 179, line 19, strike ''appoint'' and insert ''recommend''.

Page 182, lines 12 and 13, strike '', subject to approval by the Secretary,'' and insert ''by the Secretary, after consideration of the recommendations made''.

Page 182, line 14, insert a comma after ''organization''.

Page 182, strike lines 22 through 25 and insert the following:

''(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

Page 184, lines 1 and 2, strike ''administering organization in its appointments'' and insert ''Secretary''.

Page 188, line 20, before the period insert ''in accordance with section 553 of title 5, United States Code''.

Page 188, line 23, after ''standard'' insert ''in accordance with such section 553''.

Page 189, line 22, strike ''7'' and insert ''30''.

Page 193, line 5, after ''regulations'' insert ''and revision to existing regulations''.

Page 195, strike lines 16 through 22 and insert the following:

''(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency which jeopardizes the public health or safety, the Secretary

Page 196, line 3, strike ''emergency''.

Page 196, line 5, after ''issues'' insert ''the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code,''.

Page 196, line 12, strike ''of'' and insert ''or''.

Page 196, line 19, strike ''1104(a)(3)'' and insert ''604(a)(3)''.

Page 199, line 18, after ''shall'' insert ''to the maximum extent possible, taking into account the factors described in section 604(e),''.

Page 200, after line 9, insert the following:

''(4) ISSUANCE.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

Strike '', except that'' in line 20 on page 201, and all that follows through line 2 on page 202, and insert a period.

Page 206, after line 3, insert the following new section:

SEC. 1108. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.''.

Page 207, line 10, strike ''and''.

Page 207, after line 13, insert the following:

''(F) implementing sections 605 and 623; and

Page 207, strike lines 19 through 23 and insert the following:

''(b) CONTRACTORS.—When using fees under this section, the Secretary shall ensure that no fewer than 3 separate contracts and 3 separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title; except that the required minimum number of separate contracts and separate and independent contractors shall increase to 4 simultaneous with the latter of—

''(1) the issuance by the Secretary of a request for proposals for the implementation of installation programs, and

''(2) the issuance by the Secretary of a request for proposals for the implementation of dispute resolution program,

as provided in this title. The Secretary shall also ensure that no conflict of interest arises from the award of any such contracts.''.

Page 208, line 17, strike the quotation marks and the last period.

Page 208, after line 17, insert the following:

''(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act, the Secretary shall continue to fund the States having approved State plans in amounts which are not less than the allocated amounts based on the fee distribution system in effect on the day before the effective date of such Act.''.

Page 208, lines 20 and 21, strike ''5(b)'' each place such term appears and insert ''1105(b)''.

Page 209, line 19, after the period insert the following: ''The order establishing the dispute resolution program shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.''.

Page 210, strike lines 7 through 11 and insert ''paragraph.''.

Page 211, line 16, after ''awarded'' insert ''after April 6, 2000,''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from New York (Mr. LAZIO) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, this manager's amendment is the result of some hard work that has been referenced by earlier remarks. The manager's amendment was created in a bipartisan fashion, helping to improve an already good bill, and refining some of the technical aspects of this bill.

It further speaks to the underlying premise of this bill, which is that it is about empowerment, it is about more consumer choice, it is about lower homeownership costs, it is about stronger communities, and it is about opportunity. This manager's amendment includes several provisions that further perfect this bill.

I want to commend all the Members, and particularly the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK), as well as the gentleman from Iowa (Mr. LEACH) for their help.

It includes technical changes that affect the neighborhood teacher program, the risk sharing demonstration program, and the rural housing section of the legislation.

The amendment expands housing assistance for native Hawaiians by extending to them the same types of Federal housing programs available to Native Americans and to Alaska natives.

The amendment adopts changes to the manufactured housing title made by HUD to clarify the Secretary's authority over appointments to the consensus committee. This is, again, a model framework based on discussions between AARP, the Manufactured Housing industry, consumers, HUD, and members of the committee.

It addresses outstanding policy issues raised by the gentleman from Massachusetts (Mr. FRANK), ranking member, and the Manufactured Housing industry concerning States' roles in monitoring manufactured homes and the distribution systems of manufactured program fees to States.

It also adopts certain filed amendments to the legislation, which we have been trying to work together with in a bipartisan fashion to meet America's need for more homeownership opportunities.

These include amendments by the gentleman from Texas (Mr. BENTSEN) as they relate to the selection criteria for the Homeownership Zone Grant program, providing that HUD may not reject an applicant who meets the selection criteria basically only because the zone is located in an unincorporated area.

The amendment of the gentleman from Ohio (Mr. TRAFICANT) extends homeownership counseling statutes through September 30, 2005 that require a notice, within 45 days of delinquency, to homebuyers on their payment status and provides information about housing counselors in the area, a very important amendment.

The amendment of the gentleman from California (Mr. BACA) includes a

sense of Congress that the HUD Secretary should consult with other agencies to make additional properties available for law enforcement officers, teachers, and fire fighters.

The amendment of the gentlewoman from California (Ms. PELOSI) adds pre-kindergarten teachers to be eligible for section 203 for reduced down payment for loans for teachers and uniformed municipal employees, consistent with similar other provisions in the bill.

I urge the House to adopt the manager's amendment.

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

The CHAIRMAN. Is the gentleman from New York (Mr. LAFALCE) opposed to the amendment?

Mr. LAFALCE. Mr. Chairman, this manager's amendment has been developed in a bipartisan fashion similarly to the main bill itself.

The CHAIRMAN. Without objection, there apparently being no one to claim the time in opposition, the gentleman from New York (Mr. LAFALCE) is recognized to claim that time.

There was no objection.

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

I am very pleased that the manager's amendment includes a number of important provisions, important especially to the Members on my side of the aisle. These include a Pelosi amendment to ensure that pre-kindergarten teachers are eligible in the same way as all other teachers are for the section 203, 1 percent down payment FHA loans; an amendment by the gentleman from Texas (Mr. BENTSEN) to make sure that unincorporated areas are eligible for homeownership zone grants; an amendment by the gentleman from Ohio (Mr. TRAFICANT) to extend homeownership counseling programs; and an amendment from the gentleman from California (Mr. BACA) directing HUD to work with other agencies to identify other buildings suitable for homeownership resale.

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I also especially commend the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK) for their amendment, which includes making native Hawaiians eligible for the same Federal housing programs that Native Americans are currently eligible for; and, of course, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Indiana (Mr. ROEMER), who represents perhaps the headquarters of the manufactured housing industry, for shepherding this bill through. Even though the gentleman from Indiana (Mr. ROEMER) is not a member of the committee, his assistance in crafting the legislation was invaluable.

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

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time, and I also would urge strong support for the manager's amendment. As good as the underlying bill is, and I think the bill is solid, I think the manager's amendment is better and makes some important improvements.

Very quickly, two particular programs that are included in the manager's amendment that this Member had something to do with. Number one, this manager's amendment would create a 3-year pilot project to help people with disabilities to use section 8 assistance towards home ownership. It creates incentives for employment and home ownership for the most underserved portion of the American public, those with disabilities.

Unemployment rates for those with disabilities in America exceeds 70 percent, and home ownership for people with disabilities is below 5 percent. This bill takes an important step in breaking that cycle.

This manager's amendment also has an important pilot project, a 3-year program, for law enforcement officers. It helps Federal, State and local law enforcement officers purchase homes in locally designated, locally defined high crime areas.

This is different than other law enforcement officer programs because it turns to local leaders, local officials to designate those areas. This will help deter crime. This will help stabilize neighborhoods.

In so many ways this manager's amendment makes the dream of home ownership and stable, sound, solid communities a reality. And again, I encourage my colleagues not only to support this amendment and support the bill but to go home and talk about it.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE), a member of the committee.

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me this time and also for the bipartisan effort to bring this bill forward today.

This is a modest measure. It is an excellent modest measure that begins to address a national crisis of housing.

Moderate- and low-income families deserve the opportunity to realize the American Dream of homeownership. And given the high cost of housing, this dream is quickly becoming a nightmare in many regions of our country. This crisis is so bad that in my district, around the Bay Area of Northern California, professional households with incomes near $100,000 even face difficult housing choices.

If these kinds of families are struggling, what does this mean for moderate- and low-income families? It means that Congress must do better.

Mr. Chairman, Americans dream of owning our own homes. It rightfully gives us a stake in our society. Homeownership allows us to have a solid place from which we can accumulate some wealth to care for our families, to send our kids to college and to invest in small businesses.

We still have a long way to go in this country. Even though there has been an increase in homeownership, there is really an embarrassing gap in this land of plenty when we realize that the homeownership rate for African Americans is still 20 percent below the national average. The rate for Hispanic Americans is over 20 percent below the national average.

So this bill will really help us begin to correct the damage resulting from our refusal to, I believe, invest in housing in past years. Secretary Cuomo is doing the best that he can. But given the severe constraints of the Balanced Budget Act, it is difficult to imagine how HUD can just maintain, not to mention expand programs where there are tight budget caps.

I urge support of the American Homeownership and Economic Opportunity Act.

Mr. LAZIO. Mr. Chairman, I yield 2½ minutes to the gentleman from Delaware (Mr. CASTLE), the former governor of Delaware and my mentor and friend.

Mr. CASTLE. Mr. Chairman, I thank the gentleman very much for yielding me this time, and I thank him for his comments. I never knew I was a mentor until just now, but that is a nice thought too.

This legislation, which both gentlemen from New York have worked on, in my judgment, is as good a piece of legislation as we have had on the floor this year for a variety of reasons.

One is it is bipartisan. It is a piece of legislation which I think all of us are proud to be able to support and, hopefully, will get a great vote.

Secondly, I think we all recognize that homeownership is the key element to stability in most families, and beyond families, a lot of individuals and a lot of others who want to live the American Dream.

In this day of plenty it is pretty simple to think well, gee, homeownership is up, I think it is up to 67 percent now, and we do not have to worry about legislation such as this. But when we get behind the scenes and start to look at it, we start to see other problems.

For example in U.S. News and World Report there is an article here, In an Age of Plenty a Search for Shelter, and this talks about Minneapolis, as I recall, and they have all kinds of problems with people in lower income circumstances being able to obtain housing. And that is what this bill addresses, and that is what the manager's amendment addresses as well.

So I really congratulate those who have worked on this because they have really looked carefully at provisions which are essential to help with these problems. And indeed, when we look at those who are on more fixed-income circumstances, teachers, firefighters, or police officers, these are desirable neighbors in any kind of neighborhood. They are the kind of neighbors we want, but sometimes they do not have the means to acquire a home, and under this bill they would be able to do it.

We have gone into various pockets of money which is available at the Federal Government level and said we are going to allow that to help with the acquisition of homes, which is something we should do. We have looked at State and local governments, as well as the Federal Government, and said there are barriers and regulations and we need to deal with those.

So many good things have happened. We should support the manager's amendment, we should support the underlying legislation, but we should also continue, I think, the drive that we all have here now, that we feel here today, which is moving ahead with all aspects of looking at our public housing laws and other housing opportunities at the Federal Government level and giving people the opportunity for homeownership.

With that, we will introduce all kinds of social improvement in this country. It is for that reason that I am highly supportive of the legislation, and I would encourage everybody to support the manager's amendment and the legislation and, hopefully, we can send it to the Senate and have it signed by the President.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a member of the committee.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of H.R. 1776. I am very proud to be a cosponsor of this bipartisan bill, which authorizes nearly $7 billion for affordable homeownership and job creation.

We ought to do this. We are in the midst of the longest economic expansion in the history of the United States. Despite this wealth, we are leaving too many families behind. Just recently, HUD reported that 5.4 million households do not have decent and affordable housing, and this bill gives us some power to deal with these problems.

The reauthorized Community Development Block Grant will provide State and local governments, like Chicago, funding for economic development so we can encourage employers to create jobs in our district. The HOME program will provide the city, as well as Chicago-based community organizations, such as National People's Action and ACORN, with necessary funds to increase homeownership. With this money they can rehabilitate dilapidated homes and provide mortgage counseling.

In short, this bill empowers our neighbors and mayors with the means to stabilize and improve our communities.

I am grateful that the full Committee on Banking and Financial Services approved my amendment to assist families that desperately cry out for housing and to help assist persons with disabilities who are facing foreclosure. I urge support for this legislation.

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

Mr. LAFALCE. Mr. Chairman, I yield 1¼ minutes to the gentleman from Indiana (Mr. ROEMER), who has been so concerned about manufactured housing.

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

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time, and I will be including for the RECORD a letter from the governors regarding this legislation.

Mr. Chairman, first of all, I want to thank a lot of people who have been working on this issue and who have showed a great deal of insight and expertise. Certainly to the chairman, the gentleman from New York (Mr. LAZIO), who has shown great leadership on this bill. I also want to extend my personal thanks to the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK), who have shown real sensitivity in trying to increase the amount of people in America who will own homes and, under title VII, the manufactured housing title of this bill, we look at ways to update a 25-year-old code that is not serving consumers, it is not serving regulators, it is not serving homeownership, and we are updating that, and I want to thank the gentleman from New York (Mr. LAFALCE) for that.

We have heard we are a Nation of achievers and we are certainly a Nation of dreamers, and nothing symbolizes the achievement of the American Dream more than homeownership. And when we can work together in a bipartisan way, with Secretary Cuomo, who has intervened a couple of times to keep this discussion of updating title VII going, when we have Republicans and Democrats working together, when the Senate has passed a similar bill on their side, we are working toward legislation that really will enhance consumer protection, will enhance making a better product, and will enhance everybody's opportunity to have homeownership.

I really do want to also thank the gentleman from New York (Mr. LAZIO) for his help on this bill, and the document I referred to earlier, Mr. Chairman, I submit for the RECORD.

OFFICE OF THE GOVERNOR,
Indianapolis, IN, April 4, 2000.

Hon. JIM LEACH,
Chairman, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

Hon. JOHN J. LAFALCE,
Ranking Member, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEACH AND CONGRESSMAN LAFALCE: I am writing to express my strong support for enacting legislation to streamline and improve the current Manufactured Housing Program overseen by the Department of Housing and Urban Development (HUD).

Almost one of every four new homes in America is a manufactured house. In my state of Indiana, the manufactured housing industry employs 20,000 Hoosiers and has a total economic impact of nearly $3 billion per year.

The Manufactured Housing Program administered by HUD is clearly not working as it should. Over the last several years, staffing for this program has been greatly reduced. I also understand that over 150 proposed changes to construction and safety standards and regulations are currently pending, with some languishing for as many as five years. Meanwhile, the manufactured housing industry has grown 100 percent over the past decade. Both the general public and the manufactured housing industry need assurances that proper standards are in place and effectively enforced.

The two pending versions of legislation before Congress, H.R. 1776 and S. 1452, include many similar provisions that should produce a more efficient and workable system for implementing construction and safety standards. I am hopeful that the House and Senate will act on these bills quickly and resolve any differences in a timely manner.

As you proceed with consideration of this important legislation, I urge you to ensure a balanced approach to federal-state regulations by making the ''quality, durability, safety, and affordability of manufactured housing'' a key purpose of the Manufactured Housing Program. I also support both the proposed ''consensus committee'' process, which ensures representation for consumers, the manufactured housing industry, and public officials, and the vesting of authority in the Secretary of Housing and Urban Development (HUD) to approve or reject committee recommendations. I also believe it makes sense to introduce more competition into the awarding of monitoring contracts.

The House and Senate legislation maintain authority for states to carry out enforcement activities as they may already do under current law. I urge that the final version of the bill include provisions that will ensure continued support for state enforcement efforts. Labeling fees collected to help support state enforcement programs should not be diverted for other purposes. If state enforcement is not sufficiently funded, the integrity of the federal-state partnership will be put at risk.

In sum, I support efforts by Congress to reform the current federal Manufactured Housing Program to ensure that reliable and enforceable construction and safety standards are maintained and urge expeditious action on the pending legislation.

Sincerely,

FRANK O'BANNON.

Mr. LAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentlemen from New York for yielding me this time, and for three or four specific provisions in this bill that I think are great.

I think the removal of the barriers for housing affordability has been great. The regulatory impact analysis, the grants for removing regulatory barriers, these are things I see in my own community that limit people's ability to achieve housing.

I think also the title III section 8 homeownership option is a great step forward to allow people to get into a home that otherwise was not there. The pilot program with that is great as well.

The transfer of unoccupied and substandard HUD housing is something that has been long awaited because it needs to have that option if we are in fact going to clean up some of the

neighborhoods that we have and clean up some of the homes.

The last thing I am appreciative of is the rural housing opportunities that were made, and that is very important to my district. I do have some concerns about it, and I would just take a moment to say that the gentlewoman from California (Ms. WATERS) has an amendment, and if we combine her amendment with my second amendment, what we do is to enlarge this pie to all Americans to in fact go into these neighborhoods and create greater demand and greater assistance to raise the level of the neighborhoods.

I am hopeful as we debate that that we can talk about fairness and equal opportunity to all, not just municipal employees and not just firefighters and not just policemen but the other significant members of the community, including pastors. Because a spiritual component in any community is just as important as any other aspect in terms of crime, in terms of drug addiction, and in terms of some of the other problems we face.

Mr. LAFALCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I rise today in strong support of H.R. 1776, the American Homeownership and Economic Opportunity Act.

Today, we are making a monumental step toward supporting those who serve our communities in various capacities for whom we are eternally grateful. These include our firefighters, police, teachers, rescue personnel, and municipal workers.

I have always been a supporter of the Community Development Block Grant program and the Housing Opportunities program. Today, with the passage of this bill, I become even a stronger supporter.

These are some of the worthwhile things that the CDBG programs already does: Funding Meals on Wheels, senior citizen centers, community centers where low-income children are able to have a safe and stimulating environment in which to play.

Now, CDBG and HOME funds will help make homeownership possible for those who are not fortunate enough to have stock options or 401(k) programs and all the other perks of the private sector. Let us tell our teachers, police officers, firefighters, rescue personnel, and municipal workers that we are grateful for what they do, and this is our tangible way of showing it.

This is a great bill, and I urge my colleagues to support it.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK), who, along with her Hawaii colleague, did a great deal to make sure the rights of native Hawaiians were protected in this section, and it is in the manager's amendment.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I appreciate the opportunity to just have a minute to express my appreciation to the gentleman from New York (Mr. LAZIO), the gentleman from Nebreska (Mr. BEREUTER), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New York (Mr. LAFALCE) for all of their support in making sure that the program for extension of housing assistance to native Hawaiians was included in H.R. 1776.

Mr. Chairman, I rise in strong support of the bill and, most particularly, because of the manager's amendment. The problem has always been that there has been a housing program for native Indians, native Americans, which native Hawaiians felt they should have been included, and the Alaskan natives, but the native Hawaiians were not included.

For the first time, because of the manager's amendment and its inclusion in H.R. 1776, Native Hawaiian families will have the opportunity for Federal assistance in loan guarantees and other forms of grants. We have a very unique situation in Hawaii.

Mr. Chairman, I rise in support of H.R. 1776 and the manager's amendment. The amendment has a provision in it that is very important to my constituents. The amendment expands housing assistance for native Hawaiians by extending to them the same types of federal housing programs available to American Indians and Alaska natives. The provision authorizes appropriations for block grants for affordable housing activities and for loan guarantees for mortgages for owner- and renter-occupied housing. It authorizes technical assistance in cases where administrative capacity is lacking. The block grants would be provided by the Department of Housing and Urban Development to the Department of Hawaiian Home Lands of the government of the State of Hawaii.

I thank the gentleman from New York [Mr. LAZIO], the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Massachusetts [Mr. FRANK] and Mr. LAFALCE of New York for their assistance in incorporating the provisions for Native Hawaiian housing in the bill.

Passage of this bill is critical for the Native Hawaiian communities. Within the last several years, three studies have documented the housing needs that confront Native Hawaiians who are eligible to reside on the Home Lands.

In 1992, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing issued its final report to Congress, ''Building the Future: A Blueprint for Change.'' In its study, the Commission found that Native Hawaiians had the worst housing conditions in the State of Hawaii and the highest percentage of homelessness, representing over 30% of the State's homeless population.

In 1995, the U.S. Department of Housing and Urban Development issued a report entitled, ''Housing Problems and Needs of Native Hawaiians.'' This report contained the alarming conclusion that Native Hawaiians experience the highest percentage of housing problems in the nation—49%—higher than that of American Indians and Alaska Natives residing on reservations (44%) and substantially higher than that of all U.S. households (27%). The report also concluded that the percentage of overcrowding within the Native Hawaiian population is 36% compared to 3% for all other U.S. households.

Also, in 1995, the Hawaii State Department of Hawaiian Home Lands published a Beneficiary Needs Study as a result of research conducted by an independent research group. This study found that among the Native Hawaiian population, the needs of Native Hawaiians eligible to reside on the Hawaiian home lands are the most severe. 95% of home lands applicants (16,000) were in need of housing, with one-half of those applicant households facing overcrowding and one-third paying more than 30% of their income for shelter.

H.R. 1776 will provide eligible low-income Native Hawaiians access to Federal housing programs that provide assistance to low-income families. Currently, those Native Hawaiians who are eligible to reside on Hawaiian home lands but who do not qualify for private mortgage loans, are unable to access Federal assistance.

The provisions for Native Hawaiian housing assistance are identical to those contained in S. 225, which passed the other body on November 5, 1999. S. 225 was introduced by the two Senators from Hawaii. That legislation in turn is identical to S. 109 which passed the other body in the 105th Congress. It is gratifying that the House will now pass the same language. I look forward to the enactment of this legislation that is so important to the native people of Hawaii.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me the minute.

Mr. Chairman, I rise in support of H.R. 1776, and I applaud the gentleman from New York (Chairman LAZIO) and the ranking member, the gentleman from New York (Mr. LAFALCE), and all the members of the committee for the work they have done to increase homeownership for American working families.

I am especially heartened to see that the manager's amendment expands the eligibility for the Teacher Next Door program to include law enforcement officers and fire fighters and other safety personnel; that program which has been renamed the Community Partners Next Door program, which offers HUD-foreclosed homes to these individuals at a 50 percent discount, will go a long way not only in increasing homeownership, but also in helping these communities have professionals and role models available and living in their communities.

I would like to work with the gentleman from New York (Chairman LAZIO) and the gentleman from New York (Mr. LAFALCE) and the members of the committee in trying to, perhaps, expand the program a bit more to increase the pool of homes that would be made available. Only 4,000 of the 45,000

HUD-foreclosed homes would be available at this point under the program.

I think there is work that we can do to try to expand the pool of homes beyond the 4,000 so that more than of the 4 million or so people who qualify could be available. I look forward to working with the committee. And I request a yes vote.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Massachusetts (Mr. FRANK) has 2¼ minutes remaining. The gentleman from New York (Mr. LAZIO) has 30 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I want to thank all Members, particularly, the gentleman from New York (Mr. LAFALCE), our ranking member, and the gentleman from Massachusetts (Mr. FRANK), and also the gentleman from New York (Mr. LAZIO), our chairman, for the work they have done on H.R. 1776.

I rise today in support of the bill and the manager's amendment, but I also want to talk about one particular aspect that was really not fully addressed in committee that I hope will be addressed during the committees later on during this process.

Mr. Chairman, there is a composition of a consensus committee that is set up within this bill which is dealing with manufactured housing. The concept of this consensus committee is to put together consumers, industry experts, and government officials who advise HUD on safety standards and regulations. Unfortunately, there was one group of individuals that was left out of this consensus committee that I hope will be considered later on. They are the design professionals, the builders and the building inspectors, who are so vital in making sure there are safeguards and industry standards complied with during manufactured housing.

We hope that as the bill moves through the process, they will be considered and added to the bill. I thank the chairman for his consideration.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the remaining time to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mr. Chairman, I rise in support of this timely and urgently needed legislation. This bill promotes homeownership, the ultimate American dream, and deserves our support.

Our economy is experiencing a historic boom; but for many, the rising tide of prosperity has failed to lift their boats.

This bill can help to close a growing income and wealth gap that is creating two Americas. Homeownership is the single most important asset for wealth accommodation. Yet, in the past decade, the percentage of homeownership relating to wealth accumulation has declined almost by 10 percent.

Recently, there have been record lows that the mortgage interest rates have been going down; but actually, homeownership between lower-income persons has been going down as well. It is not true that affordability is there for low and moderate income. This bill makes it possible.

Mr. Chairman, I am extremely pleased that the manager's provision has a provision in there providing homeownership opportunity for those who live in public housing, using section 8 as a part of the down payment and mortgage assistance. This is a provision that the Congressional Black Caucus has strongly supported, and I want to urge and thank you for all of your consideration in this bill. I urge a yes vote.

Mr. Chairman, I rise in support of this timely and urgently needed legislation. This bill promotes homeownership—the ultimate American Dream—and deserves our support.

Our economy is experiencing an historic boom. But, for many, this rising tide of prosperity has failed to lift their boats. This bill can help to close the growing income and wealth gap that is creating Two Americas.

Homeownership is the single most important asset for wealth. Yet, in the past decade, the percentage of owner-occupied housing as it relates to all assets has declined by close to ten percent.

Recently, there have been record lows in mortgage interest rates, leaving many to believe that housing in the United States is more affordable than ever. That is not true.

Despite lower mortgage rates, fewer people are able to afford to purchase homes. That is principally because income growth for the poor and working poor has been weak. This group of Americans are ''cost-burdened'' under H.U.D. standards. That is, they spend more than thirty percent of their income for housing. The poor and working poor thus find themselves on a treadmill to nowhere when it comes to breaking into home ownership.

This bill can help reverse that trend.

There are many good provisions in the bill—such as raising the loan amount for Rural Housing; facilitating ownership opportunities for our police, firefighters, teachers and other municipal employees; and assisting our seniors and the disabled in becoming owners.

However, I would like to focus my remarks on one of its most outstanding features. The bill improves the manner in which we spend money for housing programs.

Under the Section 8 Program, we have had generations of families, dislocated from society, isolated in public housing and, very often, dependent upon the government to provide them with a relatively decent place to live. This bill allows Public Housing Authorities to use Section 8 funds to provide a suitable amount of cash assistance that can be used to help finance homes. By doing this, these families can begin the process of reducing their reliance on government and take the first step toward accumulating equity and wealth.

Home ownership builds healthy communities. Home ownership instills strength and pride in families. Home ownership provides dignity. When one owns a home, they are more likely to take care of it, maintain it and keep it clean and presentable.

This is a good bill, Mr. Chairman, with bipartisan support. I urge its passage.

Mr. LAZIO. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

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

Mr. Chairman, I wish I had more time to talk about this great bill and the manager's amendment that perfects it in an even better way. This is about homeownership. It is about choice. I served for a number of years on the Missouri Housing Development Commission. There is no higher point in a family's life than that moment when they own their home.

We are building in the 7th Congressional District in Missouri this year a Habitat for Humanity, a house that Congress built. There is no better day for a family when they get to see their own efforts make another step towards homeownership. This gives flexibility. It does the thing that we need to do to allow families to have the dream that they want to have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LAZIO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 106–562.

AMENDMENT NO. 2 OFFERED BY MR. COBURN

Mr. COBURN. 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. COBURN:

Strike line 6 on page 27 and all that follows through line 13 on page 31.

Strike line 3 on page 73 and all that follows through line 16 on page 76.

Strike line 13 on page 91 and all that follows through line 21 on page 93.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from New York (Mr. LAFALCE) each will control 10 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Chairman, I have listened this morning as speaker after speaker has come to this floor to discuss how important this bill is, to provide the necessary assistance to allow city employees to live where they work, and I would agree with that. I think that is an important consideration.

I have a question for my colleagues. Is it not also equally important that factory workers, union members, small businesses owners, Federal employees, the clergy, and nonprofit employees live where they work? The same help provided under this bill to municipal

employees is not provided to any of these individuals that I listed.

If we are facing the housing crisis that we described, which I believe that we may be, then why help just some individuals? Why not help them all? Why are some Americans more worthy of receiving Federal housing assistance than others? This amendment is about fairness.

I want to walk through with my colleagues for a minute who benefits under this law and who does not. Who qualifies for government-funded down payment assistance? Closing costs, support mortgage? Anyone, provided they make less than 80 percent, that is what the answer is. Local government employees making up to 115 percent of area median income or 150 percent in areas with high housing costs, what is the lowest down payment an individual can make to qualify for an FHA loan under the current law? Under H.R. 1776, 3 percent of the total purchase price, that is the current law, or 1 percent for teachers, fire fighters, rescue personnel, or law enforcement officers, under the new bill.

At what price can you buy a HUD home? 100 percent of appraised value. Under this new bill, 50 percent if you are a teacher, a fire fighter, rescue personnel, or a law enforcement officer; but that is not applied to you if you are the union worker building the home in that area or if you are the preacher that has a community church in that area. That is not forwarded to you.

I believe that this is a question about fairness. This amendment is designed to strike all but the 50 percent discounts that are directed in this bill.

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

Mr. LAFALCE. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise in opposition to the Coburn amendment.

First, I would seek clarification. Is this Coburn Amendment No. 21 that strikes section 203 from the bill? It is.

This is not the amendment which would expand and extend it? Very good.

The Coburn amendment before us, and the gentleman has two, but this one would strike the provision which authorizes FHA 1 percent down payment loans and deferred and ultimately forgivable upfront premiums for teachers, policeman, and firemen buying a home in the school district or jurisdiction that employs them.

Section 203 incorporates the provisions of H.R. 3884, the bill that I had introduced, which is entitled the Homeownership Opportunities for Uniform Services and Educators Act, also known as the HOUSE Act. This bill, the provision that the Coburn amendment would strike, is supported by the Fraternal Order of Police, the National Education Association, the American Federation of Teachers, and the American Association of School Administrators.

Let us listen to what the Congressional Budget Office, or CBO, has to say about Section 203, which the Coburn amendment would strike. The CBO has concluded that section 203 will result in 125,000 additional FHA mortgages for teachers, policemen, and firemen over the next 5 years.

CBO also concludes that the provision will raise $162 million over the next 5 years. If Members vote for the Coburn amendment, they would vote to deny homeownership opportunities for 125,000 teachers, policemen, and firemen; and you would vote to reduce the Federal budget surplus by $162 million.

Is there any basis for supporting this amendment because of concerns about FHA? Absolutely not. A recently completed independent audit of FHA found that FHA makes billions of dollars a year in profits for the Federal Government and that the net worth of the FHA increased by $5 billion in the last 12 months, to a record net worth of $16 billion, many times the congressionally required capital standard for FHA.

Is there an argument that affordable low down payment loans for low- and moderate-income public servants do not serve a worthwhile purpose? No. I believe that the great majority of Members in this House believe that the teachers who educate our children, the policemen who keep us safe, the firemen who protect our homes from property damage, injury and death, play a critical role in our local communities. And especially high-cost areas, school districts, police departments, and fire departments are finding it increasingly difficult to recruit and retain qualified individuals; or when they can, these individuals may not be able to live in the local community because of the barrier of rising home prices and high down payment requirements.

Section 203 provides new opportunities to overcome this down payment hurdle, opportunities that the CBO says will not hurt, but will, in fact, help the taxpayer.

Mr. Chairman, I would strongly urge Members to vote no on the Coburn amendment and preserve these critical provisions in the bill and increase the surplus to the Federal Government.

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I would say this is a well-intentioned bill; but without the Coburn amendment which corrects a number of fatal flaws, I think it is, in fact, fatally flawed. And I would say that for a couple of different reasons. I would say, first of all, if we look at the way the Coburn amendment corrects the bill, it helps us to focus, because as it is now configured with 150 percent of median income the threshold, what that means is we have a worker in Fairfax County, Virginia, making $50,000 or $60,000 subsidized in the purchase of their home by somebody making $12,000 or $18,000 in Yamasee, South Carolina, which is in the neck of the woods where I grew up, where frankly there is not a whole lot of money to go around. So it loses focus on helping those in need.

Two, I think it encourages risk. It is very easy to spend somebody else's money; but by moving from 3 percent down to 1 percent, in terms of the amount of your own money you have to have in the deal, you frankly encourage people to, in essence, go out and take options on homes. These are not purchases but options. And I would say of most concern for me is that this bill supposedly is about recruiting and retaining EMS workers, firefighters, teachers, et cetera; but, in fact, it will have the reverse effect.

□ 1215

It is going to encourage job rotation. I can envision the day, if this bill goes through without this correcting amendment, when we will be watching a ''60 Minutes'' special about the policeman or the firefighter who switched jobs every 2 months, bought himself a different FHA house and because he could buy it for 50 percent of appraised value, he was buying $100,000 houses for $50,000 and he was making $300,000 flipping houses by moving jobs rather than making the pay that he was supposed to be earning as a firefighter or an EMS worker. It is going to have the reverse effect in terms of job rotation and retaining of workforce.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, let me just say I have had many discussions with the gentleman from Oklahoma for whom I have respect. I know he brings this amendment in all good faith in an attempt to strengthen the bill. As he has already outlined, it has a number of very positive aspects to it. I am going to regretfully oppose this amendment because I think it dilutes one of the very important tools that we are providing to local communities, to provide them with the flexibility of meeting the needs of both attracting and retaining people who are providing critical services.

The idea of making sure that we can offer incentives to teachers who would otherwise not be able to own their own home to stay in the community is a very positive thing to serve as a role model or a mentor. The idea that we would provide an incentive for a police officer who is patrolling the local area to actually live in the local area and raise their family when they have a stake in it is a very positive aspect of this bill.

What we are saying here is we are not forcing anybody to do it, we are giving local communities the ability to control, the flexibility to try and fashion their own programs. I would say the same is true as well with firefighters and others who provide critical municipal services.

What we are trying to do is two things here, Mr. Chairman: One is to

boost homeownership opportunities, to get more people into homes, to have more Americans sharing the American dream, and also strengthening America's communities by building that social capital.

But we have got to do that in a balanced way. We cannot undermine the basic targeting provisions. We cannot fall victim to criticism that somehow we are shifting our resources to the very high income. But we have got to recognize that there are high cost areas where teachers and police officers and firefighters cannot afford to live without a little Federal help. We want to give them a little Federal help without undermining the FHA program. This is exactly what the gentleman from New York (Mr. LAFALCE) has said.

I would add, in addition, to what my good friend from South Carolina mentioned. It would be fraudulent, it would be against the law for somebody to game this system. They would be subject to criminal penalties to do that. That will not be permitted. That will not be permitted for somebody to be able to buy a home every 3 months and turn it over.

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

Mr. LAZIO. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I think we could debate whether or not an individual would be gaming the system based on what the Secretary eventually came out in terms of regulation behind this bill. But I think there is a larger issue here which is quite simple and, that is, if this bill goes through without this correcting amendment, you could literally buy a house for 50 cents on the dollar, for half price. You could buy it for half of appraised value. Is that not correct?

Mr. LAZIO. The only thing that the gentleman I think is addressing is the 1 percent down payment option.

Mr. SANFORD. That is incorrect.

Mr. LAZIO. That is what is stricken in this amendment.

There is another part of the bill which is not affected by this amendment which speaks to homes that are foreclosed homes, HUD-held homes that might well be in distressed areas that would permit local authorities to sell these homes in distressed areas. Some of these are going to be, and this would be totally flexible. It is not mandatory.

Mr. SANFORD. It could be in the most distressed area or it could be in the most affluent area.

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

Let me simply say that I believe the gentleman from South Carolina in all his remarks was addressing an amendment and a provision that was something other than the amendment and provision in question.

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

This amendment does not delete the 50 percent benefit of purchasing a HUD home at 50 percent. Let me clarify that.

Let me read what the American Federation of State, County and Municipal Workers say about pay: ''It is clear that compensation packages between the private sector and public sector at the State and local level is highly competitive and does not favor one over the other.''

By the union's own admission, they are competitive in their salaries. I do not question the intention of both gentlemen from New York. Their motives are pure in what they are trying to accomplish. What I say is what they are accomplishing is entirely unfair to the people who are paying the taxes that will make up for the 50 percent discount that goes with that.

If this program is so good for teachers, so good for the FHA, so good for improving the surplus, then I am sure that if they deny this amendment, they would want to support the other one, that expands that to clergy, that expands it to union members, expands it to the carpenter who builds the house when the carpenter who works for the city can buy the house. I am sure they would want to support that.

The next amendment that I am bringing up in terms of trying to correct this, I do not disagree with their motivation, but would expand this pie. And if we create 150,000 new mortgages with their amendment, we would create 300,000 if we expand the pie. What we would do is we would put it on an even basis. If we are going to pick winners, let us pick everybody to be a winner. Let us allow everyone the same opportunity.

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

Mr. LAFALCE. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

The CHAIRMAN. The gentleman from Massachusetts is recognized for 1¾ minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, the major reason for differentiation is the nexus between municipal employment and the municipality. We have in fact many municipalities which have decided to impose residency requirements. They require that certain employees live in the city. Part of the impetus for this legislation is the increasing problem when people are faced with an inconsistent set of demands.

On the one hand they are legally ordered to live in the city, and on the other hand they cannot afford it. It is not my understanding that cities order other people to live there. The people who would be covered if the gentleman from Oklahoma's expanded amendment were adopted are not subject to a requirement of municipal residency nor has anyone thought that there was a logical reason to do that.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the only question I have is the Federal Government did not set any mandates on any city that their employees be a resident.

Mr. FRANK of Massachusetts. Right. I understand the gentleman's question. That is true. Cities, however, have done that. The fact that a mandate was not imposed by the Federal Government does not invalidate it in my mind. I believe cities have the right to make these judgments.

Independent of this legislation, many cities decided in the democratic process that governs those cities that it was helpful to have municipal employees living there, that it was helpful to promote the interaction, to have the police living there, the teachers living there. It was helpful to have these people who perform those important services living in the neighborhood.

This language facilitates that. It is not a general housing aid. It is in facilitation of an important municipal policy that they find useful to have their employees living in the communities. I am for broadening housing aid in general, and I thank the gentleman. I will be glad to be with him when the budget comes up so we can increase these programs and accommodate the increases he wants to make. But this is one with a particular nexus between the city and its employees.

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

The gentleman's argument is that the city should not have to live with the consequences of their own rules on their own citizens and, therefore, the Federal Government should make up that difference. That is what we are talking about.

The question that I would have for the gentleman from New York and the gentleman from Massachusetts, if in fact that is true and they do not want to support this amendment, then surely they will consider the next amendment. The reason that that is, is because if in fact we are going to take the premise that a city can require people to live within their district and then say the housing costs are so high we cannot afford to pay to fulfill this rule, that the Federal Government ought to come along, is it not fair to create in that mix a broad spectrum of people?

The gentleman from Illinois (Mr. RUSH) is going to say it is equally important to have a nurse there, a health care professional there. What can be wrong with that? Why would we not want to advantage nurses?

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

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

Mr. FRANK of Massachusetts. What is wrong with it is that the budget that has been adopted, over the objection of the gentleman who thought it was too liberal, does not have enough money. I would be glad to join with the gentleman from Oklahoma if he would be

willing to put his money where his mouth is, if in fact he would allow the program——

Mr. COBURN. Reclaiming my time, the gentleman from New York (Mr. LAFALCE) just told us that this would enhance HUD by $5 billion. Would enhance. Your own testimony from your side of the argument has already said that you will enhance this program by $5 billion according to the CBO. So why not allow the gentleman from Illinois' amendment?

Mr. Chairman, the gentlewoman from California (Ms. WATERS) has an amendment to bring this back to 80 percent. If we are really concerned about fairness and spreading this money out, bring it back to 80 percent and expand the pot to everybody.

Expand the pot to the people that are paying the taxes who are not going to get any advantage out of it. Let us expand it to the union worker who actually builds a house, the union plumber who puts the plumbing in the house. He is disadvantaged. It is interesting to note that the American Homebuilders Association is opposed to these amendments. They are up here lobbying for certain people to be advantage when their own employees who are paying the taxes for it will get no benefit other than a job.

Mr. FRANK of Massachusetts. If the gentleman will yield further, I thank the gentleman for his strong endorsement of union workers. I am sure when Davis-Bacon comes up there will be——

Mr. COBURN. My union record is not all that bad if the gentleman will look at it.

Mr. FRANK of Massachusetts. The fact is that as you expand this program, it is going to cost some more money. I support greater housing aid. I would say to the gentleman I am all in favor of this. In fact I do not think it should be limited at all by occupation.

Mr. COBURN. I guess the point is, the testimony is that it is going to be enhanced by $5 billion just what we do. And if you really think it ought to be broadened, then let us broaden it to everybody. We will defeat my first amendment but you support the second one which does broaden it and does create fairness in the housing market.

Mr. FRANK of Massachusetts. If the gentleman will yield further, I am in partial agreement with the gentleman as to the first amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 106–562.

AMENDMENT NO. 3 OFFERED BY MR. RUSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. RUSH:

Page 27, line 14, after ''TEACHERS'' insert '', NURSES,''.

Page 29, line 1, strike ''or (bb)'' and insert ''(bb) a nurse (as such term is defined by the Secretary, except that such term shall include nurses employed in hospitals and nursing homes), or (cc)''.

Page 30, line 3, strike ''or''.

Page 30, after line 3, insert the following:

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction in which the hospital, nursing home, or other place of work of the nurse is located; or

Page 30, line 4, strike ''(II)'' and insert ''(III)''.

Page 30, line 6, strike ''(i)(I)(bb)'' and insert ''(i)(I)(cc)''.

Page 73, line 16, after ''of,'' insert ''and nurses (which shall include nurses employed in hospitals and nursing homes)''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Illinois (Mr. RUSH) and the gentleman from New York (Mr. LAZIO) each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I yield myself such time as I may consume. First I want to commend the author of this particular bill, H.R. 1776. I think that it is a fine bill. I want to commend both the subcommittee chairman, the full committee chairman, the ranking member of the subcommittee and the ranking member of the full chairman. I think that this is a bill that is going to really solve a serious problem.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. RUSH

Mr. RUSH. Mr. Chairman, I ask unanimous consent that my amendment be modified so that it applies to section 505 of H.R. 1776. Due to a drafting error, it currently applies only to section 203 and 404 of the bill.

□ 1230

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Illinois (Mr. RUSH).

The Clerk read as follows:

Modification to Amendment No. 3 offered by Mr. RUSH:

The amendment as modified is as follows:

Page 27, line 14, after ''TEACHERS'' insert '', NURSES,''.

Page 29, line 1, strike ''or (bb)'' and insert ''(bb) a nurse (as such term is defined by the Secretary, except that such term shall include nurses employed in hospitals and nursing homes), or (cc)''.

Page 30, line 3, strike ''or''.

Page 30, after line 3, insert the following:

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction in which the hospital, nursing home, or other place of work of the nurse is located; or

Page 30, line 4, strike ''(II)'' and insert ''(III)''.

Page 30, line 6, strike ''(i)(I)(bb)'' and insert ''(i)(I)(cc)''.

Page 73, line 3, before the period insert ''**AND NURSES**''.

Page 73, line 16, after ''of,'' insert ''nurses (as such term is defined by the Secretary for purposes of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)) who are employed in a hospital, nursing home, or other place of work that is located within the jurisdiction of,''.

Page 91, line 13, before the period insert ''**AND NURSES**''.

Page 92, line 8, after ''(B)(i)'' insert ''(I)''.

Page 92, line 15, strike ''and'' and insert ''or''.

Page 92, after line 15, insert the following:

''(II) is a nurse (as such term is defined by the Secretary for purposes of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)) who is employed in a hospital, nursing home, or other place of work that is located within the participating jurisdiction that is investing funds made available under this title to support homeownership of the residence; and

Mr. RUSH (during the reading). Mr. Chairman, I ask unanimous consent that the modification to 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.

The CHAIRMAN. Is there objection to the modification to the amendment offered by the gentleman from Illinois (Mr. RUSH)?

Mr. LAZIO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Illinois (Mr. RUSH) if he wishes to proceed on the amendment as introduced.

Mr. RUSH. Mr. Chairman, I will proceed.

The CHAIRMAN. Does the gentleman from Illinois (Mr. RUSH) wish to reserve his time?

Mr. RUSH. Yes, Mr. Chairman, I will reserve my time.

Mr. LAZIO. Mr. Chairman, I rise in opposition.

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

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

I know that the gentleman from Illinois offers this amendment with the best of intentions to try and expand homeownership opportunities for nurses, and perhaps because my wife is a nurse and because I work closely with nurses on a number of health-related issues, I like to think of myself as not insensitive to the need to recruit and retain high-quality nurses.

But we are trying to fashion a balanced approach in this bill, and we are trying to speak to dual needs: one is boosting the promise of homeownership for people who serve our community in dangerous situations, quite often, fire fighters and police officers, people who serve our community as mentors and as teachers. We are trying to deal with the issue of recruitment, and we are trying to do this in a relatively balanced way, which is to say we are not trying to open this up to everyone.

Mr. Chairman, there are a number of different meritorious arguments that can be made for different groups that ought to have the additional flexibility to be helped to achieve homeownership. There is a lot in this bill that does this that will speak to those people. There are a lot of things in the bill that will allow nurses of modest income to achieve the dream of homeownership.

However, by expanding the 1 percent provision in this section 203, which allows 1 percent down payments beyond the balanced approach that was crafted in a bipartisan way, I think we are diluting the support that we will have to provide flexibility to local governments. We are trying to give mayors and local leaders the tools that they need to create magnets for people that serve in those very communities. While some nurses may serve in those communities, some nurses may serve in other communities. Regional hospitals or tertiary care hospitals are different in terms of who they may attract relative to schools where the people live in that area, or with respect to police departments headquarters, which also deal with the people in that local vicinity.

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

Mr. LAZIO. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would ask the gentleman, what about the school nurse?

Mr. LAZIO. Mr. Chairman, reclaiming my time, the provision in this bill speaks to both administrators and teachers. That is where the crisis is. That is where we are finding that we cannot, as we are seeing the explosion in the amount of children coming into our school system, fill the need to recruit and retain quality people. We are dealing with a situation where, for example, in Atlanta, teachers, starting teachers' salaries are $29,000. They cannot get any help for homeownership. They can get no help for homeownership, because the median income in Atlanta is $22,000; and the law says only the people that are at 80 percent of that number or under $20,000 can qualify for that. A policeman in Atlanta cannot qualify for homeownership assistance.

So we are saying here that through the various programs, the 1 percent down payment program, through CDBG, through HOME, I know that these are not all of the issues that the gentleman from Illinois is raising, that we are trying to help provide social capital, a more solid community, and an enticement for police officers and for teachers and for fire fighters who serve that very community to achieve that dream of homeownership.

So I think because of the overexpansion, I am unfortunately going to oppose the gentleman's amendment.

Mr. RUSH. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the ranking member of the committee.

Mr. LAFALCE. Mr. Chairman, I would like to associate myself with the remarks of the distinguished chairman of the Subcommittee on Housing (Mr. LAZIO). I would have to oppose this amendment too, but yet I think the gentleman from Illinois (Mr. RUSH) has a very, very worthy purpose in mind; and I would like to work closely with him if this amendment goes down in order to try to accomplish his goals and his purpose.

There are public nurses. There are nurses who work for publicly owned hospitals, there are publicly run nursing homes, et cetera; and I do not think that if there is such an amendment developed, that it would be inconsistent with the purposes that are articulated in the bill.

Right now, I think that the amendment that is offered is just too broadly based and would be inadequately targeted. I thank the gentleman.

Mr. RUSH. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I just want to point out that the gentleman's intent is a good intent, because the gentleman from New York just made the argument in Atlanta that if one is a school teacher or fire fighter, but if one is a nurse making the same amount of money living in the community, one does not have the opportunity.

We just rejected an amendment, two votes for it on a floor vote, we did not ask for a recorded vote, that said this house is overwhelmingly decided we are going to subsidize the purchase of homes for municipal employees. That is what we have just said.

So if we are going to do that, why do we not share subsidization with the people that are paying the taxes that also need help buying a home who would also qualify for that? I believe that is the gentleman's point, plus the fact that a nurse in these areas is a qualified health professional that would also be of great advantage to the community. So what we are saying is the base bill gives us a $5 billion plus up; and we are saying, let us make it $300,000. Let us do the rest of the homes.

Mr. RUSH. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Rush amendment. There are many economically distressed and medically underserved communities that find it virtually impossible to recruit nurses, virtually impossible. This amendment would provide nurses and those communities the same opportunities that we are providing for other individuals.

So I would associate myself with the remarks of the gentleman from New York (Mr. LAFALCE) that I would hope that we would be able to work out an agreement where there can be the encompassing of the intent of the gentleman's amendment in final passage of the bill, which is an excellent bill; and I commend all of those who worked on it, and especially do I commend the committee for the inclusion of the ability for public aid, public assistance individuals on section 8 to move towards homeownership.

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

Mr. Chairman, I fully support this bill, and I believe that this bill is a good bill. I believe this bill could become a better bill if, in fact, my amendment was a part of the bill. I, too, represent a disadvantaged community on the South Side of the City of Chicago, and I know the problem that is caused by the scarcity of nurses in my hospitals and in my nursing homes and in other health care facilities. This amendment is meant to address this very, very serious problem that we are facing, not only in the City of Chicago, but all across this Nation. We need to give some incentives to nurses who are committed to working in disadvantaged communities.

Mr. Chairman, I would just like to engage in a colloquy with the gentleman from New York (Mr. LAZIO), the chairman of the subcommittee, and ask him if, in fact, this amendment does get voted down, would he please assure me and other Members of the House that he will work with the ranking member and myself to make sure that we try to work on this particular amendment.

Today the House will be voting on a bill to increase homeownership among low- and moderate-income families, including teachers, police officers, firefighters.

My amendment would simply add nurses to the pool of people who are able to benefit from the downpayment and closing costs abatement on homes.

My amendment would allow the Secretary of Health and Human Services to define the term nurse. It would also specify that under the bill, nurses would be required to live in the jurisdiction where the hospital, nursing home or other place of nursing employment is located.

Many of today's nurses do not want to work in disadvantaged and underserved communities and this causes a critical shortage in these areas.

Also, because of managed care cuts and the growing health needs of an aging population there is a shortage of skilled nurses in many of our communities.

When hospitals cut nursing jobs, many leave the profession and fewer students pursue nursing degrees.

Another factor contributing to fewer skilled nurses is the aging nursing population: the average age of all registered nurses nationally was 44 years in 1996. More than 62 percent of RNs are age 40 or older. In some communities starting salaries for nurses range from $14,000 to $20,000.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RUSH) has expired.

The gentleman from New York (Mr. LAZIO) has 1½ minutes remaining.

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

In answer to the gentleman from Illinois's comments, I very much appreciate the good faith in which the gentleman from Illinois has brought this amendment. I would very much love to help nurses and other people in health care service, especially those who are employed by municipalities and are serving in that very same community.

I would say to the gentleman that I would be happy to work with the gentleman and with the ranking member to see if we can identify some means of providing the kind of support that the gentleman has raised, whether it is a rental or homeownership, but to provide some support for nurses and other people who are health care professionals as time goes on. I do not think this is the right forum for it, but I would be happy to work with the gentleman.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The amendment was rejected.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in House report 106–562.

AMENDMENT NO. 4 OFFERED BY MR. COBURN

Mr. COBURN. 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. COBURN:

Page 28, line 19, after ''(I)'' insert ''(aa)''.

Page 29, line 1, strike ''or (bb)'' and insert ''(bb) is employed on a full-time basis as''.

Page 29, line 8, before the semicolon insert the following:

, (cc) is employed on a full-time basis by a tax-exempt authority, (dd) is employed on a full-time basis by the Federal Government, (ee) is a member of an organization under the jurisdiction of the National Labor Relations Board, (ff) is employed on a full-time basis by, or has a financial interest in, a small business, or (gg) qualifies for the child care tax credit under section 24 of the Internal Revenue Code of 1986

Page 73, line 3, strike ''**EMPLOYEES**'' and insert ''**RESIDENTS**''.

Page 73, strike lines 13 through 23 and insert the following:

''(24) provision of direct assistance to facilitate and expand homeownership among residents of the metropolitan city or urban county receiving grant amounts under this title pursuant to section 106(b) or the unit of general local government receiving such grant amounts pursuant to section 106(d), except that—

Page 73, line 25, strike ''employees'' and insert ''residents''.

Page 74, lines 11 and 12, strike ''employees'' and insert ''residents''.

Page 75, lines 2 and 3, strike ''employees'' and insert ''residents''.

Page 92, line 8, after ''(B)(i)'' insert ''(I)''.

Page 92, line 15, strike ''and'' and insert ''or''.

Page 92, after line 15, insert the following:

''(II)(aa) is employed on a full-time basis by a tax-exempt authority, is employed on a full-time basis by the Federal Government, is a member of an organization under the jurisdiction of the National Labor Relations Board, is employed on a full-time basis by, or has a financial interest in, a small business, or is qualified for the child care tax credit under section 24 of the Internal Revenue Code of 1986, and (bb) is a resident of the participating jurisdiction that is investing funds made available under this title to support homeownership of the residence; and''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Oklahoma (Mr. COBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

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

This is the amendment that we spoke about. I just want to outline basically for the Members of the body and those people at home what this amendment does.

What we have already said is if we pass this bill, we are going to subsidize middle-income America to buy homes at a cheap rate, certain groups at a lower rate than others, and that the other people who are making that same amount of money will not have the same opportunity as the people that have been ferreted out through social engineering in this bill.

So what this amendment does is it allows 1 percent down payments on FHA homes, and it would allow HOME funds to be used for down payment and closing cost assistance, as well as mortgage subsidies for the following individuals: those employed on a full-time basis for a tax-exempt authority. That means preachers, youth ministers, social workers, members of an organization under the jurisdiction of the NLRB. That means any union member would have exactly the same opportunity to buy a home, especially those that are building the homes; they are paying the taxes, they make the same amount of money; but if one happens to be a carpenter for the city, you get to buy that home, but if you happen to be the carpenter working to build that, you do not have that advantage. Those employed on a full-time basis by the Federal Government; those employed on a full-time basis by a small business, the very heart of these communities that we are trying to enhance; those who have a financial interest in a small business, as well as those who would qualify for a child-care tax credit. In addition, the amendment would allow CDBG funds to be used for down payment and closing cost assistance as well as mortgage subsidies for any resident of a community, provided that they meet the income restrictions.

This is about fairness. If, in fact, we are going to subsidize, and that is the will of this Congress, we should not at the same time pick winners and losers out of people who have exactly the same income status in this country, and that is what we are doing, regardless of our social goal.

What we are doing is saying, if one is not a fire fighter, then one cannot have this advantage, even though one may do something just as valuable in the community; or if one is not a policeman, if one is not a teacher, if one is not a municipal employee, and what we are actually saying when we do that is we are saying a municipal employee has more value than any other employee in the city who makes the same income.

To me, I think that is unfair, and I think that is one of the great flaws with this bill. I would hope that the gentleman from New York would support the expansion of this.

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

□ 1245

The CHAIRMAN. Is the gentleman from New York (Mr. LAFALCE) opposed to the amendment?

Mr. LAFALCE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

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

Mr. Chairman, I regret that I must rise in opposition to the Coburn amendment, because I do understand the arguments that are motivating him. But I really believe, too, that his arguments are misguided.

First of all, what we attempted to do was create a nexus between a municipal employer and a municipal employee. We said, well, maybe we ought to be able to help municipalities keep their employees living within the district that they work in.

So if they are a teacher, if they are a policeman, if they are a fireman, and if they work in the city of Tonawanda and will live in the city of Tonawanda, it will create this incentive. It is not really a subsidy, either. It is an incentive, not a subsidy. We make money, according to CBO.

What the gentleman's expansion would do is apply it virtually to the world, and therefore, the gentleman eliminates the whole concept behind it: a geographic nexus. So the gentleman would have an incentive created for an individual who lives 3 hours away. It destroys the purpose of the amendment. The gentleman does not expand the purpose of the amendment, he destroys the purpose of the amendment.

Let me continue. I have already discussed some of the benefits of the program. The Coburn amendment before us now says, why limit these benefits? First, because he eliminates the geographic nexus that we insist upon.

There are other reasons, too. There is a public purpose in helping these public servants, a public purpose that does not apply to the groups that the gentleman from Oklahoma (Mr. COBURN) would make eligible. The teachers who educate our children, the policemen who keep us safe, and the firemen who protect our home from property damage, injury, and death, all play a critical public role in our local communities.

People who work in small businesses, for example, or who qualify for the child care tax credit, may be very worthy individuals, they simply do not serve the same public function as our educators and our essential public safety officers. In particular, Section 203 and related provisions of the bill address the very real problem that school districts, police departments, and fire departments are finding it increasingly difficult to recruit and retain qualified individuals, or when they can, these individuals may not be able to live in the

local community because of the barrier of rising home prices and high down-payment requirements.

These considerations simply do not come into play in the case of the categories that the Coburn amendment would expand eligibility to include.

The other problem with this amendment is that it could have a very negative impact on the health of the FHA fund. We had CBO score our bill. They scored our bill as raising revenues, because it will provide opportunities for a large number of people not currently using FHA. Thus, the increased revenues from such added use will outweigh the cost of foregoing premiums for those borrowers that would have used the program anyway, and would just be getting more favorable treatment.

However, I do not believe the gentleman from Oklahoma (Mr. COBURN) has a CBO estimate of his amendment. In my judgment, by opening up eligibility to in effect virtually everyone in the Nation, the revenue loss could be tremendous.

The gentleman from Oklahoma (Mr. COBURN) would like to piggyback. He says, his provision makes money; therefore, mine would, too. Not at all. They deal with totally different classes of people. The effect most likely would be that the FHA, instead of generating millions of dollars in profits each year, as it current is, could end up operating at a significant loss.

Thus, the likelihood in my judgment is that this amendment, if enacted, would be a budget-buster, threatening the very program that last year provided mortgage loans to 1.3 million Americans.

Mr. COBURN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, what the gentleman just made a logical argument for is to say that pastors and union members and small business owners are going to default at a higher rate than the groups they have selectively placed out, because in fact, earnings through this program are based on default rates. The lower the default rate, the more increased the earnings are. The assumption of his argument is that that is what would happen.

The other part of his argument, which I find completely inaccurate, is that a firefighter has more impact in a community than a pastor. I think that is wrong.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I am not speaking against anyone, but it is extremely important that, for principle's sake, that I say that if we want these new programs, worthy as they are, then we should appropriate new funds for them. When we get into presently persistent programs that are set aside for low- and minority-income people, then we begin to find the kind of bifurcation we are finding here today: other groups are going to be coming up and ask for the same thing.

I am compelled to say to the chairman that even though the gentleman from Oklahoma (Mr. COBURN) and I never agree on anything, in terms of the expansion of this program, he is right in that we must remember these set-asides that we bring into the HOME program in the long run will cause us problems.

Mr. COBURN. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SANFORD).

The CHAIRMAN. The gentleman from South Carolina (Mr. SANFORD) is recognized for 1½ minutes.

Mr. SANFORD. Mr. Chairman, I would just mention to Members that if Members believe in a ruling class, then they will vote against the amendment of the gentleman from the gentleman from Oklahoma (Mr. COBURN). If Members believe in a government class, they will vote against the gentleman's amendment.

What this is about is government making the choices. That is what he has raised. We have gone from removing barriers, which is supposedly what this original bill was all about, to subsidy, and Washington getting to pick the winners and losers.

I think that is fundamentally against the idea of one man-one vote, equality in this country. I would go back to a point that was talked about earlier, which again, the gentleman's amendment, unfortunately, cannot get at, but it is a very important point.

That is, if this bill goes through in its present form, then a number of categories that Washington has chosen can buy a house for half price, while the farmer in our home district cannot buy that house for half price, while the McDonald's workers in our hometown cannot buy that house for half price, while the person who cuts timber in our backyard cannot buy a house for half price, or somebody working in a grocery store, or somebody who works at the local nursery school, or somebody who works in construction, they cannot buy houses at half price.

All of those are important parts of what makes up a local community. I think they have value, too. Without the gentleman's amendment, they are excluded. I do not think that is fair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 5 printed in House Report 102–562.

AMENDMENT NO. 5 OFFERED BY MR. ANDREWS

Mr. ANDREWS. 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. ANDREWS:

Page 53, after line 25, insert the following new section:

SEC. 209. ENERGY EFFICIENCY CERTIFICATIONS.

Section 526(a) of the National Housing Act (12 U.S.C. 1735f–4(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) The Secretary shall require, with respect to any single- or multifamily residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy conserving improvements or any solar energy system, shall be conducted only by a home energy rating system provider who has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide.''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I first want to express my enthusiastic support for the work that the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO) and the gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. FRANK) have done, and thank them for bringing to the floor a bill that will no doubt make more Americans homeowners in high-quality homes. I congratulate them.

In 1973, the phrase ''oil embargo'' became known to the vocabulary of most Americans for the first time. It was widely acknowledged that we needed to do something to reduce our dependence upon foreign energy. Here we are, 27 years later, and one of the major issues confronting the country is our dependence upon foreign oil.

One of the long-term strategies to reduce that dependence is to become more energy-efficient in every aspect of American life. It is to the credit of the authors of this bill and their predecessors that we are moving in that direction in the field of housing. Through various tools available to the Federal government, we are creating a situation in which more energy-efficient homes are being financed and purchased by more people.

The purpose of my amendment is to be sure that when we say that something is energy-efficient, that it really is; that the certification of what is energy-efficient is a certification that

meets a high standard, as is presently the law, and that that standard is carefully reviewed by a well-trained, well-prepared, and duly-accredited appraisal agency.

I appreciate the work that both the majority and minority staffs have done on this measure, and I appreciate the fact that there are some very valid concerns about the scope of the issue that I have raised.

In particular, we are certainly of the intention that no duly accredited organization be excluded from the provisions of this amendment. I know that the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. FRANK) want to be sure that the scope of the amendment is broadened to include every such qualified organization.

Secondly, I know there have been concerns raised about the availability of such inspections in all areas of the country. It is certainly not our intention, as sponsors of the amendment, to make it more difficult for any American to own or finance or refinance a home.

With that in mind, I would ask the chairman of the subcommittee, the gentleman from New York (Mr. LAZIO), to discuss this matter. It is, frankly, my intention, based upon representations that we could work on this problem together in conference, to withdraw this amendment, but I wanted to speak to him about that.

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

Mr. ANDREWS. I yield to the gentleman from New York.

Mr. LAZIO. I thank the gentleman for yielding to me, Mr. Chairman.

I truly appreciate the gentleman's efforts to provide protection to consumers and provide the best possible options for homeowners for energy efficiency certification. The concern that I have, and I think I have spoken to the gentleman about, is about whether or not we mandate or limit options for consumers.

I would be very pleased to work with the gentleman from New Jersey as the process moves forward to try and address some of the concerns raised.

Again, I think there is a cost option and there is a choice option. I think the gentleman's intention is not to undermine either of those. He does not want to have a more expensive certification process, does not want to eliminate important options for consumers.

I think if we work together, we may be able to try and find ways to try and adjust that.

Mr. ANDREWS. Reclaiming my time, Mr. Chairman, the chairman has accurately stated my intentions, and I appreciate his intentions.

Mr. Chairman, it is my intention that we have no additional energy certification requirement than is presently in the law, that we simply address the way one is certified as meeting that requirement in a way that does not add significant cost to the consumer, and in a way that does not limit the choices that a consumer would have in choosing a qualified certifier. That certainly accurately states my intentions.

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

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

Mr. FRANK of Massachusetts. I thank the gentleman for yielding to me.

Mr. Chairman, the gentleman said it was his intention to acknowledge that the gentleman from New York had accurately stated his intentions. I certainly do not intentionally want to undo any of this harmony. I simply say that I join with both gentlemen in our commitment to work this out. I think they have made it very creative. We will be able to do that.

Mr. ANDREWS. Mr. Chairman, the gentleman from Massachusetts has very clearly stated everyone's intentions here, which I appreciate.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

□ 1300

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 106–562.

AMENDMENT NO. 6 OFFERED BY MR. WEYGAND

Mr. WEYGAND. 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. WEYGAND:

Page 59, after line 23, insert the following new section:

SEC. 212. PROPERTY IMPROVEMENT LOAN LIMIT FOR SINGLE-FAMILY HOMES.

Section 2(b)(1)(A)(i) of the National Housing Act (12 U.S.C. 1703(b)(1)(A)(i)) is amended by striking ''$25,000'' and inserting ''$32,500''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Rhode Island (Mr. WEYGAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island (Mr. WEYGAND).

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

Mr. Chairman, this is a very simple amendment. It revises or amends title I of the FHA home improvement section, which is actually the oldest section of the FHA program. It was started back in 1934.

This program was intended, as it does today, to provide for mortgages for home improvements. This is done through an FHA-approved lender who makes the loans out of their own funds to eligible borrowers, through HUD and through FHA.

These are for typical kinds of homeowner improvements, whether they be for utilities, whether they be for renovations to rooms, bathrooms, roofs, whatever it may be, but it is not for such things as luxury items, swimming pools and other things like that. It is for core essentials to make improvements to one's home.

As I said, this program was started in 1934 and over the years we have had many changes with the original loan limit. Presently, the loan limit is $25,000 per loan. This was established approximately 9 years ago, and since that time construction costs and the rate of inflation have certainly eaten into the purchasing power of that $25,000.

This amendment that we are offering today would simply move the limit to $32,500, which would be equivalent to what the rate of inflation and building costs would have been over the last 9 years. In fact, what we are doing is allowing for the borrower to purchase the same amount of construction improvements in 2000, 2001, as they would back in 1991. It is not an expansion. It is just simply keeping pace with inflation.

As a matter of fact, such an index is also used in FHA 203(b), single-family loan limits that they go through every year. So it is not unusual for us to do this.

At the chairman's request, and I want to thank him for his indulgence and his assistance in this, I have talked not only with FHA but also with OMB and we have letters from both that will be coming to us by way of myself to the chairman that they are in full agreement. They have no opposition to this amendment whatsoever. They believe that it is reasonable and they will not oppose it and the administration would not oppose it.

I made that promise to the chairman because I believe that the administration should be on board with this amendment if we are to move forward with it.

Lastly, Mr. Chairman, this kind of an increase, again, has nothing to do with the existing title I program in terms of modifying or changing any of the criterion, the regulations or the oversight that would be part of title I. This is a good improvement, would allow those people who are really scratching, trying to get by to make major home improvements allow them the opportunity to do that.

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

Mr. WEYGAND. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Rhode Island (Mr. WEYGAND) for yielding.

Mr. Chairman, the gentleman is correct in referencing that we have had numerous discussions about this issue. The title I home improvement program is a valuable program for America. It helps some of our neediest communities achieve the dollars that they need, homeowners getting the dollars they need to put a new roof on their

house or rebuild their heating system, much the way other parts of this bill deal with the reverse equity program, allowing seniors who are house rich but cash poor tap into their equity, stay in their home, rebuild their heating system, put a new walkway in or put a new roof on without having to move out.

So these are very positive aspects of this proposal, and I support the proposal, but as I said to the gentleman I am concerned. I am concerned about the Department of Housing and Urban Development ensuring that this program is properly enforced.

We have had continuing concerns, and the gentleman from Massachusetts (Mr. FRANK) has shared these concerns, about the ability of the Department to properly enforce the law so that the worst players are eliminated and people are still able to access these dollars.

I am concerned, based on a conversation I just had only minutes ago, that HUD may not be willing to issue the kind of statement that the gentleman from Rhode Island (Mr. WEYGAND) I know has been seeking. So I would only say that I am going to support this amendment with the understanding by all parties that I want to get the green light from HUD that this will not undermine their ability for proper enforcement. If that does not come before we are able to conference this bill, then I am going to reevaluate my position.

Mr. WEYGAND. Mr. Chairman, reclaiming my time, I concur with the gentleman from New York (Mr. LAZIO), and I have said to him that we will provide not only the letters but also the support from the administration on this.

I would also like to add one last thing about the amendment. The gentleman from New York (Mr. LAZIO) is correct. We believe that there must be stronger, more vigilant guidelines and regulation of the title I program. This would not change that, and I thank the gentleman for his cooperation.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition.

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

Mr. Chairman, I would say at the outset that my opposition is quite tentative, but under the rule there is no other way to get time. So in the interest of making sure that everybody has a chance to offer amendments, I am prepared to express, as I said, the mildest of opposition to this amendment. I think I am capable of being persuaded to the contrary. I am open minded. I guess one would say, Mr. Chairman, I am claiming the time as leaning against, which I believe, as I look at the parliamentarians, is acceptable under the rules.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I just want to thank the gentleman from Massachusetts (Mr. FRANK) for the bipartisan nature of the concern to ask HUD to address some of these problems that have been identified without undermining the program. There is a rule that has been proposed, as the gentleman knows, that could potentially undermine the ability of this program to be properly implemented.

I know the gentleman shares my concerns, and I am just wondering if he would like to express his concerns.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for that. One of the things that has been very heartening about this debate and I mean this, with regard to this, with regard to the points that were made by the gentleman from Oklahoma on the previous amendment and joined by the gentleman from South Carolina, I think what we have seen is a consensus that whatever criticisms we might have had of various government housing programs in the past, sufficient improvements have been made in the way in which they are operated so we can, with some confidence now, increase funding for them.

We have come out of a period when there were two constraints on funding for government housing programs. One was the concern that they were not being well run; another, the severe deficit condition of the Federal Government. We are making very substantial progress on both.

This bill is a recognition of that, and there are some initiatives here. One of the things that we have done, we got out of the housing production business. Section 8 became purely a rental program. One of the things that was commented on, I believe by the gentleman from Wisconsin earlier, was that this bill begins to put section 8 back into a program that could help housing production because it puts it into a homeownership situation.

Obviously, one cannot use section 8 for homeownership if it is on an annualized basis. One cannot buy a home with a one-year certificate. So we are recognizing that there is some value to lengthening it.

There are other parts of this bill that try to do that. Raising the FHA limit, let me put it this way, we have a demand to raise the FHA limit. Where does that come from? People who have had good experiences with FHA. There were periods in our history when people heard FHA and thought, oh, the program is not running well. It is now running well enough so that there is considerable interest in expanding it.

The gentleman from Oklahoma made some very good points on his second amendment about expanding some of these programs, but we need to have funds with which to do that.

So I hope that the lesson of today will be, first, that we are trying as prudently as possible to expend the funds made available to us but, secondly, that we are making a very good case for an increase in funding; that the allocations that go for housing programs ought substantially to be increased and we are going to get some further indications of that.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, I agree with the gentleman, but the gentleman said one significant thing. The gentleman mentioned that these programs are good and worthy but a new appropriation is needed. Therefore, the gentleman's subcommittee should have authorized these new programs.

So if the gentleman authorizes them, then we could get them funded.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK), and would that it were my subcommittee. I assure my friend, the gentlewoman from Florida (Mrs. MEEK), that if it were my subcommittee I would authorize in a way that would stretch even her capacity to appropriate, considerable though that may be.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, if that is the case then, then we can continue to authorize on appropriation bills.

Mr. FRANK of Massachusetts. Well, I am all in favor of increasing the authorization. I am not in favor of authorizing in appropriation bills. I will say, we have made a very real effort here, to the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO). In the House Committee on Banking and Financial Services, we have made a very real effort to authorize, whether it was in the debt relief area or in the housing area, and I think if the gentlewoman from Florida (Mrs. MEEK) would look she will note that the Subcommittee on Housing and Community Opportunity and the full Committee on Banking and Financial Services has done its work in authorizing.

The levels have been too low. I would like to see the levels be higher, but it certainly has been the case that we have done our authorization.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. FRANK) for yielding and just remark that whenever we have taken up the necessary changes in these programs, the reforms that have been called upon, it has been my position, and I think the position of the majority in the House, to move forward and try and properly fund programs, as we did with the rental vouchers of the section 8 program, to give people the choice of mobility of moving closer to a better school or closer to a job.

I want to thank the gentleman from Rhode Island (Mr. WEYGAND) for this

increase. Again, I think it helps empower people to stay in their own homes.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just say that I have been persuaded, and I am no longer opposed to this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. WEYGAND).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 106–562.

AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. 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 Ms. WATERS:

Page 73, line 4, strike ''(a) ELIGIBLE ACTIVITIES.—''.

Page 74, strike lines 9 through 24 and insert the following:

''(B) such assistance may only be provided on behalf of low- and moderate-income persons;''.

Page 76, strike lines 7 through 16.

The CHAIRMAN. Pursuant to House Resolution 460, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

Mr. Chairman, the Community Development Block Grant statutes are found in the Housing and Community Development Act of 1974. When Congress passed the Housing and Community Development Act, the primary objective of the act was to provide decent housing and a suitable living environment and expanding economic opportunities principally for persons of low- and moderate-income.

Congress further declared that funds received under this act shall be used for the support of activities and the benefit of persons of low- and moderate-income. Unfortunately, the income requirements found in section 404 of H.R. 1776 violate this intent of Congress.

My amendment strikes those provisions which undermine the Community Development Block Grant.

Section 404 of the act titled Homeownership for Municipal Employees would expand the CDBG eligibility criteria for municipal employees who are first-time homebuyers.

Under the act, municipal employees who earn up to 115 percent of the area median income would be eligible for CDBG funds. Also, municipal employees in designated high cost areas who earn up to 150 percent of the area median income would be eligible for CDBG funds. In an area where the median income is $60,000, a police officer making up to $69,000 or so, in a high cost area, $90,000, will now be eligible for the same pool of CDBG funds as a cashier making $48,000 or less.

This bill allows more affluent persons to benefit from the CDBG program without expanding the funding of CDBG. Thus, less funds will be available to help the poorest communities that CDBG has intended to help.

My amendment deletes these harmful provisions and brings this bill in line with the true intent of Congress and the spirit of the Community Development Block Grant.

Mr. Chairman, I have been in conversation with two of my colleagues from the committee. The gentleman from Massachusetts (Mr. CAPUANO) will be on the floor shortly, and I have been speaking with the gentleman from Massachusetts (Mr. FRANK), and we know that we have some issues that we must address. Our communities have some different requirements, and while I must always act on behalf of my constituents and make sure that the opportunities that we have created here in government are available to them I must also pay attention to the concerns of my colleagues who serve on that committee with me who are only trying in their best way to do what is best for their constituents.

While we are going to have some discussion on this amendment today, I reserve the right to withdraw the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I just need to give out some numbers as to what prompted me to put this amendment in the committee in the first place.

I think that most people in this country do not understand the housing crisis we have in Boston. I cannot help it that Boston is one of the most expensive housing markets in the country, and my average median income is 25 percent above the national median income. That sounds great as an individual statistic, but it then does not say what housing costs.

The average apartment rent for a three-bedroom apartment, which is necessary for any family of four, hopefully desirable, is almost $1,200 a month, and even then one is lucky if they can find one.

When we put that against the median income of the nation, it turns into 28 percent.

My concern is people paying that kind of rent, that kind of percentage of their income, could never ever put the money away for a down payment. As a matter of fact, on those numbers it would take over 20 years, if one could save 10 percent of their net income every year it would take 20 years to put enough money aside to put a down payment together.

□ 1315

That is what this amendment was intended to do. Nonetheless, I have had discussions with the gentlewoman from California (Ms. WATERS), and she has been a fantastic advocate and great leader for me as a new Member, relative to housing matters. I would never pretend to know more about housing than she does.

With housing discussions, I think she understands my concerns. I certainly understand hers. Because of that, we have had, I think, great discussions to say, look, we have had different issues, but they are on the same page. We are moving in the same way trying to help the same type of people, with a little different constituency; and because of that, we are going to work together as often as we can on this bill and others to try to help out the people we represent.

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

Mr. LAZIO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. LAZIO) is recognized for 10 minutes.

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

Mr. Chairman, I want to associate myself with the comments of the gentleman from Massachusetts (Mr. CAPUANO). The intent of this section and the effect of this section will be to try and help solidify the social capital in areas that are high-cost areas, because housing in Boston or in New York or in Chicago is very different than the housing costs of Mississippi and Alabama and even in Nebraska.

The gentleman from Massachusetts raised some relative costs, and I just want to add some for reference points. For example, a teacher with a starting salary of $32,000 in Pittsburgh would never qualify for any assistance under our Federal programs. The same would be true of Chicago and Atlanta, Boston, Dallas, Oklahoma City, and Memphis. Police officers and teachers would not qualify.

So the intent is it try and help those communities that are high-cost areas where the relative high income is more than neutralized by the even higher costs of housing.

So I want to associate myself with the comments of the gentleman from Massachusetts.

I want to thank the gentlewoman from California (Ms. WATERS) for her advocacy. I would like to ask the gentlewoman if she would consider withdrawing this amendment with the understanding that the principles that she is articulating I think are still intact, both in this bill, and they are ones that I share as we talk about how to strengthen and preserve the Community Development Block Grant Program and the HOME program.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I think that I have already signaled my intent, so that question is moot. But I would like to ask the gentleman from New York, would he consider going with me to the Committee on Appropriations to

expand the amount of CDBG money so that we can expand the population of people who can be taken care of, taking in consideration those who are above the limits that are allowed in CDBG. Would the gentleman do that?

Mr. LAZIO. Mr. Chairman, reclaiming my time, I would say to the gentlewoman, I am a strong advocate of increasing the proportionate share of dollars that go to housing and the Community Development Block Grant program, because the flexibility of the program is a very important part of housing. So I would say I am happy to advocate for more dollars for housing for our neediest citizens.

Ms. WATERS. Mr. Chairman, if the gentleman will yield, then I take it that the gentleman from New York and I will go together.

Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I first applaud the Subcommittee on Housing and Community Opportunity for having put this program together. I have cautioned them. I have some concerns. It is a good bill, and everybody is loving it to death. But there are some things in the bill that I think my colleagues need to pay attention to, and the gentlewoman from California (Ms. WATERS) just finished talking about them. My colleagues just cannot overlook them.

First of all, when one begins to fool around with income eligibility in programs like CDBG and HOME, one opens oneself up for broad parameters that one may not be able to fill. Remember, these programs are block grant programs. They are supposed to be given to the local areas. The decisions are not supposed to be made here in the Congress.

This block grant program goes into one's local areas, and they decide what should be done with this block grant money. If we decide here in Washington what Westchester should do with its CDBG monies, we are wrong. That money should be left up to Westchester County what they do with it.

So I caution my colleagues, even though I am going to work with the gentlewoman from California (Ms. WATERS) and the committee and everyone else when the gentlewoman is withdrawing this, please understand that my colleagues are treading on very, very weak ground.

Mr. Chairman, I thank the gentlewoman from California for bringing it to our attention.

Mr. Chairman, I rise in strong support of the Waters amendment.

The Waters amendment strikes the provisions of the bill that allow ''higher income'' teachers and uniformed municipal employees to receive homeownership assistance through the CDBG program.

Title IV of H.R. 1776 would allow this assistance to households with incomes at 150 percent of the median in ''high housing cost areas''. In 1999 there were six metro areas with ''high housing costs''. So, for example in the Westchester, NY, area, a household with $124,650 could get CDBG money; or, in Nassau/Suffolk County, NY, a household with $114,750 could get CDBG aid.

Another provision would also allow CDBG money to be used for downpayment and closing costs for households with incomes up to 115 percent of the areawide median income. In Boston, that would be $75,325. In LA that would be $59,915.

Currently, anyone, provided they make less than 80 percent of the Area Median Income qualifies for government funded downpayment assistance, closing support, and mortgage subsidies.

Why should Congress give preferential treatment to a specific class of citizens?

Why should we dilute the CDBG program by offering homeownership assistance to higher income Americans when it is clear that the CDBG program exists to aid low and moderate income people?

The primary objective in the CDBG program is to: Principally benefit low and moderate income people, and aid in the elimination and prevention of slums and blight.

We should assist municipal employees, teachers, law enforcement agents gain access to homeownership—in fact, we should assist all Americans reach this important goal.

We should not do it at the expense of the low- and moderate-income people that CDBG serves.

The Maxine Waters amendment would eliminate the language allowing households with 115 percent or 150 percent of areawide median income to benefit. The Waters amendment would allow households with incomes below 80 percent of the median (the traditional CDBG limit) to continue to benefit.

I urge to vote in support of the Waters amendment.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I say to the gentlewoman from California (Ms. WATERS), I rise in support of her amendment.

Mr. Chairman, I would like to voice the same concerns that have been voiced by the gentlewoman from Florida (Mrs. MEEK). I recognize in the communities like the gentleman from Massachusetts (Mr. CAPUANO) and other communities where there are large urban centers where the cost of housing is significant, that they find themselves in a dilemma.

I also am very supportive of law enforcement folks and uniform persons and teachers. But, again, the purpose of the enactment of these dollars was for low-income communities and low-income persons.

When one begins to work on or improve and increase the median increase by some percentage to allow others to walk into this program, then one decreases the opportunity for low-income people to be involved in the program, especially when one provides no additional dollars for this particular program.

It is important that, even though we want to encourage people to move back into cities, like police officers and teachers, and be a part of the community, we want the community people as well to be able to stay in the district. If we do not allow the community people access to the funds that were created for them, we create a problem.

Mr. Chairman, I rise today in support of the Waters amendment. I rise in support of striking the language in section 404 that raises the CDBG income eligibility to 115 percent and in high cost areas, to 150 percent.

Mr. Chairman, housing and expanding homeownership is of great concern in the 11th Congressional District of Ohio as well as across this Nation. We must continue to explore ways to provide affordable housing for all.

Mr. Chairman, I want it also noted that I support teachers and uniformed employees. I also support efforts to expand their homeownership. While I applaud the efforts of this bill to provide homeownership opportunities for uniformed employees, however, I believe the bill as it is currently written is a reverse Robin Hood. Yes, it robs neighborhoods all over this Nation. Since there is no additional funding for this median income hike, communities that use CDBG funds for childcare, social services, and development are robbed.

Mr. Chairman, the CDBG program was developed for those with low to moderate incomes. Since, 1974, CDBG has been the backbone of communities. CDBG provided a flexible source of grant funds for local governments to devote to particular development projects and priorities. There were some provisions, however, for this support. CDBG offered grant funds, provided that these projects either (1) benefit low- and moderate-income persons; (2) prevent or eliminate slums or blight; or (3) meet other urgent community development needs. Let us not move from that important purpose.

Mr. Chairman, in determining eligibility, low- and moderate-income persons was generally defined as ''members of a family earning no more than 80 percent of the area median income.'' This proposed bill allows CDBG and HOME money to be used to help people with incomes up to 115 percent of the area median income buy homes. In addition, in areas the Secretary deems ''high housing'' cost areas, this percentage shoots up to 150 percent. This potentially means that a uniformed employee making $94,000 could get CDBG help to buy a home.

Mr. Chairman, low-income households do not generally benefit from the allocation of CDBG funds in proportion to the severity of their needs. Then, let us not further diminish low-income households' access to CDBG by allowing those with greater means to benefit in proportion to their needs.

Moreover, under current law, low-and moderate-income people only receive 50 percent assistance for downpayment assistance. This section allows 100 percent downpayment aid for uniformed employees. We cannot continue to take from the least of these.

If we want to expand homeownership opportunities for teachers and uniformed employees, let us do it the right way. Let us draft legislation to deal with this concern.

What is the reality here? There are but so many pieces of the pie to be sliced. To continue providing slices without baking additional pies only means one thing . . . someone gets left out. Who's that? Usually, it is the folks who need help the most. We must change that.

Let us move back to the 80 percent level. Support the Waters amendment.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me join in congratulating the gentlewoman from California (Ms. WATERS) for this particular amendment. I wanted to particularly come and support this amendment, but as well, associate my concerns with the overall impact of legislation that may move decision-making on these funds to a broader umbrella than the local community.

In particular, in this booming economy we must look at the question of the economic divide. This whole legislative initiative from its very beginning was to bring up those, was to lift the boats of those who could least afford opportunities for housing.

In our communities today, there is still the great divide of homeownership. The lack of homeownership falls upon those who have the least amount of income. It would be terrible to take away this umbrella, this boat, if you will, from these individuals, to give them the opportunity, the working poor, to own homes.

Whenever one goes into communities, what they ask for most is I would like to be a homeowner, to raise my family. So it is appropriate that we keep the income level so that those people who suffer in the least of the economic areas can as well provide, have the opportunity for housing.

Ms. WATERS. Mr. Chairman, may I inquire how much time is remaining.

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 2½ minutes remaining. The gentleman from New York (Mr. LAZIO) has 7½ minutes remaining.

Ms. WATERS. Mr. Chairman, do I have the right to close on this debate?

The CHAIRMAN. No. The gentleman from New York (Mr. LAZIO) has the right to close.

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

Mr. Chairman, let me just then make my closing of this side of the argument by saying that I really do understand the dilemma that my colleagues find themselves in, particularly the gentleman from Massachusetts (Mr. CAPUANO), who has spent some time helping me to understand his dilemma.

I am very appreciative for the cost of housing and how it is increasing. I also understand that this great economic boom that we have has increased the cost of housing. There is less housing on the market, and something must be done about that.

But I want to say to the gentleman from New York (Mr. LAZIO), my good friend, who is in the very privileged position of chairing the Subcommittee on Housing and Community Opportunity of our Committee on Banking and Financial Services that it is incumbent upon us, when we recognize these problems, to take serious and substantial action to do something about it.

I do believe we should have authorized additional funds in CDBG. We should go to the Committee on Appropriations to expand the pot so that we can take care of those who find themselves in this new situation.

What is very, very troubling is that we have still the masses of poor people and people who are working for very low wages who need desperately to have access to resources that are offered in some cities only by CDBG and other very limited opportunities to have housing.

These people, many are homeless, many of them are living two, three, four, and five families to a house. In California, we have people living in garages without running water, and they are in desperate need.

So it is very, very troubling to talk about taking this very limited pot, this pot of money, and having to spread it even with those who may need it, but who make substantially more money, and have the opportunity to purchase something while we have so many people who do not have, can never dream of having a down payment, who can never dream of homeownership without some assistance from their government.

While I am certainly going to work with my colleagues in every way that I possibly can to try and satisfy all of our concerns, I would say to those who are in the leadership, who are in power now, let us do the right thing and expand the amount of dollars that are available.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. Yes, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to say some of these programs, which are very important programs, CDBG, HOME, they have been well run for years, they have been frozen, they have been level-funded, the need has increased. I hope out of this comes an increased recognition that we need to increase the funds.

Ms. WATERS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. COBURN. Mr. Chairman, reserving the right to object, I believe the gentlewoman from California makes a great point. The reason that I am going to object to her unanimous consent is I believe the House ought to have a separate vote on moving the income requirement from 80 percent.

Mr. FRANK of Massachusetts. Mr. Chairman, I object to the unanimous consent request. The gentleman from Oklahoma is going to object anyway, so I object now.

The CHAIRMAN. Objection is heard.

The gentleman from New York (Mr. LAZIO) has 7½ minutes remaining.

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

Mr. Chairman, I would address this now with this amendment obviously going forward. I appreciate the gentlewoman from California for making the request to withdraw this amendment. It would be better, I think, if the House could move forward to the other amendments. But let me just address this for a moment.

We are trying to give local communities the authority to rebuild their own backyards. We are trying to give local mayors the ability to use new housing tools to build social capital. Do we believe in that, or do we not?

Do we think that police officers and fire fighters and teachers should live in the communities that they serve in because, in many of America's communities, they cannot own a home because they cannot afford to get into a home because the cost of housing is too much.

In Oklahoma City, in Dallas, in Portland, in Boston, in Chicago and Philadelphia and Pittsburgh, if one is a starting entry-level worker who enters into the teaching profession or enters into the profession of being a fire fighter or a police officer, one is going to get boxed out. One will not be eligible for that little bit of help, not from Washington, D.C., but from a mayor that wants to provide or a local not-for-profit wants to provide, or the local community, in trying to build a strategy for revitalization, for rebuilding that community, for bringing in role models and mentors and folks that serve that community.

That is what we are trying to do here, help those communities that, from a distance, look like they are high-income communities; but when one looks a little bit closer from a relative basis, they are also very high-cost communities.

So if one is from a State that is a low-income State, one may or may not want to do this. One may or may not need to do this. But there are other communities, and the community of the gentleman from Massachusetts (Mr. CAPUANO) is one of those, perhaps where their mayor in their community wants to rebuild the infrastructure of their community by getting police officers and getting fire fighters and getting teachers and getting municipal workers to live in the community that they are supposed to serve.

□ 1330

And what is wrong with that?

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. Mr. Chairman, with great respect to the housing

chairperson, I would want to know, since the gentleman is the chairman of the authorizing committee, and the gentleman from Massachusetts (Mr. CAPUANO) and the gentlewoman from California (Ms. WATERS) both have very, very strong and valid arguments, why will the gentleman not lead the effort to authorize a program to fit the needs of the people everyone is trying to get under CDBG? In that way the gentleman will authorize it, and he will get monies and resources to do it.

But if the gentleman rides on the back of other programs, he is going to have problems.

Mr. LAZIO. Reclaiming my time, Mr. Chairman, I would say that is exactly what this bill does. This bill allows local communities to borrow against future revenue sources so they can rebuild not just one house at a time but an entire block at a time.

This bill provides the flexibility to create loan pools so people can borrow, so many, many more low-income Americans can borrow against that money to overcome the transactional barriers of downpayment or of closing costs. This bill does it. This bill does what the gentlewoman is talking about.

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

Mr. LAZIO. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I just want to continue the point related to this amendment, which is that the vast majority of the people I think in this House are going to want to increase this limit.

The point the gentlewoman from California made is there is not enough money to go around if, in fact, we increase the limit. My reason for objecting is we ought to have a vote of the House if we are going to do that, and that was the purpose.

Mr. LAZIO. Reclaiming my time, I would just respond that I understand the gentleman's point.

And, again, I would say if we believe that local communities ought to have more control, more tools at their disposal, we will defeat this amendment. If we understand and if we embrace the idea that different parts of the country have different needs and we need to respect those needs, we will defeat this amendment.

I want to again reiterate and thank the gentlewoman for trying to withdraw this amendment.

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

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

Mr. CAPUANO. Mr. Chairman, I thank the gentleman for yielding.

I find this to be unfortunate. The people who are proposing the amendment are working with us to try to come to a mutual agreement, and the people who really do not do much about housing do not want us to.

I want to make two points. Number one, this amendment does not do anything to take the decisions out of local control. It simply allows the director of HUD to designate some communities, only some, that are high cost areas. That is all it does. That is all it does. Nobody has to do this. If a local community does not want to do it, they do not do it.

I will tell my colleagues that not more than 15 months ago I was the mayor of a city that is an entitlement community under a block grant. I did this. This is what I did.

Mrs. MEEK of Florida. Mr. Chairman, will the gentleman yield?

Mr. LAZIO. I yield to the gentlewoman from Florida.

Mrs. MEEK of Florida. I would simply say to the gentleman from Massachusetts that he does not need a Federal statute.

Mr. CAPUANO. Well, Mr. Chairman, if the gentleman will continue to yield, I would just say to the gentlewoman, not with a 150 percent income. We do need those standards.

Mr. GREEN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding to me.

Too much of this discussion, I think, is looking at the only benefit derived from this bill and from this program as being the family that is enrolled in it and actually utilizing the loan. It is ignoring the fact that there is a public good in stabilizing neighborhoods.

Neighborhoods are stabilized by creating mixed-use, mixed-income homeownership. That is how we stabilize deteriorating neighborhoods. That is how we stop the core of deterioration from spreading outward.

The part of the goal here is to stabilize neighborhoods; to give local officials the ability to stabilize and to protect and to solidify the good that is going on in so many communities. It is a great idea that I think the gentleman from Massachusetts (Mr. CAPUANO) has had. It allows more local officials greater flexibility in the tools that they need, that they need to manage the good that is going on in the communities all across the Nation.

I strongly support it, and I do oppose the gentlewoman's amendment.

Mr. LAZIO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 8, printed in House Report 106–562.

AMENDMENT NO. 8 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer amendment No. 8, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SHAYS:

Page 78, line 18, strike ''$260,000,000'' and insert ''$292,000,000''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume, and since this amendment is sponsored by myself, as well as the gentleman from New York (Mr. NADLER), the gentleman from New York (Mr. CROWLEY), and the gentlewoman from Maryland (Mrs. MORELLA), I will be yielding to those three colleagues as well.

What this amendment does is it increases the fiscal year 2001 funding authorization for the Housing Opportunity for Persons With AIDS, HOPWA, program from $260 million to $292 million, the minimum level determined necessary by the HIV/AIDS community to meet the needs of people living with HIV/AIDS. HOPWA is now funded at about $232 million.

There is a housing crisis for individuals living with AIDS. Many will face a housing crisis at some point during their illness as a result of the increased medical expenses and lost wages. HOPWA was created to address this growing problem. It is one of the most cost-effective ways to ensure that people living with HIV/AIDS have adequate and affordable housing.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise to urge the Members of this House to vote for the Shays-Nadler-Crowley-Morella amendment, and I want to commend the gentleman from Connecticut (Mr. SHAYS) for his leadership on this amendment.

Mr. Chairman, at any given time, one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of losing their homes. These are people who face discrimination or have lost their jobs because of illness or, most cruelly, are placed in the untenable position of choosing between expensive lifesaving medications and other necessities, such as shelter.

This is where HOPWA comes in. HOPWA is the only Federal housing programming that specifically provides cities and States with the resources to address the housing crisis faced by people living with AIDS. It is a locally controlled program that provides maximum flexibility to States and communities to design and implement the

strategies that best respond to local housing needs.

Currently, fiscal year 2000 funds are serving people in over 67 cities across 34 States. This is a well-run, far-reaching, and successful program. But as the success of HOPWA grows, so too does the need for funding. Ironically, as a result of the recent advances in medical science and in care and treatment, the people currently being housed are living longer and the waiting list for these programs are growing even longer.

On top of these strains on funding, new geographic areas join HOPWA every year. Without a significant increase in funding, it will be unable to serve those already in the program, not to mention those who now seek to join it. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely and perhaps unnecessarily in hospital rooms, in shelters, and on the streets of our cities.

I urge the adoption of this amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Shays-Nadler-Crowley-Morella amendment, which would increase the fiscal year 2001 authorization for the Housing Opportunities for People with AIDS program from $260 million to $292 million, which is the amount identified by a number of national HIV/AIDS coalitions as the minimum level needed to adequately meet the needs of those living with HIV/AIDS.

I also want to thank the gentleman from Connecticut (Mr. SHAYS) particularly for his leadership on this issue.

This HOPWA program has strong bipartisan support. It is the only Federal housing program that specifically provides cities and States hardest hit by the AIDS epidemic with the resources to address the housing crisis felt by people who are faced by people who are living with AIDS.

It is true that the number of AIDS-related deaths has begun to decline, thanks to dramatic new treatments and improvements in care. However, HIV/AIDS remains the major killer of young people and is the leading cause of death for African and Hispanic Americans between the ages of 25 and 44.

The high cost of new treatments has often forced people to decide between essential medications and other necessities, such as housing. Further, stable housing is critical to the success of the drug regimen. The medication often must be refrigerated and taken on a rigid time schedule. So without adequate housing, people with HIV/AIDS may not only be unable to adhere to the strict regimen but also premature death may result from poor nutrition, exposure to other diseases, and lack of Medicare.

At any given time, one-third to one-half of all people with AIDS are either homeless or on the verge of losing their homes. HOPWA addresses this need by providing reasonably priced housing for thousands of individuals, and yet the demand far outstrips the supply.

I just want to point out that at a daily cost of $1,085 per day under Medicaid, acute care facilities are more expensive than HOPWA community housing, which averages $55 to $110 per day.

This is a good amendment. I strongly support it.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I am a strong supporter of H.R. 1776 and commend my colleagues, the chairman of the committee, the gentleman from Iowa (Mr. LEACH); and my friend, the gentleman from New York (Mr. LAFALCE); along with my other good friend and colleague, the gentleman from New York (Mr. LAZIO) for their hard work on this bill which will expand housing opportunities for all Americans.

While I support H.R. 1776 and its intentions to make affordable homeownership available to more Americans, I think we can make this bill a little better. I am pleased to join my colleagues, the gentleman from Connecticut (Mr. SHAYS), the gentleman from New York (Mr. NADLER), and the gentlewoman from Maryland (Mrs. MORELLA) in offering an amendment to authorize the Housing Opportunities for People With AIDS, also known as the HOPWA program, from $260 million to $292 million.

While new breakthrough drugs have extended the life of people living with HIV and AIDS, there are still many affected by this disease who are unable to work and who are too sick to provide for themselves. These people have to make the decision to take life-extending and lifesaving drugs or pay for a roof over their heads.

It is estimated that 60 percent of the people living with HIV/AIDS require some sort of assistance during their course of illness. People with HIV/AIDS have continually experienced housing discrimination, from being thrown out of their current living situations to outright being denied housing by some landlords. In my Congressional district, a group called Steinway Child and Family Services provides what is one of the largest confidential housing programs for people with AIDS that is funded in part with HOPWA funding.

We cannot throw families out on the street, Mr. Chairman. HOPWA saves taxpayers' money by allowing people to live in their own house or apartment in a healthy, safe setting. We save money that would be spent on acute care facilities to treat the same people.

This is what the gentlewoman from Maryland (Mrs. MORELLA) was talking about. It costs the taxpayers over $1,000 a day to pay for Medicaid treatment for homeless persons in a nursing home who are sick with AIDS. That adds up to almost $400,000 a year. It costs the taxpayers only $55 to a $110 a day to keep the same person in their own home or a group care facility under the HOPWA program.

HOPWA makes sense. I urge my colleagues to support the Shays-Nadler-Crowley-Morella amendment.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM), our distinguished Vietnam veteran.

Mr. CUNNINGHAM. Mr. Chairman, as a conservative Republican I rise in strong support of the Shays-Nadler-Crowley-Morella amendment.

I am a member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, and we recently went to NIH. We saw a young man that had contracted HIV in 1989. Because of medicines, he has bought a home, he has hope in his life, he has bought stocks and bonds, but he still has a difficult time.

I think this is a noteworthy amendment, and I think fiscal conservatives and people that care about people will realize this is a well-intentioned amendment. I strongly support it.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to give my wholehearted support for this outstanding amendment and to all those who have authored it.

There is nothing that lessens the lifetime of those with active HIV/AIDS than not to have housing. In my own community of Houston, we know there are at least 10,000 homeless persons on the streets every night. Some of those, unfortunately, are suffering from HIV/AIDS.

To give clean, safe, secure housing in our communities and to provide nonprofits who work with these individuals suffering from HIV/AIDS in all of our communities, but particularly in the communities where it is growing among our minority populations, Hispanics and Africans Americans, this is a great opportunity. And I support the amendment, and ask my colleagues to vote for it.

Mr. SHAYS. Mr. Chairman, may I ask how much time we have remaining?

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 2½ minutes left.

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

The CHAIRMAN. Is there a Member in opposition?

Mr. LAZIO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. LAZIO. Yes, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. LAZIO) is recognized for 10 minutes.

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

Mr. Chairman, I do not think there is a Member of this House that is a better or more sincere advocate for the homeless or for people who have housing needs and who also suffer with AIDS than my good friend from Connecticut (Mr. SHAYS), and I have enormous respect for him and what he is trying to accomplish here.

□ 1345

There is no doubt, there is no doubt that there is significant unmet demand for housing opportunities for people who are living with AIDS, and the need for supportive services, the need for those type of life-sustaining supportive services, I think, for most of the folks who are involved in the housing community without question.

I would say to the gentleman from Connecticut (Mr. SHAYS) that my concern is only with the magnitude of the request in this amendment. What I try to do and what I advocate for and what I think the House generally does is to provide guidance in an authorization vehicle for appropriators, but reasonable guidance, so that we will have the credibility to actually get to where we want to go.

In this case, the authorization that is in the underlying bill is an increase over existing dollars for HOPWA, meets the President's budget request, and while there is a good case which has been made by the gentleman from Connecticut (Mr. SHAYS) and others for increase, I am concerned about the size of the increase, and the fact that we need to live within our means.

I am wondering if I can enter into a colloquy with the gentleman from Connecticut (Mr. SHAYS) on this because, again, while I have the utmost respect not only for the gentleman, but what the gentleman is doing here, I also am trying to keep in mind the fact that we have to offer an authorization bill that is sustainable, not just this year or next year, but over the years that follow through the appropriations process.

I know the gentleman from Connecticut (Mr. SHAYS) has been a great fiscal conservative, and the gentleman is also an advocate for this program and for other housing programs.

I am wondering if there is some way that we can reach a reasonable understanding that would meet our dual goals, if we can try and compromise on this, which I do not think is a dirty word; I think it is an honorable word.

Mr. SHAYS. Mr. Chairman, if the gentleman will yield, I would love to respond by first saying the gentleman from New York (Chairman LAZIO) is very gracious in his words about me. This is an amendment truly offered by the gentleman from New York (Mr. NADLER), the gentleman from New York (Mr. CROWLEY) and the gentlewoman from Maryland (Mrs. MORELLA); and they have been working on these issues for a number of years. I know the gentleman from New York (Mr. NADLER), in particular, as well as the gentlewoman from Maryland (Mrs. MORELLA), are aware of the gentleman's concern that the appropriators may not provide the funds necessary to meet the authorization.

Mr. Chairman, I would suggest that if my colleague thought that if we were to reduce this amendment somewhat that the gentleman could be supportive, the gentleman's support and obviously the support of the gentleman from New York (Mr. WALSH) ultimately, while he cannot commit to that now, would obviously be essential.

I am prepared without objection from my colleagues in this amendment to offer a unanimous consent request.

MODIFICATION TO AMENDMENT NO. 8 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that our amendment be modified in the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 8 offered by Mr. SHAYS:

In lieu of the matter proposed to be inserted, insert ''$275,000,000''.

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

Mr. NADLER. Mr. Chairman, reserving the right to object, let me say that we have worked with the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from Maryland (Mrs. MORELLA); and they both have been very active on this and very accommodating, and we on this side agree with the modification. We have no objection.

Mr. Chairman, I withdraw my reservation of objection.

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

Mr. LAZIO. Mr. Chairman, reserving the right to object, I would like to yield to the gentleman from Connecticut (Mr. SHAYS), and I appreciate the fact that he has made this unanimous consent request which I support, and I think it is a very responsible and reasonable suggestion that meets our dual imperatives of helping those most in need, but also doing it in a fiscally responsible way.

I would support the amendment with the unanimous consent request.

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

Mr. LAZIO. Further reserving the right to object, I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would feel out of place if I did not mention my predecessor, Stuart B. McKinney, died of AIDS-related pneumonia, and his wife, Lucy, has carried on his work as chairman of the Stuart B. McKinney Foundation dedicated to helping people living with AIDS.

In his memory, I feel very motivated to offer this amendment and appreciate my colleague for accepting the modified version of the amendment and, particularly, appreciate my colleagues, the gentleman from New York (Mr. NADLER), the gentleman from New York (Mr. CROWLEY) and the gentlewoman from Maryland (Mrs. MORELLA), for their participation.

Mr. LAZIO. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The amendment is modified.

The Committee will rise informally.

The SPEAKER pro tempore (Mrs. MORELLA) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

REQUEST TO INCLUDE EXTRANEOUS MATERIAL IN COMMITTEE OF THE WHOLE ON H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. FRANK of Massachusetts. Madam Speaker, could I ask unanimous consent to include subsequent to my remarks on the general debate extraneous material?

The SPEAKER pro tempore. The Committee rose only informally, and the Chair will not entertain that request at this time.

The Committee will resume its sitting.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

The Committee resumed its sitting.

Ms. PELOSI. Mr. Chairman, I strongly support the Shays/Nadler/Crowley/Morella amendment to increase authorized HOPWA funding to $292 million for FY2001. This increase will allow the HOPWA program to meet current needs and bring additional newly eligible communities into this effective program.

The need for housing assistance among those living with HIV/AIDS is greater now than ever. As new treatments allow infected individuals to live longer, new HIV infections are continuing at a steady rate. This means that the overall number of people living with HIV/AIDS has grown to its highest level ever. The new treatments that are extending so many lives involve a complicated regimen of medications, requiring certain medications to be taken at certain times, certain medications to be taken after eating, and still others on an empty stomach. This makes adherence very difficult, and nearly impossible with stable housing.

More than 200,000 people with HIV/AIDS are currently in need of housing assistance, and 60% of those living with this disease will need housing assistance at some point during their illness. HIV prevalence within the homeless population is estimated to be ten times greater than infection rates in the general population. In addition, homeless individuals are

much less likely to have regular access to health care than the general population and are therefore less likely to be tested for HIV than are people with stable housing. One San Francisco study showed that up to 33% of homeless individuals who were living with HIV were unaware of being HIV positive.

Under current HOPWA authority 101 jurisdictions qualified for FY2000 funding and HUD estimates that in FY2001, this will increase to between 105 and 111 qualified jurisdictions. HIV/AIDS community policy experts have estimate that unless HOPWA funding is substantially increased, jurisdictions will face decreased service levels and could suffer decreased funding. To avoid these reductions, we must pass the Shays/Nadler/Crowley/Morella amendment and provide HOPWA with the funding necessary to ensure that people living with HIV and AIDS have access to the stable housing that is necessary for their medical care.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 9 printed in House Report 106–562.

AMENDMENT NO. 9 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PAUL:

Page 78, after line 20, insert the following new section:

SEC. 408. PROHIBITION ON USE OF AMOUNTS TO ACQUIRE CHURCH PROPERTY.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

''(i) PROHIBITION ON USE OF ASSISTANCE TO ACQUIRE CHURCH PROPERTY.—Notwithstanding any other provision of this section, no amount from a grant under section 106 may be used to carry out or assist any activity if such activity, or the project for which such activity is to be conducted, involves acquisition of real property owned by a church that is exempt from tax under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)), unless the governing body of the church has previously consented to such acquisition.''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

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

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

Mr. PAUL. Mr. Chairman, I would first like to thank my colleague, the gentlewoman from Michigan (Ms. KILPATRICK) for cosponsoring this amendment. This amendment is simple and straightforward. The amendment merely states that it prohibits the use of funds for activities involving the acquisition of church property unless the consent of the governing body of the church is obtained. This means that community development block grant money cannot be used to invoke eminent domain and take a church away from the church owners or the occupants without their permission.

It has been done in the past, and it is planned to be done in the future. I think this is a very important amendment to make sure that these funds are not used in this way. I think the point is that private property is very important, that owners do have rights; and quite frequently when this is invoked, it occurs in the poorer areas where there is less legal protection and legal help.

I am very pleased to introduce this amendment. I am very pleased to have the gentlewoman from Michigan (Ms. KILPATRICK) as the cosponsor.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentlewoman from Michigan, the coauthor.

Ms. KILPATRICK. Mr. Chairman, I stand as a cosponsor of this amendment, and it is a good amendment. We have had several calls in our office today wondering what it is, and we took the opportunity to explain it to them.

Mr. Chairman, let me first thank the gentleman from Iowa (Chairman LEACH), the gentleman from New York (Mr. LAZIO), as well as the gentleman from New York (Mr. LAFALCE), the ranking member, for the fine work that they have done and the entire Committee on Banking and Financial Services. I was a former Member of that committee, and I know the hard work that they do.

No church in America should be denied the opportunity to participate in a developing community. The amendment that the gentleman from Texas (Mr. PAUL) and I are offering today is to say that no community development block grant funds can be used to take any church, unless that church is involved and does agree in that selection.

With that, Mr. Chairman, this is a good amendment. I commend the gentleman from Texas (Mr. PAUL) for bringing it to my attention. We have spoken to the minister and other people who are concerned about this issue. I would move, Mr. Chairman, that we adopt the amendment.

Mr. PAUL. I appreciate the support of the gentlewoman.

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

Mr. PAUL. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Texas (Mr. PAUL) for bringing this amendment to the House floor to address an important concern. I want to also thank the gentlewoman from Michigan (Ms. KILPATRICK) as well.

I rise in support of the amendment and want to thank the gentleman from Texas (Mr. PAUL) for his hard work in getting this to the floor and for his numerous discussions with my staff and with myself to ensure that the various concerns that have been raised have been addressed. I want to thank the gentleman. I am in strong support of it and I urge passage.

Mr. PAUL. I thank the gentleman from New York (Mr. LAZIO) for the support.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, I would just join in making it clear that we on the minority side have no objection to the ''render unto Caesar'' amendment.

Mr. PAUL. I thank the gentleman from Massachusetts.

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

The CHAIRMAN. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 10 printed in House Report 106–562.

AMENDMENT NO. 10 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. 10 offered by Mr. TRAFICANT:

At the end of title IV, add the following new section:

SEC. 408. CDBG SPECIAL PURPOSE GRANTS.

Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''$60,000,000'' and inserting ''$95,000,000''; and

(B) by striking ''subsection (b)'' and inserting ''this section''; and

(2) by striking subparagraph (G) and inserting the following new subparagraph:

''(G) $35,000,000 shall be available in fiscal year 2001 for a grant to the City of Youngstown, Ohio, for the site acquisition, planning, architectural design, and construction of a convocation and community center in such city;''.

The CHAIRMAN. Pursuant to House Resolution 460, the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Massachusetts (Mr. FRANK) each will control 5 minutes.

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

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

I want to thank the chairman for extending my existing authorization for emergency homeownership counseling programs. They have been cited to save homes with a 45-day notice. The Traficant amendment speaks for itself.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this is a proposal for $35 million out of CDPG funds for a convention center. We have had a lot of debate about the eligibility requirements of CDPG during the appropriation. At the urging of the gentlewoman from Florida, we modified a proposal extending funds to fire fighting, so that it was fully consistent with CDBG eligibility.

This amendment would be a very big breach in that wall. It is a large amount of money for a particular purpose; the purpose may well be a reasonable one. There are many cities where similar needs could be put forward. It has not had any consideration at the subcommittee or committee level. There was some proposal made, and it was not pursued.

It takes a very large chunk of CDBG for special purpose. Indeed, if you look at the current existing special purpose for CDBG, the existing special purpose for CDBG is $60 million. This would add to that $60 million, but it would add more than half as much as is currently set aside for that purpose. It does not seem to be appropriate to take an amount that is equal to more than half of what is currently set aside for the entire country for special purpose CDBG, use it without any regard for eligibility requirements for a particular project, no matter how worthy in one city, when dozens of other communities that would have similar projects would not get a chance to do anything similar.

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

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

Mr. Chairman, this would not touch one penny of formula money for community development block grants. It would, in fact, add to community development block grants special purpose money of $35 million for a city that is trapped, with the largest senior population outside of Florida, trapped in homes bordered in, with the highest murder per capita rate in America, with our kids on the street. It has been promised by Tip O'Neil, promised by Jim Wright. We had a deficit, and I did not ask for it.

Mr. Chairman, I want to thank the Republican leadership for showing a heart to my people who built the tanks, the steels and lost 55,000 steel workers' jobs, replaced by 20 at minimum wage. This is not a convention center. It is a center for seniors, center for youth, center for them to have someplace to go besides the streets.

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

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Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 1 minute. It was originally described as a convention center, but I should note that was when we were talking about $15 million. When it was first raised in the committee, it was $15 million. Now it is $35 million. Whether or not commitments were made by people now departed, in many senses, cannot be binding on us today.

The question is, do we set the precedent? I agree that there is a need here. There is need in much of the country. I would hope the leadership on both sides would be willing to expand the total amount of money that could go for CDBG and related purposes. But we just adopted a budget, which in my judgment underfunds this category. To take $35 million for one community without any kind of process of checking out of a fixed amount of money that is going to be available in that allocation seems to me very unwise no matter what was promised 15 years ago.

Madam Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Madam Chairman, I yield myself 30 seconds. The gentleman has been misrepresenting the amendment. It does not take any money from anywhere. It does add $35 million. So instead of building schools overseas and vaccinating dogs overseas, the Traficant amendment adds some money for this significant project that Speaker Hastert has identified as a need. And I commend him.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself 1 minute.

I do not deny that this whole process speaks to a need of the speaker. I have a pretty good idea of exactly what that need is in the current political context. But the notion that it does not take from the other programs is simply wrong. We have a budget. We have 602(b) allocations. This does not add $35 million to the overall allocation. It takes out of the allocation that flows from that limited, and I think inadequate, budget $35 million.

Madam Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Madam Chairman, I hate to go against my friend from Ohio, but all day long I have stood on the floor here to go against people taking a run on CDBG moneys. Even though it is a special purpose grant, I am pretty sure it is very much needed and deserved, so it is in all the other districts throughout the country.

We all have needs. I am sure the gentleman from Ohio is expressing the needs of his area. But I came to say that when we begin to deal with income and moving income eligibility around and placing new programs without additional money, we run into trouble. So the special purpose grants, $35 million, that would fund maybe 25 programs throughout the country. With that I want to be sure that this amendment is defeated.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself such time as I may consume.

Let me just say, Madam Chairman, that I believe this does give a new meaning to the phrase ''special purpose.'' I had previously thought special purpose had to do with the more narrow purposes of community development block grant. It seems to me that with this $35 million proposal that the gentleman from Ohio says was specifically approved by the Speaker, to meet one of the speaker's needs, we are broadening the purposes beyond what is appropriate for a community development block grant program.

Madam Chairman, I reserve the balance of my time.

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

There is only one legislative vehicle for which this amendment is germane. Without an authorization, there can be no appropriation. When the bombs were flying, we built those bombs. We built the tanks. When those steel mills closed, they were my mills. The city is basically dead. This is also an economic opportunity act.

I do not know what agenda the gentleman from Massachusetts (Mr. FRANK) is pursuing, but this is not Rotary, either. My kids are on the street. The jobs they get are selling drugs. Then we put them in jails and build more jails. My seniors are boarding their windows from the inside, Madam Chairman. I am not taking a dime from anybody. But my people have paid taxes all these years. Where is the help from Washington for my people? Is it special purpose? Damn right. It is special. Stone cold special. And I want your vote. I did not plan to call for a recorded vote, but evidently the gentleman from Massachusetts is. I want your vote. I want you to stand up for my people, my people who have been solidly Democrat all these years. But by God their Congressman is going to do what he has to do to help his people. And you are the last appeal I have.

Now, when you built that tunnel up there in Boston and Tip O'Neill built that tunnel, I did not open my mouth. When that great Tom Bigby was built, everybody stepped aside. I am not taking a dime from anybody. This does not cut formula money. And by God I know I may not get the full $35 million, but I want it all this year, too. I want it appropriated. I did not come out with no game, no smoke-filled business and try and sneak it in the bill. I gave the gentleman from Massachusetts his shot and everybody their shot. By God, I want your vote.

HENRY, I want your vote, I want it early. Chairman LAZIO, thank you. I want your vote, I want it early. Chairman LEACH, I want your vote. Mr. GEPHARDT, I want your vote. And I want it early. STEPHANIE, I want your vote, from Cleveland, and I want it early. CARRIE, I want you to change your position, vote against the gentleman from Massachusetts and vote with me, and I want you to do it early.

I yield back a decimated city that is looking for help for its last point of appeal.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I want very much to help this city and others. I do not want to single out one city because of a particular political situation and provide large funds there when they inevitably come at the expense of others, because we are in a zero-sum situation. We have budget caps. We have a limited budget. And money spent on one program inevitably takes away from other programs.

I wish that we could expand all of the programs. I would be willing to do it. I understand that the gentleman wants people's vote. I understand that there are others who want the gentleman's vote. But that is not what governs. What ought to govern here is public policy. It is not good public policy in disregard of the basic economic considerations of CDBG to take a large chunk, and understand the total amount most recently appropriated for special purposes was $60 million.

This adds to the special purpose. It adds an amount that is more than half of what had previously existed in that account. It is disproportionate. It is not that we do not think we should do some of these things in the much smaller amounts in which we have done them, but $35 million for one community when we have many needy communities is a mistake.

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

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

Mr. TRAFICANT. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in House Report 106–592.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Madam 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. 11 offered by Mr. SOUDER:

Page 121, after line 11, insert the following new section:

SEC. 609. GRANT ELIGIBILITY OF COMMUNITY ORGANIZATIONS.

(a) ELIGIBILITY.—For any program administered by the Secretary of Housing and Urban Development under which financial assistance is provided by the Secretary to nongovernmental organizations or to a State or local government for provision to nongovernmental organizations, religious organizations shall be eligible, on the same basis as other nongovernmental organizations, to receive the financial assistance under the program from the Secretary or such State and local governments, as the case may be, as long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Secretary nor a State or local government to which such financial assistance is provided shall discriminate against an organization that receives financial assistance, or applies to receive assistance, under a program administered by the Secretary, on the basis that the organization has a religious character.

(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

(1) IN GENERAL.—A religious organization that receives assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

(2) AADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

(A) to alter its form of internal governance; or

(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

(3) EMPLOYMENT PRACTICES.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (a).

(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

(d) FISCAL ACCOUNTABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

(e) TREATMENT OF ELIGIBLE ENTITIES AND OTHER INTERMEDIATE ORGANIZATIONS.—If an eligible entity or other organization (referred to in this subsection as an ''intermediate organization''), acting under a contract, or grant or other agreement, with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (a), the intermediate organization shall have the same duties under this section as the government.

(f) DEFINITIONS.—For purposes of this section:

(1) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means any grant, loan, subsidy, guarantee, or other financial assistance, except that such term does not include any mortgage insurance provided under a program administered by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, I yield myself 4 minutes.

First I want to again thank the distinguished gentleman from New York (Mr. LAZIO) for his leadership in the housing bill. Once again he is reaching out to those who are hurting in this country trying to expand the base in a creative market-based way, and he has been a tremendous leader in the housing issue.

Madam Chairman, I rise today to offer this amendment to codify what HUD is already doing, encouraging faith-based organizations to have a place at the table in receiving Federal funds to provide social services. This amendment will simply codify the practice that religious organizations can compete on the same basis as other grantees for HUD grants.

In reality, charitable choice started in HUD under Jack Kemp, and that is really where the first charitable choice efforts came because many people simply did not care enough to work with the homeless. We both at the Federal level and the State level were not providing enough funds for the homeless. Without the charitable-based groups, many of these people would not have had a place to stay. Thus, we started charitable choice really inside HUD. It has enjoyed bipartisan support from this branch.

The House has endorsed charitable choice on five different occasions as a means of making social programs more effective. I offered an amendment to give faith-based organizations a role in anti-crime efforts in the Consequences for Juvenile Offenders Act in 1999. The House passed that amendment 346–83.

The Fathers Count Act included a charitable choice provision to allow faith-based organizations to apply for grants through the fatherhood program. An amendment on the House floor that would have removed the charitable choice language failed by a vote of 184–238. A form of charitable choice was also included in the Welfare and Medicaid Reform Act of 1996 and the Human Services Authorization Act of 1998, both of which have been signed into law. Finally, the charitable choice language was most recently included in the Even Start literacy program passed by the Committee on Education and the Workforce.

It is also noteworthy that the likely nominees of both presidential parties support charitable choice. Governor George W. Bush has been a leader in the effort to include religious groups in social programs as governor of Texas. Vice President Gore has endorsed this practice in speeches and on his Web site. In fact, the two candidates have been competing to see who is most for charitable choice and arguing over who is the most pro-charitable choice.

Charitable choice makes it clear that religious organizations receiving Federal funds to provide services may not discriminate against those who would receive those services. It makes it clear that they will not be forced to change their identity or the characteristics which make them unique and effective. These protections include their religious character, independence and employment practices.

The goal here is to allow faith-based organizations to compete without handicapping them by eliminating the characteristics which make them effective in improving lives and restoring communities. I also want to make it clear that it is supported by the current Secretary of HUD as it was by Secretary Kemp and as it was by Secretary Cisneros who was a leader when he was mayor of San Antonio in involving faith-based organizations.

On HUD's current home site, they talk about the importance of community and faith-based organizations. In 1997, HUD Secretary Cuomo initiated a new Center for Community and Interfaith Partnerships directed by Father Joseph Hacala. In this year's budget, HUD has requested $20 million for the interfaith housing initiative. Between the fall of 1999 and the summer of 2000, HUD's Center for Community and Interfaith Partnerships will host 10 regional conferences, quote, targeted to the needs of community and faith-based organizations which Secretary Cuomo has recognized are, quote, the voice of conscience in the struggle for economic rights.

In reference to those conferences, Secretary Cuomo stated:

''Our challenge is to engage partners in a new way to spurt the critical housing and community development efforts of community and faith-based organizations. Government cannot do this alone. Community and faith-based organizations cannot do this alone. But together, by combining our strategies, resources and commitment, we can build communities into law.''

Finally, charitable choice is something that is already being done. We need to codify it here. I commend Vice President Gore, Governor Bush, Secretary Cuomo and the previous housing secretaries before him to realize we cannot solve the housing problems in this country without charitable organizations.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself such time as I may consume. I may not be in opposition. I was hoping to clarify this. I certainly agree that we should enlist the valuable help of faith-based organizations in dealing with social problems.

When we first confronted this during my congressional tenure in the context of child care, I supported full inclusion of churches but I did have one question and I hope I can engage the gentleman about it.

His amendment, very correctly I believe, says these funds can only be given if they are in accordance with the establishment clause of the first amendment. My concern was the omission of the free exercise clause. Maybe it was unintentional. And I do not necessarily mean to make a lot out of it, but I have this concern. What about a citizen who happens to live in the area where the service is being provided to a religious organization who wishes to avail himself or herself of the federally funded service who is not religious and does not wish to be?

□ 1415

Is there a first amendment free exercise protection so that the citizen who wishes to partake of the program can do so without being required as a condition of that to undergo certain religious activities?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, we had this debate in the Even Start debate in the Committee on Education and the Workforce. My understanding of this, and there are only a couple of exceptions which we could get into if we wanted to, but in this grant, there would not be an exception, and that is that one cannot discriminate on who one covers, nor can one force them to participate in a religious activity. This would allow a Catholic priest to have his collar on if it is at a Catholic facility. It would not require them to remove icons, and it would not require them to hire people who do not share their faith. But if one is in the neighborhood and one is not a Catholic, they cannot require one to go to a biblical study, to show up at church, because there cannot be discrimination against applicants.

Mr. FRANK of Massachusetts. Madam Chairman, I thank the gentleman. It is nice to have one more affirmation of the fact that wearing a Catholic collar is not an obstacle to one's performance, whether it is here as the Chaplain or elsewhere.

I would then ask the gentleman, we do not need to do it now, but as this bill proceeds and we get to conference, would there be a problem, and would I ask him to look at adding where he has the establishment clause, also the free exercise clause. I do not ask him to agree to that now, but is that something that we could work together on?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, working with the gentleman from New York (Mr. LAZIO), the chairman of the subcommittee, I would be happy to consider that.

Mr. FRANK of Massachusetts. Madam Chairman, reclaiming my time, the reason I say this, lawyers can be very picky; and if we mention one thing and do not mention another, the inference can arise that it was meant to be excluded. So if it had just said first amendment, it would be different; but where it says the establishment clause, lest be there an inference that we did not mean the free exercise clause, I would like to include that. If we could do that, I would be largely satisfied.

Madam Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from Massachusetts (Mr. FRANK) has 7 minutes remaining.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Chairman, if the gentleman from Indiana would not mind, because this is a terribly significant issue, possibly dealing with protections of the first amendment of the Constitution, I would like to be sure I know what we are voting on.

Would funding under the gentleman's amendment be allowed to go to pervasively sectarian organizations?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Yes.

Mr. EDWARDS. Madam Chairman, is the gentleman aware that in 1988 the Supreme Court made a specific ruling that that is unconstitutional under the first 16 words of the Bill of Rights? It says, having direct Federal funding of churches and synagogues and houses of worship is an infringement upon the first amendment. Is the gentleman aware of that?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, the gentleman is aware, as we debated a number of times, that there are multiple rulings if it is used to teach primarily sectarian doctrine. In other words, if you teach religious doctrine, the courts clearly ruled. However, if one is pervasively sectarian, but not teaching religious views, the court has ruled in other cases. That is why we said consistent with the establishment clause, because it could be challenged.

The fact is, HUD currently gives and has given hundreds of these grants around the country to pervasively sectarian organizations.

Mr. EDWARDS. Madam Chairman, reclaiming my time, not necessarily to the First Baptist Church of Waco or to the First Methodist Church of New York City.

I think Members need to be aware of this. I think it is a shame that we are given just a handful of minutes to discuss an issue that Mr. Madison and Mr. Jefferson debated for 10 years in the Virginia legislature that provided the foundation for the first 16 words of the Bill of Rights.

Let me ask the gentleman another question. Let us say that it is the gentleman's intent that dollars go directly

to churches and houses of worship under this amendment, which eases my concern, because the Supreme Court would rule that that is unconstitutional. But let us just say that is the gentleman's intent. If money goes to a church associated with Bob Jones University next year under the gentleman's amendment, can that church, can that religious organization put out a sign saying, using your tax dollars, no Catholics need apply for a job here?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chair, an orthodox Jewish synagogue could also do that. The gentleman is trying to demagogue the question.

Mr. EDWARDS. Madam Chairman, reclaiming my time, I am trying to ask the gentleman a very significant question under the gentleman's amendment, and let me repeat it.

Next year, would a church associated with Bob Jones University be able to put out a sign saying, using your tax dollars, no Catholics need apply here for a job?

Mr. SOUDER. Madam Chairman, if the gentleman will continue to yield, if Secretary Cuomo or the Secretary of Housing and Urban Development chose to give it to a place that would discriminate on that basis, which could include Jewish, Catholic, evangelical, then that could happen.

Mr. EDWARDS. Madam Chair, reclaiming my time, I would hope Members who have not paid attention to this amendment that is added at the end of an otherwise excellent bill will understand that what the gentleman is saying is that contrary to 200 years of history in this country, the gentleman wants the American taxpayers' dollars to be used, would allow them to be used, regardless of intent, to discriminate against people because of their religious views. I would urge Members to pay attention to that.

Madam Chairman, I appreciate the gentleman answering that question honestly. Let me ask the gentleman another question.

Mr. LAZIO. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. Madam Chairman, no, I will not yield at this point. I would like to ask the gentleman a question, the author of the amendment, if I could. If we had more time, I would be glad to have a discussion. I wish we had several hours, if not days of debate on this church-state issue.

Madam Chairman, let me ask the question. Under the gentleman's amendment, would the Wiccans be able to apply for Federal tax funding?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, it is unlikely under President Bush that the witches would get funding.

Mr. EDWARDS. Madam Chairman, reclaiming my time, does the gentleman understand that the Supreme Court of the United States has given tax-free status to the Wiccans; and, therefore, they would be protected, as would the Methodist church, the Baptist church, and the Jewish synagogue. So would the gentleman admit to the fact that under his amendment, our Federal tax dollars could go to the Wiccan church to run a housing program. Is that correct?

Mr. SOUDER. Madam Chairman, if the gentleman will continue to yield, nonprofit organizations are already covered under the Tax Code, because under religious freedom in the United States, one is allowed to exercise freedom of religion. What this does would leave the discretion to the Department of HUD, as they do currently, to give grants to faith-based organizations, including African American church units which currently get the funding in the inter-faith initiative under Secretary Cuomo.

Mr. EDWARDS. Madam Chairman, reclaiming my time, that is my point, I say to the Members.

Mr. SOUDER. Madam Chairman, they can get it now under the Democratic administration.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. EDWARDS) has expired.

Mr. FRANK of Massachusetts. Madam Chairman, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Madam Chairman, in 30 seconds, let me debate the first amendment to the Constitution.

The gentleman has made my point better than I could make it. He is saying that under ''the Bush administration,'' they would pick out which religious organization qualifies for Federal tax dollars and which ones would not. That is exactly what Mr. Madison and Mr. Jefferson did not want when they founded the basis of the Bill of Rights. They did not want politicians and government officials deciding which religious organization receives official government approval and which ones do not. I would suggest that providing direct Federal tax dollars to let group discrimination based on religion is a reason to oppose this amendment.

Mr. SOUDER. Madam Chairman, first I yield myself 30 seconds.

What the gentlemen said was witches were not likely to be funded; but that is not my decision, and we do not know. But what is true is that the current administration already makes these decisions in HUD; they have an entire division that makes these decisions in HUD. They go through it, it is public review. It has worked tremendously well. It is one of the only ways to reach poor people, and I am disappointed that a few people in this House separate themselves from the leadership of both parties in arguing for charitable choice.

Madam Chairman, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Madam Chair, I thank the gentleman for yielding me this time.

I just want to say that I think this is a way to provide a wonderful opportunity to people who do not have a chance to get into homeownership. There are many avenues that we have available; sometimes we just focus on the Government providing all of these services. We have to go through housing and urban development, and we want to cut off the opportunity for nonprofit organizations and religious organizations to get involved. But there is a long history in States like Kansas.

For example, in adoption, we had trouble with adoption through the State agencies, and they opened it up to a Lutheran organization, the amount of adoptions increased dramatically, because their heart was in it. They were able to do more things quicker. That was very beneficial.

If we look back at Wichita, there is a group called Mennonite Housing. That is a faith-based organization. But if they had access to these grants, they would do in a larger scale what they are doing today, and that is taking properties that are less than acceptable today, that are in poor condition, dilapidated, and through this organization and through block grants could create opportunity for people who would not be able to purchase housing. Single mothers, minority mothers, poor families, people without work that are just working maybe just a minimum-level job while they are getting some education or training.

So Mennonite Housing, a faith-based organization, would be, under the Souder amendment, able to capture some money, take these dilapidated properties, and then get them into a position or an order for people to move in. Put new roofs on, new siding, whatever it takes to bring them up to code, make them livable. It would be a very exciting opportunity for the people who are too poor right now to be able to afford this housing on their own.

Now, it is not pushing any faith; there is not going to be any sermons given here. Mennonite Housing does not do that. They simply meet the needs of the poor. They let their faith be their actions, and their actions are taking poor houses in bad condition, and they refurbish them; and they give them through low-interest loans to people at a payment that they can make, and they have hope. They have their own home. They have a wonderful opportunity.

The Souder amendment is going to allow that to expand. It will not be just limited to private donations; it is going to be an opportunity for them to apply for these block grants, take large sections and not just in Wichita, Kansas. It could be in any city across America, large areas of unclaimed city that has gone to crime, it has gone to drugs. If it was just brought up to code, new paint, new shingles, new lawn, other

families would want to move in there and improve the property and refurbish these cities.

How do we do it? We give faith-based organizations the opportunity to get block grants to make these houses liveable. So I would ask my colleagues to support the Souder amendment and let us see if we cannot do something for the poor.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself such time as I may consume.

I would like to have a colloquy with the gentleman from New York or the gentleman from Indiana. I would just ask, I guess I can mention this, whether we include language that protected free exercise, i.e., no one would be coerced into a religion, whether or not that would affect the employment issue, and my answer clearly is no.

There are two separate issues that we raised. My colleague from Texas has raised the employment issue. I may agree with him on that, but it is a separate one from the free exercise. The free exercise goes to the question of the citizens not employed by the program, but who would be participants in it? I am assuming if we did free exercise, that would cover them. That would then leave unresolved the issue of employment, but the two would not be affected.

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana.

Mr. SOUDER. Madam Chairman, I would agree to such an amendment and believe it is consistent with what we have been doing all the way along and consistent with court decisions that we cannot discriminate among recipients.

Mr. FRANK of Massachusetts. Madam Chairman, I would give unanimous consent, if we were asking for a modification that added the free exercise clause, with the understanding that that left unresolved and untouched to be further debated the employment issue raised by the gentleman from Texas. The free exercise goes to the beneficiaries; employment goes to the other section.

Mr. LAZIO. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO. Madam Chairman, I would like to make a unanimous consent request, if it is appropriate, to modify the amendment of the gentleman from Indiana, so that on page 1, line 13, after the reference to the establishment clause, we also add the free exercise clause.

The CHAIRMAN pro tempore. The Chair requests that the gentleman from Indiana (Mr. SOUDER) propound such a unanimous consent.

Mr. FRANK of Massachusetts. Would the gentleman repeat the unanimous consent request?

Mr. LAZIO. The proposed unanimous consent request, which I believe now the gentleman from Indiana will make, would be that the amendment would be modified so that language would be inserted on page 1, line 13, after the phrase ''establishment clause'' to include ''and the free exercise clause.''

Mr. FRANK of Massachusetts. Madam Chairman, I have no objection.

Mr. SOUDER. Madam Chairman, I would request that that be done.

Mr. FRANK of Massachusetts. Madam Chair, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. FRANK) has no remaining time.

□ 1430

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MR. SOUDER

Mr. SOUDER. Madam Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore (Mrs. EMERSON). The Clerk will report the modification to the amendment.

The Clerk read as follows:

Modification to Amendment No. 11 offered by Mr. SOUDER:

Page 1, line 13 of the amendment after ''Establishment Clause'' insert ''and The Free Exercise Clause''.

The CHAIRMAN pro tempore. Is there objection to the modification?

Mr. EDWARDS. Madam Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. EDWARDS) is recognized.

Mr. EDWARDS. Madam Chairman, I would like to ask the question, has the gentleman dealt with the issue in this amendment or other intended amendment of using Federal tax dollars to discriminate against people based on their religious faith, or is he just dealing with an addition to the question of the establishment and the free exercise clauses?

Mr. SOUDER. Madam Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Indiana.

Mr. SOUDER. I accepted an amendment that in my opinion was already covered by the bill under the establishment clause, but this clarified that.

Obviously the gentleman's concern is the guts of my bill, which would allow faith-based organizations to apply for government grants without giving up the faith part of their organization.

Mr. EDWARDS. Madam Chairman, let me just clarify a couple of points, then, under my reservation of objection.

First of all, Madam Chairman, it is meaningless to add to any bill that ''this bill cannot be inconsistent with the Constitution.'' That is already implied in the writing of the Constitution. We have no power to pass a bill that is unconstitutional, so let us not be deluded to think that somehow that is adding a protection to this bill.

Secondly, I would still point out to all Members who have not been aware of this that this particular amendment, as I now understand it, still would allow someone to take Federal tax dollars and put up a sign saying ''no Catholics need apply here for a job, federally-funded job; no Jews need apply here for a federally-funded job.''

Is that correct, the gentleman's amendment that we are talking about does not address the employment discrimination using tax dollars? Or does the gentleman have a separate amendment that I can see a copy of?

Mr. LAFALCE. Madam Chairman, would the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from New York.

Mr. LAFALCE. Madam Chairman, I do not think there is a difficulty with the gentleman's amendment now that it has been amended. We have 202 programs, we have Section 8 programs. They go to Jewish organizations, they go to Catholic organizations, they go to Protestant organizations right now. They cannot discriminate. They cannot discriminate and say, you must be a Catholic, you must be Jewish, you must be a Muslim, you must be a Protestant in order to become a tenant in this organization.

They do not discriminate, they cannot discriminate, under these laws with respect to hiring practices, too. I do not think this gentleman's amendment accomplishes that much, but I do not think it changes anything. It does not hurt that much, either. I think we are making a big argument out of a relatively small matter.

Mr. EDWARDS. If I could reclaim my time, then, the difference, and perhaps the gentleman from New York did not hear the answer of the gentleman, he said it was his intent with his language——

Mr. SOUDER. Madam Chairman, if the gentleman will yield further, I do not believe this is relevant to the particular objection. I think he has raised a separate issue.

Mr. EDWARDS. Madam Chairman, what we are trying to do is clarify what is in the amendment.

The CHAIRMAN pro tempore. Under the gentleman's reservation of objection, he has a right to object.

Mr. SOUDER. He is not discussing the particular item under the objection, Madam Chairman.

Mr. EDWARDS. I am trying to, because there was a discussion between the gentleman from Massachusetts (Mr. FRANK) and the gentleman about another amendment being accepted on a unanimous basis, and then the gentleman mentioned this amendment, resolve this. Frankly, this Member is a bit uncertain as to what amendment we are including here.

I guess, to clarify, this does not have any language dealing with job discrimination.

To the gentleman from New York (Mr. LAFALCE), let me just point out, in response to his comments on this amendment, the gentleman previously said it is his intent with this amendment that these Federal dollars go to pervasively sectarian organizations. That is something that the Supreme Court ruled in 1998 is unconstitutional.

I have no problem with faith-based organizations, Catholic Charities, getting Federal money. I have a huge problem with the Federal government directly funding the First Catholic Church, the First Methodist Church, the First Synagogue, or the First Wiccans with direct Federal money. That has huge implications.

Because the gentleman said ''pervasively sectarian organizations'' get the money, those pervasively sectarian organizations have special protections under the law where they can discriminate based on someone's religious faith.

So based on the gentleman's answer, under this bill, even including this amendment, they could take Federal tax dollars and put up a sign and say, no Jews, no Catholics, no Christians, no Hindus need apply here. I think that is incredibly significant.

My problem is that what otherwise is an outstanding bipartisan bill is complicated now by an issue that frankly we should spend days, not just moments, debating. I would urge my colleagues to look at what they are about to vote on. I would urge its rejection.

Madam Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN pro tempore. The modification is accepted.

The gentleman from Indiana (Mr. SOUDER) is recognized for the balance of his time, 2½ minutes.

Mr. SOUDER. Madam Chairman, I will not use the full time.

I merely want to reiterate that for all the hullaballoo here, this is the same language we had in the juvenile justice bill that passed 346 to 83 with the same language; the same in the Fathers Count, in the welfare bill, the human services bill. It is what is in the Even Start bill. It is supported by the current administration, by the previous HUD Secretaries before this.

It is supported by African-American, Hispanic, Orthodox Jewish, Catholic, Protestant organizations all over the country that are trying to deal with the terrible problems of homelessness, of inadequate housing for the poor.

Without extending Federal dollars, it is going to be very difficult. Quite frankly, faith-based organizations are not willing to give up their faith in order to become part of a charitable system. They will just choose not to participate, as they did for years prior to the current Secretary of HUD and other Secretaries reaching out to them.

So I think this merely codfies what is already being done. We have done it in other bills. Quite frankly, it is going to be coming in more bills, because it is one of the most important things we can do to extend Federal dollars and involve people whose hearts say they want to help those who are hurting, and this enables them to do so.

Mr. POMEROY. Madam Chairman, I rise to express my opposition to the Souder Amendment.

The Souder amendment would allow religious and faith-based organizations to compete for all federal housing, homeless and community development programs under the Department of Housing and Urban Development (HUD). Madam Chairman, I strongly believe that religious organizations can play a key role in addressing housing needs throughout our communities and rural areas. However, the legislation would allow the funding to be funneled directly to the religious organizations as opposed to going through a private foundation. I believe it is more appropriate for religious organizations wanting to administer programs to assist the poor and elderly to establish private foundations and apply for federal funding. In fact, many religious organizations have established private foundations like the Catholic Charities and receive funding through various HUD programs to administer to the poor and elderly. I believe it is in the best interest of religious organizations to operate completely independently of the federal government. This independence provides religious organizations with certain protections under federal law, and helps insulate them from government intervention.

Madam Chairman, I believe that the Souder amendment needlessly tampers with our nation's strong tradition of the protection of religious institutions from government interference, and I would urge my colleagues to oppose this amendment.

Ms. PELOSI. Madam Chairman, I rise today to oppose Representative SOUDER's amendment. This amendment will violate the constitutional separation of church and state; weaken important anti-discrimination civil rights protections; and entangle religious institutions in the reach of government.

Representative SOUDER's amendment is damaging because his charitable choice provision is unconstitutional. It attacks existing constitutional protections separating church and state. It diverts taxpayer and government funding to sectarian religious groups who could then use these funds to facilitate overtly religious activities and practices. The Constitution does not allow the government to fund overtly religious or ''pervasively sectarian'' religious organizations. This is an inappropriate use of government funds.

Representative SOUDER's amendment is unneeded because the Constitution does permit the government to fund religious organizations that are ''nonsectarian'' to pursue non-religious activities and currently the government funds many of these groups. These groups are often called religious affiliates. For example, local Catholic Charities and Jewish Social Services groups that receive federal funding are non-sectarian groups.

The differences between non-sectarian religious organizations and pervasively sectarian religious organizations are very important and we must continue to respect these differences. Sectarian groups may proselytize, discriminate by religion, and advance religious beliefs. For these reasons, the government can not provide funds directly to a sectarian church or synagogue. We would not want employers which receive government funds to refuse to hire Jewish or Catholic employees on the basis of their religion. This would be wrong. We would not want organizations that receive government funds to proselytize the Mormon faith to non-Mormons who seek social services. We do not want government funded organizations to discriminate in their social service delivery against gays and lesbians; unmarried couples living together; or to practice other discriminatory practices.

Both non-sectarian and sectarian religious groups do good work, and this work deserves our support. Nonetheless, taxpayer and government funds should not subsidize sectarian religious activities nor violate the separation of church and state. Let us remember, that under current law, pervasively sectarian religious groups are permitted to form an affiliate organization and this affiliate is eligible to apply for federal funding. I urge my colleagues to vote for the Constitution and oppose the Souder amendment.

Mr. SOUDER. Mr. Chairman, many of the Constitutional issues relevant to the Charitable Choice debate were discussed in an excellent article by Carl Esbeck in the Emory Law Review, which follows:

A CONSTITUTIONAL CASE FOR GOVERNMENTAL COOPERATION WITH FAITH-BASED SOCIAL SERVICE PROVIDERS[d]

It is often said that America's founding was an experiment in government. Certainly few features of the American constitutional settlement left more to future change—and were more of a break with existing European patterns—than the Establishment Clause set out in the First Amendment. The new Republic sought to rely on transcendent principles to justify its unpre-cedented advancements in human liberty.[1] Concurrently, the Founders rejected any official or fixed formulation of these principles, for no public credo was to be established by law. So it is more than just a little ironic that the nation's most cherished human rights depend upon the continued private faith of innumerable Americans in creeds and confessions that themselves cannot be officially adopted by the Republic, lest the adoption run afoul of the prohibition on laws respecting an establishment of religion. Yet, coming full circle, it is this ''no-establishment principle'' that allows voluntary religion to flourish, which in turn nurtures belief in God-endowed rights.[2] The resulting juggling act is what Dr. Os Guinness aptly describes as the still ''undecided experiment in freedom, a gravity-defying gamble that stands or falls on the dynamism and endurance of (the Republic's) unofficial faiths.''[3]

This ongoing experiment in human liberty, because of its indeterminacy, has had the unforeseen effect of concentrating intense pressure on a single constitutional restraint on governmental power, namely the Establishment Clause. To the uninitiated, having the cause of this pressure pinpointed goes far toward explaining why the no-establishment principle has become one of the chief battle sites over who exercises cultural authority in this nation.[4] Quite simply, the Establishment Clause has become where Americans litigate over the meaning of America.[5] Thus, it is to the Establishment Clause that we rightly devote so much of our attention and energy.

The United States Supreme Court's modern jurisprudence concerning church/state relations is commonly dated from its 1947 decision in Everson v. Board of Education,[6] which embraced a separationist interpretation of the Establishment Clause. Since Everson, the Court begins with separatistic assumptions when addressing novel question that invokes the no-establishment principle. The separationism theory has become so dominant that today, fifty years after

Footnotes appear at the end of article.

Everson, courts assume a need to justify holdings that reach results not easily fitting into Jefferson's influential metaphor (''a wall of separation'') as allowable departures from the rule first laid down in Everson.

This article will refer to separationism as based on ''older assumptions.'' The Court's presuppositions concerning the nature and contemporary value of religion and the proper role of modern government underlie what will be referred to as a ''traditional analysis'' of the case law. Part I is a partial overview of the Supreme Court's cases since Everson, and has the goal of making the strongest arguments—within the framework of separationism—for the constitutionality of governmental welfare programs that permit participation by faith-based social service providers.

Part II is about separationism's major competitor, a theory centered on the unleashing of personal liberty to the end that, with minimal governmental interference, individuals make their own religious choices. The theory has come to be called the neutrality principle.[7] Neutrality theory surfaced most obviously in 1981 when the Supreme Court handed down its decision in the free speech and religion case of Widmar v. Vincent.[8] Religious neutrality as a model for interpreting the Establishment Clause is based on what will be termed ''new assumptions.'' The aim of the new assumptions is to minimize the effects of governmental action on individual or group choices[9] concerning religious belief and practice. When the dispute is over a welfare program in which faith-based social service providers desire to participate, the neutrality principle requires government to follow a rule of minimizing the impact of its actions on religion, to wit: all service providers may participate in a welfare program without regard to religion and free of eligibility criteria that require the abandonment of a provider's religious expression or character. Thus, Part II consists of a realignment of the Supreme Court's cases along a new axis, with the goal of making the strongest arguments—within the framework of these new assumptions—for the constitutionality of governmental programs of aid which permit full and equal participation by faith-based social service providers.

Before turning to the case law, it should be stated candidly and up front that there is no truly neutral position concerning these matters, for all models of church/state relations embody substantive choices. The decisions the Supreme Court handed down in both Everson and Widmar are not otherwise. Separationism is a value-laden judgment that certain areas of the human condition best lie within the province of religion, while other areas of life are properly under the authority of civil government. Separationism, this most dominant of theories, is in no sense the inevitable product of objective reason unadulterated by an ideological commitment to some higher point of reference. Separationism cannot stand outside of the political and religious milieu from which it emerged and honestly claim to be neutral concerning the nature and contemporary value of religion or the purposes of modern government. The same must be said for its primary competitor, the neutrality theory.[10] Indeed, to demand that any theory of church/state relations transcend its pedigree or its presuppositions and be substantively neutral is to ask the impossible.[11]

I. OLDER ASSUMPTIONS: SEPARATIONISM AND A TRADITIONAL ANALYSIS OF THE CASE LAW

The Supreme Court distinguishes between the direct[12] and the indirect[13] receipt of a government's welfare assistance by social service providers. ''Indirect'' welfare assistance means that a personal choice by the ultimate beneficiary—rather than by the government—determines which social service provider eventually receives the assistance. Indirect forms of assistance will be discussed first because the current state of the case law is more easily sorted out.

The Court has consistently held that government may design a welfare program that places benefits in the hands of individuals, who in turn have freedom in the choice of service provider to which they take their benefits and ''spend'' them. It makes no difference whether the chosen provider is governmental or independent, secular or religious. Any aid to religion as a consequence of such a program only indirectly reaches—and thereby only indirectly advances—the religion of a faith-based provider. In situations of indirect assistance, the equal treatment of religion—no separationism—is the Court's operative rule for interpreting the Establishment Clause. As will be shown below, this rule of equality is instrumental to neutrality theory.[14]

The leading cases are Mueller v. Allen,[15] Witters v. Washington Department of Services for the Blind,[16] and most recently Zobrest v. Catalina Foothills School District.[17] Even the more liberal Justices on the Court have acceded to the direct/indirect distinction.[18]

The rationale for this distinction is twofold. First, the constitutionally salient cause of any indirect aid to religion is entirely in the control of independent actors, not in the hands of the government. So long as individuals may freely choose or not choose religion, merely enabling private decisions logically cannot be a governmental establishment of religion. The government is essentially passive as to the relevant decision, and hence not the agent of any resulting religious use. Second, the indirect nature of the aid, channelled as it is through countless individual beneficiaries, reduces church/state interaction and any resulting regulatory oversight. This enhances the nonentanglement that is so desirable from the perspective of the Establishment Clause.

There are a number of familiar programs that illustrate this rule: individual income tax deductions for contributions to charitable organizations, including those that are religious;[19] and G.I. Bill[20] and other federal aid to students attending the college or university of their choice, including those affiliated with a church;[21] federal child care certificates for low-income parents of preschool-age children;[22] and state-issued vouchers permitted under the Temporary Assistance for Needy Families program.[23] Pursuant to this rule of law, vouchers given to welfare beneficiaries that are redeemable by any eligible provider, whether governmental or independent, secular or religious, would be constitutional.[24]

It bears emphasizing that the programs of aid upheld in Mueller, Witters, and Zobrest were adopted as a matter of legislative discretion or prudence. These cases do not hold that there is a constitutional right to equal treatment between governmental and independent sector providers. Government may decide that these indirect benefits are redeemable at its welfare agencies alone,[25] thereby excluding all similarly situated independent sector providers. Should a state decide to provide assistance only through government-operated agencies, it can do so without violating the First Amendment. The caveat is that a state cannot adopt a program of aid that involves all providers of welfare services, governmental and independent sectors, but specifically disqualified participation by religious providers. The Free Exercise Clause prohibits any such intentional discrimination against religion.[26]

Unlike indirect forms of assistance, when it comes to direct assistance—that is, a government's general program of assistance flows directly to all organizations, including faith-based providers of services—then separationism is the Court's beginning frame of reference. Separationism makes three assumptions. First, it assumes that a sacred/secular dichotomy accurately describes the world of religion and the work of faith-based providers called to minister among the poor and needy. That is to say, the activities of faith-based providers can be separated into the temporal and the spiritual. This assumption, of course, is vigorously challenged by neutrality theorists.[27] Second, separatists assume that religion is private and that it should not involve itself with public matters, with ''public'' often equated to ''political'' or ''governmental'' affairs. The neutrality principle rejects this private/public dichotomy as well, insisting that personal faith has public consequences and that the practice of religious faith can lead to cooperation with the government in achieving laudable public purposes.[28] Third, separatists assume that a government's welfare assistance equates to aid for the service provider. Neutrality theories contest this characterization as well, describing the situation as one of cooperation between government and independent sector providers, with the joint aim being society's betterment through the delivery of aid to the ultimate beneficiaries.[29]

As a general proposition, the Supreme Court has said that direct forms of reimbursement can be provided for the ''secular'' services offered by a religious organization but not for those services comprising the group's ''religious'' practices. Thus, if an organization's secular and religious functions are reliably separable, direct assistance can be provided for the secular function alone. But if they are not separable, then the Court disallows the assistance altogether, with the explanation that the Establishment Clause will not allow the risk[30] of governmental aid furthering the transmission of religious beliefs or practices.

The juridical category the Court utilizes to determine whether a general program of direct assistance risks advancing religion is whether the provider is ''pervasively sectarian.''[31] Should the provider fit the profile of a pervasively sectarian organization, then separationist theory prohibits any direct aid to the provider. The one small exception is aid that, due to its form or nature, cannot be converted to a religious use. For example, the Court has allowed independent religious schools to receive government-provided secular textbooks and bus transportation between a student's home and school.[32]

All the Supreme Court's cases striking down direct programs of aid have involved primary and secondary faith-based schools.[33] Contrariwise, in each of the three instances that have come before the Court involving direct aid to colleges and universities, including those which are faith-related, the Court has upheld the financial aid.[34] The Court received considerable criticism—even ridicule—for the close distinctions it has made in religious school cases between the types of permissible and impermissible aid. However, for present purposes these distinctions are best seen as fact-finding quibbles over whether the Court rightly determined if the nature of a particular direct benefit can be converted to a religious and, therefore, forbidden use.

On the two occasions the Court has considered the constitutionality of social service direct aid programs, it has sustained both programs. In a turn of the century case, Bradfield v. Roberts,[35] the Court upheld a

capital improvement grant for a church-affiliated hospital.[36] At present, however, Bowen v. Kendrick[37] is the modern and hence more pertinent case. By the narrow margin of five to four, the Court in Kendrick upheld ''on its face'' federal grants for teenage sexuality counseling, including counseling offered by faith-related centers. However, the Court remanded for a case-by-case or ''as applied'' review in order that teenage counseling centers found to be pervasively sectarian would have their grants discontinued.[38]

Under the Adolescent Family Life Act (AFLA),[39] the Secretary of Health and Human Services authorizes direct cash grants to both governmental and independent sector nonprofit organizations doing research or providing services in the areas of teenage pregnancy and counseling for adolescents concerning premarital sexual relations. Accordingly, the societal problems addressed by AFLA are a blend of health, economic, and moral issues surrounding teenage sexuality and out-of-wedlock pregnancy. The statute defines an eligible grant recipient as a ''public or non-profit private organization or agency,'' apparently permitting otherwise qualified religious organizations to receive the grants on the same terms as nonreligious agencies.[40] Moreover, language in the Act expressly invites participation by religious organizations and requires certain secular grantees to take into account involvement by religious organizations, along with family and community volunteer groups, in addressing the problem of adolescent sexuality.[41] These provisions were written into the law to ensure that religious groups would be treated in a nondiscriminatory manner when compared with other similarly situated eligible grant recipients. No statutory language specifically barred the use of grant monies for worship, prayer, or other intrinsically religious activities. Finally, other than routine fiscal accountability to ensure that federal funds were not misappropriated, no monitoring or other oversight was made part of the resulting relationship between the Department of Health and Human Services and the participating religious organizations.[42]

After describing the broad outlines of AFLA, the majority spoke in sweeping terms of the Establishment Clause and governmental aid as permitting an equality-based rule. It said that ''religious institutions need not be quarantined from public benefits that are neutrally available to all,''[43] and that ''this Court has never held that religious institutions are disabled by the First Amendment from participating in publicly sponsored social welfare programs.''[44] The Court then went on to utilize the three-prong Lemon test for its analysis.[45]

Concerning Lemon's first prong, requiring that legislation have a secular purpose, the contending parties in Kendrick agreed ''that, on the whole, religious concerns were not the sole motivation behind the Act.''[46] As usual, the Court's application of the purpose test was highly deferential to the legislature.

Lemon's second prong requires that the principal or primary effect of a law not advance religion. There was nothing ''inherently religious'' or ''specifically religious,'' pointed out the Court, about the activities or social services provided by the grantees to adolescents with premarital sexuality questions and problems.[47] Moreover, simply because AFLA expressly required religious organizations to be considered among the available grantees and demanded that the role of religion be taken into account by secular grantees, that did not have the effect of endorsing a religious view of how to solve the problem.[48] As to grantee eligibility, the Court interpreted AFLA as ''religion-blind'' when Congress required that all organizations, secular and religious, be considered on an equal footing. Further, the legislation did not violate the Establishment Clause merely because religious beliefs and the moral values urged by AFLA overlap.[49] Critical to the result was that the majority refused to hold that faith-based teenage counseling centers were necessarily pervasively sectarian.[50] Although the form of the assistance was a direct cash grant, the First Amendment was not offended as long as the grantee was not pervasively sectarian.[51] The fact that the ultimate beneficiaries were impressionable adolescents did not, without more, present an unacceptable risk that the no-establishment principle was violated.[52] Although AFLA did not expressly bar the use of federal funds for worship, prayer, or other inherently religious activities, the Court said no explicit bar was required. The Court added, however, that ''(c)learly, if there were such a provision in this statute, it would be easier to conclude that the statute on its face'' was constitutional.[53]

Under the third prong of Lemon, the Court considers whether the statute in question fosters an excessive administrative entanglement between religious officials and the offices of government. Monitoring of AFLA grantees by the Department of Health and Human Services is necessary only to ensure that federal money is not misappropriated. There is no requirement that faith-based grantees follow any federal guidelines concerning the content of the advice given to teenagers or otherwise modify their programs. There are no nondiscrimination requirements as to the beneficiaries served. Because religious grantees are not necessarily pervasively sectarian, the majority concluded that this limited oversight by the federal agency could not be deemed excessively entangling.[54]

Dividing the analysis between ''facial'' and ''as applied'' components places a considerable burden on separationists, like the legal activists behind the Kendrick litigation, who rove the country filing suits claiming Establishment Clause transgressions. The aim of these activists is to halt the government aid, not on a piecemeal or case-by-case basis, but by enjoining the entire Act insofar as it allows any participation by faith-based providers. This was possible when the Court was willing to overturn legislation on the mere ''risk'' that the second of third prongs of Lemon were violated.[55] After Kendrick, a violation of the Establishment Clause must be proved in each case by palpable evidence that confessional religion is being advanced. The only exception occurs when the entire class of religious service providers is pervasively sectarian. Because not all faith-based social service providers are pervasively sectarian, a facial attack will fail.

In a short concurring opinion, Justice O'Connor drew a helpful distinction. She noted that the object of congressional funding under AFLA, namely the moral issue of teenage sexuality, was ''inevitably more difficult than in other projects, such as ministering to the poor and the sick.''[56] Far easier cases, she opined, would be welfare programs funding faith-based soup kitchens or hospitals.[57] Accordingly, where the object of the governmental aid is clearly addressed to temporal needs (e.g., food, clothing, shelter, health), in Justice O'Connor's view, a social service program that includes religious providers is facially constitutional.[58]

For the Court to require officials to distinguish between ''pervasively'' and ''non-pervasively'' sectarian organizations creates a fundamental inconsistency within its own doctrine. The Court had earlier held in Larson v. Valente[59] that the Establishment Clause requires that government not intentionally discriminate among types of religions,[60] nor should government utilize classifications based on denominational or sectarian affiliation.[61] Moreover, in order to distinguish between ''pervasively'' and ''non-pervasively sectarian'' organizations, as Kendrick requires, courts will become deeply entangled in the religious character of these faith-based providers of social services.[62] The Supreme Court, however, has said that whenever possible officials should avoid making detailed inquiries into religious practices, or probing into the significance of religious words and events.[63]

Justice Kennedy, sensing analytical difficulty with Establishment Clause doctrine whose application requires the Court to discriminate among religious groups, wrote a brief concurring opinion.[64] Stating that he doubted whether ''the term 'pervasively sectarian' is a well-founded juridical category,''[65] Justice Kennedy went on to adopt a neutrality-based rule. A social assistance program would be facially constitutional, Kennedy said, as long as its purpose was neutral as to religion and a diverse array of organizations were eligible to participate.[66] Upon remand of the case, for Justice Kennedy the ''question in an as-applied challenge is not whether the entity is of a religious character, but how it spends its grant.''[67] As long as the grant is actually used for the designated public purpose—rather than to advance inherently religious beliefs or practices—there is no violation of the Establishment Clause.[68] This proposal has the virtue of not violating the rule set down in Larson.

In laying down its rules concerning programs of direct assistance, the Supreme Court has adopted a funds-tracing analysis rather than a freed-funds analysis. That is, the Court interprets the Establishment Clause as forbidding the direct flow of taxpayer funds, as such, to pay for inherently religious activities. The Court does not concern itself when governmental funding of a faith-based provider's secular activities thereby frees private dollars to spend on religious activities. In a pervasively sectarian organization, however, in which the mixing of religious and secular activities is complete, the tracing of taxpayer funds will always determine that religious activities are advanced in tandem with the secular. Hence, in a pervasively sectarian organization even a funds-tracing analysis causes the Court to hold that no taxpayer funds can go directly to such organizations.

The harm that separationists fear is not that privately raised dollars are freed as a consequence of the government's program so that they may be reallocated to a religious use. Rather, the feared harm is that governmental monies (collected as taxes, user fees, fines, sale of government property, etc.),[69] may be used to pay for such inherently religious activities as worship, prayer, proselytizing, doctrinal teaching, and devotional scriptural reading. Indeed, separationists on the Court have been most insistent that the Establishment Clause ''absolutely prohibit(s) government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith.''[70]

Although it will scandalize separationists, the rest of us are led to probe below the bluff and bluster and ask the following: ''Is the harm resulting from government-collected monies going to religion so self-evident and severe?'' As citizens we are taxed to support all manner of policies and programs with which we disagree. Tax dollars pay for weapons of mass destruction that some believe are evil. Taxes pay for abortions and the execution of capital offenders, that some believe are acts of murder. Taxes pay the salaries of public officials whose policies we despise and oppose at every opportunity. Why is religion

different? If the answer is that we are protecting a religiously informed conscientious right not to have one's taxes go toward the support of religion, the Supreme court has already rejected such a claim.[71] It makes no difference to the Court that a taxpayer avers that he or she is ''coerced'' or otherwise ''offended'' when general tax revenues are used in a program that involves faith-based social service providers.[72] Accordingly, with reference to the Court's interpretation of the Establishment Clause, it must again be asked, ''Is the harm that separationists would have us avoid at all cost so self-evident and severe?

Although a thorough treatment of this question is beyond the scope of this Article, the answer separationists give is that there are two such harms which the Establishment Clause is designed to safeguard against, and history demonstrates that they can be quite severe: first, divisiveness within the body politic along sectarian lines;[73] and, second, the damage to religion itself by the undermining of religious voluntarism and the weakening of church autonomy.[74] Separationism has yet to give a convincing argument that these two harms will befall the nation as a result of the equal involvement of faith-based providers in social service programs. The harm of sectarian divisiveness within the body politic is not altogether different in kind or more threatening than tax funding for other ideologies and programs that citizens find disagreeable.[75] And the harm to religion itself when too closely allied with government, while real and threatening, can be adequately protected by writing into the welfare legislation safeguards for protecting the religious character and expression of faith-based providers.[76]

II. NEW ASSUMPTIONS: A PARADIGM SHIFT TO GOVERNMENTAL NEUTRALITY

Neutrality theory approaches the debate over the Establishment Clause from an altogether different point of entry. According to this theory, when government provides benefits to enable activities that serve the public good, such as education, health care, or social services, there should be neither discrimination in eligibility based on religion, nor exclusionary criteria requiring these charities to engage in self-censorship or otherwise water down their religious identity as a condition for program participation.[77] The neutrality model allows individuals and religious groups to participate fully and equally with their fellow citizens in America's public life, without being forced either to shed or disguise their religious convictions or character. The theory is not a call for preferential treatment for religion in the administration of publicly funded programs.[78] Rather, when it comes to participation in programs of aid, neutrality merely lays claim to the same access to benefits, without regard to religion, enjoyed by others.[79] Finally, as noted above,[80] the neutrality principle rejects the three assumptions made by separationist theory: that the activities of faith-based charities are severable into ''sacred'' and ''secular'' aspects, that religion is ''private'' whereas government monopolizes ''public'' matters, and that governmental assistance paid to service providers is aid to the providers as well as aid to the ultimate beneficiaries.

Should separationism eventually be dislodged from its place as the controlling paradigm, it will be said that this change began in 1981 with the Supreme Court's decision in Widmar v. Vincent.[81] In Widmar, a state university permitted student organizations to hold their meetings in campus buildings when the facilities were not being used for other purposes. However, student religious organizations were specifically denied such access. The university maintained that the denial was required because it could not support religion by providing meeting space for worship, prayer, and Bible study, consistent with a no-aid interpretation of the Establishment Clause. A group of students brought suit, first pointing out that the university had voluntarily created a limited public forum generally open to student expression. Having dedicated the forum, the students argued that expression of religious content could not be singled out for discrimination. A near-unanimous Supreme Court agreed. Most significantly, the Court held that the Establishment Clause did not override the Free Speech Clause as long as the creation of the forum had a secular purpose. Religious groups were just one of many student organizations permitted into the forum. As long as the circumstances were such that the university did not appear to be placing its power or prestige behind the religious message, the Establishment Clause was not a problem.[82]

The Widmar approach was soon dubbed ''equal access,'' and in 1984 Congress extended the same equality-based right to students enrolled in governmental secondary schools.[83] Following recent free speech victories in Lamb's Chapel v. Center Moriches Union Free School District,[84] Capitol Square Review and Advisory Board v. Pinette,[85] and Rosenbergr v. Rector and Visitors of the University of Virginia,[86] equal treatment has indeed become the normative rule of law concerning private speech of religious content or viewpoint.[87] As discussed below, this equality-based rule is instrumental to neutrality theory.[88]

Notwithstanding this unbroken line of victories for the equal treatment of religion, it must be emphasized that in each case from Widmar to Rosenberger, it was the Free Speech Clause that required nondiscrimination, thereby supplying the victory. It remains to be explored below whether the neutrality principle can make the transition from an equality right in free speech to a right of equal participation in direct financial aid programs.[89]

Before continuing with the argument for neutrality theory based on the most recent Supreme Court cases, a digression is necessary to address the rationale for grounding the major competitor to separationism in the juridical concept of governmental neutrality rather than equality. As it turns out, a rule of equality works quite well when the church/state dispute is over access to benefits.[90] However, when the Establishment Clause challenge is to legislation that exempts religious organizations from regulatory burdens,[91] the normative rule of law continues to follow a separationist model. Accordingly, when the issue is relief from government-imposed burdens, religious groups want to be viewed not as equal to others, but as separate and unique.

As a juridical concept, neutrality integrates into a single coherent theory both (1) allowing religious providers equal access to benefits, and (2) allowing them separate relief from regulatory burdens. The rationale entails distinguishing between burdens and benefits.

The Supreme Court has repeatedly held that the Establishment Clause is not violated when government refrains from imposing a burden on religion, even though that same burden is imposed on the nonreligious who are otherwise similarly situated. Corporation of Presiding Bishop v. Amos[92] is the leading case. Amos upheld an exemption for religious organizations in federal civil rights legislation. The exemption permitted religious organizations to discriminate on a religious basis in matters concerning employment. Finding that the exemption did not violate the Establishment Clause, the Court explained that ''it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their missions.''[93] When the Court permits a legislature to exempt religion from regulatory burdens, it enables private religious choice.

The Court's rationale is twofold. First, to establish a religion connotes that a government must take some affirmative step to achieve the prohibited result. Conversely, for government to passively ''leave religion where it found it'' logically cannot be an act establishing a religion.[94] Referencing the First Amendment's text, the words ''shall make no law''[95] imply the performance of some affirmative act by government, not maintenance of the status quo. Stating the practical sense of the matter, Professor Laycock observed that ''(t)he state does not support or establish religion by leaving it alone.''[96] Second, unlike benefit programs, religious exemptions reduce civil/religious tensions and minimize church/state interactions, both matters that enhance the nonentanglement so desired by the Establishment Clause.[97]

Should the Court in the future permit a legislature to design welfare programs that confer direct assistance without regard to religion, it would be following a rule of equal treatment as to religion. However, exemptions from burdens and equal treatment as to benefits have a common thread that ties the two together. In following an equality-based rule as to benefits, equality is not an end in itself but a means to a higher goal. That goal is the minimization of the government's influence over personal choices concerning religious beliefs and practices. The goal is realized when government is neutral as to the religious choices of its citizens. Thus, whether pondering the constitutionality of exemptions from regulatory burdens or of equal treatment as to benefit programs, in both situations the integrating principle is neutralizing the impact of governmental action on personal religious choices.[98] From that common axis, it makes sense to agree with the Court's holding, in cases such as Amos, that religious exemptions from legislative burdens are consistent with the Establishment Clause, and, on the other hand, to insist that the Establishment Clause permits the equal treatment of religion when it comes to financial benefits.[99]

It would be rhetorical, but still a fair comment, to say that in neutrality theory religion gets the best of both worlds: religion is free of burdens borne by others but shares equally in the benefits.[100] However, this observation is not an argument against the neutrality principle but a commendation of it. No one need apologize for a model of church/state relations that maximizes religious liberty (subject, of course, to the reasonable demands of organized society) and limits the power of the modern regulatory state. This combination of liberty and limits is what the First Amendment is about. It was the First Amendment, after all, that expressly singled out religion as an attribute of human nature that called for special treatment.

Previously mentioned were two cases handed down by the Court in late June of 1995: Capitol Square Review and Advisory Board v. Pinette,[101] and Rosenberger v. Rector and Visitors of the University of Virginia.[102] They represent the Court's most recent pronouncements on the Establishment Clause. Notably, the two newest appointees to the Court, Justices Ginsburg and Breyer, were members of the Court by then and heard both cases.

The prima facie claim in both of these cases was that private religious speech was

denied equal access to a public forum, in violation of the Free Speech Clause. The Court agreed. Further, in both cases the government sought to justify its discriminatory treatment of religious speech as being compelled by the Establishment Clause. A majority of the Justices rejected this defense. Hence, the result in both cases is more consistent with a theory of neutrality than of separationism.

In Pinette, the Ohio Ku Klux Klan sought a permit to place a display consisting of a Latin cross in Capitol Square, a public area surrounding the statehouse. The square was otherwise open for private displays sponsored by a variety of citizen groups. The State denied the permit, claiming that the cross would be viewed as an endorsement of religion in violation of church/state separation.[103]

By a vote of seven to two the Court sided with the Klan. All of the Justices in the majority believed that placement of the cross by a private group was not barred by the Establishment Clause. However, these seven Justices generated four opinions, none of which commanded a five-vote majority concerning the application of the Establishment Clause to these facts.

Justice Scalia, joined by Chief Justice Rehnquist and Justices Kennedy and Thomas, believed that the exclusion of a private religious symbol from a public forum could never be justified by the Establishment Clause. Long-standing free speech doctrine required that there be no discrimination as to content, and religious speech was not to be singled out for special scrutiny. The mere fact that onlookers might view a religious display and mistake it for the message of the state was no reason to suppress private speech. Rather, the solution to the problem of the mistaken observer is not to suppress the speech, but to correct the erroneous conclusion concerning the source of the message. So long as the government treats all speakers equally and does nothing to intentionally foster the onlooker's mistake, the government has done all that the establishment Clause requires.[104]

Justice O'Connor wrote separately about the mistaken observer.[105] Applying an endorsement test, Justice O'Connor said that in some instances the Establishment Clause imposed a duty on the state to take steps to disclaim sponsorship of a private religious message.[106] In her view, a government's formal equality toward religion may not always be enough. In circumstances in which, for example, private religious messages ''so dominate a public forum that a formal policy of equal access is transformed into a demonstration of approval'' in the eyes of an objective observer, the Establishment Clause requires the state to take affirmative measures to see to it that religion is not advanced.[107]

Justice Souter, joined by Justices O'Connor and Breyer, write separately about the inadequacy of facial equality. Justice Souter agreed that equal treatment of religion should narrowly prevail on these facts. However, this was because his concern for the appearance of state endorsement of religion could be remedied by requiring the affixing of a sign to the cross disclaiming official sponsorship. Such a disclaimer, of course, would be required only when the content of the speech is religious. Hence, the appropriate response, in Justice Souter's opinion, is not a facially neutral policy. Rather, the law ought to respond to private religious speech as a ''handle with care'' item. In Justice Souter's view, an access rule that is nondiscriminatory in purpose is required of the state, but by itself is insufficient. ''Effects matter to the Establishment Clause.''[108] The tone and content of Justice Souter's opinion left little doubt that in his view church/state separation, rather than even-handed treatment, is the dominant concern of the First Amendment.

Justices Stevens and Ginsburg dissented in separate opinions. Justice Stevens believed that the Establishment Clause created ''a strong presumption against the installation of unattended religious symbols on public property.''[109] Thus, in his view separationism subordinates the Free Speech Clause and its rule of equal treatment.

Justice Ginsburg was even more extreme, articulating not a presumption but an absolute rule of religious expulsion. She was of the opinion that ''(i)f the aim of the Establishment Clause is genuinely to uncouple government from church,'' then ''a State may not permit, and a court may not order, a display of this character.''[110] As authority for this absolutist separationism, Justice Ginsburg cited a law review article. The article is openly hostile to the contributions of traditional religion and urges that it be driven out of the public square.[111] It is deeply disturbing that Justice Ginsburg, in her first opinion concerning religion as a Supreme Court Justice, would cite with approval this article with its brutish regard for religion and religious expression.

In Rosenberger,[112] decided the same day as Pinette, a university-recognized student organization published a newspaper known as Wide Awake. The newspaper ran a number of stories on contemporary matters of interest to students such as racism, homosexuality, eating disorders, and music reviews, all from an unabashedly Christian perspective.[113] The university provided student newspapers work space and paid the expenses of printing these publications. The printing costs were paid from a fund generated by a student activity fee.[114] The university refused to reimburse the cost of printing Wide Awake. The refusal was pursuant to a policy disqualifying printing costs for groups promoting ''a particular belief in or about a deity or ultimate reality.''[115] The student sued, claiming this was yet another instance of discrimination against private religious speech in violation of the Free Speech Clause. The university sought to justify its discriminatory treatment as required by a no-aid interpretation of the Establishment Clause.[116]

By a vote of five to four, the Court ruled in favor of the students and directed the university to treat Wide Awake the same as other student publications, without regard to the newspaper's religious perspective. Justice Kennedy wrote the majority opinion, and was joined by Chief Justice Rehnquist and Justices O'Connor, Scalia, and Thomas. Justice Kennedy determined that the university had created a limited public forum for student expression on a wide array of topics.[117] Further, the denial of student activity funds to pay for the cost of printing Wide Awake was discrimination on the basis of the newspaper's Christian viewpoint concerning topics otherwise permitted in the forum.[118] The university's policy denied funding not because Wide Awake was a religious organization, but because of its religious perspective.[119] Justice Kennedy also rejected the argument that providing student groups with a scarce resource such as money differed from providing abundant resources such as classroom meeting space. Whether abundant or in limited supply, the university could not dispense its resources on a basis that was viewpoint-discriminatory.[120]

Justice Kennedy went on to reject the university's argument that providing direct funding for a newspaper with a religious perspective was prohibited by the Establishment Clause. In so doing, Justice Kennedy stated a rule of law consistent with neutrality theory, although he added that compliance with a neutrality rule was a significant factor—but not itself sufficient—in finding that the Establishment Clause was not violated:

A central lesson of our decisions is that a significant factor in upholding governmental programs in the face of Establishment Clause attack is their neutrality towards religion. . . . (I)n enforcing the prohibition against laws respecting establishment of religion, we must be sure that we do not inadvertently prohibit the government from extending its general state law benefits to all its citizens without regard to their religious belief. . . . We have held that the guarantee of neutrality is respected, not offended, when the government, following neutral criteria and evenhanded policies, extends benefits to recipients whose ideologies and viewpoints, including religious ones, are broad and diverse.[121]

Continuing, Justice Kennedy assessed both the purpose and ''practical details'' of the university's program. The university's purpose was clearly not the advancement of religion. The student activity fee was to promote a wide variety of speech of interest to students. Hence, the fee was unlike an earmarked tax for the support of religion.[122] As to the ''practical details'' that augured in favor of constitutionality, Justice Kennedy noted that state funds did not flow directly into the coffers of Wide Awake; rather, the newspaper's outside printer was paid by the university upon submission of an invoice.[123] Further, Justice Kennedy noted that Wide Awake was a student publication, ''not a religious institution, at least in the usual sense of that term as used in our case law, and it is not a religious organization as used in the University's own regulations.''[124]

Although she joined the majority opinion, Justice O'Connor had greater difficulty concluding that the Establishment Clause was not transgressed on these facts. As between separatistic and neutrality models, she declared that Rosenberger did not elevate neutrality as the new paradigm:

The Court's decision today therefore neither trumpets the supremacy of the neutrality principle nor signals the demise of the funding prohibition in Establishment Clause jurisprudence.[125]

Accordingly, separationism appears to be Justice O'Connor's starting point in cases involving direct funding of religious organizations. However, she found several mitigating details which on balance satisfied her that providing assistance in this case did not carry the danger of governmental funds' endorsing a religious message. First, university policies made it clear that the ideas expressed by student organizations, including religious groups, were not those of the university. Second, the funds were disbursed in a manner that ensured monies would be used only for the university's purpose of maintaining a robust marketplace of ideas. Finally, Justice O'Connor noted the possibility that students who objected to their fees going toward ideas they opposed might not be compelled to pay the entire fee.[126]

In addition to joining the majority opinion, Justice Thomas wrote separately to criticize the historical account in Justice Souter's dissent. Justice Thomas agreed with Justice Souter that history indicated that the Founders intended the Establishment Clause to prevent earmarking a tax for the support of religion.[127] However, the equal participation of religious and nonreligious groups in a direct-aid program funded out of general tax revenues was never an issue faced by the founding generation.[128] Hence, in Justice Thomas's view, it is not prohibited by the Establishment Clause.

Justice Souter dissented, joined by Justices Stevens, Ginsburg, and Breyer. Concerning a direct-aid program funded by public monies, Justice Souter stated that any

such program was unconstitutional if it used public monies to support religion.[129] Hence, the four dissenting Justices followed a separatistic model.

Justice Souter severely criticized Justice Kennedy's opinion insofar as it made distinctions based on certain factual peculiarities of the case: The funds going directly to the printer, not to the publication; the funds originating from student fees, not taxes; and the newspaper not being a religious organization, although it espoused overtly religious beliefs.[130] The ''practical details'' section of Justice Kennedy's opinion does appear to focus on minutiae. These are indeed chimerical distinctions on which the Establishment Clause is seemingly made to turn. In fairness to Justice Kennedy, however, he may have been forced into these rationalizations in order to keep Justice O'Connor with the majority. She supplied the crucial fifth vote. But if keeping Justice O'Connor from separately concurring explains Justice Kennedy's attention to ''practical details,'' it came at a high price: Officials and judges who do not like the result in Rosenberger have plenty of fine distinctions to manipulate so as to confine the case's holding narrowly to its facts.

In summary, concerning the constitutionality of general programs of direct aid, from Pinette and Rosenberger we learn that presently four Justices are prepared to allow a rule of neutrality, four Justices remain entrenched in separationism as their theory, and Justice O'Connor is the swing vote. Although it is clear that facial neutrality alone is insufficient, Justice O'Connor was unwilling to commit to any broader statement of general legal principles. It must be conceded that her instinct in these cases is not to begin with neutrality theory, but to follow a weak version of separationism.[131] She starts with a presumption of no aid, but then advises weighing the totality of the circumstances. If the legislation is facially neutral as to religion, if the program is administered so that there is no appearance of official endorsement of religion, and if there are sufficient safeguards against the welfare program's functioning as a subterfuge for channeling tax monies to support religion, then she will allow a rule of neutrality.[132]

In Rosenberger, as in Widmar, Lamb's Chapel, and Pinette, it was the Free Speech Clause that compelled the equal treatment of religion.[133] In the absence of the free speech claim, there was no indication the Court would have required—as a matter of constitutional right—that religion be treated equally in welfare programs. It is uncertain whether the Court will do so.[134] All that can be said with assurance is that should a legislature choose to treat religion in a nondiscriminatory manner when designing a program of aid, then a slim majority of the present Court will uphold the aid. Accordingly, religious social service providers have no certainty of equal treatment, but it is permitted.[135]

As we look at the progression from Widmar to Rosenberger in terms of the Court's attitude toward enabling personal religious choice, there is a logical continuum. The Court has moved toward neutralizing government's impact on religious belief and practice. In Widmar, the Establishment Clause was not violated when the government provided a direct benefit in the form of reserved meeting space (classrooms, heat, and light) because of the larger public purpose at issue—enriching the marketplace of ideas. In Rosenberger, the Establishment Clause was not violated when the government provided a direct benefit in the form of funding (paid printing costs) for the same reason as in Widmar—the larger public purpose of enriching the marketplace of ideas. Both the classroom space and payment of printing costs were valuable benefits to which a sum certain could be assigned. Free access to other forms of valuable direct benefits easily come to mind: Bulletin boards, photocopy machines, computers for word processing and e-mail, facsimile machines, organizational mailboxes, organizational office space, and even something as common as use of a telephone. All of these direct benefits when provided to a wide variety of student organizations, including organizations that are either religious or have religious viewpoints, would be permitted by the Widmar/Rosenberger interpretation of the Establishment Clause.

Indeed, there is no logical stopping place as the circumstance evolves from funding private expression without regard to religion to funding a social program without regard to religion. The essential requisite, as far as the Establishment Clause is concerned, is that in the case of expression, the creation of the public forum have a public purposes. In the case of a social service program, its enactment must have a public purpose as well.

The general principle of law that emerges is that the Establishment Clause is not violated when, for a public purpose, a program of direct aid is made available to an array of providers selected without regard to religion. In recently enacting the Church Arson Prevention Act,[136] Congress made use of this principle. Section 4(a) of the Act enables nonprofit organizations exempt under S 501(c)(3) of the Internal Revenue Code, which are victims of arson or terrorism as a result of racial or religious animus, to obtain federally guaranteed loans through private lending institutions.[137] This of course means churches can obtain the necessary credit to repair or rebuild their houses of worship at reduced rates. This Act, quite sensibly, treats churches the same as all similarly situated exempt nonprofit organizations. The public purpose is to assist the victims of crime. The federal guarantee represents a form of direct aid to religion, but because the aid is neutrally available to all 501(c)(3) organizations, it does not violate the Establishment Clause.

In the context of welfare legislation, the public purpose is for government and the independent sector to engage in a cooperative program that addresses the temporal needs of the ultimate beneficiaries,[138] and to do so in a manner that enhances the quality or quantity of the services to those beneficiaries. If some of the providers happen (indeed, are known) to be religious, and in the course of administering their programs they integrate therein religious beliefs and practices, that is of no concern to the government. As long as the beneficiaries have a choice as to where they can obtain services, thereby preventing any religious coercion of beneficiaries, and as long as the public purpose of the program is met,[139] the government's interest is at an end.[140]

For a welfare program to have a public purpose, more is required than that the program merely be facially neutral as to religion.[141] The legislation must have as its genuine object the pursuit of the good of civil society. Permissible public purposes encompass health (including freedom from addictions), safety, morals, or meeting temporal needs, such as shelter, food, clothing, and employment.

Unlike separationism, in neutrality theory it makes no difference whether a provider is ''pervasively sectarian'' or whether the nature of the direct aid is such that it can be diverted to a religious use.[142] Most importantly, the courts no longer need to ensure that governmental funds are used exclusively for ''secular, neutral, and nonideological purposes''[143] as opposed to worship or religious instruction. Neutrality theory eliminates the need for the judiciary to engage in such alchemy.

For faith-based providers to retain their religious character, programs of aid must be written to specially exempt them from regulatory burdens that would frustrate or compromise their religious character. Not only is this essential to attracting their participation, but it is in the government's interest for these providers to retain the spiritual character so central to their success in rehabilitating the poor and needy.[144] The line of cases typified by the holding in Amos gives assurance that the adoption of such exemptions do not violate the Establishment Clause.[145]

In neutrality theory it might be asked, ''Just what is left of the Establishment Clause?'' The answer is, ''Quite a lot!'' In addition to the several applications noted elsewhere in this Article,[146] the Establishment Clause continues to prohibit the government from adopting or administering a welfare program out of a purpose that is inherently religious.[147] For example, the no-establishment principle does not permit as the object of legislation the pursuit of worship, religious teaching, prayer, proselytizing, or devotional Bible reading.[148] Characterizing the purpose of a program of aid as ''nonsectarian'' or ''secular'' should be avoided, for that just clouds the issue. Mere overlap between a statutory purpose and religious belief or practice does not, without more, make the legislation unconstitutional.[149] Finally, although the Establishment Clause does require a public purpose, the neutrality principle is not concerned with unintended effects among religions. Accordingly, the Establishment Clause is not offended should a general program of aid affect, for good or ill, some religious providers more than others,[150] as long as any disparate effect is unintentional.[151]

State constitutions also address the matter of church/state relations, sometimes in terms that are more separatistic than the Supreme Court's interpretation of the Establishment Clause.[152] A program of aid that successfully navigates the First Amendment can nonetheless go aground on claims based on state constitutional law. However, if the welfare program is federal or federal revenues are shared with the states, then these state constitutions can be preempted by Congress.

CONCLUSION

As one facet of the nation's overall effort to reform welfare, it is imperative to increase the involvement of the independent sector in the delivery of government-assisted social services. A significant part of the voluntary sector presently engaged in social work consists of faith-based nonprofit organizations. Indeed, these religious charities are some of the most efficient social service providers, as well as among the most successful, measured in terms of lives permanently changed for the better.[153] Although some faith-based providers have been willing to participate in government-assisted programs, many are wary about involvement with the government because they rightly fear the debasing of their religious characters and expression.[154] Consequently, what is needed is legislation that invites the equal participation of faith-based organizations as social service providers, while safeguarding their religious character, which is the very source of their genius and success.

Achieving this goal will require change in how Americans conceive of the role of modern government, which fortunately is already underway. For starters, the activity of government must not be thought of as monopolizing the ''public.'' Rather, civil society

is comprised of many intermediate institutions and communities that also serve public purposes, including the independent sector of nonprofit faith-based providers.

Further, independent sector providers that opt to participate in a government welfare program are not in any primary sense to be regarded as ''beneficiaries'' of the government's assistance. Rather, it is those who are the ultimate object of the social service program—the hungry, the homeless, the alcoholic, the teenage mother—who are the beneficiaries of taxpayer funds. As they deliver services to those in need with such remarkable efficiency and effectiveness, faith-based providers, along with others in the voluntary sector, give far more in value, measured in societal betterment, than they could possibly receive as an incident of their expanded responsibilities. This is not a case of tax dollars funding religion.

Rightly interpreted, the Establishment Clause does not require that faith-based providers censor their religious expression and secularize their identity as conditions of participation in a governmental program. So long as the welfare program has as its object the public purpose of society's betterment—that is, help for the poor and needy—and so long as the program is equally open to all providers, religious and secular, then the First Amendment requirement that the law be neutral as to religion is fully satisfied.

Neutrality theory has the additional virtue of eliminating existing ''conflict'' among the clauses of the First Amendment. By not discriminating between ''pervasively'' and ''non-pervasively sectarian'' organizations, the Court's interpretation of the Establishment Clause is brought into line with the rule of Larson v. Valente[155] prohibiting intentional discrimination among religious groups, and avoids as well excessive inquiry into the character of religious organizations.[156] By not discriminating in favor of secular organizations over religious organizations through the funding of only the former, the Court's interpretation of the Establishment Clause is brought into line with the rule of Church of the Lukumi Babalu Aye, Inc. v. City Hialeah[157] prohibiting intentional discrimination against religion. And by not discriminating against private religious speech in either content or viewpoint, the Court's interpretation of the Establishment Clause is in line with longstanding free speech doctrine as adhered to in Rosenberger. The separationist view that when in ''conflict,'' the Establishment Clause subordinates the Free Exercise and Free Speech Clauses has heightened religious tensions over political matters. Contrariwise, the neutrality principle promises to reduce political factionalism along religious lines.

As First Amendment law evolves away from separationism and in the direction of neutrality theory, it is inevitable that there will be setbacks. But the neutrality principle has about it the march of an idea, one that is compelling because it unleashes liberty, limits government, and reinvigorates citizen involvement at the neighborhood level. For the sake of America's poor and needy, we can only hope that the Supreme Court's full embrace of neutrality will come soon.

[d] This Article was first presented at a workshop on the Constitutionality of Governmental Cooperation with Religious Social Ministries on August 2–3, 1996, at Washington, D.C., sponsored by the Religious Social-Sector Project of the Center for Public Justice.

[a] Isabelle Wade & Paul C. Lyda Professor of Law, University of Missouri-Columbia. B.S., Iowa State University of Science & Technology, 1971; J.D., Cornell University, 1974.

[1] The Declaration of Independence, for example, refers to these transcending principles as ''self-evident truths,'' ''Creator-endowed inalienable rights,'' and ''the laws of nature and of nature's God.'' These higher law principles did not necessarily rest upon a common confession of revealed truth. For some among the Founders, the principles were derived from a faith in reason. But the reliance on transcendent principles, whether extrapolated from reason or revelation, did mean agreement at the level of the moral basis for political action. See, e.g., John G. West, Jr., The Politics of Revelation & Reason: Religion & Civic Life In The New Nation (1996):

The Founders eliminated the problem of dual allegiance to God and government by removing God from the authority of the government. . . .

This solution to the theological-political problem in theory, however, required a major corollary to work in practice: a belief that church and state would agree on the moral basis of political action. . . . Only if church and state can agree on the moral standard for political action can (subjugation of religion to state or vice versa) be avoided. In other words, reason (the operating principle of civil government) and revelation (the ultimate standard for religion) must concur on the moral law for the Founders' solution to work.

The Founders, of course, agreed with this proposition. . . . This conceit that reason and revelation agreed on the moral law so permeated the Founding era that the modern reader may miss it because authors of the period more often assumed this proposition than demonstrated it. When citing authority for fundamental propositions, writers of the Founding era appealed to both reason and revelation as a matter of course. Id. at 74–75.

[2] See, for example, James Madison's letter wherein he observes how the Virginia churches had greatly expanded in number and reputation since disestablishment. Letter to Edward Livingston (July 10, 1822), in 3 Letters and Other Writings of James Madison, Fourth President of the United States 273, 276 (1865) (''(in) Virginia. . . . religion prevails with more zeal and a more exemplary priesthood than it ever did when established. . . . Religion flourishes in greater purity without, than with the aid of Government'').

That keenest of observers, Alexis de Tocqueville, sketched this delicate balance in operation during his visits to the America of the 1830s:

Religion, which never intervenes directly in the government of American society, should . . . be considered as the first of their political institutions. . . .

I do not know if all Americans have faith in their religion—for who can read the secrets of the heart?—but I am sure that they think it necessary to the maintenance of republican institutions. That is not the view of one class or party among the citizens, but of the whole nation; it is found in all ranks.

For the Americans the ideals of Christianity and liberty are so completely mingled that it is almost impossible to get them to conceive of the one without the other. . . .

The religious atmosphere of the country was the first thing that struck me on arrival in the United States. The longer I stayed in the country, the more conscious I became of the important political consequences resulting from this novel situation.

In France I had seen the spirits of religion and of freedom almost always marching in opposite directions. In America I found them intimately linked together in joint reign over the same land. My longing to understand the reason for this phenomenon increased daily. To find this out, I questioned the faithful of all communions. . . . I found that (American Catholic priests) all . . . thought that the main reason for the quiet sway of religion over their country was the complete separation of church and state. I have no hesitation in stating that throughout my stay in America I met nobody, lay or cleric, who did not agree about that. Alexis de Tocqueville, Democracy In America 269–72 (J.P. Mayer & Max Lerner, eds., Harper & Row 1966).

[3] Os Guinness, The American Hour: A Time of Reckoning and the Once and Future Role of Faith 18–19 (1993).

[4] See Stephen L. Carter, The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion (1993); James Davison Hunter, Culture Wars: The Struggle to Define America (1991).

[5] Some have puzzled as to why broad coalitions, like that behind the Religious Freedom Restoration Act of 1993, 42 U.S.C. §§ 2000bb to 2000bb–4 (1994), can come together over the meaning of the Free Exercise Clause but not the Establishment Clause. The Free Exercise Clause is about protecting religiously informed conscience, especially freedom for religious minorities to continue practices that are out of step with the general culture. Most everyone who cares about religion agrees on the desirability of protecting these matters. This is not the case, however, with the Establishment Clause. Where the stakes are high, as in the culture wars, there can be little coalition building between social liberals and social conservatives or between theological liberals and theological conservatives.

[6] 330 U.S. 1 (1947). While narrowly upholding a state law permitting local authorities to reimburse parents for the cost of transporting children to school, including church-related institutions, the rhetoric and historical method adopted by the Court in Everson were separatistic.

[7] See e.g., Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2528 (1995) (O'Connor, J., concurring) (contrasting the ''neutrality principle'' with the ''funding prohibition'' view of the Establishment Clause); Kiryas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 704 (1994) (''(The (neutrality) principle is well grounded in our case law, as we have frequently relied explicitly on the general availability of any benefit provided religious groups or individuals in turning aside Establishment Clause challenges.'') Bowen v. Kendrick, 487 U.S. 589, 624 (1988) (Kennedy, J., concurring) (characterizing a social service program open to a diverse array of organizations neutral as to religious and nonreligious applicants).

[8] 454 U.S. 263 (1981). Widmar held that the Free Speech Clause, with its requirement that there be no content-based discrimination, is not overridden by the Establishment Clause. Id. at 271–75. Accordingly, a state university was prohibited from denying a student religious organization the same access to facilities provided to other student organizations, thereby permitting the students to meet, pray, sing, and worship on campus.

[9] Religious choices by an individual believer or by a religious group are not differentiated in this Article. Individual rights are akin to the group rights of a church or religious denomination as long as the organization can show injury-in-fact to the purposes or activities of the group itself, or when the organization has third-party standing to assert a rights claim on behalf of its members pursuant to the three-part test set out in Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333, 343 (1977).

[10] The term ''neutrality'' can mislead readers into believing that the theory claims to be substantively neutral. It is not. The theory is neutral only in the sense that government minimizes its role in influencing the

religious choices of its citizens, thereby leaving persons free to make these choices for themselves, Government does so, for example, by structuring its social welfare programs to give citizens wide choices, with religious choices being among the available selections.

To further confuse matters, courts and commentators sometimes use ''equal'' as a substitute for ''neutral,'' See, e.g., Stephen V. Monsma & J. Christopher Soper, eds., Equal Treatment of Religion in a Pluralist Society (forthcoming 1997). In this context, ''neutrality'' and ''equality'' are intended to convey the same meaning. Whether termed the ''neutrality principle'' or ''equal-treatment review,'' the theory stakes out substantiative positions as to the nature and contemporary value of religion and the purposes of modern government. The theory places a great deal of importance on the religious impulse in human nature. And the theory assigns to government a minimal role in directing religion, seeking to limit government to addressing the reasonable regulatory needs for the protection of organized society.

[11] One of the conceits of modernism is that humankind acting alone, through reason and scientific observation, can determine universal truths, the Jewish and Christian traditions will test any such ''universals'' against the special revelation of Scripture. Postmodernists, like observant Jews and traditional Christians, dismiss the professed objectivity or claimed neutrality of modernists as arrogant pretensions. Without embracing the rest of their philosophy, religionists can agree with postmodernists that human reason—and hence one of its products, the positive law—is contingent on time, place, perception, and culture. See generally Stanley J. Grenz, A Primer on Postmodernism (1966); Gene Edward Veith, Jr., Postmodern Times: A Christian Guide to Contemporary Thought and Culture (1994). Thus, when engaging the church/state debate, observant Jews and traditional Christians may be disarmingly candid and lose nothing in the bargain by conceding that there is no neutral theory concerning the proper interpretation of the Establishment Clause. Rather, the question for Jews and Christians is to determine which theory of church/state relations most nearly comports with the biblical image of life's purpose, as well as the proper role of the political community.

[12] Direct forms of assistance come not just as payments on specified-use grants or purchase-of-service contracts, but in a variety of other forms as well; high-risk loans, low-interest loans, and government-guaranteed loans; tax-exempt low-interest bonds for capital improvements; insurance at favorable premiums; in-kind donations of goods such as used furniture or surplus food; free use of government property, facilities, or equipment; free assistance by government personnel to perform certain tasks; free instruction, consultation, or training by government personnel; and reduced postal rates. Office of Management and Budget, Executive Office of the President, Catalog of Fed. Domestic Assistance xv–svi (29th ed. 1995). The catalog lists and defines 15 types of federal assistance. As classified by the General Services Administration, federal benefits and services are provided through seven categories of financial assistance (grants, insurance, donated property, etc.) and eight categories of nonfinancial assistance (training, counseling, supplying technical literature, investigation of complaints, etc.). Id. See also Douglas J. Besharov, Bottom-up Funding, in To Empower People: From State to Civil Society 124 (Michael Novak ed., 2d ed. 1996) (comparing the strengths and weaknesses that arise when funding comes directly and indirectly from government).

[13] Indirect forms of assistance include: individual income tax credits and deductions; student scholarships, fellowships, and guaranteed loans; and educational vouchers and federal child care certificates. Indirect assistance can be further divided. Vouchers and scholarships, for example, are types of indirect aid where the immediate source of the benefit is the government. On the other hand, indirect benefits such as tax credits and deductions are examples of so called ''bottom-up'' aid, in which the immediate source of aid is private. The government's role in connection with this second type of indirect assistance is to facilitate the flow of aid by rewarding the private source after the fact. The distinction between these two types of indirect assistance may enter into certain policy debates and decisions made by legislators. However, the Supreme Court has not made use of this distinction for purposes of interpreting the Establishment Clause.

[14] See infra notes 90–100 and accompanying text.

[15] 463 U.S. 388 (1983) (upholding a state income tax deduction conferred on school parents to assist in their children's tuition and other educational expenses).

[16] 474 U.S. 481 (1986) (upholding a state vocational grant program to finance a blind individual's training at a sectarian school to obtain a degree to enter a religious vocation).

[17] 509 U.S. 1 (1993) (providing an interpreter to a deaf student attending a parochial high school does not violate the Establishment Clause). Even Everson v. Board of Educ., 330 U.S. 1 (1947), which upheld a state law allowing local governments to provide reimbursement to parents for the expense of transporting their children by bus to school, including to parochial schools, can also be characterized as having subscribed to this direct/indirect distinction.

[18] See Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2541 (1995) (Souter, J., dissenting, writing for himself and Justices Stevens, Ginsburg, and Breyer) (acknowledging the rule applied in Mueller, Witters, and Zobrest.

[19] See 26 U.S.C. §§170, 501(c)(3)(1994).

[20] 38 U.S.C. §§3201–3243 (1994).

[21] See, e.g., Federal Pell Grants, 20 U.S.C. §1070a (1994); 34 C.F.R. §690.78. An eligible student for a Pell grant is defined in 20 U.S.C. §1091 (1994). Students may utilize their grant at an institution of higher education (§1088) or other eligible institution (§1094). Church-affilated colleges and universities are not excluded.

[22] The Child Care and Development Block Grant Act of 1990, 42 U.S.C. §§9858–9858q (Supp. 1996). The Act allows parents receiving child care certificates from the government to obtain child care at a center operated by a church or other religious organization, including a pervasively sectarian center. Id. at §§9858n(2), 9858k(a), 9859c(c)(2)(A)(i)(I).

[23] See §104(j) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. §604a (1996 Supp.). Section 104 is known by the popular name of ''Charitable Choice.'' Charitable Choice permits states to involve faith-based providers in the delivery of welfare services funded by the federal government though block grants to the states. Where the form of the assistance is indirect, such as by means of certificates or vouchers, the faith-based providers are not restricted as to their religious activities.

[24] To be sure, care must be exercised in the design of the welfare program. If only voluntary sector providers are eligible and if most of these providers are faith-based, then the case law may support overturning the program as having a primary religious effect. See Committee for Pub. Educ. v. Nyquist, 413 U.S. 756 (1973) (striking down a state educational program that was designed to aid only nonpublic schools); Similar to Nyquist is Sloan v. Lemon, 413 U.S. 825, 833–35 (1973) (holding unconstitutional a state tuition reimbursement plan available only to parents of nonpublic school students).

Because the plan in Nyquist excluded government schools, Nyquist is distinguishable from Mueller, Witters, and Zobrest. See Durham v. McLeod, 192 S.E.2d 202 (S.C. 1972), dismissed for want of a substantial federal question, 413 U.S. 902 (1973) (decided on the same day the Court decided Nyquist). In Durham, the state court had upheld a student loan program wherein students could attend the college of their choice, religious or nonreligious. The Supreme Court apparently approved. Likewise, the Court in Nyquist said that educational assistance provisions such as the G.I. Bill do not violate the Establishment Clause even when some GIs choose to attend church-affiliated colleges. 413 U.S. at 782 n.38 (leaving open the option of ''some form of public assistance (e.g., scholarships) made available generally without regard to the sectarian/nonsectarian, or public/nonpublic nature of the institution benefited'').

[25] See Norwood v. Harrison, 413 U.S. 455, 462 (1973); Everson v. Board of Educ., 330 U.S. 1, 16 (1947) (dictum); Brusca v. State Bd. of Educ., 332 F. Supp. 275 (E.D. Mo. 1971), aff'd mem., 405 U.S. 1050 (1972).

[26] Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520 (1993); McDaniel v. Paty, 435 U.S. 618 (1978).

Should such case ever arise, separationists will argue that there is a compelling interest in overriding the Free Exercise Clause, namely the ''no aid'' interpretation of the Establishment Clause. There are no Supreme Court cases on this precise point. However, the recent case of Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510 (1995), did uphold direct aid to a publication with an overtly religious viewpoint. The Establishment Clause was found not to prohibit the direct funding. Hence, compliance with the Clause was not a compelling governmental interest. See infra notes 112–30 and accompanying text.

A recent case in the Sixth Circuit, citing Church of the Lukumi, held that the U.S. Army violated the Free Exercise Clause when it excluded religious but not secular child care providers from operating on its bases and receiving various direct benefits. Hartman v. Stone, 68 F.3d 973 (6th Cir. 1995). The appeals court went on to hold that the governmental assistance did not advance or endorse religion in violation of the Establishment Clause. In all respects, Hartman appears to have correctly applied Supreme Court precedent.

[27] The Court has constructed a society in which faith-based providers deliver their welfare services within discrete and clearly defined boundaries easily segregated from the provider's religious beliefs and practices. For a thorough debunking of the Court's sacred/secular dichotomy, see Laura Underkuffler-Freund, The Separation of the Religious and the Secular: A Foundation challenge to First Amendment Theory, 36 Wm. & Mary L. Rev. 837 (1995).

[28] In neutrality theory, the activities of ''government'' do not monopolize the ''public.'' At present—as well as historically—faith-based charities comprise a large number of the available voluntary sector social service providers, and they operate many of the most efficient and successful programs. As long as the government's welfare program furthers the public purpose of society's betterment—that is, helping the poor and the

needy—it is neutral as to religion if the program involves faith-based providers on an equal basis with all others.

[29] In neutrality theory, the independent sector providers of social services who opt to participate in a government's welfare program are not in any primary sense ''beneficiaries'' of the government's assistance. Because they deliver services to those in need, faith-based providers give far more in valve measured by societal betterment than they could possibly receive as an incident of their expanded responsibilities.

[30] The Court has not always required proof of actual advancement of religion. In certain instances, the mere presence of such a risk or hazard has been sufficient to strike down the aid program. See Grand Rapids Sch. Dist. v. Ball, 473 U.S. 373, 385, 387 (1985); Wolman v. Walter, 433 U.S. 229, 254 (1977); Meek v. Pittenger, 421 U.S. 349, 370, 372 (1975); Levitt v. Committee for Pub. Educ., 413 U.S. 474, 480 (1973); cf. Bowen v. Kendrick, 487 U.S. 589, 610–12 (1988).

[31] The meaning of the term ''pervasively sectarian'' can be gleaned from the cases. In Roemer v. Board of Public Works, 426 U.S. 736, 758 (1976) (plurality opinion), the Court turned back a challenge to a state program awarding noncategorical grants to colleges, including sectarian institutions that offered more than just seminarian degrees. In discussion focused on the fostering of religion, the Court said: (T)he primariy-effect question is the substantive one of what private educational activities, by whatever procedure, may be supported by state funds. Hunt (v. McNair, 413 U.S. 734 (1973)) requires (1) that no state aid at all go to institutions that are so ''pervasively sectarian'' that secular activities cannot be separated from sectarian ones, and (2) that if secular activities can be separated out, they alone may be funded. 426 U.S. at 755. The Roman Catholic colleagues in Roemer were held not be previously sectarian. The record supported findings that the institutions employed chaplains who held worship services on campus, taught mandatory religious classes, and started some classes with prayer. However, there was a high degree of autonomy from the Roman Catholic Church, the faculty was not hired on a religious basis and had complete academic freedom except in religion classes, and students were chosen without regard to their religion.

A comparison of the colleges in Roemer with the elementary and secondary schools in Committee for Public Education v. Nyquist, 413 U.S. 756, 767–68 (1973), clarifies the term ''pervasively sectarian.'' The schools in Nyquist that were found to be pervasively sectarian placed religious restrictions on student admissions and faculty appointments, enforced obedience to religious dogma, required attendance at religious services, required religious or doctrinal study, were an integral part of the mission of the sponsoring church, had religious indoctrination as a primary purpose, and imposed religious restrictions on how and what the faculty could teach.

Although the definition of a pervasively sectarian institution has been stated in the foregoing general terms, only church-affiliated primary and secondary schools have ever been found by the Supreme Court to fit the profile. Presumably a church, synagogue, or mosque would also be regarded as pervasively sectarian insofar as it performs sacerdotal functions.

[32] See, e.g., Committee for Pub. Educ. & Religious Liberty v. Regan, 444 U.S. 646 (1980) (subsidy for state-prepared testing and recordkeeping required by law); Wolman v. Walter, 433 U.S. 229 (1977) (upholding use of public personnel to provide guidance, remedial, and therapeutic speech and hearing services at a neutral site; upholding provision of diagnostic services in the nonpublic school; upholding provision of standardized tests and state scoring); Meek, 421 U.S. 349 (loan of secular textbooks); Board of Educ. v. Allen, 392 U.S. 236 (1968) (secular textbooks).

[33] See Aguilar v. Felton, 473 U.S. 402 (1985); Grand Rapids Sch. Dist., 473 U.S. 373; New York v. Cathedral Academy, 434 U.S. 125 (1977); Wolman, 433 U.S. 229; Meek, 421 U.S. 349; Nyquist, 413 U.S. 756; Levitt, 413 U.S. 472; Lemon v. Kurtzman, 403 U.S. 602 (1971).

[34] See Roemer, 426 U.S. 736; Hunt, 413 U.S. 734; Tilton v. Richardson, 403 U.S. 672 (1971).

[35] 175 U.S. 291 (1899).

[36] In Bradfield, a corporation located in the District of Columbia known as Providence Hospital was chartered in 1864 by act of Congress. The enabling act was facially neutral in that it made no mention of religion, nor was the hospital ostensibly controlled by or associated with a church. Nevertheless, all the directors of the hospital and their successors were ''members of a monastic order or sisterhood of the Roman Catholic Church,'' and title to the real estate on which the hospital buildings were constructed was ''vested in the Sisters of Charity of Emmitsburg, Maryland.'' Id. at 297. Federal taxpayers challenged as violative of the Establishment Clause an 1897 appropriation to build on the hospital grounds ''an isolating building or ward for the treatment of minor contagious diseases,'' that when completed was to be turned over to Providence Hospital. Id. at 293. This arrangement, alleged plaintiffs, was an instance in which ''public funds are being used and pledged for the advancement and support of a private and sectarian corporation.'' Id. For consideration of the question before it, the Court assumed, arguendo, that a capital appropriation to a religious corporation would violate the Establishment Clause. The Court said plaintiffs' allegations nonetheless failed to show that Providence Hospital was a religious or sectarian body. Merely because the board of directors was composed entirely of members of the same religion did not make the hospital religious. Without additional evidence, the Court was unwilling to assume that Providence Hospital would act otherwise than in accord with its legal charter, in which its powers by all appearances were secular, having to do with the care of the injured and infirm. Although plaintiffs alleged that the hospital's business was ''conducted under the auspices of the Roman Catholic Church,'' there was no evidence that management of the business was limited to members of that faith or that patients had to be Catholic. Id. at 298–99. Bradfield turned on the inadequacies of plaintiffs' pleading and evidence. The Court also had a formalistic view of the importance of separate incorporation by means of a facially neutral charter, notwithstanding that the corporation had a de facto interlocking directorate with a religious order. Accordingly, although the bottom-line result in Bradfield was counter to a no-aid view of the Establishment Clause, the Court utilized a separatistic framework for its analysis.

[37] 487 U.S. 589 (1994).

[38] Id. at 600–02, 622.

[39] 42 U.S.C. SS 300z to 300z–10 (1994).

[40] Kendrick, 487 U.S. at 593, 608–09.

[41] Id. at 595–96, 605–07.

[42] Id. at 614–15.

[43] Id. at 608 (quoting Roemer v. Maryland Pub. Works Bd., 426 U.S. 736, 746 (1976)).

[44] Id. at 609.

[45] Lemon v. Kurtzman, 403 U.S. 602, 612–13 (1971).

[46] Kendrick, 487 U.S. at 602–03.

[47] Id. at 604–05, 613.

[48] Id. at 605–06.

[49] Id. at 606–07.

[50] Id. at 610–11.

[51] Id. at 606, 608.

[52] Id. at 611–12.

[53] Id. at 614.

[54] Id. at 615–17.

[55] See supra note 30 and accompanying text.

[56] Kendrick, 487 U.S. at 623 (O'Connor, J., concurring).

[57] Id. Justice O'Connor went on to warn that evidence of a pattern or practice at HHS of disregarding the concerns of the Establishment Clause on an as-applied basis would, in her view, warrant overturning the entire AFLA. Id. at 623–24 (O'Connor, J., concurring).

[58] In making this distinction, Justice O'Connor utilized the sacred/secular dichotomy. See supra note 27. But the dichotomy results in AFLA's constitutionality. In fact, the presumption leads to the facial approval of all welfare programs that permit equal participation by faith-based providers.

[59] 456 U.S. 228 (1982).

[60] Id. at 244, 246. See also Fowler v. Rhode Island, 345 U.S. 67 (1953); Neimotko v. Maryland, 340 U.S. 268 (1951). Religious organizations most willing to conform to contemporary culture are less sectarian. Conversely, those organizations more conservative in theology and that have resisted acculturation will inevitably appear to civil judges as more sectarian. ''To exclude from funding those groups that are more ''sectarian'' is to punish those religions which are countercultural while rewarding those groups willing to secularize. A sociologist has identified the ''pervasively sectarian'' groups as ''orthodox,'' and the ''nonsectarians'' as religious ''progressives.'' Hunter, supra note 4, at 42–46. Hunter says the religious ''orthodox'' are devoted ''to an external, definable, and transcendent authority,'' whereas ''progressives'' ''resymbolize historic faiths according to the prevailing assumptions of contemporary life.'' Id. From the standpoint of wanting to minimize governmental influence on private religious choices, it is hard to imagine a more detrimental rule than for the Supreme Court to penalize the orthodox while rewarding the progressives.

[61] Kiyas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 702–07 (1994); see Larson V. Valenta, 456 U.S. 228, 246 n. 23 (1982). The rationale, in part, is that the Court wants to avoid making affiliation with a particular denomination or type of religious group more attractive. If this were not the law, then merely affiliating with a particular religious group could result in a civil advantage or disadvantage.

[62] One problem with the requirement of distinguished between ''pervasively'' and ''nonpervasively'' sectarian organizations is that the level of religiousness of faith-based social service providers is a matter of degree, and there are multiple ways to measure religiousness. Carl H. Esbeck, The Religious of Religious Organizations as Recipients of Governmental Assistance 8-9 (1996). Most providers are neither fully sectarian nor fully secularized. Any multifactor test the courts devise will end up favoring some religious and prejudicing others. Sorting through the array of social service providers would be a veritable briar patch and cause the judiciary to violate its own admonitions concerning entanglement.

[63] See, e.g., Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2524 (1995) (university should avoid distinguishing between evangelism, on the one hand, and the expression of ideas merely approved by a given religion on the other); Corporation of the Presiding Bishop v. Amos, 483 U.S. 327, 336 (1987), and id. at 344–45 (Brennan, J., concurring) (recognizing a problem when the

government attempts to divine which jobs are sufficiently related to the core of a religious organization as to merit exemption from statutory duties); Bob Jones Univ. v. United States, 461 U.S. 574, 604 n.30 (1983) (avoiding potentially entangling inquiry into religious practice is desirable); Widmar v. Vincent, 454 U.S. 263, 269–70 n.6, 272 n.11 (1981) (holding that inquiries into significance of religious words or events are to be avoided); Walz v. Tax Comm'n, 397 U.S. 664, 674 (1970) (avoiding entanglement that would follow should tax authorities evaluate the temporal worth of religious social welfare programs is desirable). Likewise, in Jimmy Swaggart Ministries v. California Bd. of Equalization, 493 U.S. 378, 396–98 (1990), and Texas Monthly, Inc. v. Bullock, 489 U.S. 1, 20 (1989) (plurality opinion), the Court cautioned against unnecessarily making distinctions between core religious practices (e.g., workship, doctrinal teaching, distributing sacred literature) and those activities of religious organizations that are more ancillary (e.g, operating a soup kitchen or hospital). For similar reasons, courts are to avoid making a determination concerning the centrality of the belief or practice in question to an overall religious system. See Lyng v. Northwest Indian Cemetery Ass'n, 485 U.S. 439, 451 (1988) (rejecting free exercise test that ''depend(s) on measuring the effects of a governmental action on a religious objector's spiritual development''); United States v. Lee, 455 U.S. 252, 257 (1982) (rejecting government's argument that free exercise claim does not lie unless ''payment of social security taxes will . . . threaten the integrity of the Amish religious belief or observance''); Thomas v. Review Bd., 450 U.S. 707, 715–16 (1981) (holding that it is not within the judicial function or competence to resolve religious differences); see also Employment Div. v. Smith, 494 U.S. 872, 886–87 (1990).

[64] Kendrick, 487 U.S. at 624–25 (Kennedy J., concurring). Justice Kennedy's opinion was joined by Justice Scalia.

[65] Id. at 624 (Kennedy, J., concurring).

[66] Id. (Kennedy, J., concurring).

[67] Id. at 624–25 (Kennedy, J., concurring).

[68] Justice Kennedy's opinion is closest to the view of neutrality theorists. But he too falls short. Justice Kennedy would trace the government's funds and disallow any use for the advancement of religion. The neutrality principle, as will be discussed below, infra notes 138–43 and accompanying text, requires only that the Court examine the outcome of the welfare program with an eye to determining whether the public purpose is being served by the social service provider. If so, then the judicial inquiry is at an end, for the government has received full ''secular'' value in exchange for taxpayer funds.

[69] There is no dispute between separationists and neutrality theorists over whether the Establishment Clause prohibits a tax or user fee earmarked for a religious purpose. It clearly does. See infra note 127 and accompanying text. What is disputed is whether monies collected by general taxation and appropriated to support a welfare program that does not discriminate against the participation of faith-based social service providers is constitutional. See infra notes 131–45 and accompanying text.

[70] Grand Rapids Sch. Dist. v. Ball, 473 U.S. 373, 385 (1985).

[71] Tilton v. Richardson, 403 U.S. 672, 689 (1971) (rejecting claim by taxpayers challenging use of revenues for funding of a state program to assist institutions of higher education, including church-affiliated colleges); cf. United States v. Lee, 455 U.S. 252, 257 (1982) (requiring Amish employer to pay Social Security tax in violation of his religious beliefs); United States v. American Friends Serv. Comm., 419 U.S. 7 (1974) (per curiam) (holding that Quakers facing federal income tax liability did not have free exercise rights that overrode provision in anti-injunction act barring claimants from suing to enjoin government from collecting tax). The Court has never recognized a free exercise right to object when revenues raised by general taxation are used to assist the poor or needy by involving faith-based providers in the delivery of welfare services

[72] The Court has recognized a strong protection of religious conscience found in the Free Speech Clause. See Wooley v. Maynard, 430 U.S. 705, 714–15 (1977) (sustaining claim by Jehovah's Witness challenging state requirement that motor vehicle license plate bear the motto ''Live Free or Die'' was violative of freedom of thought, which includes the ''right to refrain from speaking at all''); West Virginia v. Barnette, 319 U.S. 624, 642 (1943) (public school compulsory flag salute and pledge of allegiance ''invades the sphere of intellect and spirit''); see also United States v. Ballard, 322 U.S. 78, 86 (1944) (''Freedom of thought, which includes freedom of religious belief, is basic in a society of free men.''). But such protection does not extend to taxpayers objecting to the monies being paid to faith-based organizations.

[73] See, e.g., John H. Garvey, An Anti-Liberal Argument for Religious Freedom, 7 J. Contempt. Legal Issues 275, 280–82 (1996) (identifying liberal arguments for church/state separation as, inter alia, the protection of society from political strife); Douglas Laycock, Religious Liberty as Liberty, 7 J. Comtemp. Legal Issues 313, 317 (1996) (one reason for no-establishment principle is to minimize the societal conflict that attends use of governmental force to suppress religion); Ira C. Lupu, To Control Faction and Protect Liberty: A General Theory of the Religion Clauses, 7 J. Contemp. Legal Issues 357, 360–62 (1996) (no-establishment principle arose in response to the grave risk of political disharmony resulting from uncontrolled religious factionalism).

Typically the concern with religion dividing the body politic is buttressed by reference to European religious wars, which were known to the founding generation, as well as by warnings that point to modern-day Northern Ireland, Bosnia, or Lebanon. These are indeed events worthy of avoidance. But separationists omit an obvious distinction between these instances of sectarian strife and the goal of neutrality theory. The sectarian wars of medieval Europe were wars for religious monopoly. Each side sought to defeat the other so as to establish its own religious hegemony. Neutrality theory has no such goal. Indeed, its goal is just the opposite, If the neutrality principle were to be followed, then government's influence over religion would be minimized and each individual's religious choices would be more fully enabled. See infra note 98 and accompanying text.

In their concern for preventing sectarian strife, an additional point overlooked by separationists is that the Establishment Clause (indeed, the entire Bill of Rights) is a check on government—not a check on religion. Thus, the no-establishment principle guards against government's using its power inappropriately taking sides on behalf of a religion. Simply put, the Clause protects people from government. It does not protect people from other people. It does not protect a minority religion from a majority religion. And it does not protect the nonreligious from the religious. Separationists are prone to assume that religious ideologies are more intolerant and absolutist than secular ideologies; thus, they believe that the Establishment Clause is there specifically to hold in check the excesses of religion. But it is only the excesses of government that the Clause can check. See Douglas Laycock, Continuity and Change in the Threat to Religious Liberty: The Reformation Era and the Late Twentieth Century, 80 Minn. L. Rev. 1047, 1048, 1089–95, 1102 (1996). In the twentieth century, secular ideologies have proven every bit as violent as the sectarianisms of the Middle Ages.

[74] The most compelling argument for a continued strict separation of church and state is the harm that can befall religion itself when faith-based ministries become unduly involved with governmental programs and benefits. Preserving the autonomy of religious providers is beyond the scope of this Article. This author has touched briefly on the matter elsewhere. See Esbeck, supra note 62, at 47–51; Carl H. Esbeck, Religion and a Neutral State: Imperative or Impossibility? 15 Comberland L. Rev. 67, 80–83 (1984–85). Others have also published on the topic. See, e.g., Besharov, supra note 12; Marvin Olasky, The Corruption of Religious Charities, in To Empower People: From State to Civil Society ch. 8 (Michael Novak, ed., 2d ed. 1996); Joe Loconte, The 7 Deadly Sins of Government Funding for Private Charities, Policy Rev., Mar./Apr. 1997; Amy L. Sherman, Cross Purposes: Will Conservative Welfare Reform Corrupt Religious Charities? Policy Rev., Fall 1995, at 58–63; David Walsh, Irreducible, Inexplicable: The Effort to Carve Out a Utilitarian, Public-Policy Role for Religion Strikes at the Core of Faith, Wash. Post, Mar. 1, 1996, at A17. Nonetheless, the available materials are few and anecdotal, and religious autonomy as an important topic warrants more attention by scholars and judges alike.

[75] There was a time when the Supreme Court, in its interpretation of the Establishment Clause, sought out political divisiveness along religious lines as a violation of the Clause. However, such evidence as a separate element of Establishment Clause doctrine is now repudiated. Corporation of Presiding Bishop v. Amos, 483 U.S. 327, 339 n.17 (1987); Lynch v. Donnelly, 465 U.S. 668 684–85 (1984); Mueller v. Allen, 463 U.S. 388, 403–04 n.11 (1983). The foregoing cases essentially rejected broad language in earlier cases. See Wolman v. Walter, 433 U.S. 229, 256 (1977) (Brennan, J., concurring and dissenting); id. at 258–59 (Marshall, J., concurring and dissenting); Meek v. Pittenger, 421 U.S. 349, 374–77 (1975) (Brennan, J., concurring and dissenting); Lemon v. Kurtzman, 403 U.S. 602, 622–23 (1971). Political divisiveness analysis was heavily criticized because it ran counter to the Court's recognition elsewhere that religious persons and groups have full rights of free speech and political participation. See Edward M. Gaffney, Political Divisiveness Along Religious Lines: The Entanglement of the Court in Sloppy History and Bad Public Policy, 24 St. Louis U. L.J. 205 (1980).

[76] An example of this is found in §104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. §604a (1996 Supp.). Section 104, known by the popular name ''Charitable Choice,'' permits the involvement of faith-based providers in the delivery of welfare services funded by the federal government through block grants to the states. For those faith-based providers that choose to participate, §104(b), (d), and (f) set forth several rights of provider autonomy from excessive governmental regulation.

[77] To these three requisites (a public purpose of social betterment, nondiscrimination, and religious autonomy), neutrality theory adds the right of the ultimate beneficiaries to obtain their services from a nonreligious provider if they have a sincere objection to a particular faith-based provider. See infra note 138 and accompanying text.

[78] Some argue that the Establishment Clause, while prohibiting the establishment

of a single national religion, was nevertheless intended to allow Congress to support all religious denominations on a nonpreferential basis. This is unlikely. When drafting the First Amendment the First Congress was almost entirely negative concerning the Amendment's intent, i.e., the new central government was to have no authority concerning religion. Hence, the Establishment Clause detailed what the new central government could not to rather than what it could do. Thomas J. Curry, The First Freedoms: Church and State in America to the Passage of the First Amendment 198–222 (1986). The Supreme Court rejected nonpreferentialism in Wallace v. Jaffree, 472 U.S. 38, 68 (1985) (O'Connor J., concurring); id. at 113 (Rehnquist, J., dissenting). See also Lee v. Weisman, 505 U.S. 577, 612–18 (1992) (Souter, J., concurring); Douglas Laycock, ''Nonpreferential'' Aid to Religion: A False Claim About Original Intent, 27 Wm. & Mary L., Rev. 875 (1986). For arguments in support of nonpreferentialism, see Wallace, 472 U.S. at 98 (Rehnquist, J., dissenting); Robert Cord, Separation of Church and State: Historical Fact and Current Fiction (1988); Michael Malbin, Religion and Politics: The Intentions of the Authors of the First Amendment (1978); Rodney K. Smith, Nonpreferentialism in Establishment Clause Analysis: A Response to Professor Laycock, 65 St. John's L. Rev. 245 (1991).

For present purposes it is important that the neutrality principle not be confused with nonpreferentialism. The distinction is clearly drawn in Justice Thomas's concurring opinion in Rosenberger v. Rector & Visitors of the Univ. of Va., 115 S. Ct. 2510, 2528–30 (1995) (Thomas J., concurring).

[79] Although the Supreme Court has never had before it a situation involving a direct program of aid for religious organizations alone, obiter dicta in various cases suggest that any such program would be unconstitutional. See Kiryas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 702–07 (1994) (legislation favoring one religious sect is unconstitutional); Committee for Pub. Educ. v. Nyquist, 413 U.S. 756 (1973) (striking down state aid to private education the benefits of which went almost entirely to religious schools); cf. Mueller v. Allen, 463 U.S. at 394, 396 n.6, 398–99 (explaining and distinguishing Nyquist).

[80] See supra text accompanying notes 27–29.

[81] 454 U.S. 263 (1981).

[82] Id. at 271–74.

[83] Equal Access act, 20 U.S.C. §§ 4071–4074 (1994). The constitutionality of the Act was upheld in the face of an Establishment Clause challenge in Board of Education v. Mergens, 496 U.S. 226 (1990).

[84] 508 U.S. 384 (1993) (disallowing viewpoint discrimination against a church that had sought to show a film about family life in a forum otherwise open to that subject).

[85] 115 S. Ct. 2440 (1995) (finding content-based discrimination in the refusal to permit a controversial group to sponsor a religious display in a civic park). Because Pinette is illustrative of the current divisions within the Court over separationism, the case is further discussed infra notes 101–11 and accompanying text.

[86] 115 S. Ct. 2510 (1995) (finding viewpoint discrimination in a public university's denial of printing costs for a student publication postulating religious perspectives on current issues). Because Rosenberger involved the Court in requiring a state university to finance a student publication that printed religious views—not just the provision of space in a public forum—the case is further discussed infra notes 112–30 and accompanying text.

[87] When the expression is not private speech but speech by government, then the controlling norm remains a separationist model. This seems entirely proper. Government may neither confess inherently religious beliefs not advocate that individuals profess such beliefs or observe such practices. Several cases illustrate this point. See Lee v. Weisman 505 U.S. 577 (1992) (striking down prayer in conjunction with commencement ceremonies at a public junior high); County of Allegheny v. ACLU, 492 U.S. 573 (1989) (disallowing display of nativity scene inside courthouse, but upholding display of menorah outside public building as part of larger holiday scene); Stone v. Graham, 449 U.S. 39 (1980) (per curiam) (striking down state law requiring posting of Ten Commandments in public school classrooms); Epperson v. Arkansas, 393 U.S. 97 (1969) (striking down state law prohibiting teaching theory of evolution in public schools); School Dist. v. Schempp, 374 U.S. 203 (1963) (disallowing devotional reading of Bible and recitation of Lord's Prayer in public schools); Engel v. Vitale, 370 U.S. 421 (1962) (disallowing state requirement of daily classroom prayer in public schools); and McCollum v. Board of Educ., 333 U.S. 203 (1948) (disallowing program in which local volunteers came to public school campus to teach religion).

Lynch v. Donnelly, 465 U.S. 668 (1984), and Marsh v. Chambers, 463 U.S. 783 (1983), are two aberrations. But Lynch and Marsh, while antiseparationist to be sure, are not based on equality either. Rather, in their rationales, Lynch and Marsh are driven by a desire to cling to historical practices dating from a time when America was less religiously plural.

[88] See infra notes 90–100 and accompanying text.

[89] See infra notes 133–35 and accompanying text.

[90] A ''benefit'' means direct or indirect financial assistance for a public purpose. The benefit may be in the form of a subsidy, grant, entitlement, loan, or insurance, as well as a tax credit or deduction. A tax exemption, such as that upheld in Walz v. Tax Commission, 397 U.S. 664, 676 (1970), is to be distinguished from tax credits and deductions. Credits and deductions are government benefits. A tax exemption, however, is the government's election to ''leave religion where it found it,'' rather than the conferring of a benefit. For First Amendment purposes a tax credit or deduction should all be regarded alike as ''tax expenditures,'' while useful in other areas of fiscal policy, does not make sense in dealing with issues that arise under the Establishment Clause. See Dean M. Kelley, Why Churches Should Not Pay Taxes 11–13, 47–57 (1977); Boris I. Bittker, Churches, Taxes and the Constitution, 78 Yale L.J. 1285 (1969); Boris I. Bittker & George K. Rahdert, The Exemption of Nonprofit Organizations from Federal Income Taxation, 85 Yale L.J. 299, 345 (1976).

[91] A ''burden'' means a regulation, a tax, or a criminal prohibition.

[92] 483 U.S. 327 (1987).

[93] Id. at 335. See also Trans World Airlines v. Hardison, 432 U.S. 63, 90 (1977) (Marshall, J., dissenting) (stating that constitutionality of labor law not placed in doubt simply because it requires religion exemption); Gillette v. United States, 401 U.S. 437 (1971) (religious exemption from military draft for those who oppose all war does not violate Establishment Clause); Walz, 397 U.S. 664 (upholding property tax exemptions for religious organizations); Zorach v. Clauson, 343 U.S. 306 (1952) (upholding release time program for students to attend religious exercises off public school grounds); Selective Draft Law Cases, 245 U.S. 366 (1918) (upholding, inter alia, military service exemptions for clergy and theology students).

Estate of Thorton v. Caldor, Inc., 472 U.S. 703 (1985), is not to the contrary. In Thorton, the Court struck down a state law favoring Sabbath observance. However, as explained in Hobbie v. Unemployment Appeals Commission, 480 U.S. 136, 145 n.11 (1987), the Sabbath law was struck down because the state cannot utilize classifications that single out a specific religious practices, thereby favoring that particular practice, as opposed to language inclusive of a general category of religious observances. For example, if Saturday as a day of rest is legislatively required to be accommodated by employers, all religious practices to be excused (including all religious days of rest) must be required to be accommodated. If a kosher diet is required to be accommodated by commercial airlines, then all religious practices (including all religious dietary requirements) must be accommodated. If a student absence from school is excused for Good Friday, then all absences for all religious holy days must be accommodated. Id.

The special needs of national defense maker Gillette distinguishable from Thorton. In Gillette, Congress was permitted to accommodate ''all war'' pacifists but not ''just war'' inductees because to broaden the exemption would invite increased church/state entanglements and would render almost impossible the fair and uniform administration of the Selective Service System. Gillette, 401 U.S. at 450. The only decision that does appear to be at odds with the principle followed in Amos and these other cases is Texas Monthly, Inc. v. Bullock, 489 U.S. 1 (1989) (plurality opinion) (disallowing sales tax exemption for purchases of religious literature).

[94] The Court was most explicit in making the salient distinction between benefits and burdens in Amos. Pointing out that it had previously upheld laws that helped religious groups advance their purposes, the Court explained:

A law is not unconstitutional simply because it allows churches to advance religion, which is their very purpose. * * * (I)t must be fair to say that the government itself has advanced religion through its own activities and influence. * * *

(T)he Court * * * has never indicated that statutes that give special consideration to religious groups are per se invalid.

483 U.S. at 337, 338.

[95] U.S. Const. amend. I. The Establishment Clause, in its entirety, provides: Congress shall make no law respecting an establishment of religion . . . . U.S. Const. amend. I.

[96] Douglas Laycock, Towards a General Theory of the Religion Clauses, 81 Colum. L. Rev. 1773, 1416 (1981).

[97] Walz, 397 U.S. at 676 (It is desirable when government refrains from imposing a burden on religion so as ''to complement and reinforce the desired separation insulating each from the other.'')

[98] Unleashing personal religious choice as the core value of the Establishment Clause is not being elevated here as good theology, just good jurisprudence. It is good jurisprudence because religious choice as a core value allows each religion to flourish or die in accord with its own appeal. Choice as the controlling legal standard maximizes liberty of both the individual and the religious community, while neutralizing the impact of governmental action on religious life. In these respects it is biased toward a Western conception of human rights and a limited state. This bias, however, is cause for neither surprise nor apology. It is the Founders' legacy, and they were decidedly Western.

Good theology is another matter; for observant Jews and Christians, religious liberty consists not in doing what we choose, but in the freedom to do what we ought. In Jewish and Christian orthodoxy, belief and practice are understood in terms of truth,

not choice. The point here is that it should not be troubling that religious choice is the core value when interpreting the Establishment Clause. There is no reason that law and theology must converge on this point. It is sufficient that law maximizes the individual's freedom to pursue a direction indicated by his or her theology.

[99] In Dodge v. Salvation Army, 48 Empl. Prac. Dec. (CCH) ae 38,619 (S.D. Miss. 1989), a strange case with an unfortunate holding, a religious social service ministry dismissed an employee when it was discovered she was a member of the Wiccan religion and was making unauthorized use of the office photocopy machine to reproduce cultic materials. When the employee sued, claiming religious discrimination, the Salvation Army invoked the ''religious organization'' exemption in Title VII, 42 U.S.C. §2000e–1 (1994). The employee countered that the Title VII exemption should not apply because her salary was substantially funded by a federal grant. The trial court agreed with the employee, holding that the Title VII exemption for religious discrimination by a religious organization was unconstitutional on these facts. The trial court thought the exemption advanced religion in a manner violative of the Establishment Clause when applied to government-subsidized jobs. 48 Empl. Prac. Dec., at 55,409.

The holding in Dodge was a mistake. The trial court failed to observe the burden/benefit distinction when it ran together the separate issues of benefits and burdens. The question of whether the Salvation Army may receive a direct benefit consonant with the Establishment Clause is controlled by Bowen v. Kendrick, 487 U.S. 589 (1988). The answer to that question, whether ''yes'' or ''no,'' is entirely independent of the question of whether the Salvation Army may claim the Title VII exemption from the regulatory burden of compliance with the civil rights law. The Court's decision in Amos holding that the Title VII exemption did not violate the Establishment Clause had already answered the second question in the affirmative. Amos, 483 U.S. 327.

A better reasoned result, one contrary to Dodge, was reached by the federal court in Young v. Shawnee Mission Medical Center, No. CIV.A. 88–2321–3, 1988 LEXIS 12248 (D. Kan. Oct. 21, 1988) (rejecting argument that Seventh-day Adventist Hospital lost its title VII exemption because it received federal Medicare funding).

[100] Shifting the analysis from benefits to burdens does not mean moving the baseline from which the neutrality of the government's action is measured. The baseline is not rooted in history or time, but in the principle of minimizing government's impact on personal religious choice. As previously conceded, this choice of baseline is not genuinely neutral. See supra notes 10–11. Thus, whether assessing the constitutionality of a benefit or a burden, the location of the baseline is consistent, albeit not neutral.

This combination of receiving equal access to governmental benefits but being specially relieved of burdens carried by others occurred in Hsu v. Roslyn Union Free School District, 85 F.3d 839 (2d Cir.), cert. denied, 117 S. Ct. 608 (1996). In Hsu, a student religious club claimed the right to meet on the campus of a public high school on the same basis as other noncurricular student organizations. The religious club had a right to this benefit under a federal statutory law and the Free Speech Clause. However, when it came to its selection of leaders, the school prohibited the club from selecting only Christians. The appeals court held that as to officers with spiritual functions the club had a right to be relieved of the school's nondiscrimination requirement. Election of leaders sharing the same faith was essential to the club's self-definition, as well as the maintenance of its associational character and continued expression as a Christian club. Id. at 856–62. Logically, the same result would be reached under the Free Exercise Clause.

[101] 115 S. Ct. 2440 (1995).

[102] 115 S. Ct. 2510 (1995).

[103] Pinette, 115 S. Ct. at 2445.

[104] Id. at 2447–50. Justice Thomas wrote separately stating his view that the content of the Klan's message was political rather than religious. Id. at 2450–51 (Thomas, J., concurring).

[105] Id. at 2455 (O'Connor, J., concurring). Justice O'Connor's opinion was joined by Justices Souter and Breyer.

[106] Id. at 2452–53 (O'Connor, J., concurring).

[107] Id. at 2454 (O'Connor, J., concurring).

[108] Id. at 2458–59 (Souter, J., concurring).

[109] Id. at 2464 (Stevens, J., dissenting).

[110] Id. at 2475 (Ginsburg, J., dissenting).

[111] See Kathleen M. Sullivan, Religion and Liberal Democracy, 59 U. Chi. L. Rev. 195, 197–214, 222 (1992) (the First Amendment's negative bar against an establishment of religion implies an affirmative establishment of a secular public order). To be sure, the Establishment Clause prohibits the establishment of a national church, which of course was no more likely in 1789–91 than it is today. But the Clause does not thereby establish a new religion of Secularism. Rather, no credo is by law established, setting at liberty the hearts of all to embrace any faith or none, as each is persuaded concerning such matters.

[112] 115 S. Ct. 2510 (1995).

[113] Id. at 2515.

[114] Id. at 2514–15.

[115] Id. at 2513.

[116] Id. at 2520–21.

[117] Id. at 2516.

[118] Id. at 2516–18.

[119] Id. at 2515.

[120] Id. at 2519–20.

[121] Id. at 2521 (citations and internal quotations omitted).

[122] Id. at 2522.

[123] Id. at 2523–24.

[124] Id. at 2524.

[125] Id. at 2528 (O'Connor, J., concurring).

[126] Id. at 2526–27 (O'Connor, J., concurring).

[127] Id. at 2528 and n.1 (Thomas, J., concurring).

[128] Id. at 2528–30 (Thomas, J., concurring). Cf. id. at 2536 n.* (Souter, J., dissenting). The Supreme Court has already rejected an argument by federal taxpayers that the Free Exercise Clause is violated should they as contributors to the nation's general tax revenues have to ''pay for'' benefits provided to religious organizations. See supra note 71.

[129] Rosenberger, 115 S. Ct. at 2535–39 (Souter, J., dissenting).

[130] Id. at 2544–47 (Souter, J., dissenting).

[131] Justice O'Connor's ''no endorsement test,'' was first advanced in the Christmas nativity scene case of Lynch v. Donnelly, 465 U.S. 668, 687 (1984) (O'Connor, J., concurring).

[132] In a departure from the separationist view, Justice O'Connor's no endorsement test is not a funds-tracing analysis. Rather, her reliance on the objective observer is an appearance-of-impropriety analysis. Instead of focusing on whether religion is advanced by direct funding, as separationists do, Justice O'Connor is concerned with the civic alienation felt by her observer as she looks at welfare legislation aiding social service providers, including those that are faith-based. Accordingly, the issue for Justice O'Connor is not whether the aid has the effect of advancing religion, but whether it appears to single out religion for favoritism.

[133] See also Church on the Rock v. City of Albuquerque, 84 F.3d 1273 (10th Cir.), cert. denied, 117 S. Ct. 360 (1996). Following Rosenberger and Pinette, the appeals court in Church on the Rock struck down a congressional prohibition on private religious speech, thereby permitting access to senior citizen centers funded in part by the federal government. The Free Speech Clause was again the source of the right to equal treatment.

[134] The Free Exercise Clause prevents a legislature from adopting a welfare program in which a broad array of providers, governmental and independent, are eligible, but expressly excluding faith-based providers because they are religious. Thus, equal treatment is commanded by the Free Exercise as well as the Free Speech Clause. See supra note 26 and accompanying text.

While admitting to a prima facie violation of the Free Exercise Clause, separationists argue that stopping all funding to religious organizations serves the ''compelling interest'' of compliance with the Establishment Clause. But this argument was rejected as to the Free Speech Clause in Rosenberger, 115 S. Ct. at 2520–25. Moreover, there is nothing in the wording of the First Amendment that suggests that when clauses ostensibly ''conflict,'' the Establishment Clause overrides the Free Exercise and Free Speech Clauses. One could just as easily presume that the Free Exercise and Free Speech Clauses supersede the Establishment Clause. Of course, there is no conflict between these Clauses when the neutrality principle is followed. See infra notes 155–57 and accompanying text.

[135] It might be asked whether the Court majority would still have found the Establishment Clause defense unsuccessful in Widmar, Lamb's Chapel, Pinette, and Rosenberger, in the absence of the claimants' successful free speech claim. The answer is ''yes.'' In each case the free speech and no-establishment questions were considered independently of the other. Never did the Court suggest that the Free Speech Clause overrode the Establishment Clause. In each case the government voluntarily opened a limited public forum, and it was clear the government retained the authority to close the forum to all speakers. Free speech did not add the margin of victory over the no-aid-to-religion defense. What is required of government is that it have a secular purpose for its benefit program. That purpose may be the provision of a forum for a diverse array of speech, but the purpose may also be meeting the welfare needs of the poor.

[136] Pub. L. 104–155, 104th Cong., (1996), signed into law by the President on July 3, 1996.

[137] Id. at §4(a)(1).

[138] See §104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. §604a (1996 Supp.). Known by the popular name of ''Charitable Choice,'' §104 permits states to involve faith-based providers in the delivery of welfare services funded by the federal government through block grants to the states. Subsection 104(e) provides that if a beneficiary has a religious objection to receiving social services from a faith-based provider, he or she has a right to obtain services from a different provider.

[139] This can be accomplished by fiscal audits of monies from governmental sources, as well as by end-result evaluations during performance reviews undertaken to ensure that the needs of the beneficiaries targeted by the legislation are being served. Such intrusions are a tolerable level of interaction between religion and government.

[140] An example of this model is found in the regulations to the federal Child Care Block Grant Act of 1990, providing, inter alia, certificates to low-income parents who may then ''spend'' the benefit at the child care

provider they select for their child. The regulations state that the monies from such certificates: (3) May be used for child care services provided by a sectarian organization or agency, including those that engage in religious activities, if those services are chosen by the parent; (and) (4) May be expended by providers for any sectarian purpose or activity, including sectarian worship or instruction. * * *

42 C.F.R. §98.30(c).

[141] Inquiry into ''purpose'' may go beyond the mere text or ''face'' of a statute. Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520, 533–35 (1993); see Kiryas Joel Village Sch. Dist. v. Grumet, 512 U.S. 687, 699 (1994).

Legislative purpose, however, should not be confused with legislative motive. A judicial inquiry may not go into the subjective motive of each legislator supporting a legislative bill. A motive analysis would not only have implications for the denial of religious freedom (McDaniel v. Paty, 435 U.S. 616, 641 (1978) (Brennan, J., concurring in the judgment), but also for violating the separation of powers (United States v. O'Brien, 391 U.S. 367, 383 (1968)). See Board of Educ. v. Mergens, 496 U.S. 226, 249 (1990) (plurality opinion) (''Even if some legislators were motivated by a conviction that religious speech in particular was valuable and worthy of protection, that alone would not invalidate the Act, because what is relevant is the legislative purpose of the statute, not the possibly religious motives of the legislators who enacted the law.'').

[142] To require states to distinguish between ''pervasively'' and ''non-pervasively'' sectarian organizations would seem to violate one of the venerable rules of the Establishment Clause, to the effect that government is not to intentionally discriminate among religious groups. Larson v. Valente, 456 U.S. 228 (1982), See also supra notes 59–63, and accompanying text. Under neutrality theory this inconsistency is avoided.

[143] Committee for Pub. Educ. v. Nyquist, 413 U.S. 756, 780 (1973).

[144] See Henry G. Cisneros, U.S. Dep't of Hous. and Urban Dev., Higher Ground; Faith Communities and Community Building 6–12 (1996) (citing studies and examples of the success of faith-based community development activities); National Inst. on Drug Abuse, U.S. Dep't of Health, Educ. and Welfare, An Evaluation of the Teen Challenge Treatment Program (1977) (showing a materially higher success rate for faith-based over secular drug treatment programs for youth); Religious Institutions as Partners in Community Based Development, in Progressions: A Lilly Endowment Occasional Report (Feb. 1995) (noting success with community-based development that came only after involving the local church).

[145] See supra notes 92–97 and accompanying text.

[146] See supra notes 59–63, 78–79, 87, 93, infra notes 149–51 and accompaning texts.

[147] ''Inherent religious'' means those intrinsic and exclusively religious activities of worship and the propagation or inculcation of the sort of matters that comprise confessional statements or creeds. In addition, the term includes the supernatural claims of churches, mosques, synagogues, temples, and other houses of worship, using those words not to identify buildings, but to describe the confessional community around which a religion identifies and defines itself, conducts its worship, teaches doctrine, and propagates the faith to children and adult converts.

Although a view of religion and life as an integrated whole is desirable, for purposes of the Establishment Clause it becomes necessary to recognize that some core beliefs and practices are ''inherently religious.'' The necessity of a fixed boundary in church/state relations requires a uniform legal standard in drawing the line of church/state separation. The line of separation cannot be drawn differently for each religious organization based on its own unique definition of religion. That would amount to governmental discrimination among religions (a violation of the rule stated in Larson, 456 U.S. 228 (1982)).

This is not to say that the Supreme Court has resolved all the definitional problems by confining Establishment Clause analysis to matters ''inherently religious.'' The Court's determination as to what is ''inherently religious'' inevitble will favor the philosophy of modern rationalism (its underlying tenets will appear arguably nonreligious) while disfavoring familiar theistic religions such as Christianity, Judasim, and Islam (their tenets and practices appearing inherently religious). See Phillip E. Johnson, Concepts and Compromise in First Amendment Religious Doctrine, 72 Cal. L. Rev. 817, 834–35 (1984). But as stated above, this is a consequence of the impossibility of the Establishment Clause's being ''neutral'' as to all world views. See supra notes 10–11 and accompanying text.

[148] The Supreme Court has found that prayer, devotional Bible reading, veneration of the Ten Commandments, classes in confessional religion, and the biblical story of creation are all inherently religious. See Lee v. Weisman, 505 U.S. 577 (1991) (prayer); Edwards v. Aguillard, 482 U.S. 578 (1987) (creationism); Wallace v. Jaffree, 472 U.S. 38 (1985) (prayer); Stone v. Graham, 449 U.S. 39 (1980) (per curiam) (Ten Commandants); Epperson v. Arkansas, 393 U.S. 97 (1968) (creationism); School Dist. v. Schempp, 374 U.S. 203 (1963) (prayer and Bible reading); Engle v. Vitate, 370 U.S. 421 (1962) (prayer); McCollum v. Board of Educ., 333 U.S. 203 (1948) (teaching religion).

On the other hand, legislation restricting abortion, Sunday closing laws, rule prohibiting interracial marriage, and teenage sexuality counseling are not inherently religious. See Bowen v. Kendrick, 487 U.S. 589 (1988) (teenage counseling; Bob Jones Univ. v. United States, 461 U.S. 574, 604 n.30 (1983) (interracial marriage); Harris v. McRae, 448 U.S. 297 (1980) (abortion restrictions); McGowan v. Maryland, 366 U.S. 420 (1961) (Sunday closing law); Two Guys from Harrison-Allentown, Inc. v. McGinley, 366 U.S. 582 (1961) (Sunday closing law).

[149] The Establishment Clause is not violated when a governmental social program merely reflects a moral judgment, shared by some religions, about conduct through beneficial (or harmful) to society. Kendrick, 487 U.S. at 604 n.8, 613; Harris, 448 U.S. at 319–20; McGowan, 366 U.S. at 442; Hennington v. Georgia, 163 U.S. 299, 306–07 (1896); see Bob Jones Univ., 461 U.S. at 604 n.30. Thus, overlap between a law's purpose and the moral teaching of some religions does not, without more, render the law one ''respecting an establishment of religion.

[150] The Supreme Court has held that when a law of general public purpose has a disparate effect on various religious organizations, the Establishment Clause is not violated. Hernandez v. Commissioner, 490 U.S. 680, 696 (1989); Bob Jones Univ., 461 U.S. at 604 n. 30; Larson, 456 U.S. at 246 n. 23.

[151] The Supreme Court has held that the Establishment Clause prohibits government from purposefully discriminating among religious groups. Larson, 456 U.S. 228; Fowler v. Rhode Island, 345 U.S. 67 (1953); Niemotko v. Maryland, 340 U.S. 268 (1951).

[152] See F. William O'Brien, The Blaine Amendment 1875–1876, 41 U. Det. L.J. 137 (1963); Note, Beyond the Establishment Clause; Enforcing Separation of Church and State Through State Constitutional Provisions, 71 Va. L. Rev. 625 (1985). Although dated, a useful work in the area of religion and state constitutions is Chester James Antieau et al., Religion Under the State Constitutions (1965).

[153] See supra note 144.

[154] See Esbeck, supra note 62; Stephen V. Monsma, When Sacred and Secular Mix; Religious Nonprofit Organizations and Public Money (1996).

[155] 456 U.S. 228. See supra notes 59–60 and accompany text.

[156] See supra notes 61–63 and accompanying text.

[157] 508 U.S. 520 (1993). See supra notes 26 and 134.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Indiana (Mr. SOUDER).

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

Mr. EDWARDS. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, further proceedings on the amendment, as modified, offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. LAZIO. Madam Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LAZIO. Madam Chairman, I yield to my friend, the gentleman from New York (Mr. WALSH), who was also the very able chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Committe on Appropriations having jurisdiction over the vast majority of housing programs and all the housing programs through HUD concerning the process and prohibition against set-asides.

Mr. WALSH. Madam Chairman, I thank my good friend and colleague, the gentleman from New York (Mr. LAZIO), chairman of the Subcommittee on Housing and Community Opportunity. I thank the gentleman for the important work he is doing today. Homeownership is the American dream, and this legislation will help to make that American dream possible for many, many more.

Just one issue that I would like to discuss briefly. That is Section 402 of this important bill. Because the language of the appropriations bill funds several programs as set-asides within the CDBG account, the language could be construed to prohibit funds for authorized programs such as Youth Build, Habitat for Humanity, and so on.

I know that is not the gentleman's intent, but it is my understanding that

the authorizing committee does not intend this as a result. I would just like to ask if my understanding of that is correct.

Mr. LAZIO. Reclaiming my time, Madam Chairman, I want to say to my friend, the gentleman from New York, that it is not the intention nor do we think it is the operation of the bill to prohibit the set-asides that have been authorized for programs like Youth Build or the NCDI, National Community Development Initiative, or self-help housing that helps so many Americans through Habitat for Humanity and other self-help programs.

It is not the intention nor do we think it is the operation of this bill to do that, but I would be happy to work with the gentleman to ensure that that intent is clearly reflected in the bill as signed by the President.

Mr. WALSH. I thank the gentleman for his very constructive response. I look forward to working with him as we go down the path towards the conference to make sure that our committee's responsibilities are not hamstrung. I thank the gentleman from New York.

Mr. LAZIO. I want to thank the gentleman also.

I want to take this opportunity to say that the gentleman from New York (Mr. WALSH) really, in the short time that he has been the chairman of the Subcommittee on VA, HUD, and Independent Agencies on the appropriations side, has just been doing a really remarkable job for America and for this Congress. He has proven to be a very able advocate for housing programs and for many of the programs he just referenced.

I want to take this opportunity to thank him.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 12 printed in House Report 106–562.

AMENDMENT NO. 12 OFFERED BY MR. GARY MILLER OF CALIFORNIA

Mr. GARY MILLER of California. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment 12 offered by Mr. GARY MILLER of California:

At the end of the bill add the following new title:

TITLE XII—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION PROGRAM

SEC. 1201. ELIGIBLE PUBLIC HOUSING AGENCIES.

Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(B), by inserting ''or (4)'' before the period at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) EFFECTIVE PHA'S.—The class established under this paragraph is the class of public housing agencies that demonstrate, to the satisfaction of the Secretary, that—

''(A) the agency, in cooperation with local law enforcement agencies, has largely eliminated drug and crime problems in the public housing project or projects for which the assistance will be used;

''(B) the agency needs assistance under this chapter to sustain the low incidence of crime and drug problems in and around such public housing; and

''(C) such assistance will be used to expand police services in and around such public housing.''; and

(2) in subsection (c)(1), by inserting before the semicolon the following: ''except that this paragraph shall not apply in the case of agencies eligible for assistance under this chapter pursuant to subsection (b)(4)''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, the gentleman from California (Mr. GARY MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GARY MILLER).

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MR. GARY MILLER

Mr. GARY MILLER of California. Mr. Chairman, I ask unanimous consent to modify the amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 12, as modified, offered by Mr. GARY MILLER of California:

The amendment as modified is as follows:

At the end of the bill add the following new title:

TITLE XII—PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION PROGRAM

SEC. 1201. ELIGIBLE PUBLIC HOUSING AGENCIES.

Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(B), by inserting ''or (4)'' before the period at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) EFFECTIVE PHA'S.—The class established under this paragraph is the class of public housing agencies that demonstrate, to the satisfaction of the Secretary, that—

''(A) the agency received grants under this chapter to carry out eligible activities under this chapter, as in effect immediately before the effective date under section 503(a) of the Quality Housing and Work Responsibility Act of 1998;

''(B) the agency, in cooperation with local law enforcement agencies, has largely eliminated drug and crime problems in the public housing project or projects for which the assistance will be used;

''(C) the agency needs to maintain or expand police services in and around such public housing to sustain the low incidence of crime and drug problems in and around such public housing; and

''(D) the agency needs, and will use, assistance under this chapter to maintain or expand such police services;

except that such agencies shall be eligible under this paragraph only during the 5-year period beginning upon initial eligibility under this paragraph.''; and

(2) in subsection (c)(1), by inserting before the semicolon the following: ''except that this paragraph shall not apply in the case of agencies eligible for assistance under this chapter pursuant to subsection (b)(4)''.

Mr. GARY MILLER of California (during the reading). Madam Chairman, I ask unanimous consent that the modification to 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 California?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modificaton of the amendment offered by the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

Mr. GARY MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I have worked with the chairman and the gentleman from New York (Mr. LAZIO), and have worked on a compromise to include my amendment in H.R. 1776. I would like to thank the chairman for his assistance in this.

Low-income housing tenants often become the victims of crime and drug operations. Oftentimes lax management and oversight give way to blight. As drug use and drug-related crimes rose alarmingly in the 1980s, Congress responded by authorizing the Public Housing Drug Elimination Program in 1998.

Historically, local housing authorities applied for these funds when HUD issued a notice of funds availability, and housing authorities competed with one another for the available funding. This is no longer the case. Instead, in 1999, the competitive application process was changed to a formula funding program. This new criteria for Public Housing Drug Elimination Program funds favor those agencies with severe problems in both public housing and in the community.

As a result, housing authorities in communities that run good public housing programs and have established successful drug prevention programs with these program funds are no longer eligible to receive funding under this program. HUD has pulled the rug from beneath the feet of all the programs that are successful.

My amendment will modify the ''eligible local housing authority'' definition for the HUD Drug Elimination Program grants to continue support for projects that are meeting their goals. Local housing authorities that can show evidence through local efforts between the housing authority and the police department that they are eliminating drugs and crime problems in their public housing will remain eligible.

However, instead of encouraging success, we are currently promoting failure. The city of Upland, California, Upland is a perfect example. Upland was one of many housing authorities which faced severe drug and crime problems. However, they chose to take control and started a program, with the full support of the Upland police department in 1980. Today Upland has one of the lowest crime rates in public housing in the country.

In 1997 and 1998, Upland's police department handled 27,000 cases. Of those

cases in those 2 years, only 31 cases occurred in the housing authority. That is a tremendous improvement over what it was prior to their becoming proactive in trying to eliminate the problem.

Now the city is facing financial difficulties, and it is becoming increasingly difficult for the police department to give the program the same level of service it has in the past. Under HUD's definition, they are no longer eligible to compete for the funds they used to receive for the program to fight drugs simply because they have done a great job.

I applaud the city of Upland for this tremendous achievement, but it is not the only success story now that is now on the verge of failure. Every Member of Congress is faced with the same challenge in their district, and we cannot leave them in the cold.

In conclusion, this is a simple case of HUD rewarding housing authorities for doing a bad job, and punishing those who have worked hard to reduce or eliminate the drug problem in their communities. These successful communities should be able to continue their programs using the Public Housing Drug Elimination Program funds.

If they are unable to continue the drug prevention efforts, the problem will return. Would we only allow a doctor to give enough medicine to reduce the illness, or would we give enough medicine to cure the disease?

I would like to thank the chairman, the gentleman from New York (Mr. LAZIO), for his help in working on this bill.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim the time in opposition?

Mr. LAFALCE. Madam Chairman, I rise not in opposition, but ask unanimous consent to comment on the amendment.

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

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

□ 1445

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

Madam Chairman, I certainly understand the purposes of the amendment and it is a noble purpose. We do not want to penalize any organization that has been successful. On the other hand, we must recognize that the amendment will also raise some significant issues that I hope we can address in a collegial way in conference. In a zero-fund game, this is going to mean that other PHAs with higher crime rates would not be able to get funds. This reverses the direction of the program.

It is nice to have something that is objective. Whenever we start getting subjectivity into it, we make the judgmental process as to who gets funds much more difficult. I hope we can work on this in conference.

Mr. GARY MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to respond to that. This does not reverse the direction of the program. The program always did this for years until about May of 1999 when HUD changed the program. What we are saying here is the program worked before. We were working with communities that were being funded. They were eliminating drug and crime problems.

We changed that situation in May of last year. It is wrong. Now we are punishing those programs that are successful. We are saying let us change the program back to cover them for a 5-year period once they have it under control to eliminate this problem.

Madam Chairman, I yield back the balance of my time.

Mr. LAFALCE. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment, as modified, by the gentleman from California (Mr. GARY MILLER).

The amendment, as modified, was agreed to.

Mr. LAZIO. Madam Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. LAZIO. Madam Chairman, I yield to the gentlewoman from New York (Mrs. KELLY), who has a concern which she would like to address.

Mrs. KELLY. Madam Chairman, I rise to enter into a brief colloquy with my friend, the gentleman from New York (Mr. LAZIO). As a strong supporter of the manufactured housing section of this legislation, especially the Manufactured Housing Consensus Committee, I want to clarify the intent of who the members of this committee should be.

To be in line with the guidelines of the American National Standards Institute, there must be a balance of interest represented on the manufactured housing committee. While the revised language of the bill strives to achieve such a balance so that all affected interests have the opportunity for a fair and an equitable participation without the dominance of any single interest, it is unfortunate that examples of such representation, namely industry groups such as home builders, architects, engineers and the like, were removed from the final legislative language.

Madam Chairman, I know it was not the intent of the committee to exclude representation by such groups. I want to make clear my understanding that the committee fully supports and endorses their participation. It is vital that industry groups, such as home builders, who in many cases are actual users of manufactured housing in that they develop sites for the placement of manufactured homes, have a place on the committee. It is vital that industries involved in the purchase, construction or site development of manufactured housing, such as the home building industry, be members of the committee to ensure that the intent of ANSI's requirements for due process are met.

Madam Chairman, I ask my friend, the gentleman from New York (Mr. LAZIO), to confirm what the intent of the committee was on the possible membership of the Manufactured Housing Consensus Committee.

Mr. LAZIO. Madam Chairman, I want to thank the gentlewoman from New York (Mrs. KELLY) and I want to say that I wholeheartedly agree with her understanding of the possible membership of the Manufactured Housing Consensus Committee. It was the intent of our committee that home builders, architects, and engineers would be eligible to participate in the committee.

Mrs. KELLY. Madam Chairman, I thank my friend, the gentleman from New York (Mr. LAZIO), and I urge the passage then of this important legislation.

Mr. LAZIO. Madam Chairman, I again ask unanimous consent to strike the last word.

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

There was no objection.

Mr. LAZIO. Madam Chairman, I want to say to this House that we have the opportunity here to do what I think America wants to see us do, to come together and to find solutions to difficult problems. They call it the American dream, this idea of homeownership, that Americans have embraced from its earliest years, the sense of a yearning for self-sufficiency and independence; for a place which they could gather their family together.

I would say to this House, as important as it is that we focus on education, and we do that in this bill, as important as it is that we deal with health care or a job, if at the end of the day one does not have a place to go to to have a roof over their head, to organize their life, to bring their family together, to discuss their problems and to talk about their dreams, it is very difficult to walk down that pathway of opportunity.

That is what this bill is about in the end. It is about local flexibility and empowerment. It is about opportunity for more Americans who want to achieve homeownership to move out of that basement apartment and to go to their very first closing to get that key that opens their front door and to have that sense of satisfaction that they can say this is mine; this is the place where my children are going to play in the backyard; where we are going to go over homework at the kitchen table;

this is a place where we are going to dream for the future; it is going to be the main investment that we ever make that we will draw against to send our children to college, to get a better school education than maybe we ever dreamed of, maybe to adopt the dream of starting their own business.

It is the engine of the American dream. It is no mystery why America leads the world in the rate of homeownership. It is not just a fiscal restraint. It is not just the way we treat housing in the Tax Code. It is something very deep inside America.

For many years we have tried to provide assistance to Americans for homeownership and in many ways we have succeeded, but there are still so many, so many Americans that are left behind. So we are trying to embrace these new tools. We are saying to Americans who qualify for Federal rental assistance that they will be able to use that rental assistance to actually own their own home.

We are saying to Americans, who look at the barrier of closing costs or down-payment needs or the points up front, that we are going to create these loan pools that even the private sector can contribute to, that they will be able to draw from so that they can get over the obstacle of closing to own their own home.

It is a wonderful thing that this House can do today, to bring the joy of homeownership to more Americans.

Madam Chairman, I remember one Habitat for Humanity event that I was at where a woman in tears grabbed the dirt in front of this home to be and she held it up in her fist and she said, I cannot believe this is going to be mine.

It is not a give-away. It is a partnership. It is giving a little bit of help to the people most in need so we can make stronger communities, healthier communities, a better life and a better America. So I ask this House, in a bipartisan fashion, the way this bill was put together, to come together and pass this bill overwhelmingly; to send a message to America that we can do very good things that affect the quality of life; that we can overcome challenges; that we can put our political differences aside; that we can choose empowerment and opportunity; that we can choose consumer choice and flexibility and local control; that we can choose healthier communities and a healthier America.

I urge this House to pass this bill with a resounding yes vote.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 460, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 4 offered by the gentleman from Oklahoma (Mr. COBURN), Amendment No. 7 offered by the gentlewoman from California (Ms. WATERS) of California, Amendment No. 10 by the gentleman from Ohio (Mr. TRAFICANT) of Ohio, and Amendment No. 11 offered by the gentleman from Indiana (Mr. SOUDER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. COBURN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Oklahoma (Mr. COBURN) 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 vote was taken by electronic device, and there were—ayes 72, noes 355, not voting 7, as follows:

[Roll No. 106]

AYES—72

Aderholt
Archer
Armey
Barton
Bliley
Blunt
Boehner
Borski
Brady (TX)
Bryant
Buyer
Callahan
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Cooksey
Cunningham
DeLay
DeMint
Doolittle
Dreier
Duncan
Goode
Goodlatte
Gordon
Goss
Graham
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hoekstra
Hostettler
Hunter
Jones (NC)
Kasich
Kingston
Largent
Latham
Lewis (KY)
Linder
Manzullo
McIntosh
Miller (FL)
Moran (KS)
Nussle
Pease
Peterson (PA)
Pitts
Pombo
Portman
Radanovich
Riley
Rogan
Rohrabacher
Ryun (KS)
Sanford
Scarborough
Schaffer
Shadegg
Smith (MI)
Stump
Sununu
Tancredo
Thomas
Tiahrt
Toomey
Watts (OK)
Wolf

NOES—355

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Cook
Crane
Rodriguez
Shuster
Vento
Weldon (FL)

□ 1516

Messrs. HEFLEY, GANSKE, SHAYS, BARR of Georgia, CRAMER and SAM JOHNSON of Texas changed their vote from ''aye'' to ''no.''

Mr. ROGAN and Mr. MORAN of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to the House Resolution 460, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MS. WATERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WATERS) 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 vote was taken by electronic device, and there were—ayes 60, noes 367, not voting 7, as follows:

[Roll No. 107]

AYES—60

Abercrombie
Bishop
Brady (PA)
Brown (FL)
Carson
Chenoweth-Hage
Clay
Clayton
Clyburn
Coburn
Conyers
Cox
Cummings
Davis (IL)
DeGette
Dixon
Engel
Fattah
Filner
Gephardt
Gutknecht
Hall (TX)
Hastings (FL)
Hastings (WA)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kasich
Kilpatrick
LaFalce
Lee
Lewis (GA)
McCarthy (MO)
McDermott
McIntosh
McKinney
McNulty
Meek (FL)
Owens
Paul
Payne
Pease
Rangel
Rush
Sanders
Sanford
Scarborough
Shadegg
Slaughter
Stark
Sununu
Thompson (MS)
Thurman
Toomey
Towns
Waters
Watt (NC)

NOES—367

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Cook
Crane
Danner
Rodriguez
Vento
Weldon (FL)

□ 1527

Mr. HILLIARD and Mr. PALLONE changed their vote from ''aye'' to ''no.''

Mr. STARK, Ms. LEE, Mr. KASICH, Mrs. CHENOWETH-HAGE, and Mr. SCARBOROUGH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice voted.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 201, not voting 8, as follows:

[Roll No. 108]

AYES—225

Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Ballenger
Barcia
Bartlett
Bass
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Chenoweth-Hage
Clement
Clyburn
Coburn
Collins
Cooksey
Costello
Cramer
Crowley
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frost
Gallegly
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Granger
Green (TX)
Gutknecht
Hall (OH)
Hall (TX)
Hinojosa
Hobson
Horn
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntosh
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (PA)
Pickering
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula

Reyes
Reynolds
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Ryan (WI)
Ryun (KS)
Sawyer
Scarborough
Schakowsky
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Strickland
Stump
Sweeney
Tauzin
Taylor (MS)
Thomas
Thune
Thurman
Towns
Traficant
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOES—201

Abercrombie
Allen
Bachus
Baird
Baker
Baldacci
Baldwin
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (TX)
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Coble
Combest
Condit
Conyers
Cox
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
DeLauro
DeMint
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Ehlers
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gekas
Gonzalez
Goode
Goodlatte
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaHood
Lantos
Largent
Larson
Leach
Lewis (GA)
Linder
LoBiondo
Lucas (KY)
Luther
Matsui
McCarthy (MO)
McDermott
McInnis
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Miller (FL)
Miller, George
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Northup
Obey
Olver
Oxley
Paul
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pitts
Pomeroy
Porter
Price (NC)
Ramstad
Rivers
Roemer
Rogers
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaffer
Scott
Sensenbrenner
Shadegg
Shays
Shows
Simpson
Slaughter
Smith (MI)
Smith (WA)
Snyder
Spratt
Stark
Stearns
Stenholm
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Wu

NOT VOTING—8

Campbell
Cook
Crane
Danner
Pombo
Rodriguez
Vento
Weldon (FL)

☐ 1537

Mr. HOLT and Mr. EHLERS, and Mrs. MALONEY of New York changed their vote from ''aye'' to ''no.''

Messrs. DEFAZIO, KASICH, PALLONE, STRICKLAND, and Mrs. WILSON and Ms. SCHAKOWSKY, changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11, AS MODIFIED, OFFERED BY MR. SOUDER

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on Amendment No. 11, as modified, offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed on which the ayes 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 299, noes 124, not voting 11, as follows:

[Roll No. 109]

AYES—299

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—124

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Blagojevich
Blumenauer
Bonior
Boswell
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Dixon
Doggett
Edwards
Engel
Etheridge
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hansen
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Johnson, E.B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Matsui
McDermott
McGovern
McKinney
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Rivers
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stabenow
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Wu

NOT VOTING—11

Callahan
Campbell
Cook
Crane
Danner
Hobson
Rangel
Rodriguez
Thomas
Vento
Weldon (FL)

☐ 1544

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. EMERSON). 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, Mrs. EMERSON, 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. 1776) to expand homeownership in the United States, pursuant to House Resolution 460, she 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. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 8, not voting 9, as follows:

[Roll No. 110]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—8

Coburn
Hefley
Hostettler
Istook
Paul
Sanford
Sensenbrenner
Shadegg

NOT VOTING—9

Callahan
Campbell
Cook
Crane
Danner
Gilman
Rodriguez
Vento
Weldon (FL)

□ 1602

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1776, AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1776, just passed, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1776, the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from California (Mr. DREIER) for the purposes of inquiring of the schedule for the remainder of the week and for next week.

Mr. DREIER. Mr. Speaker, I thank my very dear friend from Mount Clemens for yielding, the very distinguished minority whip.

I am very pleased to announce to the House that we have completed our legislative business for the week and that the House will not be in session tomorrow. We will meet for legislative business on Monday, April 10 at 12:30 p.m. for morning hour, and at 2 o'clock for legislative business. We will consider a number of bills under suspension of the

rules, a list of which will be distributed to Members' offices tomorrow.

Mr. Speaker, we expect that the other body will be able to complete consideration of the budget tomorrow. That being the case, after suspensions on Monday, we expect to go to conference on the budget resolution. Now, on Monday, no recorded votes are expected before 6 p.m., and that is basically what we are looking for at this point.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from California. I just have a couple of brief questions this afternoon. Are any late nights expected next week?

Mr. DREIER. How many late nights are expected next week.

As the gentleman knows, we are anxiously looking forward to the Easter District Work Period, and we have conference reports coming up. We have a number of measures that we are expecting, and I cannot tell the gentleman right now as to how late we will be in the evening.

Mr. BONIOR. Mr. Speaker, how about next Friday?

Mr. DREIER. Next Friday, we are hoping that we will be able to pass a conference agreement on the budget resolution, and we would very much like to do it before Friday, but there is no guarantee that that will happen.

Mr. BONIOR. Mr. Speaker, I understand, and I thank my colleague for that. So we do not obviously know what day the budget conference will be brought up. When it is finished, I gather.

Mr. DREIER. That is what we are hearing.

Mr. BONIOR. Mr. Speaker, what day will the Taxpayer Bill of Rights be considered, if I might ask my colleague?

Mr. DREIER. Mr. Speaker, we are scheduling that, we hope, for Tuesday of next week.

Mr. BONIOR. Mr. Speaker, what kind of rule will be given?

Mr. DREIER. That is up to the committee on which the gentleman used to sit.

Mr. BONIOR. Mr. Speaker, I think the gentleman who is the chairman of that committee might have some influence on that procedure, and I am hoping that he might share that with us.

Mr. DREIER. Mr. Speaker, as a former member of the committee, he is certainly entitled to provide us with any recommendations that he would like to offer as to how we effectively deal with it. We are planning to bring the measure up, and I am not sure exactly what the structure will be at this juncture.

Mr. BONIOR. Mr. Speaker, how about the Sunset Tax Code? When will that occur?

Mr. DREIER. The Sunset Tax Code, we are hoping to do that on Thursday; and again, we do not know exactly what the structure for consideration of that will be either.

Mr. BONIOR. Mr. Speaker, I thank my colleague.

Mr. DREIER. We would like to allow the Committee on Rules to work its will as we proceed with the deliberative process here, as my friend, a former member of the committee, knows very well.

Mr. BONIOR. Mr. Speaker, I am sure the Committee on Rules will work its will.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I hope he has a wonderful weekend and is able to get back to Mount Clemens.

Mr. BONIOR. Mr. Speaker, I hope the gentleman gets back to California, and if not, enjoy the tulips. Are they not gorgeous? Here on the Capitol grounds, they are fabulous.

Mr. DREIER. Mr. Speaker, they are spectacular this time of year.

ADJOURNMENT TO MONDAY, APRIL 10, 2000

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS FOR 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)), I transmit herewith the annual report of the National Endowment for the Arts of 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 2000.*

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE REPORTS ON H.R. 809, H.R. 3069, AND H.R. 3171

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight tonight to file reports on H.R. 809, as amended; H.R. 3069, as amended; and H.R. 3171, as amended.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). 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.

TRIBUTE TO EDSON INGERSOLL GAYLORD

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, Rockford, Illinois, lost a giant in industry this past week with the death of Edson Ingersoll Gaylord, leaving his wife, Jane, and children, Charles, Will, Susan, Mary, and John. Edson Gaylord, one of the last of the manufacturing giants; one of the great minds of this century; one of the people who took the innate ability to see things in his spirit, to be able to construct them in his mind and with his hands and the people who surrounded him, was able to manufacture some of the largest machines, actually, in history. Rockford, Illinois, is at a tremendous loss over the death of this man who took a company in 1947 from 400 people to over 4,000.

Edson Gaylord, the free trader; a person whom I met a few years ago when I first ran for Congress. I sat in front of him and looked at him with those very piercing eyes of his and that squared jaw as he examined me on a number of issues, and whenever I agreed with him there was this slight nod, a little bit of a smile, and he said you know, Don, if you would only change your mind or modify your position on a particular point of view that I had with which he disagreed, he said, things would go better for you. I said Edson, I said, that is like me asking you to change your mind on free trade. He looked at me totally without expression, sat back in his chair, the corners of his mouth went up slightly and he said, you have my support to be our next Congressman. At that point I thought that he was almost as steeled as the steel with which he worked at Ingersoll Mill and Machine. I would learn over a period of time of these last several years what a very kind and gentle industry giant this man was.

Let me give my colleagues some of the patents that he and his company innovated: the I-line transfer machines, the Masterhead machining systems, the Mastercenter machining systems, the Nutating spindle units, the

natural path tapelaying systems. These are very complicated terms. What they do, Mr. Speaker, is they make technology in this country. We hear today about the technology revolution and what is going on in high tech, but high tech was nothing to Edson Ingersoll Gaylord, because he, in fact, probably is the inventor of those words, ''high tech.'' Let us take something and let us make it better.

What did his friends say about him? Well, one person who started as a new employee at the company was really impressed when Edson Gaylord took 2 hours, walked him around the entire shop, showed him where the company had been and his vision of the future, because that is what he liked, being on the floor of the shop. His good friend, John Doar, an attorney out of Chicago, said this of Edson Gaylord. He said, ''Edson Gaylord's mind has thrived on machine tool manufacturing technology. For as long as I have known him, this curiosity has energized him. This, plus the years of hard work, makes Edson as informed and as knowledgeable as anyone in the world about the opportunities for further developments in the machine tool industry.''

Fortune Magazine said of Edson Gaylord, ''He is the master builder of mammoth tools. He is the bellwether of the machine tool industry. Quite a man, making machines that are used on airplane lines and automobile lines.''

His good friend, Dan LeBlond from the Institute of Advanced Manufacturing Sciences said of Edson, ''An unrivaled inspirer and shepherder of people to accomplish pioneering and singularly successful innovation of advanced manufacturing and machine tool technology.

□ 1615

''A perceptive and innovative industrialist.''

He was a man that America will miss, a man with numerous awards for technology. We know him as Edson Ingersoll Gaylord. America knows him as the friend of innovation.

KURDISH RIGHTS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise to join my esteemed colleague in introducing a resolution calling for democratic, linguistic and cultural rights for all Kurds living in Turkey today.

The lands of Kurdistan are considered by many to be the birthplace of the history of human culture. Some of the earliest settlements as well as the earliest indications of the Neolithic Revolution have been found among the hills and valleys of this beautiful landscape. Yet even as one ponders the cultural advancements made on Kurdish soil thousands of years ago, one cannot help but wonder what lies in store for the Kurds' future.

For Kurds living in the Middle East, recent history has brought far less reason to celebrate. Kurds in Iraq, Iran, Syria, and Turkey have been persecuted by the regimes in power, with the most brutal assault being the poison gas attacks made by Saddam Hussein in 1988 which decimated an entire section of a city and its 5,000 inhabitants.

Although Saddam Hussein's heinous attacks caused unimaginable death and biological destruction, his regime, ironically, has not launched an all-scale offensive on the culture of the Kurds. It is unfortunate that the most comprehensive assault on the Kurdish language and culture has stemmed from our own ally and fellow-NATO member, Turkey.

Mr. Speaker, in 1997 I addressed this body on the cultural oppression of Kurds by the Turkish government and on the existence of democratically-elected Kurdish Parliamentarians unjustly jailed in Turkey. It is with a heavy heart that I stand before you today and recall recent events and happenings in Turkey, all of which suggest that nothing has changed. The Kurdish language and culture is still on Turkey's most wanted list and Kurdish Parliamentarians elected to give voice of their constituents, are still being silenced.

When I addressed this body three years ago, Turkish Kurdistan was under a declared State of Emergency, patrolled by the Gendarmerie. Torture and abuse of the Kurds, the searching of Kurdish homes without a warrant, and the persecution of assemblies and demonstrations were the norm. This situation, in flagrant breech of democracy, continues today. The 1999 U.S. Department of State Human Rights Report for Turkey states that members of the Gendarmerie continue to commit serious human rights abuses including the torture of Kurds, well-aware that the likelihood of their personal conviction is extremely slim.

Such lax prosecution is not the case, however, for Kurds. Six years ago four former members of Parliament, stripped of their official duties, were imprisoned for the crime of representing the will of Kurdish citizens. As I stand here today, Mrs. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, and Mr. Selim Sadak are still in jail. Labeled ''Prisoners of Conscience'' by Amnesty International, these four are guilty only of attempting to invigorate a true spirit of democracy in Turkey.

Three years ago 153 Members of Congress expressed their disapproval of the anti-democratic treatment of elected Kurdish representatives in the Turkish Parliament. I humbly stand before you to question whether it was enough. Today these four individuals are still in jail. Even more disturbing, the harassment of democratically-elected officials seems to be expanding from the national level to encompass local levels as well.

In February of this year, in a move that shocked many of us in this room, the Turkish Gendarmerie arrested three Kurdish mayors from cities in Turkish Kurdistan. One, the mayor of Diyarbakir, had just met with the Swedish Foreign Minister the day before his arrest in order to discuss hopes for a lasting and solid peace between Turks and Kurds. Although the mayors have since been released, their trials are pending, and if convicted, they too will face prison sentences. The arrests raise questions, not only about the legitimacy of Turkish democracy, but about the sincerity of Turkey's commitment to forging peace.

When I addressed the body three years ago, the Kurdish language could not be broadcasted or taught, even as a foreign language, in schools. I am saddened to say that this negation of a people's language continues today. But, here I must add that the criminalization of speech and expression is not necessarily limited to Kurdish citizens communicating in their native tongue. High numbers of journalists, human rights workers, doctors, and lawyers who expose injustices committed by the military, police, or state are also subject to prison sentences and illegal torture making the anti-sedition legislation perhaps the most ''equal opportunity'' of all laws in Turkey.

Mr. Speaker, the Kurdish Question, touches upon the very nature of democracy in Turkey and carries serious implications for the whole of Turkish society. Illustrations of how excessive laws mitigating Kurdish culture can spill into the mainstream, ultimately curtailing the freedoms of all citizens, are easy to find. Just last week authorities in Istanbul detained nearly 200 Kurds for illegally celebrating the Kurdish New Year, Newroz. Following their detention, authorities launched investigations of 6 Turkish newspapers that had reported on Newroz activities, for their crimes of spelling the holiday with a Kurdish ''w'' rather than the ''v'' found in the Turkish appellation. (the v is not the only letter charged with criminality—p and k have been banned from text books)

This persecution of a language and a culture, committed with such diligence that even individual letters come under fire, would be lamentable in any region of the world. But, that it occurs in the very Cradle of Civilization which bore witness to the first creative sparks of human culture and innovation instills the situation with a sense of tragedy so compelling that I believe it presents a direct challenge to those of us assembled here today.

Mr. Speaker, this resolution, supported by my esteemed colleagues BOB FILNER, JOHN E. PORTER, FRANK WOLF, and ANNA ESHOO, was written with the hope that the future of the Kurds need not be wrought with even greater persecution and suffering. It was written with the knowledge that democracy, rather than being a simple destination, needs to continually be nurtured. And it was written with the promise that peace and justice may be cultivated. I ask my friends and esteemed colleagues to join in support of this resolution so that language, culture and democracy will be permitted to flourish on the very ground that holds our common humanity's cultural roots.

WE NEED TO BRING AMERICA HOME FROM ITS INTERVENTION IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, we have no business in Kosovo. Our policy is a misguided excursion into the danger-laden Balkans. We have no overriding national interest there.

We have heard vaunted allegations of human rights violations leveled against the Serbian government. Once again, we come to find out that an administration determined to mire us in overseas turmoil has greatly exaggerated the situation to win over a skeptical public and stampede the Congress.

We were told several months ago that as many as 100,000 Albanian Kosovars

were brutally murdered. We were being misled. Now we know the figure was much, much smaller.

What of our continual bombing that eventually included not only public transportation but medical facilities, nearly 100 schools, churches, and homes? What of the innocent deaths we inflicted with tax dollars of the citizens of the United States? Bombing is by definition an act of war.

What have we done? What are the objectives of our bombing, our President's most recent adventure, and what are the results?

We were told we went into Kosovo to stop ethnic cleansing. It continues with a vengeance, this time with the acquiescence of our own forces. The KLA not 2 years ago was classified by our own State Department as a heroin-financed terrorist organization. Now they are soon to be vaunted by the Clinton administration as freedom fighters. They roam the countryside brutalizing innocents, not only Serbs but gypsies, Muslim Slavs, and Albanians opposed to their thuggishness.

We were told when we went into Kosovo we wanted to stabilize the Balkans. Initially, the ambiguity of our policy gave the green light to separatist movements around the region. Today in both Bosnia and Kosovo we are committed into the future as far as the eye can see.

Mr. Speaker, I ask, what stability have we achieved in the Balkans? At what price to this Nation? In the Kosovo region, news reports continue to tell us that Kosovar militias still refuse to disarm and are now destabilizing southern Serbia. A new confrontation with Milosevic and a new refugee crisis is feared.

Can anyone share with this Congress a realistic exit strategy from this quagmire? I agree with Senator KAY BAILEY HUTCHISON's assessment of our Balkan interventions, recently published in the Financial Times: ''NATO has to get off of this merry-go-round. It must acknowledge that imposing multicultural democracy at the point of a gun is not working.''

We were told we went into Kosovo to thwart the Serbian ruler, Mr. Milosevic. What have we accomplished? Milosevic is still firmly in place. We were told we went into Kosovo to insure the credibility of NATO. But did we do this by violating the first section of the NATO charter, by launching a war against a sovereign Nation that had committed no aggression against any of its neighbors?

NATO's strength was that it was a shield, not a sword, a shield, not a sword. Some skeptics suggest NATO's actions were ones of justification, considering their original mission was to protect Europe from a Soviet Union that no longer exists.

What are the costs of Kosovo? Displacement of hundreds of thousands of Kosovars, displacement of hundreds of thousands of Serbs, expansion of the conflict into Serbia proper, the potential of instability in Macedonia, and, tragically and needlessly, a new and probably undying hatred for the United States on the part of the Serbians, and, from what we have seen recently, Albanian Kosovars as well, as a result of this foolish and foolhardy intervention.

Mr. Speaker, we need to bring America home.

TIME FOR AN EMERGENCY NATIONAL MORATORIUM ON THE DEATH PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, in the United States of America, the land of the free in this millenium year, we have today some 2 million people in our jails. We are 5 percent of the world's population, and yet 25 percent of the world's incarcerated persons.

In an ominous echo to General Eisenhower's farewell address, we now have a prison industrial complex in our Nation which feeds on some 35 billion public dollars each year to operate prisons, and more than $7 billion on new construction for prisons each year.

The prison industrial complex employs more than 523,000 people, making it the country's biggest employer after General Motors. More than 5 percent of the growth of our rural population is due to the movement of men and women to prisons located in rural America.

Even more ominous is the growing number of men and women put to death by our injustice system. There are now more than 3,600 men and women on death row. Most ominous is the immense and persistent disparity in the impact of the justice system. There is a real and growing perception that there are two sets of rules, two standards of treatment by law enforcement in America, one set for whites and another quite different set for African-Americans, Latinos, and all who might be poor.

In Chicago, we have had the cases of Commander John Burge, of Jeremiah Mearday, and off Ryan Harris and numerous others. This pattern of conduct is unacceptable. The perception of injustice has been substantiated by the stunning sequence of events which has led to 13 death penalty convictions in Illinois being overturned over the past decade or so by hard evidence which demonstrated a miscarriage of justice.

I am particularly concerned about a number of death penalty cases originally investigated by former Chicago police Commander John Burge or officers under his command which were based on so-called confessions, and other evidence which may have been coerced by torture.

The revelations of torture, including electric shock, suffocation, burning, beating, and Russian roulette have been widely reported and independently confirmed, and have roused the indignation of the people of Illinois.

The cases of Aaron Patterson and Darrell Cannon are the first of these cases to reach the final phases of appeal. In 1985, the then Chief Justice Warren Burger said, ''What business enterprise could conceivably succeed with the rate of recall of its products that we see in the 'products' of our prisons?''

The failure of our justice system not only robs individuals of life and liberty, but undermines our communities and our Nation. The failures also are an attack on our legal and social infrastructure, on our Constitution, and on our Nation's economic, social, and cultural progress.

There is extensive historical precedent for Federal intervention in cases where the justice and law enforcement systems fail to provide equal protection under the law in general, and specifically, protection in instances of police misconduct against African-Americans and other minorities.

It is no accident that our Department of Justice was born in 1871, following the Civil War, as a response to the wave of hate crime terror instituted by the Ku Klux Klan and where local law enforcement was unable or unwilling to provide justice and in some cases joined in the terror.

The concerns over these and other cases have rightly led Governor Ryan of Illinois to declare a moratorium on the death penalty in Illinois and to appoint a commission to study the problem.

Now is the time for men and women of principle to stand and demand an end to the cancer eating at our freedom, not tomorrow, but today, this hour, is the time for an immediate emergency national moratorium on the death penalty. I would urge the Nation to follow the suit of the Governor of Illinois and declare that injustice will not continue to be done until we find how to do it and how to do it right.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON REMARKS BY THE MINORITY LEADER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today in response to an article that appeared in the Roll Call, the newspaper of Capitol Hill, Thursday, April 6, 2000. Let me read from the article written by Susan Crabtree. It is shocking and it is startling:

''With last year's violent protests against the World Trade Organization in Seattle still fresh in the public's mind, leaders are organizing for Act 2,

a massive March on Washington set for Tuesday, designed to pressure Congress into rejecting a permanent normalized trade deal for China.''

Here is the quote that is startling, made by the minority whip, the gentleman from Michigan (Mr. BONIOR): ''Seattle was a great success. We hope we will see a repeat performance.''

Let me read to the Members the performance, for those who may have been napping during Seattle's excitement: ''Unrest even at the top during riots. Madeleine Albright was trapped and angry. Janet Reno was calling.'' ''The State Patrol Leaders Saw Trouble Brewing at Starbuck's. The Secret Service threatened to cancel the President's visit.''

The headlines from the Seattle Times, the success referred to by the gentleman from Michigan (Mr. BONIOR), the minority whip: ''Police Haul Hundreds to Jail. National Guard on Patrol. One Thousand Protestors Enter Restricted zones.''

There were fires, there was looting, there was physical harm, there was destruction of property, interruption of business. ''Seattle bill hits $9 million. Seattle taxpayers will be hit hard in the wallet for hosting the World Trade Organization.''

From CNN, ''Seattle authorities have placed an around-the-clock curfew on the area immediately surrounding the world trade conference.

''President Clinton arrives in a city that has been marred by broken glass, tear gas, and rubber bullets.''

''The PBC found out how security forces are beefing up in anticipation of President Clinton's visit: Police douse crowds with pepper spray.''

Let me re-read for the Members the quote by the minority whip: ''Seattle was a great success. We hope we will see a repeat performance.''

I hope, I pray, that I am misreading the newspaper. I hope and pray that the performance that we are anticipating in the seat of our government, the Nation's capital, is not one designed to bring about disgraceful headlines about riot police, pepper spray, and destruction of personal property. I thought anarchy like that only existed in Third World nations, but if people disagree with a viewpoint on trade, if people disagree on human rights in China, their response is to riot in the streets and destroy property to get their viewpoint heard.

I think it is regrettable when the minority whip would say in glowing terms that anything connected with Seattle was a success.

I have had to endure for the past couple of months a conversation about our presidential candidate attending a university, and a peaceful conversation with students, and somehow he is linked now to a quote made by the founder of the university.

□ 1630

Now we are going to hear for weeks and weeks about a peaceful meeting with students about a democracy and yet we are hearing again from the leader of the other side, or at least the minority whip, that somehow success is articulated by a total disaster.

Seattle has yet to recover from the public embarrassment of that meeting, and I would hope that the leadership will at least look at their statements and amend the record and suggest that we can have a disagreement on trade, and I hope we will have a debate on it. The President of the United States has called for a debate. The President has called for a conversation on trade. The President, I think, has been very willing to discuss some of the problems regarding workers' rights and violation of child labor and things that I think we in Congress can accomplish and can provide as we discuss normalized trade relationships with China, but I also pray that some level-headed conversation occurs to those who would come to our Nation's capital and understand we are a people of law, we are a people of respect for democracy and that violence will not and should not and cannot be tolerated.

So let us make certain that in this Nation that we love we do not repeat Seattle; that nobody refers to Seattle as a success; that if we have a grievance with the WTO that we not destroy our cities in the process and maim and injure people.

Ms. NORTON. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I would certainly like to reinforce what the gentleman is saying about protesters coming here with respect to the WTO. I would hope that in the city of Washington we do not have a repeat of what happened in the State of Washington. The gentleman is perfectly right, the gentleman is entirely right, we can disagree without tearing up our city, especially the Nation's capitol.

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for joining me in that admonition to those who would come here to be peaceful, respect the rule of law and respect personal property.

BLAME CANADA, BLAME CANADA

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, Blame Canada, Blame Canada. It is the Oscar-nominated song from the movie South Park, Blame Canada, Blame Canada. It is also the latest defensive ad campaign by the pharmaceutical industry's front group, the so-called Citizens for Better Medicare. Frankly, both belong in the garbage.

In the movie, the mothers of South Park are revolted by the dirty words their children learn at the movies but instead of taking responsibility themselves, they blame Canada.

In the ads, the drug industry tries to divert attention from its discriminatory pricing practices but instead of taking responsibility themselves, they blame Canada.

The pharmaceutical industry ads are running in the northern border States and elsewhere in an effort to convince consumers that the Canadian health care system is bad because prescription drugs are cheaper for Canadian seniors than they are for American seniors.

So let me thank the pharmaceutical industry for making the point that they charge Canadian seniors far less than they charge American seniors for the same drugs from the same manufacturers in the same quantities. It is what we have been saying all along.

Does the innovation of Canadian pharmaceutical companies suffer under the Canadian system? No. Let me read just a few statements.

Here is a statement, and I quote, in the last 10 years the rate of growth in R&D spending by Pharmaceutical Manufacturers Association of Canada, member companies, has almost doubled that of the United States. That is a statement put out on March 2, 1999, a press release from the Pharmaceutical Manufacturers Association of Canada.

In June of 1999, the same organization talked about the massive research efforts taking place across Canada, and in 1998, the Pharmaceutical Manufacturers Association of Canada's innovative pharmaceutical companies funded an estimated $900 million in medical research and development.

Since 1987 R&D spending by the PMAC member companies have grown by almost 700 percent, almost twice the growth rate of the United States in the same period of time. Yet, the pharmaceutical industry is trying to tell people in the United States that R&D will not happen in Canada because they are not earning enough money up there.

Yesterday my office received a call from the Canadian Embassy, and the Canadians are perplexed because they do not understand why U.S. companies are running TV ads trashing the Canadian health care system. Imagine what the Canadians think. The most profitable industry in the country is upset that they are not able to charge as much in Canada for prescription drugs and engage in the same price discrimination in Canada as they do in the United States.

Speaking of profits, I urge every Member to check out the latest Fortune 500 list which shows once again that the pharmaceutical industry is the most profitable industry in the country, number one in return on revenues at 18.6 percent, number one in return on assets at 16.5 percent, and number one in return on equity at 35.8 percent. One cannot do any better than that.

Even with all the attention on their price discrimination against seniors, the pharmaceutical industry continues to be the most profitable industry in the country, charging the highest

prices in the world to people who can least afford it, our seniors who do not have any prescription drug coverage on Medicare.

Studies show that seniors in this country pay 72 percent on average more than Canadians. We pay 102 percent more than Mexicans for the same drugs in the same quantity from the same manufacturer. Why do seniors have to choose between food and medicine?

Industry says, blame Canada.

Why do seniors have to cut their pills in half in order to take them?

The industry says, blame Canada.

Why do seniors have to go across the border to buy affordable prescription drugs?

The industry says, blame Canada.

Democrats in the House have two approaches. We have legislation to establish a Medicare prescription drug benefit to cover all seniors on Medicare. We have legislation which I have introduced which would provide a discount for all Medicare beneficiaries in the costs of their prescription drugs. We have legislation from the gentleman from Vermont (Mr. SANDERS) and the gentleman from Arkansas (Mr. BERRY) to make sure that drugs that are sold in Canada can be brought into this country and sold to American seniors at reduced prices. Our seniors continue to suffer from price discrimination. They demand a Medicare prescription drug benefit that is universal, meaningful and affordable but instead of bringing equality to its pricing structure all the drug industry can come up with is Blame Canada, Blame Canada.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ALL CITIZENS OF AMERICA SHOULD HAVE A VOTING REPRESENTATIVE IN THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor to let the House know that a decision has been handed down in a consolidated case, the Adams case and the Alexander case, challenging the denial of full voting rights in the House and the Senate to the residents of the Nation's Capital and full self-government here. In a 2-to-1 decision, the court ruled that because the District is not a State it does not have the privilege that every other American citizen has of having a voting representative.

Mr. Speaker, this decision is on its way to the Supreme Court. I would like to note for the record the courageous lawyers who are appealing this decision, John Ferren, former corporation counsel who was in the case at that time; Charles Miller and Thomas Williamson of Covington and Burling who handled one of the cases pro bono; professor Jamin Raskin, who is responsible for much of the thinking that went into these cases, professor of the American University School of Law; and George LaRoche, who brought a separate case.

Judge Louis Oberdorfer will be remembered by history for his ruling that, indeed, the District of Columbia residents are entitled to voting representation in this House and that the rights involved are not rights of States but of the people who live in the States, that the reference in the Constitution to the States is a term of convenience not meant to deny any American citizen the right to voting representation on this floor.

In going to the courts, District residents signal that there has been a failure of the political process. I remember a failure of the political process when I was a school child in this town. The political process failed and that is why the District of Columbia was among five jurisdictions that went to the Supreme Court and finally got that court to declare that separate but equal was in violation of the Constitution of the United States.

I trust that the failure of the political process here, the failure of the Congress to grant full voting rights to the residents of the District of Columbia, will produce a similarly favorable decision in the Supreme Court of the United States for the residents of the capital city.

Judge Louis Oberdorfer's wise and scholarly opinion raises our hopes that there will not be five justices of the Supreme Court in the 21st century that are willing to sign their names to an opinion that would deny voting rights in the national legislature to any citizen of the United States. One would think that no citizen on the planet would be so denied today.

At the very least, what this body should prepare itself to do now, pending a favorable decision of the Supreme Court or other action, is to restore the vote I won in 1993 for residents of the District of Columbia on the House floor in the Committee of the Whole. It would appear that at the very least, the residents of the District of Columbia, who pay full Federal income taxes the way the residents of other Members do, would be entitled to that respect.

I know that there are Members on the other side, because they have gone with me through the Committee on Rules, who also believe that the taxpaying residents of the District of Columbia should be recognized on this House floor to the maximum extent possible, and certainly that would mean a vote in the Committee of the Whole.

Meanwhile, there is an organization which has been energized to start energizing the country by these decisions. It is called D.C. Vote, and my hat is off to D.C. Vote which is raising consciousness first in the District of Columbia and then intends to raise the consciousness of our country to what we know would not be condoned by the American people and that is that any people that pay taxes in this country would be left without their full representation in the Congress of the United States.

The ball now comes to the floor of this House. The ball comes to those with a political and a moral conscience, to those who serve in this House to make sure that the residents who pay taxes equal to the taxes their residents pay get from this House, from the people's House, the maximum in representation that the people's House can offer.

SENIORS SHOULD NOT HAVE TO CHOOSE BETWEEN FOOD AND PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I want to say a few words about an issue of enormous consequence in my State of Vermont and for people throughout this country, and that is the outrageously high prices that we are forced to pay for prescription drugs. In Vermont, it is not uncommon for many people, including the elderly, to make the impossible choice about whether they buy the food that they need, whether they heat their homes adequately in the winter or whether they have the money to purchase the prescription drugs that their doctors prescribe.

It is not uncommon in that reality that American citizens are forced to cut their dosages in half or take a dose once every other day rather than what they are supposed to take because they simply cannot afford what they need to ease their pain, and in some cases to keep themselves alive, and this is an outrage. This is unacceptable.

Meanwhile, as the gentleman from Maine (Mr. ALLEN) has just indicated, the pharmaceutical industry remains the most profitable industry in the United States of America. In addition, not only are they raking in the profits, but it is not widely known but true, the pharmaceutical industry receives billions of dollars every year from the taxpayers of this country in order to help them with their research. The pharmaceutical industry receives billions of dollars in tax breaks from the people of this country.

What do we get in return? What we get in return is, by far, not even close, the highest prices for prescription drugs in the entire industrialized world.

Now we have heard a whole lot about Canada, and I will say more about it in a moment, but it is not just that the Canadians are paying substantially less

for the same exact prescription drugs manufactured by American companies. It is every other country on Earth. For every dollar that a senior citizen in this country spends for prescription drugs, the people in Germany pay 71 cents; in Sweden, 68 cents; in the UK, 65 cents; in Canada, 64 cents; in France, 57 cents; and in Italy, for the same exact prescription drugs, 51 cents, half the price.

□ 1645

Mr. Speaker, during the last year, I took my constituents in the State of Vermont on two occasions over the border, we border on Canada, up to Montreal in order to enable some of them to purchase the prescription drugs they desperately need for substantially lower prices. At the end of the day, when those folks came back, many seniors, many women, they had each saved hundreds of dollar on their prescription drug bills.

One of the more outrageous examples of the disparity in prices deals with one particular drug called Tamoxifen. Tamoxifen is a widely prescribed drug to deal with the epidemic of breast cancer that tens of thousands of women throughout this country are fighting, are struggling for their lives.

In Canada, the cost of Tamoxifen is $34. In the United States, it is $241, same product, same dosage. In other words, we are paying roughly 10 times more for a drug that keeps women alive than are the people of Canada. Let us be clear that the pharmaceutical industry is not losing money when they sell their product in Canada or in Mexico and any place else in the world. They are simply ripping off the American people.

Now, Mr. Speaker, it is unfortunate but true that, if one looks at the record, one will find that the vast majority of Members of Congress receive campaign contributions from the pharmaceutical industry. In fact, the pharmaceutical industry spends more money on campaign contributions and lobbying than any other industry in this world.

Well, it seems to me that the time has long passed for the Members of this Congress to give back their campaign contributions to the pharmaceutical industry, to tell the lobbyists, not only here in Washington, but back in the State capitol, to all over America, to go home, to leave us alone.

It is high time that Members of Congress did the right thing, started looking out for the interests of their constituents, their seniors. They are chronically ill, and demand it of the pharmaceutical industry that the people of this country no longer be treated as second-class citizens, that we deserve the same prices as do the Canadians, the Mexicans, and people throughout this world.

Now, in that light, I have introduced legislation. The gentleman from Maine (Mr. ALLEN) has a very good piece in our legislation, which is also introduced by the gentleman from Arkansas (Mr. BERRY) and the gentlewoman from Missouri (Mrs. EMERSON). This is a very simple piece of legislation.

It says that the prescription drug distributors in this country and the pharmacists in this country can purchase the same exact FDA safety-approved product in Canada, in Mexico, at the same prices that the Canadian and Mexican pharmacists pay for their product, and they will be able to resell their product in this country for substantially lower prices.

Let us stand up to the pharmaceutical industry. Let us protect the American consumer, and let us start passing some real legislation to protect our people.

REGROWING RURAL AMERICA

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, agricultural producers across South Dakota and across this country have been devastated by inclement weather, low prices, lack of competition, and unfair foreign trade. These are all issues which we need to address.

I want to commend the gentleman from Texas (Mr. COMBEST), chairman of the House Committee on Agriculture, for holding a series of hearings across this country to examine the farm economy and to hear from producers what we might be able to do to strengthen farm policy in this country. We have just one of those such hearings scheduled in South Dakota for May 2.

This is a complex problem, and there are no easy answers. There is no silver bullet solution. But our producers, all they are asking for is a fair price for their products. They work hard, they work the land, and many times are subject to circumstances which are beyond their control. We cannot control the Asian economy. We cannot control exchange rates. We obviously cannot control the weather. But there are things that we can control.

This year we are finally passing crop insurance reform. It is in conference right now. Last year we were able to pass mandatory price reporting to assist our livestock producers. We have provided emergency income assistance in each of the 3 years that I have been in the Congress. We have extended the ethanol tax incentive to assist our producers and try and stimulate value-added operations.

There are other things that need to be done as well, Mr. Speaker. We need to open markets. We need to pass trade with China. We need to step up our efforts at conservation, expanding the CRP and WRP programs. We need to eliminate the death tax so that our family farmers and ranchers can pass on their operations to the next generation. We also need relief from repressive regulations, and we need to allow for the deductibility of health insurance premiums for our family farmers and ranchers.

But there is one other issue, Mr. Speaker, that I would like to address today, and that is this whole issue of value added, the need of producers to reach up the agricultural marketing chain and capture the profits that are generated from processing the raw commodities.

Producers have great interest in pulling together to do just that, but there are a couple of important barriers. The first is technical expertise and the second is capital. Most of our producers are currently cash strapped.

Now, in response to the need, producers' need and desire to become engaged in these types of ventures, we are introducing two pieces of legislation. The first is H.R. 3513, the Value-Added Agriculture Development Act, which would grant $50 million to create Agricultural Innovation Centers for 3 years on a demonstration basis. The Ag innovation Centers would provide separately needed technical assistance, expertise in engineering, business, research, legal services, to assist producers in forming producer-owned, value-added endeavors.

The companion bill, the Value-Added Agriculture Tax Credit Act, would create a tax credit program for farmers and ranchers to provide a jump start to value-added agriculture by allowing them to get a tax credit for making an investment in those types of operations. Specifically, the bill would make available a 50 percent tax credit for farmers who invest in a producer-owned value-added enterprise. Producers could apply the tax credit over 20 subsequent years or transfer the tax credit to allow for the cyclical nature of farm incomes.

Mr. Speaker, combined into a single package, these two initiatives will provide American family farmers the tools that they need, desperately need to successfully become vertical integrators, and to transform themselves from price takers to price makers.

This is a common sense approach to the problems that plague our agricultural economy, which are many. This is part of a solution.

But I hope that we can generate interest in this body in moving legislation that would provide the types of incentives that are necessary to tear down the barriers to value-added operations that will allow our producers to add value at the point of production and to maximize their profit and help restore some level of profitability and some level of survival to the agriculture economy in this country.

Mr. Speaker, let me just add one last thing, and that is this, this does not just affect producers. What is happening in the agricultural economy is destroying our rural way of life, our rural main streets, those who depend for jobs on the agricultural economy of this country. We are seeing it day in and day out across my State of South Dakota and across this entire country.

So I would urge this body to consider this legislation, to enact it, to help create jobs, create economic development, and create additional value-added agricultural operations that will provide the sustenance and necessary levels of profitability to sustain agriculture in this country.

I encourage and urge my colleagues in this Chamber to cosponsor this legislation and to help us see it become law.

REAL MONEY NEED FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I am honored to be joined here today by Patty Boyle, a teacher from Southern California, whose outstanding work is well known to the colleagues that she has had in teaching, to the parents, and the students that she has touched. As a result of Patty being here, I have decided to address the House on the importance of providing funds to modernize our schools and to provide additional classroom space.

I think we are all aware of how important it is to modernize our schools, to provide Internet access to teachers and to students. Many of us have focused on how important it is to provide air conditioning for schools as we go into the spring and summer months. More and more schools have extra programs or full-year sessions. Certainly, air conditioning is necessary then. It may also be necessary in May and in September when schools have their regular sessions.

Keep in mind, we here in Congress work in air-conditioned buildings. They tell tales of last century of what it was like to be a Member of Congress without air conditioning. Imagine what it is to try to teach 30 students without air conditioning.

Finally, Mr. Speaker, we have again and again talked about the importance of smaller class sizes, particularly in the first 3 years. Well, if we are going to have class sizes of 18 or 20 students in the first 3 years or throughout elementary school, we are going to need more classrooms. We are either going to need to reconfigure the space that we have now or build additional space for those classrooms that will be needed because we take the same number of students and put them into a larger number of classrooms so that they can have smaller class sizes.

All too often, what this has meant for resource specialists, for special ed classrooms, is that, as there are more classrooms devoted to regular elementary school education, the special ed students find themselves relegated to closets, to faculty rooms, to whatever nook and cranny that was never designed to allow students to learn and teachers to teach.

Both parties have recognized the importance of allocating Federal aid to schools and especially to provide school districts with the capacity to build additional classrooms and to modernize the classrooms that they do have.

But while both parties have recognized the need and both parties have decided that that need should be met by changing our Tax Code, that is where the similarity ends.

Unfortunately, the Republican Party has come up with a bizarre notion of how to use the Tax Code in order to encourage school construction. What they have said is it is okay for school districts to issue school bonds and then those districts will be encouraged to delay school construction, not for the 2 years that are allowed under the current tax law, but up to 4 years.

Now school districts need flexibility into when they issue the bonds and when they actually do the construction, but this is the first case where that flexibility is designed as a method of providing money for the school districts.

Well, how are they supposed to get money? Well, they are encouraged to arbitrage, to take the funds that they get by issuing school bonds and not build schools right away, but take the money to the markets, play the markets. Then they are allowed under the new Republican proposal to keep the profits.

The sole contribution to school construction and modernization offered in this Republican tax plan is a free ticket to Las Vegas for every school board member in the country.

I do not think that we should be encouraging schools to arbitrage invest, and we certainly should not view ourselves as having made some major contribution to education and school construction, because we have provided those free tickets to Las Vegas and told the school district that they are allowed to keep the profits that they make by playing the market.

Instead, the Democratic tax proposal, one that I am proud to cosponsor, and it is not just a Democratic proposal now, I believe the gentlewoman from Connecticut (Mrs. JOHNSON) and many other Republicans have sponsored or cosponsored. This legislation would, instead, provide real money by allowing schools to have the Federal Government pay the interest on the bonds up to $25 billion in bonds. That is real money for schools to spend.

CONGRATULATING HAWAII'S WINNERS OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I congratulate two remarkable students from Hawaii—Leanne Nakamura, age 17, of Kaneohe and Aubrie Weedling, age 13, of Honolulu. Leanne and Aubrie are Hawaii's top two youth volunteers for the year 2000 in the Prudential Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism.

Leanne Nakamura, a senior at James B. Castle High School, co-created ''S.A.V.E. Kualoa Beach,'' an effort to remove marine debris and educate her community about environmental issues. While attending an environmental conference, Leanne learned about beach erosion and the devastating effect marine debris has on the beaches. She did not feel that the suggested action of writing letters to government officials was an adequate solution.

After being alerted by a faculty advisor of foreign fishnets on Kualoa Beach, Leanne organized an effort to remove the nets and conduct a beach clean-up. Leanne recruited volunteers from several school clubs and the University of Hawaii's Environmental Club and persuaded local merchants to donate food for the volunteers. As a result, three-quarters of the fishnets were removed. ''I believe that when students took part in this project they learned about beach erosion and how people's carelessness affects the environment,'' said Leanne. ''It allowed students to take responsibility for the earth, creating a relationship between the environment and the student.''

Aubrie Weedling, an eighth grader at Moanalua Middle School, volunteers every week at a local food bank and once a month at a homeless shelter organizing, preparing, and serving food. Inspired by her mother, an ordained pastor who frequently talks about the importance of helping the less fortunate, Aubrie accepted an invitation by the food bank's organizer to volunteer her time. ''Sometimes it's hard: I am the only young person from my church who works at the food bank and the Institute [shelter],'' explains Aubrie. ''The happiness on the faces of those we serve in more than I can ask for. I would tell other young people that it is a learning experience we should all have, and the feeling you get back is well worth your time.''

I look forward to having the opportunity to meet these special young women and to welcome them to Washington when they come to the Capitol on May 9th. Leanne and Aubrie exemplify the very best of our youth, of Hawaii, and of our nation.

□ 1700

TAX RELIEF, TAX SIMPLIFICATION, AND TAX REFORM

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. PORTMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. PORTMAN. Mr. Speaker, I am here to talk about taxes. April 15 is drawing near once again, and I am joined by my friend, the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means, and others, to talk about taxes, a topic that is on a lot of Americans' minds right now. It is a bottom line issue for families and businesses in my district and around the country as we draw close to tax filing deadline.

Tax season is, in a sense, a time for renewed focus, and that focus, I think,

ought to be on two things. First is the fact that taxes are too high, and second the fact that our Tax Code is far too complex. This afternoon we are going to focus a little on what this Congress has done and what it is trying to do to address these problems through real tax relief, through tax simplification, and through tax reform.

There are a lot of different ideas out there, a lot of good ideas, and I think we will hear a little about them this afternoon. I would like to start by stepping back a few years, back when I was first elected to Congress, which was 1993. Just before I was elected, Congress, then run by the other party on the other side of the aisle, passed the largest tax increase in American history. In fact, Vice President AL GORE had to go to the Senate to break the tie vote in order for that to pass.

We have to look at the changes that have happened since then, in a relatively short period of time. It has been 6 or 7 years, and we have made some progress. Instead of the tax increases that did mark those first years of the Clinton-Gore administration, we have had some tax relief. We have held the line on taxes and also we have been able to put through some good proposals.

One is the child tax credit. A $500 per child tax credit to help families make ends meet. We have gotten that signed into law. We have also eliminated the unfair capital gains that people paid when they sold their homes. This is both tax relief and tax simplification. No longer do people have to keep records of every home improvement they make to make sure they can reduce their capital gains. This is the kind of legislation Congress ought to be passing.

We have also developed, and we got it enacted into law, legislation that dramatically reforms and overhauls the Internal Revenue Service. That happened in 1998. It was the first time we had had major reform of the IRS in 46 years. It expanded taxpayer rights, adding 52 new taxpayer rights. It improves taxpayer services and brings the second largest agency in the Federal Government into the information technology age. We have still got a lot of work to do with the IRS, but at least now they are on a track towards real reform and reorganization.

Just last year we attempted to follow through on these successes by passing legislation in this House that attempted to return a substantial portion of the nonSocial Security tax surplus. Not the surplus that goes into Social Security and Medicare, but the general revenues surplus. We tried to pass a substantial amount of that back to the taxpayers, who, after all, earned every dime of it. We did it because we believe that taxes are too high, that tax relief is appropriate as we build up these big surpluses, but also because we think the Tax Code is unfair.

Yes, we provided tax relief across the board, tax relief to millions of Americans, but we also went into the Tax Code and found out what is not working. For instance, there is an unfair penalizing of marriage today. The marriage penalty is something we addressed in our tax legislation. We did this because we believe that families ought to be encouraged and we ought not to have a higher tax just because someone gets married. On average, it is $1400 per couple in this country.

We also do not believe in taxation without representation, which is why we believe the unfair death tax ought to be repealed, and we passed that in this House.

We also passed education tax relief. We passed health care tax relief. We passed tax relief for those who want to save and invest in our economy. And, finally, yes, we passed tax relief in the area of expanding 401(k)s, IRAs, and other pension vehicles to allow people to save more tax-free money for their own retirement. These are very important measures that will help millions of Americans keep more of their hard-earned money for their own needs and for their families' needs rather than relying on the government.

Unfortunately, President Clinton chose to veto that tax legislation last year. This year we are back again. Congress has continued the fight to give taxpayers in this country a break. We have already passed in the last month here in Congress tax relief again focusing on the marriage penalty, to get rid of this unfair penalty on marriage. We have also passed our retirement security reforms, again to expand 401(k) coverage for every American. And we have also passed some estate tax relief as part of the small business tax package we passed a few weeks ago.

Again, these are part of our effort not only to return a substantial part of that nonSocial Security surplus back to the people who earned it, but also to make the Tax Code work better, to make it fairer, to correct some of the basic flaws we see in our Tax Code. Ultimately, of course, we need to take steps to fundamentally simplify and reform the Tax Code.

The current income Tax Code and its associated regulations now contain 5.6 million words, seven times as many words as the Bible, and it is not nearly as interesting. Taxpayers now spend about 5.4 billion hours a year trying to comply with the 2,500 pages in the Tax Code and the 6,500 pages of tax rules and 8 billion pages of tax forms. The cost of complying with the Federal income tax in this country is now believed to be in excess of $200 billion a year.

That is more than 25 percent of the revenue of all the taxes collected. What a waste of money. And it hurts the economy, it hurts job growth, it hurts investment, and it means less economic opportunity for all of us.

I learned firsthand from spending a couple of years working intensively on IRS reform just how many problems our Tax Code causes not just for taxpayers, which is evident to many of us as taxpayers, but also for the IRS itself. It is very difficult to have an IRS that works well given the complexity of the Tax Code. It makes the IRS bigger and more intrusive than any of us would like it to be, and it makes the IRS more costly and less efficient than it could be with real tax reform.

That is why, for example, the new IRS reform law does contain some long overdue tax simplification encouragement. These measures are designed to force Congress prospectively, with new tax legislation, to come up with simpler ways to achieve the same results. There is now a tax complexity analysis that every new piece of legislation has to go through as it works its way through Congress. It will help Members of Congress consider for the first time the additional complexity caused by what might be otherwise good, sound and well-intentioned tax legislation.

So tax relief and tax simplification and reform to correct the problems with the current code are very important steps we can and should take together. But it is time for us to take that next step to replace the current Tax Code with something that is simpler, fairer and less intrusive for all Americans. Again, there are a lot of good ideas out there for doing that. We will hear about some tonight.

Some have proposed a flat tax on income. Others have proposed a fairer tax, a national sales tax, in place of an income tax. Other proposals out there as well are a value added tax, or more selective simplification of major parts of our current Tax Code.

We need to get the public attention focused on this need for fundamental tax reform, and to encourage that, the Committee on Ways and Means here in the House of Representatives, next week, will host the first ever congressional tax reform summit. It will be an opportunity for all the Members of Congress and the public to come forward and to talk about tax reform issues and to examine the range of alternatives to our current tax system.

For the past few years we have come to the floor close to April 15 with another interesting piece of legislation, it is called the Sunset the Code Bill. It eliminates the current Tax Code by a date certain, forcing Congress and the administration to work together in that interim period to come up with an alternative. That legislation has passed the House in the past. I hope it will pass the House again this year.

It has never been enacted into law, of course, because it has not gotten through the process or signed by the President. But next week we will try that again. This time under the leadership of our colleague, the gentleman from Oklahoma (Mr. LARGENT). We are going to try to bring a new Sunset the Code Bill to the floor that will, in addition to sunsetting the code, establish a new bipartisan, bicameral, the House and the Senate, congressional-presidential, meaning the House and the

Senate and the administration, tax reform commission.

This commission is going to have a very simple task, which is to make recommendations to Congress for fundamental tax reform and simplification. The commission is modeled on the National Commission for Restructuring the IRS that I headed up with Senator BOB KERREY. I know commissions have a checkered past in this town, and it is easy to give problems to a commission and hope they go away, but some commissions do work. The IRS commission worked because it forced Congress to tackle that reform and to clean up the IRS.

That is the hope here in having a nonpartisan panel to look at this very complicated, very contentious issue, study the issue, bring some expertise to bear, and try to take the politics out of the process and lay the foundation here in Congress for some very needed and important changes to our Tax Code.

The commission will have 15 members, three appointed by the President, four each appointed by the Senate majority leader and the speaker, and two each appointed by the House and Senate minority leaders.

The important thing is most members in this commission will be from outside Congress, from outside the Federal bureaucracy. They will be members on the commission from around the country with expertise to bring to bear. There will be one Member from the House that will be a Republican and one Member from the House that will be a Democrat, same on the Senate, one Democrat, one Republican. But, again, most members will be people from the outside who can bring expertise in a nonpartisan approach to this important problem.

The commission will have a short timetable, 18 months, to complete its work and make a report to Congress, again on ways to fundamentally simplify and reform, fundamentally, reform the Tax Code. I would like to urge my colleagues listening tonight to support this effort and to vote for that legislation next week that is so important to move us from our current broken system to one that meets all our needs better.

The tax season is a frustrating time of year for so many Americans. Many of us are doing our taxes now. The amount of taxes we have to pay, the complexity and basic unfairness of the Tax Code, makes a lot of us wonder if there is not a better way. There has got to be a better way. And Congress has heard those concerns. We are committed to changing the status quo. Let us start with meaningful tax relief and simplification where we can this year, but let us go beyond, let us also lay the foundation for the kind of long-term reforms that will give all Americans a fairer, a simpler, and a less intrusive Tax Code.

With that, Mr. Speaker, I would like to yield back my time, with the understanding that my friend, the gentleman from Pennsylvania (Mr. ENGLISH), a distinguished member of the Committee on Ways and Means, along with my friend, the gentleman from Georgia (Mr. LINDER), another distinguished member of the Congress who has a lot of expertise on tax issues, will have a chance to continue this dialogue.

CONTINUED DIALOGUE ON TAX RELIEF AND TAX REFORM

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for the balance of the 60 minutes as the designee of the majority leader.

Mr. ENGLISH. Mr. Speaker, after concluding opening remarks, I will be yielding to the gentleman from Georgia (Mr. LINDER) who has some very interesting ideas to outline for us.

Mr. Speaker, I was struck by the tenor of my colleague's comments, the gentleman from Ohio (Mr. PORTMAN), who laid out a bill of particulars of what this Congress has done to make this Tax Code much more pro working family. But at the same time, we need to recognize that more needs to be done, and it is time for Congress to move in the direction of fundamental structural tax reform.

Next week, as the gentleman from Ohio noted, the House Committee on Ways and Means will be sponsoring a tax reform summit where many of the ideas of alternatives to the current tax system will be outlined. I have one that I intend to outline tonight, but let me say that the gentleman from Georgia (Mr. LINDER), myself, and the gentleman from Ohio (Mr. PORTMAN) share a common perspective which I believe is why we feel we need to move forward quickly on this subject and begin to define alternatives to the current tax system.

The American tax system looms like a Frankenstein's monster that terrorizes individual taxpayers while casting a cold shadow over the productive sectors of the U.S. economy. It is too complicated and riddled with obvious inequities, it punishes savings and investment, it reduces economic growth, and it burdens domestic industries struggling to remain competitive.

We in Congress cannot complacently sit back and watch as this complicated, antiquated tax system erodes our Nation's confidence in its economy. We must reform the American tax system in a way that makes sense to average citizens and that, therefore, will pass the test of time. Because not only do we need a fair and sensible Tax Code, we need a stable one.

As bad as the current Tax Code is, and I am one of its severest critics, in my view the last thing we need to enact is some reform that is so radical and experimental that it results in an irresistible demand to redo it again a few years later. The simplified USA Tax Act that I have introduced does all of that and more. H.R. 134 is based on sound and familiar principles that we all understand and we know will work.

The Tax Code, Mr. Speaker, must give Americans a fair opportunity to save part of their earnings. After all, thrift has helped provide Americans the security and independence that is the foundation of freedom. We understand that savings is the seed corn of the modern economy. Savings buys the tools to make Americans more productive. Productivity raises our living standards to the highest in the world.

In my tax reform proposal, USA stands for unlimited savings allowance. Everyone is allowed an unlimited Roth IRA in which they can put the portion of each year's income they save after paying taxes and living expenses. After 5 years, all money in the account could be withdrawn for any purpose, and all withdrawals, including accumulated interest and other earnings and principal, are tax free. Nothing can be simpler and nothing could give the people a better opportunity to save, especially young people. Because only new income earned after enactment of the simplified USA tax can be put into the USA Roth IRA, young people starting to move into their higher earning years are the ones who will benefit the most in the long run.

□ 1715

The Tax Code must also give everyone the opportunity to keep what they save and, if they wish, to pass it along to succeeding generations.

To that end, my tax reform proposal repeals the Federal death tax. Under the new Tax Code, tax rates must be low, especially for wage earners who now must pay an income tax and a 7.65 percent FICA payroll tax on the same amount of wages. The simplified USA tax starts out with low tax rates, 15 percent at the bottom, 25 percent in the middle, and 30 percent at the top.

Then the rates are reduced even further by allowing wage earners a full tax credit for the 7.65 percent Social Security and Medicare payroll tax that is withheld from their paychecks under current law.

Mr. Speaker, I do not propose to repeal the payroll tax, because to do so would imperil Social Security. But I do allow a credit for it; and when the credit is taken into account, the rates of tax on workers wages are very low, indeed, in the 7 percent to 17 percent range, for nearly all Americans.

The simplified USA tax provides tax relief for all Americans, especially those who own their home, give to their church, educate their children, and set aside some money for a better tomorrow.

Under my proposal, everyone receives a deduction for the mortgage interest on their home and for charitable contributions that they choose to make. In addition, USA tax allows a deduction for tuition paid for college and postsecondary vocational education.

This type of incentive is relatively new, and given the importance of education, long overdue to encourage investment in human capital. Generous personal and family exemptions are also allowed under my proposal. On a joint return, the family exemption is $8,140; and there is an additional 2,700 exemption for each member of the family. Thus a married couple with two children pays no tax on their first $18,940 of income.

The simplified USA tax is just that, simple, 75 percent simplier than the current Tax Code by one estimate. The tax return will be short, only a page or two for most of us; but more to the point, the tax return will be understandable.

For the first time in many years, America's tax system will make sense to the citizens who file the tax returns and pay the taxes. And for the first time since inception of the Federal income tax, Americans will have a full and fair opportunity to save whatever proportion of their income they wish and for whatever purpose they wish.

Working families will be allowed a credit for the payroll tax they pay. Families will have generous taxfree allowance for the education of their children. My proposal, Mr. Speaker, also contains a new and better way of taxing corporations and other businesses and this is something that every worker in the international economy has stake in. It allows them to compete and win in global markets in a way that exports American-made products, not American jobs.

Experts who have studied my plan believe that if enacted in America, this innovative approach to business taxation will soon become the worldwide standard to which other countries aspire. All businesses, corporate and noncorporate, are taxed alike under my plan at an 8 percent rate on the first $150,000 of profit and at 12 percent on all amounts above that, small business level.

All businesses will be allowed a credit for the payroll tax they pay under current law. All costs for plant, equipment, and inventory in the United States will be expensed into the year of purchase. This is a critical reform that will allow capital formation in those businesses competing in the international economy that most need it.

This is an important point, Mr. Speaker. All export sales income is exempt, as is all other foreign source income. All profits earned abroad can be brought back home for reinvestment in America without penalty. Because of a 12 percent import adjustment, all companies that produce abroad and sell back in the U.S. markets will be required to bear the same tax as companies that both produce and sell in the U.S.

Mr. Speaker, I hope to push forward a bipartisan effort with the simplified version of the USA tax. I invite all of my colleagues in the House to join me in an effort to provide the American people the fair and sensible tax system they deserve.

Mr. Speaker, for too long the Tax Code has been a terrible drag on our economy that is not very smart and certainly is not fair to those Americans whose living standards are lower now because of it. For years, its complex inanities have been the object of ridicule. It is also the ultimate source of bureaucratic excesses and abuse by the IRS that is inconsistent with our free society.

In my view, it is high time we restore people's faith in the integrity and basic fairness of their tax system and in the process, take a major step toward restoring people's confidence in the good character of their government.

Mr. Speaker, we believe that these are priorities worth pursuing, and I believe that this plan is one that can push us in the right direction.

To hear about another plan, the fair tax plan, I would like to yield such time as he may consume to the prime sponsor of that bill, the gentleman from Georgia (Mr. LINDER), who we expect will outline a challenging alternative to the proposal I have just laid before us.

Mr. LINDER. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding, and I thank the gentleman from Erie for his plan and the gentleman from Cincinnati (Mr. PORTMAN) for arranging a special order.

Let me say, Mr. Speaker, before I get into my plan, that any one of these proposals is better than the current system. What we have learned after 86 years of the current system, if we had sat down at the beginning in 1913 and said how can we build a tax system that will punish people for working hard and earning, that will be obstructive of capital formation, we could not have done a better job than we have done here.

Our tax system is the single biggest impediment to people reaching from the first rung of the economic ladder to the second, because the harder you work, the more you save, the more you invest, the more we take. It is a system that is inefficient. We have seen testimony from the Kemp Commission to Harvard studies that say for a small businessman or woman to comply with the code, collect and remit $1 in business income taxes, it costs them anywhere from $4 to $7 to do that.

It is un-understandable. Our own IRS tells us that if you call the IRS for help filling out your own tax return for an answer to a question, 25 percent of the answers they give you are in error. Money Magazine sent the same data to 49 different tax preparers for a hypothetical family and found 49 different tax returns varying by thousands of dollars.

We should get away from the notion of taxing what people put into society, their productivity, their job creation, their work, and tax what they take out of it, their consumption.

When you think about it, there is no way for a business in America to pay a tax. There is not a mechanism for it. If you have a business, and I have had several, there is not a secret drawer where the money piles up, where you find your share of the payroll tax.

There is not another secret drawer where the money piles up, where you pay your income tax from.

It all comes out of price, as well as your electric bill and labor cost, but it is all in price. If you have a loaf of bread, a farmer has touched it, a trucking company, a processing company, a bakery, a distribution company, a retail outlet, not to mention the cardboard manufacturers and the plastics people. All of them have tax costs, payroll tax costs, income tax costs, accountants and attorneys to avoid the tax codes. All of that gets put into the price of that loaf of bread.

And we think, from the study we have done at Harvard, that it is 22 percent. On average what you pay at retail is 22 percent inflated by the embedded cost to the IRS. How do you fix that? You get rid of the IRS. Get rid of the income tax on both corporate and individuals, get rid of the payroll tax which is the largest tax that three-fourths of America pays. Three-fourths of us pay more for Social Security and Medicare than we do in income taxes.

Get rid of the death tax, the capital gains tax, the tax on dividends, the gift tax; and replace it with a one-time retail sales tax. If you spend $100, the first $23 goes to Uncle Sam, the rest goes to the merchant. Currently, $22 is going to the embedded costs to the IRS.

Our numbers show that as of 1995 that we are bringing the same amount of money as the current system. Now, what will this do in the world? You will have a percent higher cost of living, but you get to keep your whole check. If you are an average income earner in America at 28 percent withholding level, 28 percent income tax withholding and 7.65 percent is your share of the payroll tax costs, your employer pays an equal amount for you, you will have a 56 percent increase in take-home pay the next day. You can afford the penny.

What happens in the world? If we are the only Nation in the world selling into the global economy with no tax component in our prices are we going to be more competitive? If a corporation finds more value in equity than debt, today there is more value in debt, because if you borrow money, you get to deduct the entire interest costs.

If you have equity, shareholders, you pay tax on the profits; and when you give it to them as dividends, they pay tax one more time. And if they sell stuff, they pay tax on the capital gain. Under our system, with no taxes on business, no taxes on investment, there would be fewer people in the borrowing markets and the interest rates will go down 25 percent across the board for school loans, homes, cars.

If you are at an international corporation like Coca-Cola from my hometown with sales across the globe and

dollars stranded overseas because it is cheaper to borrow here at 8 percent than to repatriate those dollars at 35 percent. All of those dollars come home. The plant gets built in this country, foreign companies find it attractive to build a plant in this country, because there is no tax consequences.

Every investor in the world will be in on our stock markets because there is no tax consequence. The markets go up. Who is opposed to this? Not CPAs. You think CPAs like this system? They are at risk every time they sign a tax return.

We have not even promulgated the rule for some of the tax changes that we have. CPAs can make far more money planning the future for their clients, the growth of the business, the financing of that growth, than they can recording the past. This town does not like the bill. It will be the largest transfer of power from Washington to individuals in the history of our government. We know too much about you. We would give that away.

There are 100,000 people at the IRS that know more about me than I am willing to tell my children, and I want them out of my life and yours. These are not bad people. These are people doing the job that this Congress by statute has directed them to do, but we should not have any agency of government that knows how you make money or how much you make or how you spend it. That should be none of our business.

Unlike the simple tax return that you heard from my friend from Erie talk about, my tax return is nonexistent. You never, ever keep a receipt or a record or file a tax return. Now, people will say this is hurtful on the poor, because they spend all of their money for living, to which my response is this: they are already paying a 22 percent cost to the IRS in everything they buy.

We are going to get rid of that. But beyond that, we do not believe anybody should pay tax on necessities. Every year the Department of Health and Human Services says that a household of one needs to spend, last year it was $8,500, with my tax included, to pay for their necessities. My mother in an apartment in Minnesota can pay for her health care, housing, food, clothing for $8,500 dollars, that is called poverty living; but that is what HHS says you can get by in your necessities. My daughter and my son-in-law and three grandsons in Memphis need to spend $25,000 for their necessities.

□ 1730

Our rebate will totally return to them on a monthly basis the total tax consequences of spending up to the poverty line. So no family, rich or poor, has to pay taxes on their necessities. Beyond that, we are all discretionary spenders. We should all pay the same. Just imagine a world in which you are a voluntary taxpayer. We do not have to pass bills like we have done and the gentleman from Erie, we worked on a bill to make the IRS more friendly because it was a huge adversarial relationship with our taxpayers. We do not need that because you are going to be a voluntary taxpayer. You are going to pay taxes exactly when you choose to pay them and exactly as much as you choose to pay them. If you want to buy a used house instead of a new one or a used car instead of a new one, no taxes. Only new things for personal consumption, personal use. Because we believe that a house already has a 30 percent embedded cost of the IRS in it and you should only pay taxes on anything one time.

I want you to have the privilege in a free society of being anonymous again. We should not know as much about you as we do. We should not have anybody who can look into your records and know your history. I think the privilege of anonymity is the single greatest gift a free society can give its citizens.

Let me further say this: We have built a tax system that every time the government wants more of your money, we promise you it is only going to increase the taxes on the top 1 percent. Remember 1990? Do you remember 1993? It is only going to increase the taxes on the top 1 percent. So 99 percent say, Go get them. Fine with me. It's not going to hurt me.

Guess what? We all pay. In 1990, when President Bush agreed to a tax increase on the top 1 percent, the top 1 percent paid $106 billion in taxes. In 1991 after the tax was increased, they paid $100 billion in taxes.

Guess what? Rich people are often smart people and they find ways to change the way they get their income. They can control it and reduce their obligation. I do not blame them. I want the next tax increase to be so important that we all pay, including my mother on that loaf of bread. We all ought to be involved in this.

Russell Long when he was chairman of the Senate Finance Committee had a wonderful saying. He said, ''Don't tax him and don't tax me but tax that man behind the tree.'' And we are all willing to do that. But what we find out is it comes back through the system and we all pay at the checkout line at retail.

So let us be honest about it. Let us have a transparent, frank, obvious tax at retail that we all know how much our government is costing us and we all pay equally. This bill totally untaxes the poor. It untaxes necessities, and it treats everybody else exactly the same. It gives us a world in which investment is attractive, consumption is not. It gives us a world where we are all treated equally.

I want to remind you what was said in 1913 when they passed the 16th amendment to allow the income tax. A Senator was ridiculed so bad that he was laughed off the floor of the Senate for saying something that was absolutely outrageous to the rest of the Senators. He said this: ''Mark my words, before this is over, the government is going to be taking 10 percent of everything we earn.'' Oh, how I wish it were so. That gave fresh meaning to my favorite country and western song: ''If 10 Percent's Enough for Jesus, It Ought to Be Enough for Uncle Sam.''

Mr. ENGLISH. I thank the gentleman, and I appreciate his contribution to this debate. He has laid out for us the vista of a very different tax system and one that I believe would potentially have a great impact on the American economy. One of the areas of similarity between his plan and my plan, I note, is the fact that he on the business side offers a border adjustable tax.

Before I slip into the jargon, what I mean by that is we would take the taxes off of exports and put a fair tax on imports. Now, I have been very concerned, Mr. Speaker, about our trade balance in this country. I have been very concerned about the competitiveness of American jobs. I have been very involved in working with the steel industry to address the problem of steel imports.

One of the proposals that always does not seem to get a full focus when we discuss these things is the fact that by changing our tax system, we could improve the competitive position of our economy and potentially the balance of trade. The tax system that the gentleman just outlined would not tax job creation in basic industry and it would allow us to export tax free.

My tax system has many of the same incentives and would allow us to grow capital intensive jobs. I look forward to hearing more about the gentleman's tax system next week when we discuss it in the House Committee on Ways and Means as part of our tax summit. I am also looking forward to the opportunity to discuss with colleagues on both sides of the aisle in our committee the merits of my tax proposal which I conceive to be a hybrid between a simplified income tax and a consumption tax. It has many of the same incentives of a consumption tax and yet addresses many of the equity issues that I believe concern Americans and concern their elected representatives.

I am hopeful that we can attract bipartisan support for real tax reform. In the interim, I am pleased that Republicans have chosen to move forward and to raise this issue and consider how we can simplify the tax code to the benefit of individual taxpayers and certainly to the benefit of the economy.

One parting shot. It really frightens me when I see estimates that suggest that the cost of the current tax system to our economy is somewhere upward of $300 billion annually. That is a dead loss to our economy. It comes through complexity, it comes through the cost of the system itself, it comes through bad decisions that people make because

of the tax code and its perverse incentives. We need to change the tax system if we are going to leave this century the way we have entered it with the most productive economy and the preeminent economy in the world.

A FUTURE OF HOPE FOR TURKEY: ONE OF PEACE AND JUSTICE FOR THE KURDS

The SPEAKER pro tempore (Mr. THUNE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. FILNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. FILNER. Mr. Speaker, yesterday I introduced a resolution, House Resolution 461, to ask for the freedom of Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak as well as the lifting of the ban on the Kurdish language and culture in Turkey. Now, these names may be unfamiliar to some, but the names I just read are those of Kurdish parliamentarians, Kurdish Congress members who have been in prison, yes, Mr. Speaker, in prison as Congresspeople for the last 6 years. The language and culture that they represent are the Kurds, an indigenous people of the Middle East who live in an ancient land called Kurdistan. These representatives are in prison solely because they are Kurds, and the Kurds are not free because their land is ruled by Turkey, Syria, Iran, and Iraq.

Now, this body has previously heard of the name Leyla Zana who, according to The New York Times, is the most famous Kurdish dissident in the world. This country has heard of the Kurds because Saddam Hussein gassed them with his chemical and biological weapons in 1988 and threatened to do so again in 1991. But neither this country nor this body has really paid any attention to the plight of the Kurds living as they still do on their ancient lands and still persecuted now even as I speak by the governments in Ankara, Damascus, Tehran, and Baghdad.

Mr. Speaker, I am going to restrict my commentary today to Turkey, because it is a country we honor as an ally, we support as a friend and we favor as a partner. Turkey boasts of having a sophisticated U.S. arsenal in its inventory: M–16 machine guns, M–60 battle tanks, Cobra attack helicopters, and F–16 fighter planes. American Special Forces in fact train Turkish commandoes in Turkey. Turkish leaders are fond of referring to their people as an ''army nation'' and talks are now under way to supply Turkey with an additional 145 attack helicopters worth $4 billion.

Now, is Turkey really worthy of these investments? Have our fighter planes, our attack helicopters, our battle tanks, and our machine guns protected the liberty of its citizens? Why are we training Turkish commandoes who are known to behead their victims and haul their dead bodies behind armored vehicles? In Turkey today, Mr. Speaker, I note with trepidation that liberty is under assault. Cultural genocide is the law of the land. A way of life known as Kurdish is disappearing at an alarming rate.

Mr. Speaker, we are not always as a country indifferent to the plight of the Kurds. Our 28th President, Woodrow Wilson, supported the right of subject peoples to self-determination. In an address to the Senate on January 22, 1917 he said:

> No nation should seek to extend its policy over any other nation or people but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

Three months after this statement, the United States entered the war on the side of the Allies. The war cry ''making the world safe for democracy'' resonated with subject peoples all over the world and families from North Africa to Central Europe and people who named their sons after our President. But the prophetic words of President Wilson were disregarded, especially in the Ottoman provinces. The Armenians were massacred and the Kurds were subdued after the emergence of the Turkish republic. What followed has been chronicled as nothing other than a slow-motion genocide.

In Turkey, a people known to historians as the Kurds and a land known to geographers as Kurdistan simply disappeared from the official discourse overnight just 1 year after the inception of the young Turkish republic. The Kurds, said the Turkish officials, were not really Kurds but mountain Turks and their land was not really Kurdistan but eastern Turkey. This act of social engineering and historical revisionism has been propagated as the law of the land ever since. Thousands of Kurds have died in rebellion after rebellion. Millions have been uprooted. Some wish to raise a Rest in Peace sign over the entire Kurdish nation.

Perhaps of all the stories that have come out of the Kurdish land administered by the Turks, that of Layla Zana captures the essence of what it means to be a Kurd in Turkey. She was born in 1961 in a small Kurdish village near Farqin. Her earliest recollections of the Turks were either as tax collectors or as soldiers. In elementary school the lone Turkish teacher that she had told her she should learn Turkish because it was the language of the civilization. She was able to go to school for only 3 years. Then she worked on a farm, helped out in the house and occasionally heard of the name Mehdi Zana, who was her future husband, as the rising star of Kurdish politics.

In fact in 1976, she married Mehdi Zana and moved to the largest Kurdish city in the world known as Amed, or Diyarbakir, in northern Kurdistan. In 1977, Mehdi Zana was elected to the post of mayor of the city. Turkish officials were appalled. Here was an ardent Turkish nationalist who managed to earn the trust of his fellow Kurds. The city Amed was put under siege. Its funds were frozen. Mayor Zana appealed to his European colleagues for help. French mayors responded by giving 30 buses and trucks filled with office supplies and for a short while the bus fares in the city were simply abolished. Leyla Zana's education in politics began in those tumultuous years.

On September 12, 1980, a general in the Turkish army named Kenan Evren declared himself the supreme leader of the country. He deposed the elected government and dissolved the parliament. His soldiers then began arresting dissidents, especially the Kurds. The rising star of Kurdish politics, Mehdi Zana, was high on their list. Twelve days later, he was arrested without any charges being posted. And for the next 8 years, he would be tortured in the infamous Diyarbakir military prison. He would witness the death of 57 of his friends. But through it all he did not break, he endured as did his wife and small children.

Mehdi Zana was kept in prison for 3 additional years in various Turkish prisons in Turkey proper. He has chronicled his ordeals in a book entitled Prison No. 5, now available in bookstores in this country as well as on amazon.com. I had the fortune of meeting this nonviolent champion of Kurdish rights a couple of years ago and was humbled by the generosity of his feelings toward his tormentors. Like President Nelson Mandela in South Africa, Mehdi Zana does not seek revenge. He wants peace for himself and his family and his people.

☐ 1745

In words that still haunt me, he urged me to speak out against the slow motion genocide against the Kurds. ''The Armenians,'' he noted, ''were massacred. The Kurds are being put to permanent sleep.''

Mr. Speaker, Leyla Zana's schooling consisted of adversity, torture, humiliation, and State-sanctioned persecution that has never slackened to this day. She had given birth to a son when Mehdi was the Mayor of Amed and would later give birth to a daughter after her husband's arrest. She would learn Turkish the hard way, from the police who harassed her for being the wife of a popular mayor, and the courts who ruled that he was a trader and deserved to die.

In 1998, she herself was thrown into jail and endured abuse, humiliation, and torture for organizing the wives of Kurdish political prisoners to demand visitation rights. Although behind bars, the authorities, fearing a chain reaction, gave in to these mothers' demands, and Layla Zana has related this brush with the police as a turning point in her awakening as a political activist. She began reading voraciously, wrote for various publications, passed a proficiency exam for a high school diploma; in fact, the first Kurdish woman to do so in her city.

These were the years when the wall in Berlin came down, the Soviet Union

let go of its subject nations, the Cold War that had dominated international politics was supplanted with a rapprochement between the East and the West. The winds of change that brought democracy to former communist nations, people now hoped with visit the lands administered by ''our dictators'' in such places as South Africa, Indonesia and Turkey.

We all know that South Africa has made its transition to democracy. And just last year, the official world welcomed one of its smallest nations to the fold, the people of East Timor. But the Kurds, the Kurds, thus far, have been kept off of this forward march toward liberty. The adversaries of the Kurds and their misguided friends have managed to define them as the misfits of the world. But this cause of liberty is a just one, and the veil of oppression over the Kurds must come down.

There was a time when the prospects of peace and reconciliation between the Kurds and the Turks almost became a reality. In October 1991, the country held a general election. Twenty-two Kurds were elected to the Turkish parliament. The names I mentioned when I first began tonight, Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak were part of that group. Hopes were raised that these newly and duly elected representatives would be the mediators with the Turks and peace and justice might once again come to the land of the Kurds.

But these hopes were dashed when Mehmet Sincar, a newly-elect Kurdish member of the parliament, was murdered in broad daylight on September 3, 1993. One year later, 6 Kurdish parliamentarians were arrested for their advocacy of a peaceful resolution of the Kurdish question. Six others, who were feeling the sword of Damocles hanging on their shoulders, fled abroad to seek political asylum in Europe, and the remaining nine Kurdish deputies in the parliament either resigned from their posts or changed parties to save their lives.

An all-out war was then declared with devastating results. Turkish troops using American weapons wanted to silence the Kurdish resistance once and for all. The Kurdish cease-fire offers were spurned. The Kurdish villagers were forced to either take up arms against their family members, the Kurdish rebels, or face the consequences of the destruction of their villages. Over 3,400 villages have been destroyed; 37,000 people, mostly Kurds, have been killed; 3 million Kurds have become refugees.

Mr. Speaker, 3 years ago our distinguished colleague from Illinois (Mr. PORTER) sent out a ''Dear Colleague'' letter which was signed by 153 Members of the 105th Congress to President Clinton urging him to intervene on behalf of Leyla Zana. A year later, in fact, the gentleman from Illinois (Mr. PORTER) visited her in Turkish prison and urged the Turkish authorities to do the same. Unfortunately, nothing came of these efforts. Her imprisonment continues and the intransigence of the Turks is still at an all-time high.

The Porter letter, which was dated October 30, 1997 addresses some of the concerns of the resolution I have introduced in this Congress, and I would like to read that ''Dear Colleague'' for the RECORD.

It states: ''Dear Mr. President: We want to draw your attention to the tragic situation of Leyla Zana, the first Kurdish woman ever elected to the Turkish parliament. Mrs. Zana, who is the mother of two children, was chosen to represent the Kurdish city of Diyarbakir by an overwhelming margin in October 1991. She was arrested by Turkish authorities in March of 1994 in the Parliament Building and subsequently prosecuted for what Turkish authorities have labeled ''separatist speech'' that is stemming from her exercise of her right to free speech in the defense of the rights of the Kurdish people. She was sentenced to 15 years in prison in December 1994 and remains in Ankara today.

One of the charges against Mrs. Zana was her 1993 appearance here in Washington before the Helsinki Commission of the United States Congress. We find it outrageous that although she was invited to participate at the request of Members of Congress, her participation was one of the activities that led to her imprisonment.

Mrs. Zana's pursuit of democratic change through nonviolence was honored by the European Parliament which unanimously awarded her the 1995 Sakharov Peace Prize. In addition, Amnesty International and Human Rights Watch have raised concern about her case.

''Mr. President,'' the letter goes on, ''Turkey is an important partner of the United States, a NATO member, and a major recipient of our foreign aid, but its abuse of its Kurdish citizens and their legitimately-elected representatives is unacceptable. Mrs. Zana's majority Kurdish constituency gave her the mandate to represent them, but the government of Turkey has made an unconscionable effort to stop her. Her voice should not be silenced. This is just one of the many cases in which the Turkish Government has used the power of the State to abuse people, based on their political beliefs.

We ask you and your administration, Mr. President, to raise Mrs. Zana's case with the Turkish authorities at the highest level and seek her immediate and unconditional release so that we may, once again, welcome her to our shores.''

Mr. Speaker, that was the letter that 153 of us wrote recently. Since then, Amnesty International has adopted Leyla Zana and her duly-elected members of parliament as prisoners of conscious. In 1995 and 1998, the Noble Peace Committee that assigns its prestigious Peace Prize to people who embody our most deepest aspirations for a more tolerant world acknowledged that Leyla Zana was one of their finalists. The City of Rome has awarded her honorary citizenship. European organizations have bestowed on her numerous awards of their own.

In 1867, Mr. Speaker, a great American, Frederick Douglas, in his ''Appeal to Congress for Impartial Suffrage,'' summarized the situation of his family which is akin to what this resolution is demanding from the Turkish Government. Reflecting on Mr. Douglas's historical remarks, I was reminded of my encounter with Mehdi Zana and how he too echoed the same sentiments as our own great emancipator. Mr. Douglas wrote that, ''We have marvelously survived all of the exterminating forces of slavery, and have emerged at the end of 250 years of bondage, not morose, misanthropic, and revengeful, but cheerful, hopeful and forgiving. We now stand before Congress and the country, not complaining of the past, but simply asking for a better future.'' Simply asking for a better future.

Mr. Speaker, my resolution, supported at this time by my esteemed colleagues, the gentleman from Illinois (Mr. PORTER), the gentleman from New Jersey (Mr. SMITH), the gentleman from Virginia (Mr. WOLF), the gentlewoman from California (Ms. ESHOO), the gentleman from Michigan (Mr. BONIOR), and the gentleman from New Jersey (Mr. PALLONE), calls for a better future for the Kurds. In that future, public service is not rewarded with punishment, but honored with gratitude. In that future, languages are not banned, but cultivated as a gift of God to a people and of a people to its offspring. And only in that future, Mr. Speaker, lies the promise of peace and justice for the Kurds and a brighter future with the Turks.

Mr. Speaker, I ask my friends to support us as we help the peoples of Turkey to leap into the future for the good of themselves, as well as our battered humanity.

Mr. Speaker, asking for a better future is what we are doing here tonight.

COMMUNICATION FROM THE DEPUTY CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from John Straub, Deputy Chief Administrative Officer:

OFFICE OF THE CHIEF
ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 20000.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents to Custodian of Personnel Records, U.S. House of Representatives issued by the Superior Court of the District of Columbia.

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

Sincerely,

JOHN STRAUB,
Deputy Chief Administrative Officer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WELDON of Florida (at the request of Mr. ARMEY) for today on account of personal reasons.

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. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mrs. NORTHUP, for 5 minutes, April 12.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. ROGAN, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''.

H.R. 3189. An act to designate the United States Post Office building located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office''.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, April 10, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6978. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General William J. Donahue, United States Air Force; to the Committee on Armed Services.

6979. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general on the retired list of Lieutenant General Stewart E. Cranston, United States Air Force; to the Committee on Armed Services.

6980. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7729] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6981. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7728] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6982. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Reoganization of Federal Housing Finance Board Regulations [No. 2000–02] (RIN: 3069–AA87) received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6983. A letter from the Secretary of Labor, Department of Labor, transmitting the Department's final rule—Process for Electing State Agency Representatives for Consultations With Department of Labor Relating to Nationwide Employment Statistics System (RIN: 1290–AA19) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6984. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Interim Final Rule for Reporting by Multiple Employer Welfare Arrangements and Certain Other Entities That Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers (RIN: 1210–AA54) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6985. A letter from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting the Commission's final rule—Children's Online Privacy Protection Rule (RIN: 3084–AA84) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6986. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing license agreement with France [Transmittal No. DTC 012–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6987. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Report to Congress on Regulations Implementing the Chemical Weapons Convention Implementation Act of 1998; to the Committee on International Relations.

6988. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Reissuance of 48 CFR Chapter 5 (RIN: 3090–AE90) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6989. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Shelikof Strait Conservation Area in the Gulf of Alaska [Docket No. 991223348–9348–01; I.D. 021000C] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6990. A letter from the Secretary of the Interior, transmitting the 1999 annual report on the Migratory Bird Conservation Commission, pursuant to 16 U.S.C. 715b; to the Committee on Resources.

6991. A letter from the Government Affairs, Amtrak, transmitting the 1999 Annual Report, and Amtrak's FY 2001 Legislative Report and Grant Request, pursuant to 12 U.S.C. 1701y(f)(2); to the Committee on Transportation and Infrastructure.

6992. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendments to Class D and Class E Airspace, Tupelo, MS [Airspace Docket No. 00–ASO–3] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6993. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Jackson, WY [Airspace Docket No. 99–ANM–11] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6994. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision to the Legal Description of the Burlington International Class C Airspace Area; VT [Airspace Docket No. 99–AWA–12] (RIN: 2120–AA66) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6995. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; London, KY [Airspace Docket No. 99–ASO–23] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6996. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, KY [Airspace Docket No. 99–ASO–25] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6997. A letter from the Chairman, Office of Proceedings, Surface Transportation Board, transmitting the Board's final rule—Class exemption for motor passenger intra-corporate family transactions [STB Finance Docket No. 33685] received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6998. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Eligibility Criteria for the Montgomery GI Bill—Active Duty and Other Miscellaneous Issues (RIN: 2900–AI63) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6999. A letter from the Chief, Regulations Branch, Customs Service, Department of the

Treasury, transmitting the Department's final rule—Importation of Chemicals Subject to the Toxic Substances Control Act [T.D. 00–13] (RIN: 1515–AC04) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7000. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill cited as, ''Federal Judgeship Act of 2000''; jointly to the Committees on the Judiciary and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 3615. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; with an amendment (Rept. 106–508 Pt. 2). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H.R. 371. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; with amendments (Rept. 106–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3767. A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act; with an amendment (Rept. 106–564). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CHENOWETH-HAGE:

H.R. 4198. A bill to declare the policy of the United States with regard to the constitutional requirement of a decennial census for purposes of the apportionment of Representatives in Congress among the several States; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARGENT (for himself, Mr. HALL of Texas, Mr. PORTMAN, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BRADY of Texas, Mr. BRYANt, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CAMPBELL, Mr. CANADY of Florida, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH-HAGE, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH, Mr. FLETCHER, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL of Montana, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. ISAKSON, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KASICH, Mr. KNOLLENBERG, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCINTYRE, Mr. MCKEON, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Mr. ROGAN, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SALMON, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHIMKUS, Mr. SHOWS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. SWEENEY, Mr. TALENT, Mr. TANCREDO, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. THOMAS, Mr. THORNBERRY, Mr. THUNE, Mr. TIAHRT, Mr. TOOMEY, Mr. TRAFICANT, Mr. VITTER, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 4199. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 4200. A bill to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens and to assure fair distribution of employment-based immigrant visas, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. OXLEY, Mr. TAUZIN, Mr. LARGENT, and Mr. STEARNS):

H.R. 4201. A bill to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations; to the Committee on Commerce.

By Mr. EHRLICH:

H.R. 4202. A bill to prohibit the imposition of access charges and other unfair fees and charges on the provision of Internet services, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. LAFALCE, Mr. BAKER, and Mr. KANJORSKI):

H.R. 4203. A bill to establish a comprehensive regulatory framework over the clearing of over-the-counter derivative instruments that will operate under the supervision of the Federal banking agencies, to clarify the lawfulness of the use of multilateral clearing systems for over-the-counter derivative instrument transactions, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Commerce, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. ARMEY, Mr. COOKSEY, Mr. DELAY, Mr. HERGER, Mr. KUYKENDALL, Mr. MCCRERY, Mr. TANCREDO, Mr. TAUZIN, and Mr. UDALL of Colorado):

H.R. 4204. A bill to amend the Internal Revenue Code of 1986 to extend the period for filing for a credit or refund of individual income taxes to 7 years; to the Committee on Ways and Means.

By Mr. SPENCE (for himself and Mr. SKELTON) (both by request):

H.R. 4205. A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mrs. MORELLA, Mr. HOYER, Mr. MCGOVERN, Mr. FROST, Mr. NEAL of Massachusetts, Mrs. CLAYTON, Mr. ABERCROMBIE, Mr. WEYGAND, Mr. CARDIN, Mr. OLVER, Ms. KILPATRICK, Mr. JACKSON of Illinois, Ms. LOFGREN, Mrs. MALONEY of New York, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, Mr. LANTOS, Mr. FILNER, Mr. FORD, Mrs. MCCARTHY of New York, and Ms. SLAUGHTER):

H.R. 4206. A bill to establish a grant program to improve the quality and expand the availability of child care services, and of family support services, for families with children less than 3 years of age; to the Committee on Education and the Workforce.

By Mr. GANSKE (for himself, Mr. DINGELL, Mr. LEACH, Mr. WAXMAN, Mr. COX, Mr. BOSWELL, Mr. HANSEN, Mr. SNYDER, Mr. GILCHREST, Mrs. MALONEY of New York, Mrs. MORELLA, Mr. MORAN of Virginia, Mrs. ROUKEMA, Mr. MCDERMOTT, Mr. HORN, Mr. BRADY of Pennsylvania, Mr. SALMON, Mr. GILMAN, Mr. MCKEON, and Ms. DEGETTE):

H.R. 4207. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to tobacco products, and for other purposes; to the Committee on Commerce.

By Ms. GRANGER:

H.R. 4208. A bill to expedite the implementation of the per diem allowance for members of the Armed Forces subjected to lengthy or numerous deployments, to extend the allowance to the Coast Guard, and to reevaluate the eligibility criteria for the allowance, to require a study on the need for a tax credit for businesses that employ members of the National Guard and Reserve, and to require a study on the expansion of the Junior ROTC and similar military programs for young people; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Mr. MALONEY of Connecticut, and Mr. METCALF):

H.R. 4209. A bill to amend the Federal Reserve Act to require the payment of interest on reserves maintained at Federal reserve banks by insured depository institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. FOWLER (for herself, Mr. TRAFICANT, Mr. TERRY, Mr. BATEMAN, Mr. ISAKSON, Mr. SHAYS, Mr. CHAMBLISS, Mr. SPENCE, and Mr. WATTS of Oklahoma):

H.R. 4210. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Ms. PELOSI, Mr. SHAYS, and Mr. GREENWOOD):

H.R. 4211. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations and multilateral organizations with respect to the provision of assistance under part I of the Foregin Assistance Act of 1961; to the Committee on International Relations.

By Mr. MINGE:

H.R. 4212. A bill to amend the Internal Revenue Code of 1986 to exclude payments under the conservation reserve program from net earnings from self-employment; to the Committee on Ways and Means.

By Mr. NEY:

H.R. 4213. A bill to provide expanded substantive protections for especially vulnerable consumers against abusive mortgage lending practices and to streamline the framework regulating mortgage originations; to the Committee on Banking and Financial Services.

By Mr. PITTS (for himself, Mrs. CHENOWETH-HAGE, Mr. SPENCE, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. ENGLISH, Mr. HANSEN, Mr. HOSTETTLER, Mr. SMITH of Washington, Mr. HAYES, Mr. EVANS, Mr. COX, Mr. GRAHAM, Mrs. CUBIN, Mr. STUPAK, Mr. SOUDER, Mr. JONES of North Carolina, Mr. SCHAFFER, Mr. DICKEY, Mr. PAUL, Mr. TANCREDO, Mr. TIAHRT, Mr. METCALF, Mr. GREEN of Wisconsin, Mr. DOOLITTLE, Mr. LARGENT, Mr. MCGOVERN, Mr. OSE, and Mr. ARMEY):

H.R. 4214. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid under certain Federal programs for the repayment of student loans of members of the Armed Forces; to the Committee on Ways and Means.

By Mr. POMBO (for himself, Mr. MILLER of Florida, Mrs. THURMAN, and Mr. ADERHOLT):

H.R. 4215. A bill to amend title VI of the Clean Air Act with respect to the phaseout schedule for methyl bromide; to the Committee on Commerce.

By Mr. RADANOVICH (for himself, Mr. MCKEON, and Mr. GOODLING):

H.R. 4216. A bill to amend the Workforce Investment Act of 1998 to authorize reimbursement to employers for portable skills training; to the Committee on Education and the Workforce.

By Ms. SANCHEZ:

H.R. 4217. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to promote activities to improve pedestrian and bicyclist safety; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself and Mr. RADANOVICH):

H.R. 4218. A bill to amend the Agricultural Adjustment Act to allow for the continued dissemination of statistical industry information relating to olive handlers with the consent of those handlers; to the Committee on Agriculture.

By Mr. WATKINS (for himself, Mr. WATTS of Oklahoma, Mr. JEFFERSON, Mr. PETERSON of Pennsylvania, Ms. STABENOW, Mr. HILLEARY, Mr. BOUCHER, Mr. CONYERS, Mr. BISHOP, Mr. PICKERING, Mr. BALDACCI, Mr. GOODE, Mr. HOEKSTRA, Mr. LUCAS of Oklahoma, Mr. MCHUGH, Mr. BARCIA, Mr. COOK, Mr. HOUGHTON, Mr. HAYES, Mr. METCALF, Mr. HEFLEY, Mr. PASTOR, Mr. HALL of Texas, Mr. CLYBURN, Mr. SWEENEY, Mr. FROST, Mr. SANDLIN, Mr. BARRETT of Nebraska, Mr. STUPAK, Mr. SESSIONS, Mr. BALLENGER, Mr. EVANS, Mr. WALSH, Ms. LEE, Mr. BOEHLERT, Mr. MCINTOSH, Mr. SCHAFFER, Mr. BASS, Mr. LAFALCE, Mr. RAHALL, and Mr. WEYGAND):

H.R. 4219. A bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 92. A joint resolution providing for the reappointment of Manuael L. Ibanez as a citizen regent of the Board of Regents of the SMITHsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 93. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the SMITHsonian Institution; to the Committee on House Administration.

By Mr. SESSIONS (for himself, Mr. HALL of Texas, Mr. ADERHOLT, Mr. ANDREWS, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mrs. BIGGERT, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH-HAGE, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mr. COX, Mr. CRANE, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DEAL of Georgia, Mr. DELAY, Mr. DEMINT, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN, Mrs. EMERSON, Mr. ENGLISH, Mr. EVERETT, Mr. EWING, Mr. FLETCHER, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GIBBONS, Mr. GILCHREST, Mr. GILMAN, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HORN, Mr. HULSHOF, Mr. HUNTER, Mr. ISAKSON, Mr. ISTOOK, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KASICH, Mrs. KELLY, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KUYKENDALL, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. MALONEY of Connecticut, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCINTYRE, Mr. MCKEON, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUSSLE, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PEASE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RILEY, Mr. ROGAN, Mr. ROHRABACHER, Mrs. ROUKEMA, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHERWOOD, Mr. SHIMKUS, Mr. SHOWS, Mr. SHUSTER, Mr. SIMPSON, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. SWEENEY, Mr. TALENT, Mr. TAUZIN, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THUNE, Mr. TIAHRT, Mr. TOOMEY, Mr. TRAFICANT, Mr. UPTON, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITFIELD, and Mr. YOUNG of Alaska):

H.J. Res. 94. A joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself, Mr. HORN, Mr. HASTERT, Mr. LEACH, Mr. TURNER, Mr. BARCIA, Mr. LAFALCE, Mr. DAVIS of Virginia, Mr. MEEKS of New York, Mrs. BIGGERT, Mr. GILMAN, Mr. SABO, Mr. WALDEN of Oregon, Mrs. MALONEY of New York, Mr. OSE, Mrs. MINK of Hawaii, and Mr. KANJORSKI):

H. Con. Res. 300. Concurrent resolution recognizing and commending our Nation's Federal workforce for successfully preparing our Nation to withstand any catastrophic Year 2000 computer problem disruptions; to the Committee on Government Reform.

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. ENGEL, Mr. WEINER, Mr. ROHRABACHER, Mr. ACKERMAN, and Mr. LANTOS):

H. Res. 464. A resolution expressing the sense of Congress on international recognition of Israel's Magen David Adom Society and its symbol the Red Shield of David; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself, Mr. DELAY, Mr. GOODLING, Mrs. JONES of Ohio, Mr. CALLAHAN, Mr. CAMP, Ms. PRYCE of Ohio, Mr. OBERSTAR, Mr. MCINNIS, Mr. WATKINS, Mr. FOLEY, Mr. SMITH of New Jersey, Mr. ENGLISH, and Ms. JACKSON-LEE of Texas):

H. Res. 465. A resolution expressing the sense of the House of Representatives that local, State, and Federal governments should collect and disseminate statistics on the number of newborn babies abandoned in public places; to the Committee on Education and the Workforce.

By Mr. THOMPSON of Mississippi (for himself, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, Mr. JACKSON of Illinois, Mrs. MEEK of Florida, Mr. OWENS, Ms. CARSON, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. CLAY, Mr. WYNN, Mr. PAYNE, Ms. BROWN of Florida, Mr. DIXON, Mr. RUSH, Mr. MALONEY of Connecticut, Mr. CUMMINGS, Mr. ENGEL, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. WEXLER, Ms. LEE, Mr. FROST, Mr. FILNER, and Mr. RANGEL):

H. Res. 466. A resolution expressing the sense of the House of Representatives with regard to the continued display of Confederate flags; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

312. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 214 memorializing the Congress of the United States to enact legislation permitting military retirees to receive disability compensation for service injuries without any reduction in retirement pay; to the Committee on Armed Services.

313. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 213 memorializing the Congress of the United States to provide proper compensation and protection to members of the Military Reserves and National Guard when called to active duty; to the Committee on Armed Services.

314. Also, a memorial of the General Assembly of the State of Iowa, relative to Senate Concurrent Resolution No. 101 memorializing the United States Corps of Engineers to conduct a new study regarding the management of the lower Des Moines River; to the Committee on Transportation and Infrastructure.

315. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 205 memorializing the Congress of the United States to assure that quality and access to health care for Veterans are maintained or improved; to the Committee on Veterans' Affairs.

316. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions memorializing the Congress of the United States to make an investigation and study of the shortage and cost of home heating oil in the Northeast; jointly to the Committees on Commerce and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 48: Mr. SAXTON.
H.R. 65: Mr. QUINN.
H.R. 110: Mr. KILDEE and Mr. BAIRD.
H.R. 175: Mr. EWING.
H.R. 252: Mr. KNOLLENBERG and Mr. GILMAN.
H.R. 303: Mr. MCINTOSH.
H.R. 353: Mr. HALL of Texas and Mr. NORWOOD.
H.R. 371: Mr. KUYKENDALL.
H.R. 372: Mr. BEREUTER.
H.R. 531: Mr. POMBO and Mr. VISCLOSKY.
H.R. 534: Mr. HULSHOF.
H.R. 583: Mr. BROWN of Ohio.
H.R. 632: Mr. REGULA and Mr. JEFFERSON.
H.R. 756: Mr. SMITH of New Jersey.
H.R. 802: Mr. KLECZKA and Mrs. LOWEY.
H.R. 828: Mr. LEACH.
H.R. 864: Mr. KUCINICH, Mr. SOUDER, and Mr. GOODE.
H.R. 920: Mr. MARKEY.
H.R. 979: Mr. SANDLIN, Mr. FILNER, Mr. HILLIARD, and Mr. KILDEE.
H.R. 1055: Mr. PICKETT.
H.R. 1071: Mr. JOHN.
H.R. 1119: Mr. FORBES.
H.R. 1182: Mr. OXLEY.
H.R. 1187: Ms. SCHAKOWSKY and Mr. WICKER.
H.R. 1194: Mr. SESSIONS and Mr. GANSKE.
H.R. 1217: Mr. SKEEN.
H.R. 1354: Mr. EDWARDS.
H.R. 1358: Mr. UDALL of Colorado.
H.R. 1366: Ms. PRYCE of Ohio.
H.R. 1387: Ms. DELAURO and Mr. BARTLETT of Maryland.
H.R. 1413: Mr. BAIRD and Mr. DEAL of Georgia.
H.R. 1454: Mr. MEEKS of New York.
H.R. 1505: Mr. SANFORD.
H.R. 1525: Mr. MARKEY.
H.R. 1592: Mr. GUTKNECHT.
H.R. 1621: Ms. WATERS.
H.R. 1984: Mrs. THURMAN.
H.R. 2066: Mr. HALL of Ohio, Mr. DEAL of Georgia, Mr. REGULA, Mr. KOLBE, Mr. THOMPSON of Mississippi, Ms. BALDWIN, and Ms. PRYCE of Ohio.
H.R. 2077: Mr. LANTOS.
H.R. 2267: Mr. PETERSON of Pennsylvania and Mr. SCARBOROUGH.
H.R. 2321: Mr. BRADY of Pennsylvania and Mr. FROST.
H.R. 2333: Mr. KUCINICH, Mr. DEUTSCH, Mr. FALEOMAVAEGA, and Mrs. NAPOLITANO.
H.R. 2345: Mr. GEJDENSON.
H.R. 2362: Mr. BUYER, Mr. ROGAN, and Mr. HOEKSTRA.
H.R. 2380: Ms. NORTON and Mr. UDALL of Colorado.
H.R. 2446: Mr. WEXLER.
H.R. 2511: Mr. DEAL of Georgia.
H.R. 2543: Mr. HELFLEY.
H.R. 2594: Mr. GILCHREST.
H.R. 2687: Mr. FORBES.
H.R. 2712: Mrs. NAPOLITANO and Mr. KENNEDY of Rhode Island.
H.R. 2726: Mr. POMBO, Mr. CANNON, and Mr. MINGE.
H.R. 2733: Mr. LAMPSON, Mr. MALONEY of Connecticut, Mr. MATSUI, Mr. CUNNIGHAM, Mr. SALMON, Mr. CAMP, and Mr. RILEY.
H.R. 2738: Mr. BERMAN.
H.R. 2883: Mr. PASCRELL.
H.R. 2901: Mr. CAMP.
H.R. 2907: Mr. BARRETT of Wisconsin and Ms. BERKLEY.
H.R. 2934: Mr. SNYDER and Ms. HOOLEY of Oregon.
H.R. 2953: Mr. GORDON, Mr. EVANS, and Mr. UDALL of Colorado.
H.R. 2982: Mr. WEYGAND.
H.R. 3008: Mr. GORDON.
H.R. 3032: Ms. ESHOO.
H.R. 3044: Mr. GREEN of Texas, Mr. HINOJOSA, and Mr. RANGEL.
H.R. 3054: Mr. FATTAH.
H.R. 3055: Mr. FROST, Mr. FRANK of Massachusetts, Mr. LAFALCE, and Mrs. MINK of Hawaii.
H.R. 3125: Mr. SMITH of Texas.
H.R. 3143: Mr. BONIOR.
H.R. 3198: Mr. SANFORD.
H.R. 3212: Mr. SOUDER.
H.R. 3249: Mr. GREENWOOD, Mr. DELAHUNT, and Mr. SWEENEY.
H.R. 3295: Mr. RAMSTAD and Mr. MATSUI.
H.R. 3396: Mr. ABERCROMBIE, Mr. CALVERT, Mr. HERGER, Mr. HORN, Mr. HUNTER, Mr. OSE, Mr. PACKARD, Mr. RADANOVICH, and Mr. ROHRABACHER.
H.R. 3408: Mr. TANCREDO and Mr. GOODE.
H.R. 3514: Mr. SCHAFFER.
H.R. 3573: Mr. COSTELLO and Mr. BONILLA.
H.R. 3575: Mr. YOUNG of Florida.
H.R. 3576: Mr. COOKSEY and Mr. HALL of Texas.
H.R. 3615: Mr. UDALL of Colorado, Mr. EDWARDS, Mr. DEFAZIO, Mr. RODRIGUEZ, and Mr. DEAL of Georgia.
H.R. 3634: Mr. BISHOP, Mr. BRADY of Texas, Mr. FORD, Ms. MCCARTHY of Missouri, Mr. PALLONE, Mr. PRICE of North Carolina, and Mr. WYNN.
H.R. 3663: Mr. METCALF, Mr. NETHERCUTT, Mr. UPTON, Mr. HANSEN, Mr. HOSTETTLER, Mr. KOLBE, Mr. LAZIO, Mrs. JONES of Ohio, Mr. BRADY of Texas, Mr. CROWLEY, Mr. DREIER, and Mr. HOBSON.
H.R. 3680: Mr. MEEKS of New York, Ms. HOOLEY of Oregon, Mr. MORAN of Virginia, Mr. HAYES, Mr. GILLMOR, Mr. CROWLEY, Mr. BERMAN, Ms. ROS-LEHTINEN, Mrs. CAPPS, Mr. ROHRABACHER, Mr. BEREUTER, Mr. PICKETT, Ms. SANCHEZ, Mr. RADANOVICH, Mr. BRADY of Texas, Mr. CHABOT, Mr. ARMEY, and Mr. COOKSEY.
H.R. 3686: Mr. MCDERMOTT.
H.R. 3688: Mr. DOGGETT, Mr. MEEHAN, Mr. BONIOR, and Mr. PALLONE.
H.R. 3700: Mr. PRICE of North Carolina, Mr. LAFALCE, Mrs. JONES of Ohio, Ms. BROWN of Florida, Mr. CAPUANO, Mr. MEEKS of New York, and Ms. JACKSON-LEE of Texas.
H.R. 3732: Mr. EVANS, Mr. HUTCHINSON, Mr. STENHOLM, Ms. DEGETTE, and Ms. PELOSI.
H.R. 3765: Mr. MARKEY, Mr. GREEN of Texas, Mr. BARRETT of Wisconsin, and Ms. SLAUGHTER.
H.R. 3798: Mr. MALONEY of Connecticut.
H.R. 3806: Ms. STABENOW.
H.R. 3816: Mr. SHOWS, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, and Mrs. MINK of Hawaii.
H.R. 3842. Mr. MORAN of Kansas, Mr. KLECZKA, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Mr. GREENWOOD, Mr. HEFLEY, and Mr. MALONEY of Connecticut.
H.R. 3844: Mr. FORBES.
H.R. 3850: Mr. LARGENT and Mr. BROWN of Ohio.
H.R. 3872: Mr. HALL of Texas, Mrs. LOWEY, Mr. SHERMAN, Mr. BASS, and Mr. UPTON.
H.R. 3880: Mr. BAIRD and Mr. SPENCE.
H.R. 3887: Mr. PASTOR and Mr. BOUCHER.
H.R. 3900: Mr. HASTINGS of Washington.
H.R. 3905: Mr. MCGOVERN, Mr. RANGEL, Mr. MCNULTY, Mr. RAMSTAD, and Mr. CAMP.
H.R. 3906: Mr. PICKERING.
H.R. 3907: Mr. PICKERING.
H.R. 3916: Mr. MANZULLO, Mr. OXLEY, Mr. BARTON of Texas, and Mr. HALL of Texas.
H.R. 3983: Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. DICKS, and Mr. ACKERMAN.
H.R. 4006: Mr. MCKEON and Mr. WELDON of Florida.
H.R. 4011: Mr. PETERSON of Minnesota.
H.R. 4033: Mr. SHAYS, Mr. SNYDER, Mr. LEWIS of Georgia, Mr. PICKETT, Mr. BLILEY, Ms. ESHOO, Mr. MARTINEZ, and Mr. BILIRAKIS.
H.R. 4040: Mr. PALLONE.
H.R. 4053: Mr. SALMON, Mr. BRADY of Texas, and Mr. CHABOT.
H.R. 4061: Mr. JOHN, Ms. SCHAKOWSKY, and Mr. BONIOR.
H.R. 4085: Mr. NORWOOD.
H.R. 4090: Mr. NETHERCUTT, Mr. BEREUTER, and Mr. TRAFICANT.
H.R. 4094: Mr. KIND, Mr. ROMERO-BARCELO, Mr. PICKETT, Ms. HOOLEY of Oregon, Ms. ESHOO, Ms. PELOSI, Mr. GEJDENSON, and Mr. MARKEY.
H.R. 4106: Mr. BURR of North Carolina and Mr. HOEKSTRA.
H.R. 4108: Mr. ETHERIDGE and Mr. EVANS.
H.R. 4131: Ms. CARSON, Mr. SHOWS, Mr. PETERSON of Minnesota, and Mr. ABERCROMBLE.
H.R. 4154: Mr. SPENCE, Mr. GREEN of Wisconsin, and Mr. NETHERCUTT.
H.R. 4182: Mr. OWENS, Mr. KILDEE, Mr. HOUGHTON, and Mr. CAMPBELL.

H.R. 4192: Mr. KANJORSKI.

H.J. Res. 48: Mr. THORNBERRY.

H. Con. Res. 58: Mrs. FOWLER.

H. Con. Res. 62: Mr. COOK and Ms. LEE.

H. Con. Res. 220: Mr. MCDERMOTT, Mr. RODRIGUEZ, Mr. LEACH, and Mr. KILDEE.

H. Con. Res. 225: Mr. KENNEDY of Rhode Island, Mr. PASCRELL, Mr. GEJDENSON, and Ms. EDDIE BEERNICE JOHNSON of Texas.

H. Con. Res. 252: Mr. HASTINGS of Florida, Mr. PICKETT, Mr. TIAHRT, Mr. GUTIERREZ, Mr. SAXTON, Mr. MICA, Mr. LAHOOD, Mr. NEY, Mr. STEARNS, Mr. LUCAS of Oklahoma, Mr. SMITH of Michigan, Ms. BROWN of Florida, Ms. Woolsey, Mr. HILL of Indiana, Mr. BATEMAN, Mr. SABO, Mr. HILLEARY, Mr. HOLDEN, and Mr. SHIMKUS.

H. Con. Res. 256: Mr. NUSSLE.

H. Con. Res. 262: Mr. CALLAHAN.

H. Con. Res. 271: Mr. THORNBERRY.

H. Con. Res. 285: Mr. GONZALEZ.

H. Res. 15: Mr. TURNER.

H. Res. 82: Ms. LOFGREN.

H. Res. 238: Mr. MATSUI, Mr. SALMON, and Mr. RILEY.

H. Res. 458: Mrs. KELLY, Mr. LAFALCE, Mr. WELDON of Florida, and Mr. RANGEL.

PETITIONS, ETC.

Under clause 3 of rule XII,

85. The SPEAKER presented a petition of Essex County Board of Supervisors, Elizabethtown, New York, relative to a Resolution petitioning the United States Department of Housing and Urban Development to amend the terms of the $200,000 1998 Small Cities Community Development Block Grant to increase the lending and employee limits; which was referred to the Committee on Banking and Financial Services.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, APRIL 6, 2000 No. 42

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. The Right Reverend John B. Cairns, Moderator of the General Assembly of the Church of Scotland, Edinburgh, Scotland, will give the prayer.

PRAYER

The guest chaplain, Rt. Rev. John B. Cairns, Moderator of the General Assembly of the Church of Scotland, Edinburgh, Scotland, offered the following prayer:

Let us pray:

Loving God, through Your love the world was formed, by Your love it is sustained, in Your love is its life. There is a color, richness, and variety throughout Your creation that brings a response of wonder and praise, of thankfulness for so many gifts.

We give thanks for the unquenchable desire for liberty and justice sown in the hearts of women and men throughout the world, for the heartfelt aspiration for peace in individuals and nations, and that, though many wrong turnings are taken, there is still a road of hope ahead.

We acknowledge with thanksgiving the many contributions of this Nation toward the world's well-being: its welcome and defense of the weak and oppressed, its sacrifice in the interests of freedom for those beyond its shores, its inventiveness and its culture, a developing blend of differing traditions and understandings.

We pray for all in authority and government, particularly the Senators as they fulfill the call to leadership. May they exercise their power with wisdom and compassion and so contribute to the coming of that day when, for this and all nations, every way shall be a way of gentleness and every path a path of peace.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The distinguished majority leader is recognized.

NATIONAL TARTAN DAY

Mr. LOTT. Mr. President, today I rise to commemorate the second anniversary of National Tartan Day. I will be assisting those who do not have on their plaids, their Tartans, during the day to make sure you have one for your lapel—if not around your neck. We welcome our special guest chaplain in the Senate, the Right Reverend John Cairns, Moderator of the General Assembly of the Church of Scotland. It is my understanding that the office of Moderator is the highest honor that the Church of Scotland can bestow on a minister. The Moderator has had a distinguished career in the ministry, and we are truly privileged to have him as our guest for today's Tartan Day activities.

I remind my colleagues that the resolution which established National Tartan Day was Senate Resolution 155. It passed by unanimous consent on March 20th of 1998. As an American of Scottish descent, I appreciate the efforts of individuals, clan organizations, and other groups such as the Scottish Coalition, who were instrumental in generating support for the resolution. These groups have worked diligently to foster national awareness of the important role that Americans of Scottish descent have played in the progress of our country.

The purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Americans of Scottish ancestry continue to make to our country. National Tartan Day is an opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. They have helped shape this Nation. Their contributions are innumerable. In fact, I myself was surprised to learn that three-fourths of all American Presidents can trace their roots to Scotland.

In addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of freedom. It honors those who strived for freedom from an oppressive government on April 6, 1320. It was on that day that the Declaration of Arbroath, the Scottish Declaration of Independence, was signed. This important document served as the model for America's Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, ''We fight for liberty alone, which no good man loses but with his life.'' These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty.

Senate Resolution 155 has served as a catalyst for the many States, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans.

I hail originally from Carroll County, MS, where the neighborhood was made up of Watsons, my mother's family; McCains, Senator JOHN MCCAIN's family; McCalebs, McLeans, McKellys, and the list goes on and on. Most of them were ''Macs.'' I don't know how the Watsons got in there.

I thank all of my colleagues who supported this resolution in the past and who helped to remind the world of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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stand for liberty taken on April 6—almost 700 years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

It has been my hope that this annual event will grow in prominence each year, similar to St. Patrick's Day and Columbus Day, and the ceremonies and activities taking place today and over the next few days demonstrate that these goals are coming to fruition. I believe April 6 can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—serves as a beacon to countries still striving for liberty today.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume consideration of S. Con. Res. 101, the budget resolution. By a previous order, there will be two back-to-back votes beginning at 10:30 a.m. The vote on the Byrd amendment will be the first, to be followed by a vote on the Roth amendment. Following the votes, the Durbin amendment regarding tax cuts will be the pending amendment.

For the information of all Senators, the so-called vote-arama—and I hope it will not rise to that level; maybe it will just be a few votes we will have to take one after the other—is expected to begin at some point this evening. I do want to emphasize, though, unless we are successful, on both sides of the aisle—let me say, Senator REID has been working very hard on the Democratic side of the aisle. They have a reasonably low number of amendments still pending. We hope to reduce the number on this side of the aisle, too. We should be able to determine by late this afternoon whether we can finish tonight or we will go over to tomorrow. I think we need to go ahead and tell our colleagues they should plan on being in and having votes in the morning because at this point, with some 60 amendments pending, I do not see how we can finish it tonight by any kind of reasonable hour.

I will stay in touch with Senator DOMENICI and Senator LAUTENBERG, the floor managers, and Senator REID and Senator NICKLES on our side, to assess the additional time that might be needed. Senators should adjust their schedules accordingly.

I know there is an event tonight, a dinner. But we can finish tonight or we can finish tomorrow, or whatever it takes. We have to complete our work. There are only about 8½ hours remaining of time, so we should be able to finish that all right today. The remainder of the time will be determined by how many amendments we have remaining.

I will be glad to yield to Senator DOMENICI.

Mr. DOMENICI. Let me just verify, as the one who is working with these amendments, Senators should not assume it is very likely that we finish tonight. I reported that to the leader earlier this morning. I do not know how many amendments are pending on the other side. We are working with our people who have about 31 amendments, most of them sense-of-the-Senate amendments. I will give my colleague that list soon and see if he can help us. I will work at it and talk some Senators into understanding they would not have to offer them; they could offer them some other time when the Senate is considering another matter.

If you just look at 8½ hours plus whatever it is going to take for half those amendments in vote-arama, I assume we will be in tomorrow.

Mr. LOTT. I have been urging Senators, and I know Senator DASCHLE has also, to prepare to be in session on this Friday, knowing the budget resolution was headed for this date for at least a couple of weeks. So we should proceed with that in mind. If we get a lot of cooperation and something could be worked out, that would be different, but I do not see how we can predict anything at this point but having votes on Friday morning.

I yield the floor.

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FISCAL YEAR 2001 BUDGET—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 101, which the clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

Pending:

Stevens amendment No. 2931, to strike certain provisions relating to emergency designation spending point of order.

Stevens amendment No. 2932, to strike certain provisions to congressional firewall for defense and nondefense spending.

Byrd/Warner amendment No. 2943, to express the sense of the Senate on the continued use of Federal fuel taxes for the construction and rehabilitation of our Nation's highways, bridges, and transit systems.

Roth amendment No. 2955, to strike the revenue assumption for Arctic National Wildlife Refuge (ANWR) receipts in fiscal year 2005.

Robb amendment No. 2965, to reduce revenue cuts by $5.9 billion over the next 5 years to help fund school modernization projects.

Durbin amendment No. 2953, to provide for debt reduction and to protect the Social Security trust fund.

AMENDMENT NO. 2953

The PRESIDING OFFICER. The pending amendment is the Durbin amendment, amendment No. 2953. The Senator from Nevada.

Mr. REID. The minority yields 20 minutes off the resolution to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes, with the time coming off the resolution.

Mr. DURBIN. Mr. President, I thank Senator REID and Senator LAUTENBERG for yielding me this time.

The amendment I have offered is a straightforward opportunity for Members of the Senate to go on record in reference to the proposed tax cut by George W. Bush, the nominal candidate for President on the Republican side.

The reason I am offering this amendment is I believe it offers a clear choice to the Members of the Senate and certainly to the people of this Nation. Every one of us understands we have been going through a period of unprecedented prosperity in America. In fact, I believe we have set records in terms of the period of economic growth without recession. This is not an accident. It is by design of an administration that has been determined to continue to bring Federal spending under control, to keep interest rates manageable, and to encourage growth in the economy. This policy of the administration is complemented by the policies of the Federal Reserve Board under Chairman Alan Greenspan.

We are now at an unusual point in our history where we are considering the possibility of surpluses. That is something that would have been unthinkable a few years ago in Washington when we were drowning in red ink with deficit after deficit piling on to our national debt. It reached such a point of desperation that a proposal was made in the Congress to amend the Constitution of the United States and give to the Federal judiciary the power to rein in the spending of Congress.

It was an unprecedented transfer of power to the judiciary away from the legislative branch of Government. Some people were so despondent and so desperate, they were prepared to back such a constitutional amendment for a balanced budget. It is hard to imagine that was only about 4 years ago.

Today in the course of debating the budget resolution, our focus is the use of the surplus, the revenues we will generate from our economy far and above what is necessary for the needs of Government and current programs. There is a difference of opinion about what to do with this surplus.

On the Democratic side, we believe the first priority should be the reduction of our national debt. We collect each day in America $1 billion in taxes from individuals, businesses, and families, and that money is used for the sole purpose of paying interest on our national debt. That $1 billion does not educate a child; it does not build a road; it does not make America any safer. It pays interest on debt, a debt primarily held by foreign bond holders.

We believe on the Democratic side that our first priority should be to

bring down this debt and reduce these interest costs so we can say to our children: You are not going to inherit our mortgage, a mortgage which we incurred for our needs in our generation. We are going to give you a better chance to build your America in the vision of your future instead of being saddled with our old debt.

That is the highest priority on the Democratic side, and my colleagues will hear it expounded by the Democratic leader, Senator LAUTENBERG, when he offers his Democratic alternative to the budget.

The way we reduce this debt is by investing money in Social Security so that system will be available for seniors and the disabled for decades to come and also, of course, and by investing in Medicare. Medicare is a word which many people in this Chamber fear to use. They are afraid on the other side of the aisle to even make reference to Medicare and its future. But for 40 million-plus Americans, Medicare is an important word in their everyday life. That Medicare system provides health insurance for the elderly and disabled of America. It has been, frankly, one of the most successful programs in the modern era because it represents a commitment by the Federal Government that no one, when they have reached a certain age, will go wanting when it comes to quality health care, and it has worked.

In the 40 years since the institution of Medicare, our seniors have lived longer; they have had a better life; they are more independent; they are healthier; they are stronger, and Medicare has a lot to do with it. We on the Democratic side believe that part of the surplus generated in this economy should be dedicated to Medicare's future to make sure this health insurance is around for many years to come.

We also believe we should target tax cuts. We think we can take an appropriate amount of this surplus and convert it into tax cuts which families really need. I will give two specific examples. We on the Democratic side believe that we should have a targeted tax cut so families can deduct college education expenses. How many families do we know that have sent a son or daughter off to college and then worried about how much debt that child incurred in the course of their higher education?

By providing the deductibility of college education expenses as a targeted tax cut on the Democratic side, we will provide some relief to these families, up to, say, $2,800, for example, each year which will defray the cost of college education expenses. I hope it will be more in the future, but that depends, of course, on the economy and how it is moving and whether the surpluses continue.

Secondly, the largest growing group of Americans are those over the age of 85. People who have parents and grandparents who are now reaching their golden years find they need additional care, in many instances. Whether it is in the nature of a visiting nurse or in a nursing home, this additional care can be costly. We have proposed on the Democratic side a targeted tax cut that will allow families to defray some expenses of long-term care for a parent or aging relative. We believe this is sensible and reflects what modern families have to deal with and struggle with on a daily basis. So our targeted tax cuts come right behind our plan for debt reduction.

Finally, the last piece in our proposal on the Democratic side is our investment in our future. We understand, and most historians will agree, the 20th century had a lot to do with education. We want to make certain the 21st century is an American century as well, and that means investing in our children to make certain they have the very best education, the very best teachers, and the schools are modernized so they can accommodate the new technology.

Along with the President, we invest money for education, as well as for an important program I have found to be immensely popular across Illinois and around the Nation. That program is a prescription drug benefit. The idea behind it, of course, is we will find a way under Medicare to provide a prescription drug benefit for the elderly and disabled that will help them pay for their drugs and also keep them in a position, if they have an expensive pharmaceutical bill, of not having to choose between food or medicine.

We also believe the cost element is important in this debate on a prescription drug benefit. We believe prescription drugs in America should be fairly priced. Pharmaceutical companies are entitled to a profit—they need it for future research—but when we hear stories about exactly the same drug made in America costing half as much in Canada and costing less if one buys it for their dog than if they buy it for their aunt, people are saying this is an outrage. We ought to have prescription drugs fairly priced so this benefit under Medicare will work.

That is a condensation of the Democratic approach to our surplus, our future, and our budget priorities.

On the other side, George W. Bush, the Governor of Texas running for President of the United States, has a much different view of America. He believes we should change dramatically and radically the path we have followed over the past 7½ years.

He has proposed, instead of reducing debt, investing in Social Security, investing in Medicare, targeted tax cuts, education, and health care, that we should have a massive tax cut, a tax cut primarily for the wealthiest people in America.

Take a look at the first year of this tax cut and one can understand this graphic. This graphic shows the American economy moving forward, steaming into the ocean. Look at this tiny little $168 billion cap of an iceberg. This is the first year of the George W. Bush tax cut. Look what comes and follows. This tax cut grows in size and eventually, I believe, could endanger the economy and its growth.

My position on that is not unique nor is it partisan. Chairman Alan Greenspan has said: Tax cuts are not our highest priority in America. Our highest priority is debt reduction. That is the Democratic alternative. I think Chairman Greenspan is right. I think George W. Bush is wrong.

The amendment which I offer is an up-or-down vote by the Members of the Senate about whether they want to follow the course that has led to such economic progress or whether they want to sign up for the George W. Bush tax cut.

Let me tell you what this tax cut would cost America. It would cost us, in the first 5 years, $483 billion; then, over a 10-year period of time, more than $1.2 trillion. It is a substantial investment in tax cuts.

As I have said many times on the floor, every politician likes to stand up and call for a tax cut. It is one of the most popular speeches we can make. But it may not be the most responsible thing to do. The American people are thinking twice about this promise by George W. Bush of a tax cut of this magnitude because they understand that every proposal has its cost.

Let me show you a chart.

The impact of the Bush tax plan is to not only spend the surplus that we have discussed but to reach beyond the surplus, which we are generating in our Government, and to call on spending the Social Security trust fund for the George Bush tax cut.

Those on the Senate floor who want to vote in favor of the Bush tax plan are really saying we should reach into the Social Security trust fund surplus and take the money out of Social Security to fund this George W. Bush tax plan.

This chart shows that in the first 5 years of the George Bush tax cut, we have a non-Social Security surplus of $171 billion. George Bush would spend not only that but another $312 billion to fund this tax cut. Where does he find the additional money? He has to take it from the Social Security trust fund. In raiding the Social Security trust fund, I believe he breaks faith with a promise made, on a bipartisan basis, by Congress that we would make certain the fund is protected.

Let's take a closer look at what it means in terms of the Republican budget resolution, as well.

Recalling again the $171 billion non-Social Security surplus, on the Republican side, in their budget resolution, they call for a tax cut in the neighborhood of $168 billion to $223 billion over a 5-year period. You will note, this is perilously close and in many instances exceeds, again, the non-Social Security surplus.

In order to fund this plan, they will either have to reach deep into the Social Security trust fund or, as an alternative, will have to make cuts in spending.

Cuts in spending may sound harmless today, but when we put them on the spot and ask, ''Where will you cut,'' they refuse to point to it. Many of us believe that investments in education, in our infrastructure, and in our Nation's defense are too important to be left in this uncertainty.

Looking again at the Bush tax cut—the original figure of $483 billion that he proposed, plus an additional $60 billion in interest—it shows you the disparity between the non-Social Security surplus and the Bush tax cut. This is the tax cut I am asking my colleagues in the Senate to vote on yes or no today. I will be voting no. I will be voting against a tax cut which threatens the Social Security trust fund. I hope my colleagues will stand up and be counted as to whether they believe the Bush tax cut is good policy for the future of America.

Let's take a closer look at what this tax cut means to American families. Most families who I represent could certainly use a tax cut. I think, in many instances, it would be helpful to them to meet their expenses and to provide for their future.

Take a close look at the Bush tax cut and the winners and the losers. Families making over $301,000 a year, under the George Bush tax cut, would see an annual tax break of over $50,000. Think of it—a family already making $300,000 a year, plus a $50,000 tax break under the George Bush tax cut. Sixty percent of working families in America, with incomes below $39,300, would see an annual tax break, under the Bush tax cut, of $249.

My colleagues in the Senate will have their choice. Do they want to support the Bush tax cut, which threatens Social Security by raiding the Social Security trust fund, and provides virtually no tax relief to 60 percent of America's working families, at the same time providing a generous $50,000-plus tax cut for those making over $300,000 a year?

Many on the Republican side have already appeared with George W. Bush, put their arms around him and endorsed him. If they endorse his tax cut, they have a chance to vote for it today.

Twice in the Senate Budget Committee they ran away from this decision. They refused to face a vote, up or down, on the Bush tax cut. Today they will have another clear choice, a choice as to whether or not they believe America is moving in the right direction—whether we should take the Democratic alternative of reducing debt, investing in Social Security and Medicare, with targeted tax cuts for families, with investments in education—or whether they will take what I consider to be a risky and dangerous course and follow the suggestion of the Presidential candidate of the Republican Party, George W. Bush.

This morning's Roll Call newspaper spelled out that the George Bush tax plan makes it virtually impossible for him to meet the needs of America's future—to fund the prescription drug benefit, to fund additional medical research, things that Americans understand to be an important part of our future.

George W. Bush has made his choice. He has decided this tax cut is more important than those other things. It is time for the Senate to make its choice. It is time for the Senate to stand up and be counted.

I hope, unlike in the Senate Budget Committee, my colleagues in the Senate—whether they are for or against this tax cut—will stand up and be counted. If they believe, as I do, that America is moving in the right direction and that taking this risky strategy could imperil our future, I hope they will join me in voting no on this tax cut.

I yield back the remainder of my time.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Are we scheduled to vote at 10:30?

The PRESIDING OFFICER (Mr. BUNNING). The Senate is scheduled to have a 10-minute debate at 10:30 a.m., which will be followed by a vote.

Mr. DOMENICI. Is there a vote following that, also?

The PRESIDING OFFICER. Following that vote, there will be a 2-minute debate on the Roth amendment, which will be followed by a vote.

Mr. DOMENICI. I hope all Senators heard that. Let me repeat it. We will have a 10-minute debate starting at 10:30 on the Byrd amendment, to be followed by an up-or-down vote. When that vote is completed, there will be 2 minutes to debate the next amendment.

What did the Chair say the second amendment is?

The PRESIDING OFFICER. The Roth amendment.

Mr. DOMENICI. The Roth amendment on ANWR. After 2 minutes of debate, there will be a vote on or in relation to that. So Senators ought to know that is going to occur.

I say to the Senator, I am at some point going to use some time. I could take 5 minutes now—or 10—and discuss it.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. First, Mr. President, let me see if I understand the amendment Senator DURBIN has offered, which he claims to be Governor Bush's tax proposal.

On page 4, line 4, what I note is that there is a reduction in revenues in the resolution by $4.8 billion. I wonder if the Senator would confirm that that is correct. I am reading it off the Senator's amendment.

Mr. DURBIN. I do not have a copy. I sent my copy to the desk. I will have a copy in a moment.

Mr. DOMENICI. All right. On page 4, line 4, revenues in the resolution are reduced by $4.8 billion. Is that correct?

Mr. DURBIN. On page 4 of this amendment? I am sorry, I say to the Senator, I do not see that reference.

Mr. DOMENICI. On the bottom of the first page of the amendment, it says: ''On page 4, line 4, decrease the amount by $4,843,000,000.'' Is that correct?

Mr. DURBIN. That is correct.

Mr. DOMENICI. Could you tell me what year that is?

Mr. DURBIN. It begins in the year 2002.

Mr. DOMENICI. 2001?

Mr. DURBIN. 2002. I am sorry, it is 2001. I stand corrected.

Mr. DOMENICI. Does the Senator know there is no tax cut in 2001 in the Bush proposal?

Mr. DURBIN. Governor Bush has offered two proposals. The first proposal is the one that we have followed in offering this amendment. He has come back to offer a second proposal starting with 2002. We stuck with his original proposal, which is the period of time which this budget resolution we are considering on the floor addresses.

Mr. DOMENICI. My next question was going to be, did you know that Governor Bush's tax plan covered 2002 through 2006? You have it starting in 2001 with almost $5 billion, but you have given an explanation for that. There are two plans out there, and you chose one over the other.

Mr. DURBIN. That is correct. I chose the first one he offered, the one that mirrors this budget resolution in terms of the period of time that we are addressing.

Mr. DOMENICI. Is it fair to assume that a candidate for President is not bound by the economic assumptions that we make in the Senate or that the CBO makes or OMB makes?

Mr. DURBIN. I conclude that a Presidential candidate can assume anything he or she wants to assume. In fairness, if somebody is going to make the cornerstone of their campaign a tax cut, it should make sense and should hold up when anyone analyzes it. With the figures I brought to the floor today, I suggest that Bush's proposed tax cut would invade the Social Security surplus by virtually any estimation.

Mr. DOMENICI. Let me make a point to the Senator, and I thank the Senator for yielding. Presidential candidate George W. Bush had three of the best economists in America working with him on this tax proposal. Interestingly enough, they made economic assumptions different from the Congressional Budget Office, or the OMB, for the next 5 years.

Interestingly enough, the assumptions of the Congressional Budget Office and the OMB have been wrong, and most of the time they have been wrong by underestimating the performance of the economy. They have underestimated the growth in the economy, underestimated the revenue stream, and each year, we have come along later on and had to make adjustments to it. He is entitled to use his economic assumptions, which I have read and are very

realistic. And that makes a very big difference if one has slight economic assumptions of a positive nature higher than one would assume in our budget.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. DURBIN. Which assumptions did the Senator use in drawing up the budget resolution he proposes today?

Mr. DOMENICI. I am bound by the rules of the Senate to use the CBO. The President doesn't, however. He uses OMB. Frequently, we are different. As a matter of fact, over the last 3 years, we have gone to the President's numbers, and we have gone back to CBO's numbers because we are trying to find out which is more apt to be right. So there is nothing precise about this. One is entitled—just as President Clinton did when he ran for office—to use his own economic experts as he puts his plan together.

Mr. DURBIN. Is the Senator saying, then, that Presidential candidate George W. Bush is using assumptions that come from neither the CBO or OMB, but much more optimistic ones to justify his massive tax cut?

Mr. DOMENICI. Absolutely, except they are not markedly different, but they are different. There is only one Bush plan, as far as the Senator from New Mexico knows. It is December 1, 1999. I have a copy of it in front of me. What has been offered in the Senate is not the Bush plan. Nonetheless, I don't want to argue that exclusively. I can let everybody know that it isn't the Bush plan.

I think what is more important is that soon-to-be-President Bush is entitled to put a budget and a tax plan together, and he is entitled to use his best economic advisers. Let me suggest something. I honestly believe that if George W. Bush were the President instead of Bill Clinton being the President, there would be a couple of huge changes this year that would make it a lot easier to achieve the Bush tax plan.

First of all, we would not have a President recommending that domestic spending grow at 14 percent a year. That is what we are fighting with here—not with a President who is trying to have small Government so he could give some relief to the taxpayers. We are arguing with a President who has the largest increase in discretionary spending since the Jimmy Carter years. That is a lot, when you can beat one of those years with inflation in double digits. This year it is 14 percent. That is what he is asking for. We have to compete with that in our budgets. We can't just do what a Republican President, who isn't elected yet, would recommend as to how we spend money.

As a matter of fact, I have already said that I believe this budget resolution is kind of a holding budget resolution because I believe either man—Bush or Gore—when elected, will ask us to dramatically change this budget. I know George W. Bush will because he will find ways to consolidate and change the priorities of domestic spending in a significant way. When he does that, I have no doubt that he will be able to recommend to the Congress a very good tax plan.

Frankly, if we wanted to debate the value of a tax plan and its worth in society, its soundness, we could have a debate on his precise plan. It is a pretty good plan. Frankly, it does a lot of things that a huge majority of this Senate would like to see done to the Tax Code of the United States.

So we will have a vote on this amendment. Everybody should understand that it is not really the Bush plan. Everybody should understand that Bush will do his own plan. He will do his own plan on taxes, and he told us what it probably will be. He will do his own budget. It is very important we understand that. It won't be this budget because we have to work off a President's budget with increases of the type I just explained to you. He will have his own budget to work off of. I believe he didn't start his tax cut until one year later because he wanted the opportunity to work on a budget and a fiscal plan for this Nation along with a tax plan.

At some point in time, we will either have a vote in relationship to the Durbin amendment, or we will have a second-degree amendment to it. If he insists later on, he can have a vote on his. That is ultimately the way the rules work.

With that, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the time charged to the quorum call I will soon initiate be charged equally to both sides under this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I yield all of our time on the amendment.

The PRESIDING OFFICER. The Chair would like to announce that there will be two minutes equally divided on the Byrd-Warner amendment at 10:30.

AMENDMENT NO. 2943

The PRESIDING OFFICER. There are 2 minutes equally divided on the Byrd-Warner amendment.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Amendment by the distinguished Senator from West Virginia. In supporting this Amendment, however, I would like to make clear my views on the question of the repeal of the federal gas tax.

I do not think that, under present circumstances, repeal of the federal gas tax is necessary or warranted. Yes, gas prices have gone up precipitously over the past several months—to more than $2 a gallon in California—but there is some evidence that prices may now be easing.

More important, I have discussed this issue with the chief executive officers of several major U.S. oil companies, and none could promise that any of these savings would be passed on to consumers. Market forces—supply and demand—dictate how much, if any, of a fuel tax cut would be seen at the pump.

For California, repealing more than 9 cents of the federal gasoline tax merely triggers an automatic increase in the state gasoline tax. Under the California tax code, if the federal gas tax drops below 9 cents per gallon and if Federal Highway Trust Fund payments to California are reduced accordingly, the state tax goes up.

In other words, if all federal fuel taxes are eliminated and funding for the highway trust fund is therefore reduced, the overall tax will remain the same in California and Californians hurt by high gasoline prices will not benefit.

I am also concerned that repeal of the federal fuel tax may endanger the Highway Trust Fund and imperil important highway projects. The highway trust fund, which is funded by the federal fuel tax, provides about half a billion dollars a year for California, money which is used to seismically retrofit bridges to protect them against earthquakes; replace the I–80, which was destroyed by the 1992 earthquake; repair potholes; and otherwise maintain our roads and bridges.

The bottom line is that the current spike in gas prices is due to a supply squeeze: There is simply not enough oil in the market to meet demand. Although I was pleased that members of OPEC, as well as Norway, Mexico, and Venezuela, have agreed to increase production somewhat, it is still unclear if these production increases will be sufficient to meet demand over the next several months.

For that reason, I think it is important to underscore that just as I do not feel we should repeal the federal fuel tax now, I do not believe we should precipitously foreclose our options.

Alongside initiatives to increase fuel efficiency and develop alternate sources, suspension or repeal of a portion of the federal fuel tax in a way that benefits the consumer and does not harm highway spending may be necessary later if this crisis does not ease, and I intend to continue keeping a close eye on this issue.

Mr. BYRD. Mr. President, 2 years ago Congress enacted landmark transportation legislation, the Transportation Equity Act for the 21st Century. In that legislation we restored the trust to the highway trust fund and we set forth highway funding levels that State and local governments could expect to receive over the 6-year life of TEA–21.

There are efforts now to reduce the gas tax revenues going into the highway trust fund, thereby endangering the promises we have made regarding funding levels for the Nation's highways and bridges.

This amendment puts the Senate on record in opposition to any efforts to repeal or to reduce gas tax revenues, either temporarily or permanently. In adopting this amendment, the Senate will confirm the position that it took in enacting TEA–21, that all gas tax revenues should go to the States for critical transportation infrastructure needs and that we meant it when we said we were restoring the ''trust'' to the highway trust fund.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, again I commend the distinguished Senator from West Virginia for his leadership on this issue—not only this particular measure before the Senate, but it goes all the way back to when I was privileged to be bringing to the floor the ISTEA, TEA–21 legislation. Then, in the course of that deliberation, we took the 4.3 cents out of the general revenue and put it in the highway trust fund for the express purpose to improve our Nation's highways.

I commend the leadership.

I also express my gratitude to the myriad organizations, from the National Governors' Association, the League of Cities and Communities, and hundreds of others that have worked so hard to keep the Congress well informed about the needs of our infrastructure, of transportation.

I wish to add one word, and that is ''stability.'' This Nation must have stability in the funding to make this program successful.

The PRESIDING OFFICER. All time has expired.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2943. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—65

Akaka	Edwards	Levin
Allard	Enzi	Lieberman
Ashcroft	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Frist	Moynihan
Bennett	Graham	Murray
Bingaman	Grassley	Reed
Bond	Hagel	Reid
Boxer	Harkin	Robb
Breaux	Helms	Roberts
Bryan	Hollings	Rockefeller
Burns	Hutchinson	Sarbanes
Byrd	Inouye	Schumer
Chafee, L.	Jeffords	Stevens
Cleland	Johnson	Thomas
Conrad	Kennedy	Thompson
Daschle	Kerrey	Torricelli
DeWine	Kerry	Voinovich
Dodd	Kohl	Warner
Domenici	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NAYS—35

Abraham	Gramm	Murkowski
Biden	Grams	Nickles
Brownback	Gregg	Roth
Bunning	Hatch	Santorum
Campbell	Hutchison	Sessions
Cochran	Inhofe	Shelby
Collins	Kyl	Smith (NH)
Coverdell	Lott	Smith (OR)
Craig	Lugar	Snowe
Crapo	Mack	Specter
Fitzgerald	McCain	Thurmond
Gorton	McConnell	

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

CHANGE OF VOTE

Mr. CRAPO. Mr. President, on rollcall vote No. 57, I voted ''aye.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be recorded as a ''nay.'' This would not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. WARNER. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I want to take a moment to thank the 64 Senators who joined this morning in making an affirmative statement in opposition to any reduction in the gasoline tax. The vote this morning on the Byrd-Warner-Baucus-Voinovich-Lautenberg-Bond amendment represented a defining victory for those Senators that want to keep the ''trust'' in the Highway Trust Fund and assure that every penny of highway spending is backed up by fuel taxes deposited into that Trust Fund. It was a defeat for any effort to reduce the gas tax or substitute gas tax revenues with general revenues in the distribution of federal highway funds.

I especially want to thank the original cosponsors of my amendment who joined with me to protect the Highway Trust Fund. It is no coincidence that all of these original cosponsors are members of the Environment and Public Works Committee that has jurisdiction over the Trust Fund. They are the experts in this area. They know better than anyone the threat that is posed by reckless proposals to alter the funding stream to the Trust Fund. They know better than anyone that monkeying around with the funding stream to the Trust Fund poses great danger to our ability to provide our states, counties and cities with a consistent, predictable and growing allocation of federal dollars for the repair and expansion of their highways and bridges.

During the debate over the Transportation Equity Act for the 21st Century, Senator JOHN WARNER served as the Chairman of the Surface Transportation Subcommittee. Senator MAX BAUCUS served as the Ranking Member of that subcommittee as well as the full Environment and Public Works Committee. It would be impossible to overemphasize the contributions those two Senators made to that landmark legislation. Senator WARNER PERMANENTLY ALTERED THE LONG-STANDING DEBATE OVER SO-CALLED ''DONOR'' STATES BY GUARANTEEING EACH STATE A FAIR RETURN ON ITS INVESTMENT TO THE TRUST FUND. SENATOR BAUCUS saw to it that the legislation recognized the unique circumstances of the rural Western states, those states with relatively few citizens but a great many miles of highway. When Senator GRAMM of Texas and I developed an amendment to assure that the 4.3 cent gas tax would be fully spent on highway construction, we were just two non-Committee members with a good idea. When Senators WARNER and BAUCUS agreed to join as original cosponsors and lend their prestige and expertise to our amendment, our good idea became a genuine movement that garnered 54 co-sponsors and would eventually result in our adding close to $26 billion in guaranteed spending to the highway bill.

Senator VOINOVICH was not in the Senate during the debate over TEA–21. He was, however, one of the most outspoken governors on the importance of adequate transportation funding. He has been diligently attentive to transportation issues since he assumed the Chairmanship of the Surface Transportation Subcommittee from Senator WARNER. I appreciate very much his leadership in this area.

Senator LAUTENBERG, like Senator BOND, has the unique role of serving on both the Environment and Public Works Committee and the Transportation Appropriations Subcommittee. Indeed, Senator LAUTENBERG has served either as the Chairman or the Ranking Member of that subcommittee for more than a dozen years. As such, his name is always at the center of every transportation debate. He represents the most congested state in the nation and, as such, has been a national leader in protecting and expanding our nation's rail and transit systems. Senator BOND should be credited for his longstanding efforts at streamlining the environmental review processes that govern our highway construction enterprise. As a Senator from

a mountainous state that is sorely in need of improved highways, I applaud his efforts at ensuring that our highways can be built more expeditiously but in an environmentally friendly manner.

Mr. President, our victory this morning was the result of the leadership of these fine Senators as well as the efforts of our other cosponsors—Senators ROBB, BINGAMAN, REID, LINCOLN, and others. It was a victory for every American that drives on our nation's highways. It was a victory for the integrity of the Highway Trust Fund. It was a defeat for any proposal to de-link our federal highway spending from the level of gas tax revenues.

AMENDMENT NO. 2955

The PRESIDING OFFICER. There are now 2 minutes, equally divided between the Senator from Delaware and the Senator from Alaska.

Mr. LIEBERMAN. Mr. President, I rise today to join the distinguished Senator from Delaware in voicing my strenuous objections to opening the Arctic National Wildlife Refuge to oil exploration, and in urging our colleagues not to sacrifice this natural wonder at the altar of short-term economic expediency.

I recognize that ANWR is once again a tempting target at this moment of record high oil and gasoline prices and low consumer patience. Proponents of drilling, as they have many times before, hold out the promise of a quick fix to this recent price spike and a long-term solution to our dependence on foreign oil. They go so far as to portray the refuge as a kind of energy security blanket that will protect us from the whims of foreign producers.

But appealing as that sounds, the truth remains that ANWR is not the answer to our current oil woes. Opening this pristine place of wilderness to drilling will not bring down gas prices months or years from now, let alone in the immediate future. And it will not yield anywhere near the amount of crude needed to successfully wean us from our addiction to OPEC in years to come. What it will do, we know from plenty of analysis and experience, is immeasurable and irreversible damage to one of the last pure preserves of its kind in the world and one of G-d's most awesome creations. That is the real price at issue here, and it is far too high to pay for the modest benefit it will bring to our domestic oil supply and to those who produce it.

I would suggest to my colleagues that ''modest'' is a generous characterization. The fact is that we have no guarantees about the potential recovery of oil in ANWR. More than 20 different independent and federal studies have been completed on the amount of oil in ANWR, and estimates vary wildly. One of those, completed during the Reagan Administration, determined that there was only a one in five chance of finding any commercially recoverable oil at all. More recently, an assessment by the U.S. Geological Survey estimates that 5.2 billion barrels of oil would be ''economically recoverable'' from the refuge for the rest of its life. Compared against projections of the potential for an aggressive program to produce biomass ethanol to displace oil—2.5 million barrels per day by 2030 and over 3 million per day in 2035—the oil promise of the Refuge is minuscule. The Refuge would probably never meet more than a negligible percentage of our Nation's energy needs at any given time.

In exchange for this minimal return, we would threaten one of the most unique animal and plant habitats in the world. Consider the fate of the Porcupine Caribou Herd, for which the Coastal Plain within the refuge is an important calving ground. An Environmental Impact Statement issued by the Interior Department in 1995 shows that development of ANWR will likely have significant negative effects on the PCH, displacing them to areas of higher predator density, reducing the amount and quality of forage species available during calving, and restricting the animals' access to areas where they can get relief from insects. Experts predict similar risks await polar bears, muskoxen, brown bears, snow geese, wolves, seals, and whales.

That is if all goes well with the drilling, which is not a safe assumption. Data from the Alaska Department of Conservation show that the Trans-Alaska and Prudhoe Bay oil fields have caused an average of 427 spills annually since 1996. The most common spills involve crude and diesel oil, but more than 40 substances, from acid to waste oil, could be released. What is more, current oil operations in Alaska's North Slope emits about 56,427 tons of nitrous oxides, which contribute to smog and acid rain, and about 24,000 tons of methane, a greenhouse gas, per year. Drilling for more oil in ANWR thus compounds the serious problem of global climate change, generating methane emissions in addition to the carbon dioxide emissions that result from increased dependence on oil resources.

It is this lopsided tradeoff—uncertain dividends for likely devastation—that has generated cries of outrage from practically every environmental group every time Congress has attempted to open ANWR to drilling, generated several veto threats from President Clinton, and prompted editorials in newspapers from Seattle to Tampa to Des Moines to Atlanta questioning the wisdom of such a move. It was not right then, it's not right now, and it won't be right come the next price spike.

Nor is it right to mislead the public into thinking a quick fix exists. The reality is we don't have any easy answers to our foreign oil addiction. There is no untapped domestic oil oasis out there that will end our dependence on foreign oil and minimize our vulnerability to fluctuations of the global market. But that is not to say we are helpless. In fact, there are several steps we as a nation could take over the next year that would go a long way toward curing our OPEC addiction.

The solution, I would argue to my colleagues, is nurturing alternative energy sources and improving our energy efficiency. First, we should invest more in exploring the power potential of wind and geothermal energy, fuel cells, and organic materials, and developing long-range strategies for harnessing these renewable energy sources. We have made a good start this year by passing legislation sponsored by Senator LUGAR to spur more research into harvesting energy from common crops. I hope we will build on that progress by adopting the President's budget recommendation of increased funding for research, development, and deployment of renewable energy technologies by 30 percent. Second, we should take stock of the domestic energy market and evaluate national and individual consumer decisions affecting our own energy supply and efficiency. In some areas the results are encouraging. As the President has noted, conservation measures taken by U.S. businesses have significantly improved the efficiency of the overall economy. During the crisis of the 1970s, nearly nine percent of our GDP was spent on oil, compared with only three percent today. But we can and should do better.

The promise of this approach was spelled out in detail by leading experts at a recent hearing held by the Senate Governmental Affairs Committee. To cite just one example, Dr. John Holdren, the Director of the Program on Science, Technology, and Public Policy at Harvard University's Kennedy School of Government, and Chairman of the President's Committee of Advisors on Science and Technology, stated that if the U.S. increases its efficiency by 2.2 percent per year, it could reduce its dependence on oil by more than 50 percent, approximately 5.5 million barrels of oil per day. This goal is more than realistic, for as Dr. Holdren noted, the U.S. decreased its energy intensity by 1.7 percent from 1972 to 1979 and by 3.2 percent from 1979 to 1982.

In short, we don't have to defile the Alaskan wilderness to declare our energy independence. Assaulting ANWR is bad energy policy, it's even worse environmental policy, and it's simply not necessary to help the American consumer and protect our economy. For that reason, I implore my colleagues to once again stand as firm as the tundra and uphold the ban on drilling in the Arctic Refuge.

Mr. GRAMS. Mr. President, I want to take just a few minutes to address the assumption in the budget of oil leasing revenues from activities within the Section 1002 area of Alaska.

First, however, I think it's important to understand just a few of the facts surrounding the current state of the Clinton energy policy. In 1977, the Carter Administration and Congress responded to the energy crisis by creating the Department of Energy and

charging it with increasing U.S. energy security and reducing our reliance on foreign oil. In the early 1970's, our Nation relied upon foreign oil to meet roughly 35 percent of our needs. Today, after investing billions of dollars into the Department of Energy, our Nation is now reliant upon foreign oil to meet almost 60 percent of our needs. That reliance will increase to 65 percent by 2020.

Those numbers are real, they're tangible, and everyone has been able to see it happening. The Clinton Administration has had seven years to respond to our growing reliance on foreign oil and to increase our domestic energy security. So you might ask, what have they done to improve the situation? I regret to say they've done very little. Since 1992, U.S. oil production has decreased by 17 percent while at the same time our energy consumption has increased by 14 percent. In 1990, U.S. jobs in oil and gas exploration and production were roughly 405,000 today those jobs have been reduced to roughly 290,000, a 27 percent decline. And in 1990, the U.S. was home to 657 working oil rigs. Today, there are only 153 working oil rigs scattered across the Nation a 77 percent decline.

Likewise, since coming to office, President Clinton has known that the U.S. Department of Energy was obligated by contract to pick up and remove spent nuclear fuel from civilian nuclear reactors across the country. In my home state of Minnesota, the Department's failure to remove nuclear fuel could force the shutdown of two nuclear reactors and the loss of 20 percent of Minnesota's generation capacity. Again, not only has this Administration failed to respond, I believe they've made the situation even worse by rejecting legislation that has passed both Houses of Congress with overwhelming, bipartisan majorities. Those bills would have not only moved waste from states, thereby fulfilling the Department's obligation, they would have helped ensure the continued use of emissions-free nuclear power well into the future.

As if that weren't enough, the Clinton Administration has taken a very hostile approach to coal-fired generation, they've termed hydropower a nonrenewable resource and are now working to breach dams in the Northwest, and they've closed vast areas of land to exploration for natural gas reserves.

When confronted with the truth about high oil costs and increasing reliance on foreign oil, the only thing this Administration can say is that they support renewable energy sources. Well, I too, am a strong supporter of renewable energy technologies. I've been a strong proponent of the development and promotion of ethanol and biodiesel as a means of reducing our reliance on foreign oil and improving the environment. I was a cosponsor of legislation signed into law last year extending the tax credit for electricity generated from wind and expanding that tax credit to electricity generated from poultry waste. I have written letters in each of the past two years to Senate appropriators supporting significant increases in renewable energy programs, and I was one of 39 Senators to vote in support of a $75 million increase for renewable energy programs last year. I wrote to President Clinton this year asking him to include more money for renewable energy programs in his budget. However, I know that simply calling for increased funding for renewable energy can't even approach the loss of generation in hydropower, nuclear, coal, and other sources that this Administration has pursued through its energy policies.

I think it's clear that, since coming to Washington in 1993, this Administration has been asleep at the wheel in developing a coherent energy policy. They're more interested in pursuing the limited agenda of a few interest groups than in planning for the energy needs of a growing economy.

Instead of strapping on the same blinders that narrowly guide the Clinton Administration, I believe Congress must put all of our options on the table and begin to plan for the long-term energy needs of our nation's consumers. One of those options is clearly the topic we're discussing today, our nation's tremendous oil reserves in the Section 1002 area of Alaska.

Mr. President, history shows that for two decades, Congress has placed special consideration upon this area because of its potential for significant oil and gas reserves. In 1980, Congress passed the Alaska National Interest Lands Conservation Act—or ANILCA. In addition to setting aside over 100 million acres of Alaska for National Parks, Refuges, and Wilderness, the ANILCA legislation specifically left open the future management of a 1.5 million-acre area on the coastal plain of the Arctic National Wildlife Refuge. The legislation also required the Department of Interior to undertake geological and biological studies of the Section 1002 area and report back to Congress.

After more than five years of conducting these studies, the Department of Interior, in 1987, recommended to Congress that the Section 1002 area be made available for oil and gas exploration and production, and that it be done in an environmentally sound manner.

Congress has responded to this recommendation a number of times since receiving it from the Department of Interior. In fact, both Houses of Congress passed an authorization for oil and gas leasing in the Section 1002 area as part of the 1995 budget reconciliation legislation, but it was eventually vetoed by President Clinton.

Today, as a result of increasing prices for oil and decreasing domestic oil and gas production, we find ourselves again debating some decades-old questions. Do we move forward in an environmentally sound manner to develop domestic oil and gas reserves, or do we ask other nations to produce oil for us without similar environmental safeguards? Do we keep American jobs and investments inside our borders, or do we ship our jobs and industries to foreign nations? Do we increase our energy and national security while we have a chance to do so, or do we run around the world begging friend and foe alike to ''feel our pain'' every time we have an oil supply disruption? For me, the answer is simple.

This budget resolution assumes that we're going to move forward to develop oil and gas reserves in the Section 1002 area of Alaska—our nation's most promising deposit of recoverable oil and gas. In 1998, the U.S. Geological Survey produced an assessment of estimated in-place oil resources reaffirming previous studies that showed the tremendous potential of the Section 1002 area. In fact, it showed that Section 1002 contains as much as 16 billion barrels of recoverable oil—enough to offset 30 years worth of Saudi Arabian imports. Clearly, this area has great potential for easing the growing vulnerability we have to oil supply disruptions abroad.

I think it is important to note that we're not talking about turning the Section 1002 area over to oil companies and then walking away forever. If we're going to allow oil and gas exploration and production, it will be done in an environmentally sound manner and with due consideration to the needs of fish and wildlife populations. Senator MURKOWSKI has introduced legislation that accomplishes those very goals. S. 2214—The Arctic Coastal Plain Domestic Energy Security Act—contains a number of provisions to protect the environment. The bill directs the Secretary of Interior to issue regulations that protect fish and wildlife, their habitat, subsistence resources, and the environment of the Coastal Plain of Alaska. The bill provides the Secretary with the authority to close areas of the Coastal Plain, on a seasonal basis, to protect caribou calving and other fish and wildlife species. The bill would also require those obtaining federal leases to comply with federal and state environmental laws, reclaim leased lands to the condition in which they were found, and ensure the protection of fish, wildlife, and the environment. To ensure these actions are done, the Secretary will require bonds to any lands and surface waters affected and conduct semi-annual inspections of every facility to ensure compliance with all environmental regulations.

To my colleagues who oppose exploration of the Section 1002 area, do you think other nations on whom we rely for our oil supplies are employing similar protections? Do you think Iran, Libya, or Iraq are going the extra mile to protect wildlife? Do you think the OPEC nations are holding themselves to these stringent environmental standards? We all know the answer is an emphatic NO. Yet this Administration is opposing any exploration of the

Section 1002 area for environmental reasons, while at the same time begging Iran, Iraq, Libya and others to increase their production for us. I ask my colleagues, who are the real environmentalists here? Certainly not the Clinton Administration. It's clear to me that this Administration's policy against exploration in the Section 1002 area, when compared against its policy of begging for increased oil production abroad, is a net loss for American jobs, family checkbooks, domestic energy security, and the environment.

Mr. President, I urge my colleagues to take a hard look at the intellectual dishonesty of refusing to explore our domestic oil and gas reserves for environmental reasons, while asking other nations to find and produce more oil with significantly fewer environmental protections than we require. I support the inclusion of this assumption in the budget resolution and I hope we vote to maintain it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, there will be 2 minutes of debate, and then we will have another vote. Votes don't count against this time. So if you take 20, 30 minutes on a vote, we just have to add that much more to the resolution because we are not counting vote time under the statute. I hope you will stay around and vote shortly, after the debate is completed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, my amendment would simply protect the Arctic National Wildlife Refuge from oil drilling. Following in the footsteps of conservationist President Theodore Roosevelt, President Dwight Eisenhower set aside this Arctic wilderness area for all time and all generations.

While my amendment protects a wilderness, it also protects a legacy. It is a legacy forged of foresight and conservation that has been handed down from generation to generation. I hope we will pass this legacy on today to future generations—just as we have received it from past ones. My amendment will insure that we do.

This is not a partisan debate. The President I have named were both Republicans. I am joined in support of my amendment by many Democrats. Together, both parties have a stake in this wilderness area. I hope today that both parties will join hands in protecting it. I urge my colleagues to support my amendment.

I yield the remainder of my time to the Senator from California.

Mrs. BOXER. I thank my colleague. This is truly a bipartisan effort. As this budget stands, it is the most antienvironmental budget in history because it is the first time any budget resolution has called for drilling in a wildlife refuge. We know that when President Eisenhower declared this a refuge, he never envisioned drilling in it. Drilling in a refuge is not only unnecessary; it is destructive.

Please support the Roth-Boxer amendment.

The PRESIDING OFFICER. The Senator from Alaska, Mr. STEVENS, is recognized.

Mr. STEVENS. Mr. President, I regret to do this, but my colleague from Delaware is wrong. I was there. President Eisenhower set aside an arctic wildlife range that was open to oil and gas exploration. It was not until 1980 that it was designated an area subject to oil and gas exploration. An environmental impact statement was provided by the Congress. It was not set aside by President Eisenhower or anybody as wilderness yet.

The PRESIDING OFFICER. The Senator from Alaska, Mr. MURKOWSKI, is recognized.

Mr. MURKOWSKI. Mr. President, we have had this issue in the budget package before. Make no mistake, if the amendment of the Senator from Delaware is adopted, the Senate will go on record in support of a failed energy policy that rewards the price fixers in OPEC and the military ambitions of Saddam Hussein.

The Department of Commerce has indicated that our 56-percent reliance on foreign oil threatens the national security. One out of two barrels is imported. Our growing dependence on imported oil will mean 30 giant supertankers loaded with 500,000 barrels of crude oil will dock in this country every single day of the year. That is more than 10,000 ships a year. That is surely an environmental disaster waiting to happen.

America has the highest environmental standards and laws in the world. By increasing energy imports, we are simply exporting environmental problems to other countries.

Former Senator Mark Hatfield said, ''I would vote to open up that small sliver of ANWR any day, rather than send American boys overseas to risk their lives in a war over oil.''

Mr. President, yesterday the issue of exports of Alaskan oil came up on the floor. I indicated at that time that when export contracts are completed this April, British Petroleum has assured me that it will cease exports of Alaska crude.

I have a letter dated March 23, 2000, from BP's Vice President for U.S. Government Affairs, Larry Burton, reiterating BP's pledge on exports. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BP AMOCO CORP.,
Washington, DC, March 23, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I would like to respond to your inquiry regarding BP Amoco's plans concerning Alaska North Slope oil exports. Pending completion of contracts due at the end of April, at this time we do not have subsequent plans to export.

We applaud the Administration and the Congress for its wisdom to permit the market to work and to remove an historical penalty imposed on Alaska North Slope oil. The West Coast is part of the global crude market. The ultimate destination of Alaskan crude has no effect on either West Coast supply or gasoline prices. Once our acquisition of ARCO is complete, we would expect to run all of our Alaska crude through ARCO's excellent West Coast refining and marketing network.

Sincerely,

LARRY D. BURTON.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. 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 question is on the motion to table amendment No. 2955. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—51

Abraham	Enzi	McCain
Akaka	Frist	McConnell
Allard	Gorton	Moynihan
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Helms	Smith (OR)
Campbell	Hutchinson	Specter
Cochran	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Mack	Warner

NAYS—49

Baucus	Feinstein	Lugar
Bayh	Fitzgerald	Mikulski
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Hollings	Reid
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee, L.	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Smith (NH)
Daschle	Landrieu	Snowe
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	
Feingold	Lincoln	

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2953

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment. There are 32 minutes in opposition.

Mr. GRAMM addressed the Chair.

Mr. DOMENICI. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I yield the remaining time on the Durbin amendment.

AMENDMENT NO. 2973 TO AMENDMENT NO. 2953

(Purpose: To express the sense of the Senate on proposals ''to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a twenty-five year period'')

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2973 to amendment No. 2953.

Mr. GRAMM. 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:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $1.

On page 4, line 5, decrease the amount by $1.

On page 4, line 6, decrease the amount by $1.

On page 4, line 7, decrease the amount by $1.

On page 4, line 8, decrease the amount by $1.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $1.

On page 26, line 11, increase the amount by $1.

On page 26, line 15, increase the amount by $1.

On page 26, line 19, increase the amount by $1.

On page 26, line 23, increase the amount by $1.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $1.

On page 26, line 12, increase the amount by $1.

On page 26, line 16, increase the amount by $1.

On page 26, line 20, increase the amount by $1.

On page 26, line 24, increase the amount by $1.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 22, increase the amount by $1.

On page 5, line 24, increase the amount by $1.

On page 5, line 25, increase the amount by $1.

On page 6, line 1, increase the amount by $1.

On page 6, line 2, increase the amount by $1.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $1.

On page 6, line 7, increase the amount by $1.

On page 6, line 8, increase the amount by $1.

On page 6, line 9, increase the amount by $1.

On page 6, line 10, increase the amount by $1.

TAX CUT

On page 29, line 3, increase the amount by $1.

On page 29, line 4, increase the amount by $1.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $1.

On page 5, line 16, increase the amount by $1.

On page 5, line 17, increase the amount by $1.

On page 5, line 18, increase the amount by $1.

On page 5, line 19, increase the amount by $1;

and insert the following:

SEC. . SENSE OF THE SENATE ON THE INTERNAL COMBUSTION ENGINE.

It is the sense of the Senate that the levels in this resolution assume that the Senate will not, on behalf of Vice President Al Gore, increase gasoline and diesel fuel taxes by $1.50 per gallon effective July 1, 2000, and by an additional $1.50 per gallon effective fiscal year 2005, as part of ''a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a twenty-five year period'' since ''their cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more deadly than that of any military enemy we are ever again likely to confront.''

Mr. GRAMM. Mr. President, I thank Senator DURBIN for offering his version of the tax cut proposed by Governor Bush. I believe he will get an opportunity next year to vote on it. I look forward to having that opportunity. I intend to vote for it when it is offered by then-President George Bush. I hope and believe it will pass the Senate by an overwhelming margin.

But let me try, if I might, to explain the dilemma we have in terms of trying to do the Bush tax cut now, as if this were a serious proposal. Then I want to discuss my substitute.

Quite aside from the fact the years do not actually match up because if George Bush is elected President, he will take the oath on January 20 of next year, and therefore his tax cut would begin in fiscal year 2002 in all probability, but let me explain the problem. I am grateful for the opportunity because it tells a story that miraculously the general public does not appear to understand; that is, why can't we have Clinton's budget and George Bush's tax cut?

The reason we cannot—it is an old fact of life—you can't have your cake and eat it too. President Clinton has proposed a budget that, in the 5 years from 2002 through 2006, would spend, relative to what we are spending now, an additional $494 billion. For the years that this tax cut amendment would be in force, the President's budget that was submitted this year, if enacted, would raise spending by $494 billion.

During that same period, the Bush tax cut, if adopted, would reduce taxes by $483 billion. That gives rise to two points. First of all, we cannot increase spending on some 80 new programs and program expansions which President Clinton has proposed, increasing spending by half a trillion dollars in 5 years—we cannot have the Government spend all that money and at the same time give it back to working families so they can spend it. We cannot do both. We are going to have to choose.

The question we are all going to have to answer—and by ''all'' I do not mean just 100 Members of the Senate; I mean every voter in America—the question we are going to have to answer is: Do we want these 80 new programs and program expansions so we can spend in Washington another $500 billion over the first 5 years of the new Presidency, or would we rather eliminate the marriage penalty?

Today, Americans meet, fall in love and get married and they discover they end up paying about $1,200 of additional taxes for the right to be married. Let me make it clear. My wife is worth $1,200—a bargain at the price. But it seems to me she ought to get the money and not the Federal Government.

How can it make sense in America, if you have a janitor with three children and a waitress with two children, they meet, their dreams come true, they fall in love—under the American Tax Code they both lose their earned-income tax credit and they are suddenly in the 28-percent tax bracket? So they look at the dollars and cents and many of them decide not to get married.

How does it make sense? If two people get out of college, meet, and fall in love and get married, forming the most powerful bond for human happiness and progress in world history, why is that a taxable event? Why is love and marriage taxed by the Federal Government?

Governor Bush says it should not be taxed. If he is elected President, he wants to repeal the marriage penalty so love and marriage are not taxable events.

If you agree with Senator DURBIN, and if you agree with the Vice President, AL GORE, then you believe you can spend that money in Washington better than all of those married couples could spend it, and you do not want to eliminate the marriage penalty. You want all these new government programs.

Rather than starting a new spending spree, spending $494 billion on some 80 new and expanded programs, Governor Bush has proposed that he would rather eliminate the death tax.

What does the death tax do? Death is a taxable event under the American Tax Code. Americans work their whole lives, they build up a small business, they build up a family farm, they pay taxes on every dollar they earn in their lives. Yet when they die and leave their life's work to their children, the people they built the life's work for, too often in America those children have to sell the farm or sell the business to give Government up to 55 cents out of every dollar of their life's work. They paid taxes on every dollar they earned, but because they accumulated, because they saved, because they sacrificed, their children end up having to sell the business and sell the family farm in order to give another tax to Government.

Senator DURBIN and Vice President GORE say: Don't do that. Don't repeal the marriage penalty. Don't repeal the death tax. Let us spend this money for you in Washington.

You think that by keeping the farm your daddy and mama worked a lifetime for that you would be better off, but they say: You would not. Let us take your farm because we are going to give you all these Government programs.

They say: Look, you think you know how to spend an extra $1,200 on your children, but you are wrong. AL GORE and Senator DURBIN know better how to spend that money than you do.

This amendment is really about choice. President Clinton gives us one choice, and George Bush gives us another.

President Clinton's choice is, between 2004 and 2006, some 80 new and expanded programs will get $494 billion. That is what he wants to do. He can spend this money and make everything wonderful for you and your family, and if you believe that, you ought to elect AL GORE as President because that is his program. In fact, he wants to spend far more than President Clinton does.

Governor Bush believes you can spend that money better than the Government. So rather than giving the Government another $494 billion to spend—we are not talking about Social Security; we are not talking about Medicare; we are talking about spending basically on discretionary programs.

The President's discretionary nondefense budget goes up by a whopping 14 percent when one makes the adjustments for all the phony revenues and shifting when somebody is paying and when they are not paying.

If you believe President Clinton and Vice President GORE are right, that we would be better off spending the $494 billion in Washington on your behalf to help you and your family, then you ought to be for spending this money. But if you believe repealing the marriage penalty and repealing the death tax so your family can keep more money to spend on their children so you don't have to sell your farm or sell your business—and 73 percent of small businesses do not make it into the second generation, in part because of death taxes. If you believe you would be better off spending $483 billion, along with every other family in America, than having Washington spend $494 billion for you, then you are going to get to vote on it. This is going to be on the ballot in November, but it is going to have AL GORE's name next to the spending and it is going to have George Bush's name next to the tax reductions.

How people are being confused is that many of our colleagues and the Vice President and President say George Bush wants to give $483 billion in tax cuts, he wants to stop penalizing couples for getting married, he wants to stop taking farms away from people when they die, and he wants to reduce tax rates across the board, and that is dangerous.

I say to Senator DOMENICI, they say it is dangerous to give back $483 billion in tax refunds to working people, but they do not say it is dangerous to spend $494 billion. I ask the question: If it is dangerous to give it back to the American people and let them spend it, how come it is not dangerous to spend it right here in Washington, DC? How can it be irresponsible for Governor Bush to be talking about $483 billion in tax reductions, letting working people keep more of what they earn, and how come it is not irresponsible for President Clinton to be talking about spending $494 billion more in Washington?

Mr. DOMENICI. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. DOMENICI. Mr. President, I want to make an observation and see if my colleague agrees with me. As a matter of fact, if we took President Clinton's budget and adopted it—and it has a 14-percent increase in nondefense discretionary spending; that is, 13 appropriations bills less defense and military construction. It has a 14-percent increase. I believe it was the Senator who found that is the highest increase in domestic discretionary spending since the years of Jimmy Carter's Presidency when inflation was rampant.

Mr. GRAMM. Exactly.

Mr. DOMENICI. How many years does my colleague think it would take to eat up all the surplus and be right there ready to use the Social Security surplus if we increased that spending 14 percent a year for the next few years? How many years?

Mr. GRAMM. It would take 3 years to consume the entire surplus. Why is it less dangerous to let them spend the whole thing in 3 years than giving a tax cut and giving most of that surplus back? The reason this amendment is so important is that I do not think we are ready to debate the Presidential campaign on the floor of the Senate.

The point is, our colleague from Illinois has offered an amendment that he claims will have us voting on the Bush tax cut. Here is the dilemma: We cannot have Clinton spending and the Bush tax cut. We have to choose between the two. That is what the election is about. If you want this spending, you ought to vote for AL GORE, and if you would rather repeal the marriage penalty so we do not charge young couples $1,200 a year for the right to be married, if you think we ought to repeal the death tax so that you do not have to sell your daddy's and mama's farm when they die on which they spent a lifetime and paid taxes on every dollar they earned, plowed money back into that farm, skimped for it, sacrificed for it—or if you are a small business—if you think you should not have to sell it just because they die, then you ought to vote for Governor Bush.

We cannot adopt the Bush tax cut now because we have the Clinton budget before us. We are going to get an opportunity next year to have a Bush budget and the Bush tax cut. At that time, I hope we will get votes from some of our Democrats. I predict today that we will get at least 15 of them who will vote for it.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield. Let me talk a little bit about my amendment, and then I will yield.

Now that we are into Presidential politics, I have offered a substitute, and that is, we ought to vote on the Gore tax increase. As many of my colleagues know, because they probably received a signed copy, our Vice President has written a book, ''Earth in the Balance.'' The principal proposal of this book is as follows:

He wants a coordinated program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, 25 years. That means the pickup you have your umbrella and gun slung across the back of is going to be gone. That means this new car you either have today or are hoping to buy is going to be gone.

Eliminating the internal combustion engine is a pretty dramatic change, especially over a 25-year period.

He goes on to say the reason he wants to do this is—talking again about these cars and these trucks:

> Their cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more deadly than any military enemy we are ever again likely to face.

There is no way we can eliminate the internal combustion engine without starting out over the next 5 years, maybe now with a $1.50-a-gallon tax, maybe in 4 years another $1.50, and to get rid of the internal combustion engine we would have to get gasoline up $10, $20, $50 a gallon.

Since our colleague from Illinois decided today was the day we ought to begin to debate the Presidential campaign on the floor of the Senate, I thought we ought to have an opportunity for Senators to go on record saying they do not agree with the Vice President; they are not quite ready to kiss the internal combustion engine goodbye. I am still hoping to get a four-wheel-drive truck. I am not ready to let AL GORE come in and impose his values that say it is OK for my people who live in rural areas of my State and commute 40, 50 miles a day to work to try another mode of transportation to get rid of their car or pickup.

Mr. DURBIN. Will the Senator yield?

Mr. GRAMM. I am not ready to do that.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAMM. The Senator will get his 30 minutes. I have my 30 minutes, with all due respect.

What I have done is offer an amendment that says it is the sense of the Senate we should not to be doing this; we should not be raising gasoline taxes so the Vice President can get rid of our cars and our trucks.

Since the Senator from Illinois decided today we ought to vote on the two alternatives, his argument is that it is OK for President Clinton in his budget to spend a new $494 billion in taxes but it is not all right, it is risky, I say to Senator DOMENICI, it is terribly risky if, instead of us spending it, we let the taxpayers spend it. I do not get it. I do not understand how it is not risky for us to spend it but somehow it is risky to repeal the marriage penalty or the death tax.

So what I have offered, since we cannot do the Bush tax cut until George Bush becomes President—and I would like to hurry the day; if we could do something today that could make it come sooner, God knows, I would sign on as a cosponsor. But I do not think we are going to be able to do it before the Constitution says we can. In any case, what I have done, since we have started this debate, is I have taken the Vice President's book, and I have put in the first installments of what would be required to get rid of all the internal combustion engines, and the first installment would be a $1.50 tax on gasoline today, then another $1.50 tax 4 years from now. That would only start it. We would have to go up from there. But I want to take a conservative approach, as I always do.

Finally, for those who say, OK, the Vice President wrote this book, but he did not mean it. This book was written for environmentalists. He meant it for them, but he did not mean it for people in Texas or New Mexico—let me read his response when he was asked about it.

He said, ''There is not a statement in that book that I don't endorse, not one.''

I do not endorse them. I am against raising gasoline taxes. I am against taking away my pickup truck. I am opposed to it.

I thought this was going to be saved for us to vote on in the election. But since our colleague from Illinois decided to debate the Presidential campaign today, let's debate it.

Let me conclude with this remark, and then I will reserve the remainder of my time and let our colleague speak.

I am happy to say the man I support for President wants to cut your taxes. I am proud of it. I want the world to know it. I suspect our colleague from Illinois is not going to be proud of the fact that AL GORE wants to raise gasoline taxes as part of a program for a ''coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine.''

So we are offering a sense of the Senate today to say we are not for that. He may be for it. AL GORE is for it. He says he is for it. He wrote the book. He said he was for it as late as 4–26–99. The point is, not that he is not for it—he is for it —but that we are against it. That is the purpose of this amendment.

Should we be debating the Presidential campaign on the floor of the Senate? I do not know whether we should or not. But since our colleague from Illinois decided to bring it up, I thought we ought to give people an alternative. It is the same choice they are going to have on election day, on the first Tuesday after the first Monday in November of this year.

It is a profound choice. The lives of every American family will be changed if we repeal the death tax, if we repeal the marriage penalty, if we cut tax rates. The life of every American family will be changed if we have confiscatory taxes on gasoline to achieve some extremist goal of eliminating the internal combustion engine.

Improve it? Yes. Make it more efficient? Yes. Make it more environmental friendly? Yes. But kiss it and modern civilization good-bye as part of some extremist environmental agenda? I say, no. I say, no. I believe the Senate will say no today. They are going to say no today. I would not be surprised if all 100 Senators said no.

The American people are going to say no in November.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Nevada.

Mr. REID. I ask for the yeas and nays on the amendment offered by the Senator from Texas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. Mr. President, the statements of the Vice President that my good friend from Texas referred to are certainly valid. He stands by those.

I am wondering if the Senator from Texas stands by the statement he made on August 5, 1993, when we were working on the budget Deficit Reduction Act, which has set this economy on fire doing great things for the economy.

My friend from Texas, speaking about the President's deficit reduction plan, said:

> This program is going to make the economy weaker. Hundreds of thousands of people are going to lose their jobs as a result of this program.

He also went on to say:

> I believe hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

He further said:

> I want to predict here tonight that if we adopt this bill the American economy is going to get weaker and not stronger, the deficit 4 years from today will be higher than it is today and not lower. When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

I yield to the Senator, under the resolution, 20 minutes. If the Senator needs more time, it is available.

Mr. DURBIN. I thank the Senator from Nevada.

Mr. GRAMM. Will the Senator yield so I can respond?

Mr. DURBIN. The Senator from Texas would not yield for a question. But I would like to ask him a question. I hope I am not inviting a speech. It is a very simple question.

I am holding Vice President GORE's book, ''Earth in the Balance'' in my hand. Can the Senator from Texas tell me which page he refers to when he says that Vice President GORE has called for a $3 gasoline tax increase? I want to turn to that page immediately. Can the Senator give me the number of the page?

Mr. GRAMM. I would be happy to respond by saying he calls for the elimination of the internal combustion engine over 25 years. Does anybody believe that you could achieve that without taxes driving up the price of gasoline? I think——

Mr. DURBIN. I reclaim my time.

Mr. GRAMM. He tells us what he wants, but he does not tell us the bad news about how we get it.

Mr. DURBIN. I reclaim my time, Mr. President.

If you have been around politics for about 5 minutes 30 seconds, you know

that when you do not have an answer, you answer a question with a question. That is what has happened.

Vice President GORE does not propose a $3 gasoline tax increase. He never has. The Senator from Texas knows it. He is coming to the floor trying to suggest a tax increase that he has dreamed up of $3 a gallon because he does not want to face the music when it comes to the real tax increases and cuts proposed by the Republican candidate for President, his Governor from the State of Texas, George W. Bush.

That is for real. That is the cornerstone of his campaign. You cannot stand it, Senator, but it is a fact. You make up taxes and put it in the mouth of AL GORE. We take the words spoken by George Bush.

When I ask the Senate to vote on George W. Bush's tax cut—the mainstay of his campaign—you would think the Republicans would rally behind George W. Bush. This is their man. This is the one they want to see elected to the White House. But they run, in the words of our former Senator Dale Bumpers, like the devil runs from holy water, when it comes to a vote on the George W. Bush tax cut. They cannot stand the thought of going on record for what the Senator from Texas says he is so very proud of. He is so very proud of George W. Bush's tax cut, he has offered a substitute to it. He does not want to be on the record. He does not want to go back to Texas and try to explain that tax cut. I do not blame him. It is a bad idea. It is bad policy.

I make no apology for bringing to the floor of the Senate the major issues in the Presidential campaign. For goodness sakes, what would the world think if the Senate stopped talking to itself and talking about issues that are being debated in America? This is the No. 1 issue in the campaign. I make no apology for bringing it to the floor, asking Democrats on this side and Republicans on the other, to go on record: Do you support it or don't you?

I make no apology for the progress we have made in this Nation over the last 7½ years under the Clinton-Gore administration. I tell the Senator from Texas and anyone following this debate, I would gladly run on the record of this administration and our economy. I would take it to every State in the Union because we know what has happened: Unemployment is down, housing starts are up, business creation is up, inflation is under control. We have seen America prosper in a way that has never happened in our history.

It bothers my Republican friends to acknowledge this fact. They think it dropped out of Heaven. They do not think the President had anything to do with it. We know better. We know that on the floor of this Senate, and in the House of Representatives, President Clinton's budget plan, that started reducing the deficits and moving us in the right direction, was passed without a single—not one—Republican vote in support. It kills them.

Senator GRAMM was just quoted on the floor. He said it would be the end of—I have forgotten his exact words—but the end of civilization as we know it if the Clinton plan passed. Well, guess what. It did pass, and America got a lot better. American families know we are moving in the right direction. It is interesting to me that my Republican friend from Texas just loves this Bush tax cut to pieces, but he can't bring himself to go on record to vote for it. He doesn't want to have to go back home and explain it—even in Texas, Governor Bush's own State.

I am offering the Bush tax cut as he has proposed it in his own words. Senator GRAMM is offering a figment of his imagination about what Al Gore might have said. When I ask him for a specific page in this book, where there is a $3 gas tax increase, I get a question back to me. Well, if you have been through the first grade, you know how to open a book and go to the right page. That is what the teacher teaches you. Senator GRAMM can't take us to the right page in Vice President Gore's book referring to a $3 gas tax because it isn't there. He is making it up.

Look at what the so-called fair Bush tax cut means to American families. If you happen to have an income of $31,100 a year, it means a $500-per-year tax break under the Bush tax cut. But, boy, if you are in an income category over $300,000, there is a $50,000-a-year tax cut coming from the Bush proposal, the one for which I want the Senate to go on record.

Is this fair? It isn't fair whether you drive a pickup truck or walk along the shoulder of the highway. It isn't fair to working families who have to drive pickup trucks to survive. I think we ought to vote, and I think the Senator from Texas ought to withdraw his amendment so we can vote up or down on something of which he is so proud.

Look at what happened to the deficits under various Presidents. I think the record is clear. I am sure it hurts my Republican colleagues to acknowledge the obvious. We have seen the deficits grow under Presidents Reagan and Bush. But look at what has happened under President Clinton. The deficits have come down.

Mr. REID. If the Senator will yield, I quoted the chairman of the Banking Committee, PHIL GRAMM of Texas, where he says, verbatim, among other things, on August 5 in the CONGRESSIONAL RECORD:

> The deficit 4 years from today will be higher than it is today and not lower.

Does the Senator's chart indicate that that statement is totally without foundation and not true?

Mr. DURBIN. It indicates that when you are asking the Senator from Texas, Mr. GRAMM, for advice on where the economy is going, you ought to do just the opposite. He said the deficit is going up but the deficit went down.

Mr. REID. I say to my friend from Illinois, on October 6, 1993, a few weeks after he made the statement about the deficit increasing, he said this: ''This program''—he meant the Clinton deficit reduction plan—''is going to make the economy weaker. Hundreds of thousands of people are going to lose their jobs as a result of this program.''

Is the Senator from Illinois aware that we have created 21 million jobs since this statement was made that hundreds of thousands of people would lose their jobs?

Mr. DURBIN. I even have it on good authority that they have created new jobs in Texas because of the prosperity coming forth from this administration. I can't believe the Senator from Texas, who is in close touch with his State, hasn't noticed that, and that with the Clinton-Gore approach on our economy, with the help of the Federal Reserve, America is moving in the right direction. Even Texas may be moving in the right direction. I don't want to speak for that State.

Mr. REID. Here is another statement from August 6, 1993: ''I believe that hundreds of thousands of people are going to lose their jobs as a result of this program.''

He is speaking of the Clinton deficit reduction plan.

Mr. DURBIN. Who said that?

Mr. REID. Senator PHIL GRAMM of Texas. He further said, ''I believe that Bill Clinton will be one of those people. We have a Presidential election coming up soon.''

Would the Senator comment on the statements made about President Clinton losing his job and hundreds of thousands of people losing their jobs.

Mr. DURBIN. Well, of course, President Clinton was reelected in a rather decisive victory over former Senator Bob Dole. The American people like the way America is moving forward. I am sure it has been painful for Senator GRAMM and others who opposed the President's suggested policy to get America back on track to realize they were wrong. The facts have shown them to be wrong. In fact, we have had the longest period of growth and prosperity in America's economic history.

They want to change that, I say to the Senator from Nevada. Their Presidential candidate, George W. Bush, doesn't like the way things have been going. He thinks that instead of the policies that have brought America forward, we ought to change it all—a dramatic, radical, and risky tax cut that would go to the wealthiest people in America.

When I asked the Republicans in the Senate to vote up or down on whether they want to stand by Governor Bush, they came in with a substitute. They want to change the subject and invent a tax that they cannot even identify with Vice President AL GORE. Vice President GORE has not called for a $3 gas tax increase.

I think the Vice President is right to heighten our awareness of the need to do something to improve air quality in America. I might say to the Senator from Texas—he may not know this—

about 6 years ago, the Vice President, along with President Clinton, went to the major automobile makers of the United States and challenged them to come up with a more fuel-efficient engine, and it is possible, even in my lifetime, that what we know as the internal combustion engine will be gone, and we will have something that is cheaper to operate and safer for the environment. Whether you are from Texas or Illinois, that would be a good change.

When I listen to the critics of Vice President GORE on the environment, I find it hard to believe. I can't believe that even in the State of Texas you aren't at least sensitive to air and water quality. But to say that anybody who brings up the environment is some pinheaded professor that parks his bicycle straight overstates the case. The American people, particularly younger people in this country, want a cleaner nation, with air that is safe to breathe and water that is safe to drink. If the Vice President is heightening our awareness of environmental issues, so about be it. All political leaders should do that.

Mr. REID. If the Senator will yield, there has been a lot of discussion in the last few weeks about the cost of fossil fuel, gasoline, and diesel fuel being so expensive. It has come to my attention that 56 percent of the fuel that we use in this country comes from foreign nations. Does the Senator think the Vice President was concerned about that and was trying to do something so we would be less dependent on the oil barons of the Middle East?

Mr. DURBIN. I think the Senator from Nevada is exactly right. It is about time America gets serious about an energy policy. I can recall that in previous administrations we had statements of fuel efficiency on vehicles and on appliances, and, frankly, some people on the other side of the aisle thought that was a heavyhanded move by the Government. They have been fighting off that information at a time when we should have it. We ought to be looking to alternative sources, not only alternative sources for fuel, responsible sources in the United States, but also alternative fuels. This is not radical thinking. It is sensible that we would look for alternatives to our dependence on foreign fuel. I think when Vice President GORE raises environmental concerns, those are concerns most Americans share.

Let me go on to another point raised by the Senator from Texas. He raised the marriage tax penalty, which is imposed on people who, because their combined incomes bring them to a higher tax rate, pay more after they are married than before. I say to the Senator from Texas—he probably knows this—the Democrats, the Republicans, and the President agree that this should be changed. There is no controversy here. For him to raise it in the debate baffles me.

Second, when it comes to the estate tax, do you know what percentage of Americans pay the estate tax? I will answer this question. It is 1.3 percent of the estates that pay the estate tax.

Now, yesterday, I had a chance to meet a gentleman by the name of Bill Gates, who runs Microsoft Corporation. He has had a bad month. His net worth went down from $70 billion to $52 billion. When he passes away, I don't believe it is unreasonable that he would pay some taxes back to the America, which has given him a chance to succeed, to pay for education and opportunities for the next generation.

Obviously, the Senator from Texas thinks that is unfair and unjust. I do not. I do concur with his belief that we ought to change the estate tax law so that family farmers and family businesses can pass their enterprises on without penalty, under most circumstances. I already introduced a resolution to that effect in the Senate last year. I hope we can do that. But to eliminate the estate tax on Bill Gates doesn't strike me as the progressive thinking of the Senator from Texas. He is entitled to his point of view.

Let me talk to you about his conjecture that President Clinton in his budget is going to dramatically increase spending.

The Senator from Texas will never tell you on what specifics President Clinton wants to spend money. You would think it is a wasteful expenditure here, there, and the other place. My guess is, if you take a close look at the specific areas of spending, you will find that most American families agree. There are areas where we should spend more taxpayer dollars.

Let me give you a couple of illustrations.

Can we start with education? Is there anyone who couldn't believe we should invest in education, hold the teachers and the establishment of education accountable for what comes out of the classroom but give them the resources to do a good job; pay teachers a decent salary; put the computers and technology in the classroom so they can teach adequately; and make sure schools are modernized for the 21st century?

I think that is one of the ''wasteful'' programs the Senator from Texas would have us eliminate so we can give a tax cut to the wealthiest people in American.

Look at some of the proposals by President Clinton for spending. I guess the Senator from Texas should have taken a look at this list. It appears he wants to spend some more money on additional defense for America. I don't think that is altogether a bad idea. I think that is part of the preamble of the Constitution—that the United States wants to provide for the common defense. And I am glad President Clinton has shown leadership there.

When it comes to foreign assistance, he, for example, wants to invest money to make America's embassies overseas safe from terrorism. Is that a wasteful expenditure we should do away with in the name of a $50,000-a-year tax cut that George W. Bush proposes for people making over $300,000 a year?

The list goes on and on.

Environmental toxic cleanup: The President wants to spend more on that. So do I. I don't want those toxic chemicals in the soil leeching into ground water and contaminating water supplies across America.

The President is right, and the American people know it.

In the area of agriculture, we had an effort to help our farmers across America struggling through the most difficult times. Yes. That is President Clinton's proposal for spending. Is it a valid one? You bet it is. For 2 straight years, we have passed emergency appropriations for farmers.

I take it the Senator from Texas doesn't believe we should do that; instead, we should take the George W. Bush tax cut and give a $50,000-a-year tax break to some of the wealthiest people in this country.

The list goes on and on.

Investments in transportation: So that the FAA can have modern equipment; so that when we get on an airplane with our family we have peace of mind that the best technology is available.

Yes, President Clinton wants to spend money on that, and apparently the Senator from Texas thinks that is wasteful.

I don't know how he gets back and forth to Texas. When I travel to Illinois, it is on an airplane. I want it safe for me and my family and for all of the other people who use it.

In the education area, the President's proposal would not only modernize our classrooms but increase the number of teachers so we have smaller class sizes.

A national literacy program that both Presidential candidates agree on so kids by the third grade can read and write: Is that a good proposal and a goal for the 21st century? I think so. But the Senator from Texas, obviously, takes exception. He thinks that is another wasteful Government expenditure.

He would rather give a tax cut to the wealthiest people in America. I think that is wrong. That is what elections are about.

Mr. REID. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield to my colleague.

Mr. REID. The Senator outlined very clearly the importance of certain spending taking place in this country. I would like the Senator to comment on the fact that when President Bush took office, the yearly deficits, not counting the Social Security surpluses which made the deficit look smaller, were about $300 billion a year.

In addition to the President requesting some spending that the Senator outlined so clearly, what is the status of the deficits of this country since President Clinton became President?

Mr. DURBIN. I am glad the Senator asked. As Senator BYRD carries the

Constitution in his pocket, I carry with me a card which has a record of what is happening under the Clinton-Gore administration. Record budget deficits have been erased.

In 1992, the deficit was a record $292 billion. The Congressional Budget Office said it was going to grow to $455 billion by the year 2000, this year. Instead, we have a projected $167 billion surplus, the third one in a row. That is $622 billion in savings not drained by the Government in 1 year alone. And we have had the largest paydown of debt in the history of the United States—$297 billion.

All the deficit hawks on the other side of the aisle hate to hear these numbers, but they are the facts.

Under the Clinton-Gore administration, we have addressed the deficit situation. We are no longer talking about a constitutional amendment to balance the budget but are moving in the right direction. The American people want us to continue doing that.

We have people who visit this Capitol at this time of year, usually classrooms from across America. These young men and women who come to watch this Senate and visit our offices deserve an America with a reduced national debt. That is the goal of the President's proposal and his budget. It is one not shared by George W. Bush. He believes we should give a massive and risky tax cut across the board. We believe targeted tax cuts make more sense and deficit and debt reduction are absolute priorities.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. REID. I yield the Senator from Illinois an additional 15 minutes under the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Historically, my friend from Illinois talked about what has happened since Bush was no longer President and how the deficit came down. From where did this huge national debt of $5 trillion come?

Mr. DURBIN. I think the Senator from Nevada can remember that we accumulated more debt in the history of the United States with the election in 1980 of President Reagan until President Clinton, and about 1994 or 1995 started to turn the corner, than we had accumulated in the entire history of the United States, more debt than we had accumulated in our entire history.

We collect $1 billion in taxes every day to pay interest on the debt that we accumulated during the Reagan-Bush era. President Clinton has finally moved away from that. We are starting to reduce that debt, and we think that is the highest priority. But it isn't the highest priority of Gov. George W. Bush. He believes the highest priority is a tax cut—a tax cut for some of wealthiest people in this country.

We believe we should target the tax cut to the families who need it. For example, a lot of families send their kids to college. They know it is a very expensive undertaking.

We propose on the Democratic side that you be able to deduct from your taxes college education expenses. This gives a helping hand to middle-income families across America so that the kids will finish school with less debt, and maybe no debt.

I think that is a targeted tax cut that makes sense. It makes a lot more sense than a $50,000-a-year tax cut for somebody making $300,000 a year. That is the George W. Bush tax cut.

We also want to target the tax cut to help pay for long-term care. Families know when their parents and grandparents are elderly that it is expensive to care for them. They want to give them the best. It takes a lot from their savings. We give a tax cut for that purpose—a targeted tax cut to help pay for long-term care. That is a sensible approach.

We think the highest priority should be debt reduction. We are not the only ones who suggest it. For anyone who believes this is a partisan proposal, take a look at this particular article that appeared in the Washington Post. This is from the business section. Alan Greenspan, not known to be a Democrat, the Chairman of the Federal Reserve Board: ''Pay down the debt first.''

That newspaper was obviously not delivered in Texas because neither the Senator who is speaking today on behalf of his amendment nor the Presidential candidate on the Republican side heard the news. Greenspan said debt reduction should be the highest priority—not in their book. From their point of view, the highest priority is making sure the wealthiest people in this country pay less in taxes. That to me doesn't make sense. Let us pay down this awful debt that has been accumulated during the Reagan-Bush years.

Let us try to put this behind us so future generations have more flexibility in their own lives; so that we have less demand for capital; and interest rates coming down.

So those who are following the debate understand where we are, I put forward on the floor the Bush tax cut asking the Democrats and Republicans to go on the record one way or the other. The Senator from Texas says: No. Let's try a substitute. He dreams up a gas tax increase and cannot point to one page in Vice President GORE's book that enumerates that increase, and he wants us to vote on that.

I encourage my friends on the floor to turn down the Gramm gas tax increase. We don't need a $3 increase. Nobody on this side of the aisle called for it.

I think Senator GRAMM should understand at this point in time it would be devastating. That is what he wants to vote on because he doesn't want to vote on the Bush tax cut, which is well documented. That is painful, I am sure, but I think it is important we do it.

Back to the estate tax for a second. In 1995, approximately 2.3 million people died in America; 31,000 out of 2.3 million ended up paying the Federal estate tax, 1.37 percent. The vast majority of our Nation's citizens simply do not leave estates valued at $600,000 or more, which is the present annual tax threshold, which is going to increase to $1 million, which I support.

The Senator from Texas would have us believe everyone passing away has as their last act, before the undertaker wheels them out, filing a Federal tax form for the Federal estate tax. It doesn't happen. The vast majority, over 98 percent of the American people, don't pay this tax. Some of the wealthiest people in this country do. He thinks we should wage this Presidential campaign over the 1.37 percent of the population. I think that is a mistake.

I think, honestly, those who have done well in America and prospered and made millions of dollars and left huge estates owe something back to America. That is part of the cost of living and prospering in this country, as far as I am concerned. We see that differently.

The Senator wants to preserve and protect those in the highest income categories, give them the Bush tax cut, and turn his back on things such as education spending—which he thinks is wasteful government spending. I disagree.

There are some radicals on his side of the aisle who want to eliminate the Department of Education. That is a serious mistake. I am not going to put those words in the mouth of any single Senator, but we have heard it over and over from the other side of the aisle. They would take away the authority of the Department of Education to provide for the 5, 6, or 7 percent of Federal aid to education across America. I think that is a mistake, too.

The President understands, as most American families do, that education is critical for our future. If the Senator from Texas wants to walk away from this commitment to education, I think he is walking away from a commitment which is important for our children to make sure they have the skills and education not only to prosper in this Nation but to be able to compete in a global economy. He may think a tax cut for wealthy people is more important than making certain that our kids are well educated, but I disagree with that. I think most American families understand they get one chance to educate their kids, and they want to do it right.

Mr. REID. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mr. REID. We have talked about income taxes; that is what the Senator from Texas talked about and that is what the Bush tax cut mainly talks about, the Federal income tax.

Is the Senator aware of the article that ran in the Washington Post 8 or 9 days ago, and then ran all over the country, indicating that the Federal

income tax now is at a 40 to 50-year low?

Mr. DURBIN. Yes, the Senator from Nevada is correct. Despite all the statements to the contrary, Federal taxes have been going down on American families and they have been held to the 1970 level. We have been making real progress in that regard.

What we have tried to do when the Democrats had a voice in the process is make sure that tax cuts went to working families. Those are the folks who need a helping hand. If there is an increased tax burden in this country, it comes primarily from State and local sources and from payroll taxes associated with the Medicare and Social Security programs which, quite honestly, we have to sustain until we address meaningful reform.

On that subject, let me add, President Clinton and Vice President GORE are talking about investing this surplus back into Social Security and back into Medicare to reduce their debt and to make certain those programs will be here for decades to come. The Republican side of the aisle does not want to address those issues, and they should. Instead, they want the George W. Bush tax cut. Instead of putting this money into debt reduction and strengthening Social Security and Medicare, providing for prescription drug benefits under Medicare, they would give a tax cut to the wealthiest people in our country. That is the clear choice in the Presidential campaign.

The Senator from Texas does not believe I should raise this issue on the floor of the Senate. He says since I have, it is open season for debate on it. I welcome the debate. For goodness sakes, if we cannot come to this floor and debate the issues that are central to the most important choice Americans will make in the year 2000 in the Presidential election, then this great deliberative body has lost its way. I think it is important that all Members come to the floor and be recorded on this vote.

I invite the Senator from Texas to withdraw his substitute amendment so he can have an up-or-down vote on the Bush tax cut. Surely GRAMM wants to go back to Texas and see your Governor and say: I stood by you. I was with you to the bitter end. I defended you against your critics. I am for the Bush tax cut.

Certainly you don't want to go back and say to your Governor: I didn't want to vote on your tax cut so I put up a substitute. I dreamed up an Al GORE gas tax. I did my darnedest to avoid being on the record.

I am certain Texas pride demands standing by your Governor, as many on your side of the aisle, I am sure, want to do. In order to do that, you have to take away the substitute amendment. You have to face the music. You have to understand that if you are going to buy this tax cut from George W. Bush, you have to go on the record and do it and not just make speeches when you are off the Senate floor.

I yield back the time offered to me by Senator REID under the resolution.

Mr. REID. How much time did the Senator have remaining?

The PRESIDING OFFICER. He had 5 minutes remaining.

The Senator from Texas.

Mr. GRAMM. Mr. President after listening to that, I feel like a mosquito in a nudist colony. I don't know quite where to hit.

Let me start at the beginning. Bill Clinton's plan was not just the largest tax increase in American history; it was a stimulation package of $16 billion where spending exploded before the tax increase ever went into effect. Republicans in the Senate killed that stimulation plan.

Bill Clinton's plan was to have the Government take over and run the health care bill. I remember distinctly somebody standing up and saying the Clinton health care bill will pass over my cold, dead, political body. That political body is still alive and the Clinton health care bill is dead.

Bill Clinton, when he sent Congress a budget in 1995, proposed a $200 billion deficit, and his budget had a $200 billion deficit through this year. Who lost their jobs? When we killed the Clinton health care bill and defeated the stimulus package, they lost their jobs. We elected a Republican majority in both Houses of Congress. When we elected a Republican majority, we rejected the Clinton budget and the deficit started to go away and we have a surplus today.

In terms of a reasonable policy to protect the environment, forgive me, but completely eliminating the internal combustion engine is not a reasonable policy to protect the environment. It is an extremist policy that deserves to be rejected and it will be rejected. They are ashamed of it.

I ask the following question: How is he going to eliminate the internal combustion engine? Maybe they are just going to confiscate the cars or trucks. Maybe they are going to take us off to prison.

If you don't do it with taxes, how do you do it? The point is, they don't know how you would do it—at least they don't know before the election. The American people are going to want to know.

They are for eliminating the marriage penalty—baloney. Where's the beef? Their tax cut actually raises taxes for 5 years. Middle-income Americans would get virtually no tax relief under their policy.

Finally, as to this ''tax the wealthy,'' what a phony issue that is. In the President's first budget, they proposed raising taxes on people earning $25,000 a year who were drawing Social Security. That is what they call ''rich.''

They were able to take a family making $44,000 a year and under Clinton's first budget make it $75,000 by saying: To tax somebody, you count the rent value of the home they own; you count the value of their life insurance; you count the value of their parking place.

To the Democrats, anybody who works and makes money is rich. Whenever we try to cut anybody's taxes, they are always rich. They have every excuse in the world to do anything except to give the American people a tax cut.

Finally, let me say again the part of the story that they are not telling is the following: Their budget, which they support, proposes that over the next 5 years we spend $494 billion on new and expanded programs. That is the Clinton budget.

What Governor Bush is proposing is that rather than spend all this money on these programs, we give part of it back to working families. Why is it not risky for us to spend $494 billion on new programs, which is the Clinton budget that they support, and why is it risky for Governor Bush to propose giving less than that amount back to families to let them spend it?

I have 3 minutes remaining. I yield to Senator DOMENICI.

Mr. DOMENICI. Mr. President, we have heard an interesting political discussion today. The idea we should be debating the Bush tax cut on the Senate floor is totally political. It brought a political answer. So we are now engaged in a Presidential election instead of a budget.

The truth of the matter is, we do not have before us a Bush budget. What we have before us is the budget of the President of the United States. For those on the Democrat side who are talking about Bush's budget, let me say they have never offered the President's budget. Nobody has dared offer it because it is so bad that even they know they would not get the votes for it.

That is not the kind of budget we are going to get next year, if George Bush is President. He is going to give us a budget that calls for less Government but priorities in Government. There is going to be sufficient money left over in his budget to have a tax cut, tax relief for the American taxpayer, and take care of the Social Security trust fund. There is no doubt in my mind he will present that kind of budget.

We can argue all we want today about what fits in this year's budget. We are operating against the competition of a budget from the President. We are not working with a President who wants to have tax relief. As a matter of fact, this President's budget sets the way to increase taxes in the first year, not decrease them, and to increase them over the first 5 years, not decrease them. As a matter of fact, it is a tax increase budget. We have to compete with that and try to get our business done, having to work with him in the appropriations process. Now we have somebody coming down here telling us Bush's budget does not fit in ''your'' budget. Of course, it doesn't fit in our budget because we have not yet seen what President-elect Bush would submit to us to do with all these duplicative programs. We heard there are

342 programs in economic development. He is not going to leave those around. He is going to provide a completely different tone, a different kind of budget with high priorities in education and the issues he has described.

I want to close by saying it is somewhat of a lark to come down here and talk about how big the deficit got following Jimmy Carter. Ronald Reagan had to take over an America whose military had gone right down the drain, an America that had an economy that was dead weak. He had to sit there and let the inflation come out of that and then, yes, build back defense and provide some tax relief for the American people. That was a great economy. He took over when it was a basket case.

If we want to debate things past, I will conclude by saying: Does anybody believe this robust economy of America was made robust because Bill Clinton and the Democrats increased taxes $293 billion? Does anybody really believe that? I am certain a majority of American economists would say it was coming back strong, we plunked this on top of it, and it didn't break the economy; it just let it go ahead. It probably would be stronger if we had not adopted the $293 billion. That is my guess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Is there time remaining with the majority?

The PRESIDING OFFICER. All their time has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield back my time.

AMENDMENT NO. 2985 TO AMENDMENT NO. 2953

Mr. DURBIN. I send a perfecting amendment to the desk.

Mr. DOMENICI. Parliamentary inquiry. Is that amendment in order?

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Therefore, a second-degree amendment would not be in order.

Mr. DOMENICI. I don't understand. We have a second-degree pending. What kind of amendment is he sending? Is it amending the second-degree amendment or the underlying amendment?

The PRESIDING OFFICER. It is a second-degree perfecting amendment, but it is an amendment to his own amendment which the Senator has the right to modify. It can be accepted as a modification.

Mr. DOMENICI. I say to my friend, I did not think we were going to be doing this. That is what you kind of said to me. But that is all right. I thought we were going to vote on second degrees, you would have another round of votes on your own, but it is OK if you want to change that now.

Mr. REID. I say to my friend from New Mexico, we are not changing anything. In all due respect, if their amendment had been prepared properly, there wouldn't have been an opportunity for us to do our amendment. We think there should be an up-or-down vote. We said all along we are going to get an up-or-down vote, no matter how long it takes, whether the majority is going to approve their Presidential nominee's tax cut; it is as simple as that. We asked for an up-or-down vote for the last 24 hours.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry. Is it an appropriate time for a Senator to send an amendment to the desk? Is it appropriate for a Senator to send an amendment to the desk unrelated to the pending amendment, the one that has just been debated, and ask it be placed in the queue for consideration?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. WARNER. I ask unanimous consent this amendment be placed in the queue for consideration.

Mr. REID. Objection—just lining it up for later on? OK.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I don't know what the words ''queue it up'' mean. We ought to get it straight. I don't object to his sending an amendment to the desk, but I do object to gaining any kind of preferential treatment for that amendment.

Mr. WARNER. Mr. President, I have not requested any preferential treatment. I simply wish to send it to the desk.

The PRESIDING OFFICER. The Senator has a right to submit an amendment. The amendment is submitted. The Senator from Nevada.

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. DURBIN, proposes an amendment numbered 2985 to Amendment No. 2953.

Mr. REID. I ask unanimous consent to waive the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this resolution the following numbers shall apply:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $4,843,000,000.

On page 4, line 5, decrease the amount by $35,146,000,000.

On page 4, line 6, decrease the amount by $65,248,000,000.

On page 4, line 7, decrease the amount by $99,450,000,000.

On page 4, line 8, decrease the amount by $128,552,000,000.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $4,843,000,000.

On page 4, line 14, increase the amount by $35,146,000,000.

On page 4, line 15, increase the amount by $65,248,000,000.

On page 4, line 16, increase the amount by $99,450,000,000.

On page 4, line 17, increase the amount by $128,552,000,000.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $136,000,000.

On page 4, line 23, increase the amount by $1,280,000,000.

On page 4, line 24, increase the amount by $4,186,000,000.

On page 4, line 25, increase the amount by $8,785,000,000.

On page 5, line 1, increase the amount by $15,334,000,000.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $136,000,000.

On page 5, line 8, increase the amount by $1,280,000,000.

On page 5, line 9, increase the amount by $4,186,000,000.

On page 5, line 10, increase the amount by $8,785,000,000.

On page 5, line 11, increase the amount by $15,334,000,000.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $136,000,000.

On page 26, line 11, increase the amount by $1,280,000,000.

On page 26, line 15, increase the amount by $4,186,000,000.

On page 26, line 19, increase the amount by $8,785.

On page 26, line 23, increase the amount by $15,334,000,000.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $136,000,000.

On page 26, line 12, increase the amount by $1,280,000,000.

On page 26, line 16, increase the amount by $4,186,000,000.

On page 26, line 20, increase the amount by $8,785,000,000.

On page 26, line 24, increase the amount by $15,334,000,000.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 23, increase the amount by $4,979,000,000.

On page 5, line 24, increase the amount by $36,426,000,000.

On page 5, line 25, increase the amount by $69,434,000,000.

On page 6, line 1, increase the amount by $108,235,000,000.

On page 6, line 2, increase the amount by $143,886,000,000.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $4,979,000,000.

On page 6, line 7, increase the amount by $36,426,000,000.

On page 6, line 8, increase the amount by $69,434,000,000.

On page 6, line 9, increase the amount by $108,235,000,000.

On page 6, line 10, increase the amount by $143,886,000,000.

TAX CUT

On page 29, line 3, increase the amount by $4,843,000,000.

On page 29, line 4, increase the amount by $333,239,000,000.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,979,000,000.

On page 5, line 16, increase the amount by $36,426,000,000.

On page 5, line 17, increase the amount by $89,434,000,000.

On page 5, line 18, increase the amount by $108,235,000,000.

On page 5, line 19, increase the amount by $143,886,000,000

Mr. DOMENICI. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Before I relinquish the floor, might I ask what this amendment is?

The PRESIDING OFFICER. This is the perfecting amendment to the underlying Durbin amendment.

Mr. DOMENICI. So Senators would like a vote on the Durbin amendment? Is that what all this is about? Is that it?

Mr. REID. That is it.

Mr. DOMENICI. Let's just do it.

Mr. REID. That will be perfect. We think that would be very appropriate.

Mr. DOMENICI. Can we agree we are going to vote on the Gramm amendment and then we will vote on the Durbin amendment, regardless of what happens to the Gramm amendment?

Mr. DURBIN. Will the Senator from New Mexico yield?

Mr. REID. I think the staff is preparing an appropriate unanimous-consent agreement. I think we can work this out.

Mr. DOMENICI. What we are going to do is have a vote on Senator DURBIN's amendment, then have a vote on Senator GRAMM's amendment?

Mr. REID. That is right.

Mr. DURBIN. I ask the Senator from New Mexico to yield for a moment.

Mr. REID. We yield time under the resolution.

Mr. DURBIN. Would the Senator from New Mexico allow us, despite all the debate this morning, to describe our actual amendments before the actual vote?

Mr. REID. We usually have 2 minutes.

Mr. DURBIN. That will be fine. Thank you.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the votes relative to the following amendments be scheduled to occur at 2 p.m. in the sequence listed, with no second-degree amendments in order, where applicable, prior to the votes, and there be 2 minutes prior to each vote for explanation, and all votes after the first vote in the sequence be limited to 10 minutes. The amendments are as follows: Reid amendment No. 2985, which I understand is a Durbin amendment, essentially—is that correct, Senator?—and then Gramm amendment No. 2973—and Senator Gramm is here. it is the same amendment to which he has been speaking—and then Durbin amendment No. 2953, as amended, if amended.

I also ask unanimous consent that following the allotted 1 hour of debate, the pending amendments be laid aside until the stacked votes. It may be that there is no time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand Senator MCCAIN has an amendment. We have agreed heretofore on the floor—the minority and majority—that he would proceed as the next amendment. To do that, we have to yield back time that we have on the pending amendment. I yield back any time I have.

Mr. REID. As does the minority.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Arizona is recognized.

Mr. MCCAIN. I understand that the pending amendment has been set aside.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2988

(Purpose: To end the ''Food Stamp Army'')

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2988.

Mr. MCCAIN. 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 9, line 2, increase the amount by $2,500,000.

On page 9, line 3, increase the amount by $2,500,000.

On page 9, line 6, increase the amount by $10,000,000.

On page 9, line 7, increase the amount by $10,000,000.

On page 9, line 10, increase the amount by $6,000,000.

On page 9, line 11, increase the amount by $6,000,000.

On page 9, line 14, increase the amount by $4,200,000.

On page 9, line 15, increase the amount by $4,200,000.

On page 9, line 18, increase the amount by $2,800,000.

On page 9, line 19, increase the amount by $2,800,000.

On page 9, line 22, increase the amount by $2,000,000.

On page 9, line 23, increase the amount by $2,000,000.

On page 4, line 21, increase the amount by $2,500,000.

On page 4, line 22, increase the amount by $10,000,000.

On page 4, line 23, increase the amount by $6,000,000.

On page 4, line 24, increase the amount by $4,200,000.

On page 4, line 25, increase the amount by $2,800,000.

On page 5, line 1, increase the amount by $2,000,000.

On page 5, line 6, increase the amount by $2,500,000.

On page 5, line 7, increase the amount by $10,000,000.

On page 5, line 8, increase the amount by $6,000,000.

On page 5, line 9, increase the amount by $4,200,000.

On page 5, line 10, increase the amount by $2,800,000.

On page 5, line 11, increase the amount by $2,000,000.

On page 5, line 14, increase the amount by $2,500,000.

On page 5, line 15, increase the amount by $10,000,000.

On page 5, line 16, increase the amount by $6,000,000.

On page 5, line 17, increase the amount by $4,200,000.

On page 5, line 18, increase the amount by $2,800,000.

On page 5, line 19, increase the amount by $2,000,000.

Mr. MCCAIN. Mr. President, I thank Senator DOMENICI and Senator REID for allowing me to propose this amendment. I don't intend to take a very long time. I know there are many other pending amendments.

Mr. President, I rise today to introduce an amendment to the Congressional budget resolution for fiscal years 2001 through 2005 that would provide the funding necessary to end the ''food stamp army'' once and for all.

This amendment increases the defense budget by $28 million over five years—an average of less than $6 million per year—to pay for an additional allowance of $180 a month to military families who are eligible for food stamps. Additionally, the Congressional Budget Office estimates the amendment would save millions of dollars in the food stamp program by removing servicemembers from the food stamp rolls for good.

Last week, I introduced S. 2322, the ''Remove Servicemembers from Food Stamps Act of 2000'', that will provide junior enlisted servicemembers who are eligible for food stamps in the paygrade E–1 through E–5 an additional subsistence allowance of $180 a month. A not-yet-published Department of Defense report estimates that approximately 6,300 servicemembers receive food stamps, while the General Accounting Office and Congressional Research Service place this number at around 13,500. Regardless of this disparity, the fact that just one servicemember is on food stamps is a national disgrace, and this situation cries out for repair.

In recent years, annual military pay increases have barely kept pace with inflation—lagging at least 8 percent behind the pay increases in the private sector during the same period. To put the impact of such trends in plain dollar amounts, the lowest enlisted rank, an E–1, currently earns as little as $12,067 per year, plus $2,766 in allowances, which is well below the poverty level for a family of four. In fact, the

number of men and women in the military earning less than $20,000 per year constitutes 45 percent of the Army, 46 percent of the Marine Corps, 26 percent of the Navy, and 18 percent of the Air Force. Of these servicemembers, 111,600 have families and 6,515 are single parents.

Because of this serious disparity in military versus civilian pay, the Congress took action last year to significantly increase military pay across the board. The Senate-passed military pay bill, S. 4, included the same food stamp relief plan in S. 2322, and it was also approved by the Senate as part of the National Defense Authorization bill. However, I was greatly disappointed when the Senate-approved food stamp relief provision was rejected by conferees from the House of Representatives despite the strong support of Admiral Jay Johnson, the Chief of Naval Operations, and General Jim Jones, the Commandant of the Marine Corps. With thousands of military families on food stamps, and possibly thousands more eligible for the program, I cannot understand the Congress' refusal to rectify this problem in last year's National Defense Authorization Act.

It is outrageous that Admirals and Generals received a 17 percent pay raise last year, while enlisted families continue to line up for free food and furniture. Last year, we poured hundreds of millions of dollars into programs the military did not request and that were not identified by the Joint Chiefs as a priority item. It is difficult to reconcile how Congress could waste $7.4 billion on pork-barrel spending in the defense budget last year alone, yet refuse to provide a few million dollars to get military families off food stamps.

It is unconscionable that the men and women who are willing to sacrifice their lives for their country have to rely on food stamps to make ends meet, and it is an abrogation of our responsibility as Senators to let this disgrace go on. Sadly, politics, not military necessity, remains the rule, not the exception.

I will not stand by and watch as our military is permitted to erode to the breaking point due to the President's lack of foresight and the Congress' lack of compassion. These military men and women on food stamps—our soldiers, sailors, airmen, and Marines—are the very same Americans that the President and Congress have sent into harm's way in recent years in Somalia, Bosnia, Haiti, Kosovo, and East Timor. They deserve our continuing respect, our unwavering support, and a living wage.

S. 2322 is supported by The American Legion, the Veterans of Foreign Wars, the National Association for Uniformed Services, the Disabled American Veterans, The Retired Officer's Association and every enlisted association or organization that specifically supports enlisted servicemember issues in the Military Coalition and in the National Military/Veterans Alliance. Associations include the Non Commissioned Officers Association, the Retired Enlisted Association, the Fleet Reserve Association, the Air Force Sergeants Association, the U.S. Coast Guard Chief Petty Officers Association, the Enlisted Association of the National Guard of the U.S., and the Naval Enlisted Reserve Association. I ask unanimous consent to include their letters of support in the RECORD following my remarks.

I urge my colleagues to support this amendment to the budget resolution that provides the funding for the food stamp relief in S. 2322. It is a step in the right direction toward meeting our responsibilities to our servicemembers and their families.

Mr. President, we must end the days of a ''food stamp Army'' once and for all. Our military personnel and their families deserve better.

Mr. President, I ask unanimous consent that letters from various service organizations in support of this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, April 5, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of more then 4 million members of The American Legion family we want to thank you for introducing S. 2322, the ''Remove Servicemembers from Food Stamps Act of 2000.'' This critical legislation provides junior enlisted servicemembers in the pay grade E–1, through E–5, who are eligible for food stamps, an additional subsistence allowance of $180 a month.

The American Legion continues to support quality of life features for members of the Armed Forces and their dependents as well as military retirees. People are the foundation of the Nation's fighting forces.

Military pay must be reasonably comparable to compensation in the private sector if the Armed Forces aspire to compete for quality volunteers and retain an experienced military force for the long term.

With military families on food stamps, passage of relief legislation to compensate junior enlisted servicemembers with an additional subsistence allowance is critical to maintaining adequate morale and ensuring retention of America's military families in the Armed Forces.

American Legion National Commander Alan Lance's first hand observations after meeting with soldiers, sailors and airmen in Kosovo, Bosnia, and aboard the aircraft carrier, USS George Washington serves to reaffirm your resolve in assisting America's enlisted sons and daughters in uniform.

Thank you again for recognizing the sacrifice of America's men and women in uniform. America's servicemembers stand in harm's way in Somalla, Bosnia, Haiti, Kosovo, and East Timor. They deserve continuing respect, unwavering support, and a living wage from a grateful nation.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, DC, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 2 million members of the Veterans of Foreign Wars of the United States (VFW) I thank you for taking the initiative to introduce your bill titled ''Remove Servicemembers from Food Stamps Act of 2000.'' We certainly share your concern that today, regretfully, several thousand enlisted members of our active duty force participate in the food stamp program. They do this out of necessity rather than opportunism.

In our collective judgment the $180 per month Special Subsistence Allowance (SSA) you propose is an equitable amount of money in addition to the presently authorized Basic Allowance for Subsistence (BAS) paid to those servicemembers with dependents in the rank of E–1 through E–5. We also strongly agree with your proposed termination of date for SSA being after September 30, 2005.

In closing, and based on the above facts, the VFW will support all efforts to have your proposed piece of legislation enacted immediately in law. It is a national disgrace to require even a few military families today to need food stamps as part of their lifestyle. Thank you again for having the courage and the time to address this unconscionable situation.

Sincerely,

JOHN W. SMART,
Commander-in-Chief.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, March 30, 2000.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: This letter is being provided to you on behalf of the National Association for Uniformed Services to express our strong support for your bill to establish a special subsistence allowance for members of the Uniformed Services eligible for food stamps.

It is disgraceful that the level of compensation of any of the nation's warriors is so low that they qualify for food stamps. This legislation would help those with the most serious problems and is a necessary and welcome step toward correcting the inequitable compensation provided to members of the Uniformed Services.

We appreciate your long-standing concerns for our men and women in uniform and strongly support the ''Remove Servicemembers from Food Stamps Act of 2000.''

Sincerely,

RICHARD D. MURRAY,
President.

DISABLED AMERICAN VETERANS,
Washington, DC, March 30, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Disabled American Veterans (DAV), I commend you for introducing the ''Remove Servicemembers from Food Stamps Act of 2000.'' Your efforts on behalf of the men and women who serve our nation in its Armed Forces is greatly appreciated.

It is indeed unconscionable that the men and women who are willing to sacrifice their lives in defense of our nation and its ideals are forced to depend on food stamps to feed their families. It also effects the nation's state of military readiness when our servicemembers deployed around the world must worry about their loved ones at home,

and whether their needs are being met. This is not conducive to a strong national defense.

These military men and women, who are continually put in harm's way by the President and the Congress, should never have to rely on charity to make ends meet. We must never let our defenders of freedom down, especially when they are deployed in protection of world freedoms.

The delegates to our last National Convention, held August 21–25, 1999, in Orlando, Florida, passed Resolution No. 052, which calls for adequate funding for the defense of our nation, both at home and abroad. I have enclosed a copy of this resolution for your information.

Thank you again for your efforts on behalf of our nation's military members and for your support of veterans' issues.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

THE RETIRED OFFICERS ASSOCIATION,
Alexandria, VA, April 4, 2000.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the nearly 400,000 members of The Retired Officers Association (TROA), I am writing to express TROA's support for your bill, S. 2322, the ''Remove Service Members from Food Stamps Act of 2000.''

All Americans are concerned when thousands of younger families serving their Nation in uniform have become eligible for public assistance. TROA believes strongly that the ultimate answer is to increase military pay sufficiently to restore pay comparability with the private sector and wipe out the double-digit military pay raise gap that has accumulated over almost two decades. In addition, housing allowances must be increased to fully offset the cost of adequate housing for each pay grade.

Until the Executive and Legislative Branches are prepared to allocate the funding required to accomplish these goals, the only way to resolve the food stamp issue is a special allowance such as provided for in S. 2322.

TROA applauds your concern for the well-being of our men and women in uniform, and particularly for those in lower grades for whom past pay constraints pose the most significant impacts on their standard of living.

Sincerely,

PAUL W. ARCARI,
Colonel, USAF (Ret),
Director, Government Relations.

NCOA,
Alexandria, VA, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Non Commissioned Officers Association of the USA (NCOA) is writing to state its strong support for the ''Remove Servicemembers from Food Stamps Act of 2000,'' legislation that you are preparing to introduce in the very near future. In these times of unprecedented prosperity in America, it is impossible to reconcile how even one U.S. Armed Forces member should be in the position of qualifying for food stamps.

The fact that this legislation is needed is a further statement on how Congress and the Administration have allowed military basic pay and other components of the total compensation package to seriously erode. While the Remove Servicemembers from Food Stamps Act of 2000 will not solve the underlying problems, NCOA believes it is a positive, compassionate step in the right direction. This legislation demands the full support of all of your Senate colleagues—it is the right thing to do.

The Association extends its sincere appreciation for your leadership and support for the enlisted men and women of the U.S. Armed Forces. Count on NCOA's support to get this legislation enacted.

Sincerely,

LARRY D. RHEA,
Director of Legislative Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, VA.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the 110,000 members and auxiliary of The Retired Enlisted Association (TREA), TREA National President Fred Athans and TREA National Auxiliary President Kay Claman, I would like to express our support for your efforts on behalf of these members of the Armed Forces currently receiving food stamps.

As we enter into the 21st Century, it is unconscionable that individuals who are serving this great nation are forced to rely on government assistance in order to properly support their families. As you are certainly aware, today's military is ''doing more with less'' than any time in the recent past. Those in uniform are spending more hours on the job with an ever increasing operational tempo, yet many of these soldiers, sailors, airmen and Marines cannot properly feed their children. the time has come to address this issue once and for all.

TREA strongly supports your amendment to the budget resolution which will provide for the Department of Defense to ensure today's military personnel, particularly the junior enlisted force—the future non-commissioned officers, can take care of their families without relying on food stamps.

In closing, I would again like to thank you for your leadership and attention to this very important issue. If TREA can be of any further assistance please do not hesitate to contact me.

Sincerely,

MARK H. OLANOFF,
Legislative Director.

FLEET RESERVE ASSOCIATION,
Alexandria, VA, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senator, Russell Senate Building, Washington, DC.

DEAR SENATOR MCCAIN: Please be advised that the Fleet Reserve Association (FRA) endorses your proposed bill, the ''Remove Service Members from Food Stamps Act of 2000.'' The bill will certainly alleviate the unfavorable publicity concerning junior enlisted members of the Armed Forces who must depend upon food stamps to supplement their meager pay. In addition, the Association understands that the Chief of Naval Operations and the Commandant of the Marine Corps support the proposal.

The unfortunate fact that junior enlisted members are forced to rely on food stamps reflects the inadequacy of military compensation. Although there was progress toward closing the significant pay gap between military and civilian pay levels last year, more must be done and this measure helps address this reality.

Petty Officers and Non-commissioned Officers are the backbone of the military services and deserve fair and equitable compensation for their great service to our Nation. Retaining these essential personnel must be a high priority and FRA remains committed to improving their pay and benefits.

FRA salutes you for your strong commitment to the men and women serving in our Nation's uniformed services.

Sincerely,

CHARLES L. CALKINS,
National Executive Secretary.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, March 29, 2000.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC

DEAR SENATOR MCCAIN: On behalf of the 150,000 members of the Air Force Sergeants Association, I thank you for introducing legislation important to the enlisted men and women of all components of the Air Force. This bill would provide $180 dollars a month to any military member who meets the food stamp income qualification threshold. As you indicated, it is unconscionable that our nation allows these brave men and women to subsist below the poverty level. As such, your legislation would provide some much-needed monetary relief to this group until such time as our national leaders correct the situation.

Indeed, the lowest ranking members of our Armed Forces often express their dismay as they observe this country's spending priorities. In so many different ways, we fail to thank them for their sacrifice. In so many ways, we communicate to them (by the things we do and don't support) that they are just not very important to this nation.

Again, Senator, thank you for introducing this legislation to provide those who meet the food stamp program threshold with an additional monthly stipend. The message this legislation sends is, ''We are proud of you, we honor you, we depend on you, and we will support you and your families.' As always, this association is ready to support you on this legislation and other matters of mutual concern.

Sincerly,

JAMES E. STATON,
Executive Director.

EANGUS,
Alexandria, VA, March 29, 2000.

Hon. JOHN MCCAIN,
Senate Russell Building,
Washington, DC.

DEAR SENATOR MCCAIN: The Enlisted Association of the National Guard of the United States applauds your efforts to assist our Junior Enlisted members within the military.

Although we ask these young men and women to endanger themselves for their country, their country does not provide adequate pay and allowances to provide support for their families.

In the FY 00 Authorization Bill, Congress authorized a mid-year increase for supposedly mid-grade service members. However, in some cases, high-ranking officers making tens of thousands of dollars received upwards of a 17% salary increase, while junior grades received a 5.2% increase overall.

We spend millions of dollars yearly recruiting individuals to join the military. Why can't we find enough monies to enable those who serve in the military to feed their families?

Senator McCain, we wholeheartedly endorse your legislation to help our Junior Enlisted members.

Working for America's Best!

MSG MICHAEL P. CLINE (RET),
Executive Director.

NAVAL ENLISTED
RESERVE ASSOCIATION,
Falls Church VA, April 3, 2000.

Re Remove Servicemembers from Food Stamps Act of 2000.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Enlisted Sailors, Marines and Coasties who are constituents of the Naval Enlisted Reserve Associated (NERA) are again in your debt for championing their causes.

Your proposed ''Remove Servicemembers from Food Stamps Act of 2000'' addresses both squarely and collaterally several issues near and dear to the hearts of our members, among them the respect and dignity that must accrue to those who answer the call to service, and pay parity, which detracts from virtually all the services' efforts to attract talent in the junior enlisted ranks, and retain that talent at mid-career.

Our support for your bill is wholehearted and affirmative.

Thanks again for being there for us.

DENNIS F. PIERMAN,
Executive Director.

Mr. MCCAIN. Mr. President, I want to provide a couple of brief anecdotes which are sometimes disturbing. In a July 20, 1999, piece in the Washington Post entitled ''Feeling the Pinch of A Military Salary; For Some Families Pay Doesn't Cover The Basics,'' it starts out by describing:

On a muggy Saturday at Quantico Marine Corps Base, about two dozen Marines and family members quietly poked through piles of discarded furniture, clothing, and household goods in what has become a weekly ritual at the big Northern Virginia installation. At 8 a.m., the patch of lawn was covered with beds, tables, dressers, and desks. Within 45 minutes, almost all the furniture was gone. The price was right—Everything was free.

The items had been gathered by volunteers who go ''trashin'' every Tuesday, scouring garbage left at curbs on the base. Every Saturday, they give away what they collect to needy, eager Marine families.

''We're talking about the basics of life here, and they don't have it,'' said Lisa Joles, a Marine wife who created the Volunteer Network 2 years ago. ''Sometimes, they don't have a thing. I didn't know how large the problem was until I got to Quantico.''

One result is that members of the military routinely work second jobs, often without permission from superiors, military officials acknowledged. Enlisted men and women sell goods at Potomac Mills, flip hamburgers at fast food restaurants, do construction work, and deliver packages for UPS. ''It seems like everybody who has been here a while has a part-time job,'' said Marine Lance Corporal Robert Hayes, who has a second job as a mover. ''You really don't have enough money to make it to the next paycheck otherwise.''

Several evenings each week, as soon as he finishes duty at Quantico, Lance Corporal Harry Schein darts off base, picks up his 14-month-old son from day care and drops him off with the boy's mother. Then he drives up I–95 to Arlington and joins a group of Marines who moonlight moving office furniture until about 11 p.m. On Saturdays and Sundays, he works from 4 p.m. until midnight as a security guard in Alexandria.

The stories go on and on. About a year ago, there was a piece on 20/20 shown out at Camp Pendleton. Enlisted men and women and their families were lining up for cartons of food. We have a lot of retention problems in the military and we have a lot of recruiting problems. These, I know, are going to be well ventilated by the Armed Services Committee as time goes on. In my earlier years, it would have been hard for me to comprehend these kinds of conditions prevailing among the men and women in the military, particularly in the All Volunteer Force.

Mr. President, I ask for a recorded vote on this amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I thank the managers, Senator DOMENICI and Senator REID.

I yield the floor.

Mr. DOMENICI. Will the Senator yield off his time?

Mr. MCCAIN. I yield the remainder of my time after Senator DOMENICI speaks, or after anyone else who wants to speak on this amendment.

Mr. DOMENICI. I thank the Senator.

We will try to stack this vote, if it is all right with the Senator. We are going to have the three votes.

I commend Senator MCCAIN. I hope what he is suggesting on the floor happens, because the truth is, the U.S. Department of Defense is making it very difficult for this to happen. We have worked with them on a number of occasions. You would actually be shocked at some of the correspondence I have received.

I want to quote one piece of correspondence. When I said, why don't you tell us how to take care of the food stamp problem, this is what the Secretary of Defense for Personnel and Readiness, Edwin Dorn, wrote to me: It would be a mistake to give higher pay to military personnel who had ''a larger family than he or she can afford.''

You can see why that becomes part of the issue, as the Senator from Arizona understands. We have an all-volunteer military that we have asked to stay on for long periods of time. It is not like draftees who spend 2 years in uniform. They have families. They have children. In fact, we have not quite figured it out. Maybe the Senator from Arizona can figure it out in his committee. With this targeting of money today—not a lot of money—we will start solving the problem with those who are not earning much. That is the intent of the proposal of the Senator from Arizona.

But essentially it is very difficult for the military to come up with a conclusion that we have to make sure we don't penalize big families in the military. I never heard of any implication that we had an all-volunteer military and we were going to start by saying to them: Don't have too many children.

I believe the Senator from Arizona would join me in saying that is an absurd policy. What if they have five children? I think that is all right. If they want to serve 30 years in the military with five children, we ought to give them the benefits they deserve. Because they have that many children, we ought not to cause them to be on food stamps. That is the basic problem we have.

I want to put in the RECORD letters I wrote in 1996, the response I received from Edwin Dorn and from Secretary of Defense Bill Cohen.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, May 15, 1996.

Hon. EDWIN DORN,
Under Secretary of Defense for Personnel and Readiness, Department of Defense, Washington, DC.

DEAR UNDER SECRETARY DORN: I am writing to express my very strong concern about an issue involving the fundamental quality of life of many U.S. military personnel. I am also requesting that as the defense Department official with purview over the 8th Quadrennial Review of Military Compensation you look into the matter and consider solutions as the Review Commission prepares to make its recommendations on the military compensation system to Congress this summer.

The issue that troubles me is the fact that according to Department of Defense (DoD) estimates, there are currently almost 12,000 active duty military personnel whose families qualify for and receive food stamps. I further understand from DoD research that while pay for single enlisted personnel is sufficiently high such that none qualify for food stamps or other forms of welfare, married personnel with families with as few as one dependent, for an E–1, do in some cases qualify. I also understand that even sergeants and some junior officers can qualify, depending on their number of dependents and pay allotments. Furthermore, many of these military personnel live off base and receive an additional housing allowance in their paycheck and yet their pay remains sufficiently low that they still qualify for food stamps.

Frankly, I do not believe it is acceptable that the men and women who serve in our Armed Forces and who experience all the rigors of prolonged overseas deployments, family separations, other sacrifices the Nation asks of them should have pay so low that they must accept food stamps, or any other form of welfare. This situation reflects extremely poorly on the ''Quality of Life'' for Armed Forces personnel that is described to be the primary point of emphasis in The President's defense budget. This situation not only fails to reward U.S. military personnel at an appropriate level, it will also exacerbate recruiting and retention problems for the military services, especially as the pool of available quality recruits shrinks and as downsizing in the services has finally ended.

According to DoD calculations, under the existing military compensation system, a supplemental allowance by family based on grade and number of dependents could put the pay of virtually all current military food stamp recipients above the gross income eligibility criteria for food stamps and would cost $72.6 million. This is, of course, only one possible solution to this problem. Because I know, you and the 8th Quadrennial Review of Military Compensation are considering the entire compensation of that complex system, I do not want to presume the optimal solution. I do, however, want to impress on you

the need to address the problem and to seek a level of compensation for Armed Forces personnel that precludes overall compensation so low that their families qualify for food stamps or any other form of welfare.

I very much appreciate your taking my concerns into consideration. I look forward to working with you on this important issue after the 8th Quadrennial Review of Military Compensation makes its report to Congress this summer.

Sincerely,

PETER V. DOMENICI,
U.S. Senator.

UNDER SECRETARY OF DEFENSE,
Washington, DC, July 22, 1996.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOMENICI: Thank you for your May 15 letter about military families on food stamps. I share your concern for this problem and have given a lot of thought to it. For those reasons. I am especially apologetic about the slowness of my response to you.

The Department has studied this issue twice recently, in 1991 and in 1995, and thus I elected not to include it in the Quadrennial Review of Military Compensation. Their studies confirm an insight contained in your letter; the number of military families eligible for food stamps is largely an artifact of a system that does not count the value of military housing when computing food stamp eligibility. If we were to control for value of housing and for family size (another criterion), the number of military families in this category in 1995 would drop from 12,000 to fewer than 5,000.

This computation does not dispose of the problem. I remain concerned that thousands of military families are eligible for food stamps, and that they are regarded by some as impoverished. However, my concern is tempered by the realization that the military member and his/her spouse have made a decision to increase the size of his/her family. The Department does a number of things to accommodate servicemembers' personal choices. As the number of dependents increases, for example, the member become eligible for larger family quarters. And, there is no limit on the number of minor dependents eligible for the Defense health program.

This is a difficult issue because it requires us to weigh our concern for military family members against the military member's obligation to exercise judgment. I do not believe it would be prudent to adapt the military compensation system further to accommodate a member's decision to have a larger family that he/she can afford.

I appreciate and share your concern for the quality of life of military families. If thee is additional information I can provide, I shall be happy to do so.

Sincerely,

EDWIN DORN.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, February 11, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY COHEN: During your inaugural press conference on January 31, you were asked a question about the 12,000 Armed Forces personnel who are currently using foodstamps. You responded to the question by stating that it is ''not acceptable'' for service men and women to be foodstamp recipients. Responding to the same question, General Shalikashvili stated that he believed that the condition of these military families should be changed. Your and General Shalikashvili's responses to this question were, for me, very welcome news; that so many military families qualify for foodstamps does not indicate that the Administration is serious about ''quality of life'' for our Armed Forces; it indicates the opposite.

Last year, I had an exchange of correspondence on this subject with under Secretary Dorn, urging him to address the problem. Unfortunately, he chose not to review this matter during last year's Quadrennial Review of Military Compensation. Under Secretary Dorn also seemed to argue that family size is purely a matter of choice to service men and women and that he ''did not believe it would be prudent to . . . accommodate a [service] member's decision to have a larger family than he/she can afford.'' A copy of this exchange of correspondence is enclosed.

I hope that you will agree with me that the time has come to take action on this matter and to adjust compensation for those enlisted personnel who you judge to be truly in need. I am in complete agreement with you that the current situation is not acceptable, and I would be very happy to work with you to resolve it.

With best regards,

PETE V. DOMENICI,
U.S. Senator.

THE SECRETARY OF DEFENSE,
Washington, DC, March 19, 1997.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR PETE: Thank you for your letter of February 11, expressing your concern about military members who receive food stamp benefits. You are correct. I did say that it was unacceptable to have members of the military on food stamps during the January 31, 1997 press conference. However, both General Shalikashvili and I believe that this is a very complex issue, which not only involves the Department's compensation system, but also the structure of government food stamp programs.

I will continue to closely monitor this issue, as I am committed to ensuring that our service men and women enjoy the quality of life they have earned and deserve.

Sincerely,

BILL.

Mr. DOMENICI. Mr. President, I say to the Senator from Arizona that this is not a lot of money he is asking for here. I guess technically you can't direct it in a budget resolution. But I think when we vote for this this afternoon—I hope everyone will vote for it—we will be saying: Let's begin to solve this problem. Let's not sit around and say families within the military are too big. Let's fix it.

Am I kind of speaking for what the Senator from Arizona is worried about? Am I on the right track?

Mr. MCCAIN. If the Senator will yield, yes, he is doing exactly what I had in mind. I appreciate very much his long-term commitment on this issue. It is long overdue. We should fix it. I share his dissatisfaction with the Department of Defense in its responsibility towards these young men and women.

I thank the Senator from New Mexico.

Mr. DOMENICI. I believe all time has been yielded on our side. Are we ready for another amendment?

Mr. REID. If the Senator will withhold the unanimous consent request, I want to consult with our leader. I am pretty sure it is OK. I want to doublecheck.

We have so many amendments to be offered, and we know the other side is next in line to offer the next amendment. Until their Member shows up, we would like Senator REED to speak off the resolution about an amendment which he will offer at a subsequent time.

Mr. President, the minority yields the time on the McCain amendment.

The PRESIDING OFFICER. All time is yielded.

Mr. REID. Mr. President, we yield time to the Senator from Rhode Island off the resolution.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Thank you, Mr. President. I thank the Senator from Nevada for yielding time. I am going to take a moment to discuss an amendment that I will propose later today.

On May 20 of last year, this Senate passed effective, commonsense gun safety legislation as part of the juvenile justice bill. The vote was overwhelming—73–25. It was in response to the tragedy at Columbine High school, a tragedy that shook the very foundation of America's sense of security, their sense of the well-being for their children. In response to that great tragedy, this Senate acted. It passed a commonsense gun control provision that would close loopholes in our Nation's gun laws—not only to help prevent future Columbines but to try to stop this pervasive wave of gun violence that is sweeping America and claiming 12 children each and every day.

Yet here we are, almost 1 year from the day of the Columbine tragedy, and we still have not brought to this floor the conference report so that we can vote upon it and send it to the President for his signature.

Leadership, both the House and the Senate, has stood idly by while all of America asked us for a very simple request to get on with the business we started last May to bring the juvenile justice bill to the floor for a vote, for passage we hope, and for the signature of the President.

What happened in the intervening year is that this conference committee met only once last August. In effect, the message that I think is being communicated is there is a hope and an expectation by the Republican leadership in the House and Senate that this problem will go away, that people will forget about Columbine, and that people will forget about this tragedy. We cannot forget. We have to take active steps to ensure that the measure we pass will at least come back for a clear vote and, hopefully, come back so we can incorporate it in real legislation.

It is very unusual that a conference would take this long. I can recall being part of a financial service modernization bill—very contentious legislation;

legislation that involved numerous interest groups; legislation that effectively failed at the very last moment in the last Congress; and, again, in this Congress—that was subject to a tumultuous series of legislative maneuvers on both sides of Congress. Yet it only took us 3 months to rationalize, to compromise, and to ultimately pass this bill in the conference.

We just spent 1 month dealing with the issues of transportation in the Transportation Act, a $209 billion legislative initiative.

My suggestion is pretty clear, that this is not routine business as usual by taking this long for a conference. It represents a deliberate decision not to act, a deliberate decision to try by stalling, by delay, by tying this up with the approaching elections so that effectively what we will do is end prematurely the important steps we began last May 20 by adopting commonsense gun control legislation.

This is something the American people clearly want. It is something that, when they are asked, they will overwhelmingly say are commonsense measures.

A poll was recently conducted in which over 90 percent of Americans responded by saying they wanted child safety locks. In this group, 85 percent of the gun owners responded saying they, too, wanted child safety locks. They also want us to close the loopholes on the gun shows by an overwhelming majority. Yet despite overwhelming public support, despite our already accomplished legislation in this party the bill languishes in conference.

In this debate, there is a great hue and cry that we don't need more laws, just enforce the ones on the books. In this debate, law enforcement is on our side. They recognize that in addition to enforcing the laws, we need other commonsense laws that will give them additional tools, that will go to the heart of many issues that have to be addressed if we want a sane and peaceful society.

This chart indicates the number of associations of law enforcement officials that are strongly supportive of our initiative, including the International Association of Chiefs of Police and the International Brotherhood of Police Officers. Police are on our side. They stand with us to demand we take effective, prompt action to send this juvenile justice legislation to the President for his signature.

In addition to that, I was this morning with a group of police officers from my home State of Rhode Island and others from Maryland. They were quite clear; they want to see prompt action. When we have the American people overwhelmingly supporting this provision, when we have law enforcement, those men and women who stand most in the line of fire, demanding this legislation be passed, it is indeed puzzling we are not taking effective steps to pass this legislation.

Let me briefly review what is at issue in the juvenile justice bill so we can be clear about the nature of this legislation. First, in the juvenile justice bill we passed an amendment requiring that a secure storage or safety device be sold with all handguns. Unlike virtually every other product in the United States, firearms produced in this country are not subject to regulation by the Consumer Product Safety Commission.

Again, one of the great ironies of present-day America is that a toy gun is subject to safety provisions of the Consumer Product Safety Commission; a real gun that can cause real harm and real damage—death in many cases—is not subject to such regulation. As a result, manufacturers of firearms produce weapons lacking, in some cases, even the most rudimentary safety features designed to prevent the accidental or intentional shooting of children or by children.

The tragic consequences are undeniable. Each year, suicides and accidental shootings make up more than half of the tens of thousands of gun deaths in the United States. Kids are frequently the victims. This is an important point. The gun lobby tries to suggest that the victims of shootings are being waylaid by armed desperados who are law breakers who will never follow laws. In fact, the reason they are on the streets is that the laws are ineffectual for putting them behind bars. More than half the shootings are accidents, with no criminal intent, or suicide, in which the individual is so depressed and despondent, they are seizing a weapon to destroy themselves.

We have been shocked recently by the tragic death of Kayla Rowland, a 6-year-old shot by another 6-year-old in Mount Morris Township, MI. I believe if a Member came to this floor last May 20 and predicted that a 6-year-old child would be shot by another 6-year-old child in a schoolroom in the United States, we would have been hooted down as hysterical demagogs. Sadly and tragically, that has happened.

Mr. DOMENICI. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DOMENICI. I don't want my remarks to interrupt his statement. I ask unanimous consent a vote in relation to the pending McCain amendment, No. 2988, occur in the stacked sequence under the same terms as outlined in the previous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. In light of this agreement, there will now be three recorded votes at 2 o'clock.

Mr. REED. Mr. President, as I pointed out, we were all shocked by the death of Kayla Rowland. That week, People magazine conducted a review of other deaths of children which are symptomatic of what is happening in America. They don't capture the headlines across the country as the tragic death of that 6-year-old did, but they suggest what is happening day in and day out—the 12 children in America killed each day.

I will recite some of the stories in which youngsters were killed by firearms. A woman in Carroll County, MD, 18 years old, died of an accidental gunshot wound to the head after she and her friends were admiring her father's .22-caliber revolver. Her parents were out of the country. They were doing missionary work in Costa Rica.

A simple safety lock on that weapon perhaps could have saved that young woman's life. This is one of those classic accidents the gun lobby doesn't want to talk about because it can be effective and should be passed by our legislation which will put trigger locks on the weapons. It is not a question of irresponsible, reckless parents whose moral or ethical values contribute to the death of a child. These parents are missionaries, literally doing the Lord's work, in Costa Rica, when their child accidentally shoots herself.

A 6-year-old boy and a friend in Shopiere, WI, were horsing around with a .22-caliber pistol his mother kept for protection and usually stored in her dresser. After posing with the gun for a photograph, the boy pointed the gun at his head. It went off, killing him. As his grandmother said: It was kid's play, total kid's play.

Again, would a trigger lock have helped? Perhaps.

How about the 15-year-old boy in San Bernardino, CA, who found his stepfather's handgun while his pregnant mother slept, and he used it to shoot himself.

A 16-year-old girl in Altoona, PA, argued with her father, a gun collector, about her curfew, and then took a .22-caliber handgun from under his mattress while he was out and shot herself in the head.

All of these young lives were lost in just 1 week in America. We could catalog such deaths every week in America.

The gun lobby says we don't need gun locks; we don't need gun laws; we just have to do a better job enforcing those already on the books. How is law enforcement going to save the lives of kids such as those I have talked about? They are not hardened criminals. They are not in bad families. They are not out robbing banks or terrorizing in gangs.

The only way they can be helped is through prevention—not enforcement but prevention. That is what will save these kids. Prevention is the key—not to the exclusion of enforcement; we have to enforce our laws and be tough.

Later today, Senator DURBIN will introduce a resolution that will amend it and ask us to put more resources into enforcement. I strongly support that. But we need prevention and enforcement. We require safety caps on bottles of aspirin and bottles of prescription drugs. It makes no sense that we don't require the same types of safety devices on handguns.

We have to do it. It is included in our juvenile justice bill. If we maintain it in conference and bring it to the floor, we can save many children in this country.

Regarding gun shows—and I see my colleague from New Jersey, Senator LAUTENBERG, who was the leader in this effort—with the help of Vice President GORE, by one vote we were able to pass sensible rules to close the gun show loophole to require that background checks would always be conducted for all the thousands of gun shows around the country.

Currently at most gun shows, one-fourth or more of the dealers are unlicensed. Therefore, they do not have to perform a Brady law background check. This is a serious loophole. If someone is a felon, if someone has a shady background, if someone is irrational and looking for a gun, he or she would go to a gun show, go to a licensed dealer, and then the dealer would explain they have to do a gun check. Then what would happen? That person would certainly keep looking around until he found an unlicensed dealer who had a whole cache of guns and say, Do I have to do a background check?

No, no, not at all.

We can see in that supermarket, that bazaar of guns, that is where, likely, those people who do not want a check can go and today they will be able to get a handgun.

It is just common sense to effectively enforce the Brady law, to make sure this gun show loophole is closed, and closed in a way that allows for checking those people who should be checked, the ones for whom you might have to find State records that are not available on a weekend; for whom you might need indeed more than 72 hours to conduct a background check.

Another is the ban on juvenile possession of assault weapons. There is absolutely no reason a youngster should have an assault weapon. These weapons were designed to kill people.

I served in the Army at the point where the transition was made between the old M–14 weapon, which was a rifle that had great accuracy, that was part of what some people derided as the old musket Army of aimed fire, and the tactics of the strategists back in the 1960s who said: We do not need aimed fire; we just need a weapon that, in close quarters, can deliver massive rates of fire, high rates of cyclical fire. The whole purpose being not hunting, not target shooting, but destroying other people, which is the nature of warfare. That is where the assault weapon comes. No child needs to have those.

A ban on the importation of large-capacity clips is another provision. It is illegal for these clips to be produced by American manufacturers, but through another loophole they can be imported into the country. Once again, if you are a sportsman out hunting, you do not need a magazine that can accommodate 45 rounds. People who need these types of magazines are folks who should not have them, in a sense, because the potential for violence, the potential for criminal activity is much more enhanced, I believe, when you have a magazine that has 40 or 50 rounds rather than those old-fashioned hunting rifles which are part and parcel of the American story.

In addition to these provisions, the underlying legislation would increase the enforcement capacity of Federal agents and local agents by expanding the successful youth crime gun interdiction initiative to 250 cities by the year 2003, enhancing the efforts to trace guns used in crime and identify and arrest adults who sell guns to children. All of these other worthy provisions are there; also, increased penalties on so-called straw purchases—those individuals who buy guns knowing the ultimate recipient is unable to have the gun either because of a criminal record or because of age. It would keep guns out of the hands of violent offenders. It would also allow the Federal Trade Commission and Attorney General to study the extent to which the gun industry markets and distributes its products to juveniles.

They are all reasonable measures. All should be done. But what has been done? Because of the inaction, and deliberate inaction, of the leadership, nothing has been done. The American people have waited too long. Later today, I will be offering, along with 22 of my colleagues, a sense-of-the-Senate resolution calling on the juvenile justice conferees to complete and submit the conference report before April 20, the first anniversary of the Columbine shooting, and to include in the conference report the amendments I have just discussed, that were passed by this Senate, seeking to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

Will the passage of this amendment stop every gun crime in this country? No, but it will save lives, the lives of those children I talked about, the lives of children shot accidentally, the lives, perhaps, of people who, if they do not have easy access to firearms, may think a moment before taking their lives.

If we do these things: Close the gun show loophole, require safety locks to be sold with handguns, if we ban the importation of large-capacity clips and juvenile possession of assault weapons, we will bring some sense to our gun laws and we will provide a meaningful memorial to those children who died at Columbine and those children who die each day by gun violence.

I notice my colleagues from New Mexico and from Vermont are here. I suspect they would like to speak also. As a result, I yield the floor.

Mr. REID. I yield 5 minutes to the Senator, the ranking member of the Judiciary Committee, off the resolution.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Rhode Island, and I thank the other Senator from Rhode Island, and I thank the Senator from Nevada and the Senator from New Jersey. I am proud to cosponsor the amendment to report the juvenile justice conference by April 20. I think the distinguished senior Senator from Rhode Island does the whole Senate and the country a service by his amendment.

Congress has kept the country waiting too long for action on juvenile justice legislation. It kept the country waiting too long for action on sensible gun laws. In fact, we are almost up to the first-year anniversary of the shooting in Columbine High School in Littleton, CO.

This morning I was watching the news, seeing some of these young people talking about what they went through, and the memories all came back about what had happened there when 14 students and a teacher lost their lives, nearly 12 months ago, on April 20, 1999.

I mention that date, April 20, 1999, because it has been 11 months since then that the Senate passed the Hatch-Leahy juvenile justice bill. This bill was not a close call. The vote was 73–25. It was a bipartisan bill. It included some very modest but, I believe, effective gun safety measures. Ten months ago, the House passed its own juvenile crime bill.

Then we did not meet or have a conference; we did not meet to talk about it until about 8 months ago. Then we met only briefly. We did nothing and recessed for a 4- or 5-week vacation.

Now it is very easy to see what has happened. By delaying and delaying and delaying, some might have the best of all possible worlds. They could say: Yes, I stood up and voted for some modest gun safety laws; and at the same time they could say to the powerful gun lobby: Don't worry, it is not going anywhere. We have that bottled up somewhere in a committee, a committee of conference that never meets. Nobody even knows where it is. I doubt if there are 10 people in the House or the Senate who could even name the members of it.

The majority in Congress convened this conference on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

You do not have to be a cynic to recognize this for what it was: a transparent ploy to deflect criticism for delays while ensuring the conference did not have enough time to prepare comprehensive juvenile justice legislation to send to the President before school began in September, 1999.

This is a serious matter. The Senate Democrats and the House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to have an

effective juvenile justice conference report, one that has reasonable gun safety provisions, something along the lines of what we passed 3–1 here in the Senate. Unfortunately, the Republican leadership would not act.

I know they are facing fierce opposition from the gun lobby. One only has to turn on the television set to see an aging actor telling us why we should not be protecting our young children. I wish instead of listening to somebody who is acting a role and playing a role and has made their livelihood acting out other people's fantasies, they would listen to the Nation's law enforcement officers. These are the men and women whom we ask every single day to put their lives on the line for us. These are the people who die protecting us. These are the people most concerned about effective gun laws.

Ten national law enforcement organizations, representing thousands of law enforcement officers, have endorsed the Senate-passed gun safety amendments, and they support loophole-free firearms laws, from the International Association of Chiefs of Police, International Brotherhood of Police Officers, Major Cities Chiefs, National Sheriffs Association, and on and on.

I spent 8 years in law enforcement. I know how much they care. They believe in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for sports and hunting. I am talking about criminals and unsupervised children.

These thousands of law enforcement officers are asking us to do our duty. Instead of taking all these recesses and vacations, we should stay here a couple of days and pass juvenile justice legislation.

Every parent, every teacher, every student in this country is concerned about school violence. We know there is not any one thing that will stop school violence, but we do know that in the Hatch-Leahy juvenile justice bill there are provisions that help bring about safety in our schools. Don't we owe it to the parents, don't we owe it to the students, don't we owe it to the teachers to make this a safer country? We do not owe or should not owe anything to any powerful lobby, left or right. We owe our privilege of serving here to the people who sent us here, and the vast majority of people who sent us here, Republicans and Democrats, want us to move forward on this sensible piece of legislation.

Mr. REID. Mr. President, as a matter of formality, I will yield time off the resolution to the manager of this bill. I do it for a specific reason. There has been a lot of attention focused in recent months on gun violence in America. The Senator from New Jersey, who has decided to retire from the Senate, has been the leader on this issue for many years. For example, 33,000 people have been prevented from having guns as a result of the initial work done by the Senator from New Jersey. Those are people who commit acts of domestic violence and are convicted of crimes dealing with domestic violence. Those people can no longer have permits to carry weapons. They can no longer have handguns.

One of the few pioneers in the Senate on the Brady bill was the Senator from New Jersey, Mr. LAUTENBERG. He was the person who initially started the work in the Senate and in the Congress on the Brady bill. What does that mean? It means that over 400,000 felons who have attempted to purchase weapons have been prevented from buying those guns.

In addition to that, of course, he sponsored a law eliminating funding of an ATF program that allowed convicted felons with weapons violations to apply for and waive probation. In short, it is very good that we have so much attention focused on guns and gun violence and legislation dealing with guns.

Before yielding time to the Senator from New Jersey, I want the record to reflect that we are dealing with gun legislation more easily today than we were when this man had the vision to act on some of these laws. Jim Brady depended on FRANK LAUTENBERG to pass the Brady bill.

I commend and applaud the Senator from New Jersey for the work he has done, and I yield to him such time as he may consume, off the resolution.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Nevada for his courtesy and kind remarks.

We have done a lot of work. I commend Senator REED from Rhode Island for his leadership. He had a career in the military before he came to the Congress. He used that background to understand the problem and to put it into perspective. I commend him for his leadership on gun violence issues.

I was pleased to hear from our friend from Vermont, the ranking member on the Judiciary Committee. Vermont is known to have a lot of hunters. Vermont is known as a place where there are a lot of guns. As I heard Senator LEAHY say, a lot of these hunters were disappointed at the unwillingness of the gun lobby, personified by the National Rifle Association, in their organization's unwillingness to step forward and make some commonsense adjustments to the law, getting legislation on the books that says guns should not be available willy-nilly to people who want to buy a lethal weapon.

I hope we will soon deal with an amendment that will codify our interest in controlling gun violence. We are soon coming upon a very important anniversary. April 20 is the 1-year anniversary of the awful tragedy at Columbine High School. Few can forget that awful day, the shock we all felt when we heard about young people in the high school being assaulted by gunmen and looking at the pictures on television and seeing a young man reaching out for help, fearful for his life, and young people running frantically from the school to get out of the way of the bullets. The consequences were disastrous: 12 classmates were killed, the 2 killers, and a teacher. Twenty-three other students and teachers wounded. I shutter when I recall that bloody carnage.

No parent or grandparent can avoid thanking the Lord for the safety of their own families when they see the horror of those moments. Yet that assault was not only an assault on Columbine High School, it was an assault on the sensibilities of our country—the innocent young people scared, desperate, running away from gunmen.

Frankly, I thought that would be the ultimate outrage; that would be the ultimate insult to the lawfulness of our society, to our respect for law, to our respect for life; that this would be it and people would stand up and say: Enough; we have had enough; we want to make a change. The cries of people, the tearful students who lost friends and those who lost relatives, sons and daughters, sent an image across this country which I thought would shake through the halls of this Congress which says: Hey, listen, it's time.

Poll after poll was done at that time. The numbers were that 80 to 90 percent of the people said they wanted the gun show loophole closed. There are over 4,000 gun shows a year where anyone—any thief, any felon, anyone who is listed on the 10 most wanted list of the FBI—can walk up, take the money out of their pocket, put it down on the table, and nobody asks: What is your name? Where do you live? From what town do you come?

That is not what the American people want. I do not understand the NRA and other members of the gun lobby who say this is somehow an intrusion on their personal rights. Where are the personal rights of the family to know that when their children go to school each and every day, they will return home in the same healthy condition as when they went to school?

Everyone here has to be aware that on May 14 we are going to have the Million Mom March. I met with people from New Jersey who are participating. I will tell you something. If you talk to women's groups, talk to individual women across this country about what really counts with them, what is the most important thing on their agenda: Is it equal opportunity for jobs? Is it to make sure that pay scales are the same for men and women? What is it that is the most important thing? I will tell you what the most important thing is: To know their children are safe when they go to school. The Million Mom March is organized around that precept that children should be safe, that this society of ours has had enough of guns and the havoc it wreaks in our Nation.

That tragic day, almost a year ago, was enough to offend women across the

country to organize a million person march in State after State where it will be taking place.

But what has the Congress done to answer the anguished cries of people who have lost a child? Anybody who knows a family who has lost a child, particularly to violence—I guess it does not matter how you lose a child; once you lose a child, it is a terrible thing. The family never recovers. The circumstances never change. Columbine High School will never be the same, even though they had yet another crazy incident there.

What happens to those cries? What happens to those pleas? They fall on deaf ears. That is what happens. Not enough people listen, to say: You know what. Yes, we understand there is some debate about the possession of a weapon. But there is nothing in the Constitution—no matter how hard the proponents of guns try—that says you cannot wait a few days while we check to see who you are before we give you a gun. Before we give you an automobile, we check out who you are.

What is it that prevents us from saying, look, come on; get together, gun lovers, NRA and the others? What is it that says we have to permit gun purchases by anonymous buyers? There isn't anything in the Constitution that says that. There isn't anything in the Constitution that says you should not have to have a license, that you should not have to be trained before you buy a gun.

The Senator from Rhode Island, who is going to propose this amendment, as I indicated, was in the Army as an officer. He is a West Point graduate. He served in Vietnam. He knows what it is to be in war. He served during the period of the Vietnam conflict. I served in Europe during World War II when the shooting was going on. I know what the purpose of a gun is. I learned how to use it. I have never owned one since I got my discharge, I can tell you.

But what is it that prevents us from taking up the simplest, commonsense legislation? It is the gun lobby. The response to the cries of the people who want their kids to be able to go to school safely and return is: No, we have a greater allegiance to the NRA and the gun lobby than we have to families across America. What an outrage. But it does not get anything done.

I am hoping, with Senator REED's leadership, we are going to get something done today.

Congress has done nothing since that time to protect families from gun violence. When I wrote the law to prohibit domestic abusers from getting guns, it was said that it was an unnecessary thing, it was an imposition of law on our citizens. But 33,000—I thank the Senator from Nevada for mentioning it—33,000 domestic abusers have been prevented from owning a gun. We know something else.

We know the statistics show that about 150,000 times a year a gun is put to the head of a woman, often in front of her children, and a man threatens to blow her brains out. There is no visible wound, but I guarantee you, there are wounds that carry through life. The children never forget. But we cannot act on it.

We are now waiting for something to happen. We are waiting for the juvenile justice bill, which passed overwhelmingly and went to the House, with our gun-loophole-show closer, and it died. The conference committee has been appointed, but nothing has happened since that time.

We have had support in the past from Senators on the other side of the aisle on the gun show amendment. Senators DEWINE, FITZGERALD, LUGAR, VOINOVICH, WARNER, and Senator Chafee—who is no longer with us—voted for my amendment at that time.

The final juvenile justice bill, as we heard from Senator LEAHY, passed by a vote of 73–25. So there was strong bipartisan support for moving forward on juvenile crime and trying to reduce gun violence.

But that was back on May 20—11 months ago. What has happened since then? Shootings have not stopped. We saw a 6-year-old murder another 6-year-old in Michigan.

From Mount Morris, MI, to Los Angeles, CA; from Fort Worth, TX, as youngsters in a prayer session were violated by a gun-wielding assaulter, to Conyers, GA; no community is safe from gun violence.

But while the vast majority of Americans want Congress to act, some special interests—the National Rifle Association, the gun lobby—have worked with their few allies in Congress, where less than 3 million members of the NRA determine what actions we take on behalf of 260 million Americans.

It is not right. Sooner or later, the voters are going to rebel and say: If you do not vote to put common sense into gun possession in this country, we are going to vote you out of office. That is what ought to happen. Boy, if one time that happens in an area where this is the dominant subject, that would be the end of the gun lobby.

It is the same old reaction. Every time Congress wants to pass gun safety laws, the NRA works hard to prevent its passage. Lately, we heard a lot of criticism about the enforcement of gun laws. But this is kind of a joke because the rhetoric ignores the facts. The number of Federal firearms cases prosecuted by the U.S. attorneys increased 16 percent from 1992 to 1999—4,754 in 1992 to 5,500 in 1999.

So the suggestion that law enforcement is not fighting gun crimes is just wrong. But more importantly, this rhetoric suggests a false choice between enforcement or stronger laws. What we need is both.

Mr. President, I yield the floor, but not without making mention of the fact that Smith & Wesson, a prominent gun manufacturer, has agreed that they need to do more on gun safety. The company reached an agreement with the administration that will incorporate many of the measures stalled in the conference committee: Background checks at gun shows, child safety locks, and preventing the use of ammunition clips with more than 10 rounds.

Congress ought not be trailing behind gun manufacturers when it comes to gun safety. The conference committee ought to complete its job. I support Senator REED's resolution. When it is presented, I hope that all of my colleagues will vote for it.

I yield the floor.

AMENDMENT NO. 2985

The PRESIDING OFFICER. There are 2 minutes available, evenly divided, on the Reid amendment.

Who yields time?

Mr. REID. Senator REID yields to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I offer this amendment and urge the Senate to go on record opposing the George W. Bush tax cut. It is a risky proposal. It threatens our economy. It raids the Social Security trust fund. It provides no funding protection for Social Security or Medicare. It eliminates needed investments in education. Sadly, the tax cuts go primarily to the wealthiest people in America. The Bush tax cut is a $50,000 tax cut if you make over $300,000 a year. For 60 percent of American families, it is a tax cut of $249.

Some of my Republican colleagues who say they have endorsed George W. Bush and his plan have a chance to follow the admonition of that noted political philosopher, Tammy Wynette, who said: ''Stand by your man.'' But for those who want this economy to continue to prosper, and America to continue to be strong, vote ''no'' on the George W. Bush tax cut.

(Mr. VOINOVICH assumed the chair.)

Mr. DOMENICI. Mr. President, even though Senators REID and DURBIN have been talking about it for a couple of hours, and Senator GRAMM and I spoke on it for about a half hour, essentially, the tax plan George W. Bush has is not part of the President's proposal, but it will be part of President-elect George W. Bush's budget. So we wait for him to deliver his budget, which will indeed accommodate his tax cut. All this is a political scuffle here today in advance of his budget. He hasn't even had a chance to give us one and tell us what kind of Government he wants.

They want us to adopt this while we are fighting over a Clinton budget that increases spending beyond anything President George W. Bush would do. I commend soon-to-be-President-elect Bush for suggesting a major tax reform. When the American people actually see it, they are going to think it is good for America. It will fit in his budget. That is an important time.

I move to table the Reid amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the motion to table amendment No. 2985. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Roth

The motion was agreed to.

AMENDMENT NO. 2973

The PRESIDING OFFICER. There are 2 minutes of debate. Who yields time?

Mr. GRAMM. Mr. President, I want to close the debate.

Mr. DURBIN. I am happy to make my statement.

Senator GRAMM came to the floor and waved Vice President GORE's book, saying it calls for a $3 tax increase but could not point out the page. It is not in there, nor is there a statement made by the Vice President to that effect.

Because of the political pain my Republican colleagues have experienced in just voting against the tax program which Governor George W. Bush proposed, they are asking Members to vote against a tax program which Vice President GORE has never proposed.

This is easy. Vote yes; save a copy of the last roll call.

Mr. GRAMM. Mr. President, in his book ''Earth in the Balance,'' the Vice President calls for the complete elimination of the internal combustion engine.

I have a sense-of-the-Senate resolution that says we should not undertake that activity, that raising the price of gasoline to the degree that would be required to achieve that goal would be devastating to the American economy.

I believe the Vice President saying we should have a policy to completely eliminate the internal combustion engine in 25 years is irresponsible policy. It ought to be rejected. The only way to achieve it would be astronomical taxes, rationing, and confiscating people's cars or trucks. I want the world to know and the Vice President to know we are against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2973. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McCain
Baucus	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bunning	Helms	Rockefeller
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Roth

The amendment (No. 2973) was agreed to.

VOTE ON AMENDMENT NO. 2953, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2953, as amended.

The amendment (No. 2953), as amended, was agreed to.

AMENDMENT NO. 2988

The PRESIDING OFFICER. Who yields time on the McCain amendment?

Mr. DOMENICI. I will take the time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not think anybody objects to this amendment. This is an effort to say to the Department of Defense we want them to fix the problem of food stamps in the military. It adds a small amount of money over the years to target the solving of the food stamp problem in the military.

That is essentially the McCain amendment. We should adopt it. He wants a rollcall vote. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. LEVIN. Mr. President, I am not sure who controls time in opposition. I do not oppose it, but I would like 30 seconds. I ask unanimous consent that I have 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I am going to vote for the amendment—I believe most Members will—but we want to make sure we do not create an inequity, an unfairness in the process. We will be paying different amounts of money to the same people, same rank, and we may actually be giving the extra money to the wrong people.

Senator MCCAIN's amendment, it seems to me, has exactly the right purpose: to get rid of food stamps going to some members. But we have to do it right. Senator WARNER is going to be holding hearings in our committee on this whole food stamp situation. We, hopefully, can accomplish this goal in a way which does not create a discriminatory situation.

I have one last fact. We all should be glad to know the number of our service members on food stamps has gone down, from 19,400 in 1991 to 11,900 in 1995, to 6,300 in 1999. The number of people on food stamps has been going down dramatically, not only numerically but also as a percentage of the force.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2988. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—99

Abraham	DeWine	Johnson
Akaka	Dodd	Kennedy
Allard	Domenici	Kerrey
Ashcroft	Dorgan	Kerry
Baucus	Durbin	Kohl
Bayh	Edwards	Kyl
Bennett	Enzi	Landrieu
Biden	Feingold	Lautenberg
Bingaman	Feinstein	Leahy
Bond	Fitzgerald	Levin
Boxer	Frist	Lieberman
Breaux	Gorton	Lincoln
Brownback	Graham	Lott
Bryan	Gramm	Lugar
Bunning	Grams	Mack
Burns	Grassley	McCain
Byrd	Gregg	McConnell
Campbell	Hagel	Mikulski
Chafee, L.	Harkin	Moynihan
Cleland	Hatch	Murkowski
Cochran	Helms	Murray
Collins	Hollings	Nickles
Conrad	Hutchinson	Reed
Coverdell	Hutchison	Reid
Craig	Inhofe	Robb
Crapo	Inouye	Roberts
Daschle	Jeffords	Rockefeller

Santorum	Smith (OR)	Thurmond
Sarbanes	Snowe	Torricelli
Schumer	Specter	Voinovich
Sessions	Stevens	Warner
Shelby	Thomas	Wellstone
Smith (NH)	Thompson	Wyden

NOT VOTING—1

Roth

The amendment (No. 2988) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, if the Senator from Alaska will withhold, I yield 3 minutes to the Senator from New York for a request involving another Senator.

The PRESIDING OFFICER. The Senator from New York is recognized.

(The remarks of Mr. SCHUMER pertaining to the introduction of S. 2370 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, regular order.

AMENDMENT NO. 2931

The PRESIDING OFFICER. The clerk will report the amendment previously proposed.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for himself, and Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. SHELBY, Mr. CAMPBELL, and Mr. COCHRAN proposes an amendment numbered 2931:

Strike Section 208.

Mr. STEVENS. Mr. President, I have at the desk another amendment, the third one I mentioned previously. I ask unanimous consent that it be put in line after the second one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, because of time circumstances, I ask unanimous consent that this amendment be temporarily laid aside so that Senator ROBB may offer his amendment.

I understand arrangement has already been made on that and that we will proceed. It is my understanding that my amendment would be pending when the Robb amendment has been disposed of. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask unanimous consent that be the procedure.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2965

The PRESIDING OFFICER. There are 10 minutes equally divided. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

We had an opportunity to discuss and debate this particular amendment last night to accommodate Senators. Very simply, this is an amendment to reduce the amendment for the tax cut by $5.9 billion over the next 5 years. It doesn't call for the passage of any specific school construction or renovation proposal that has been discussed. It simply sets aside the money to pay for them. Five years ago, the unmet needs in our schools nationally totaled about $185 billion. Today, those unmet needs total over $306 billion.

We hear a lot about State surpluses. If we used all of the fiscal year 1999 surpluses from all of the States, we would still only address about 10 percent of the unmet backlog in terms of school construction and school modernization.

I showed this picture last night. I will show this one again. This is a picture of Loudon County High School, just outside the beltway. This is a trailer being put in place in the parking lot. There are a number of trailers in the parking lot. There are over 3,000 trailers currently in use in Virginia alone. Loudon County needs 22 new schools at an average cost of $18 million each. That is over $400 million for one county alone.

School enrollment is at record levels. Currently, there are 53.2 million students in the United States. In the next 10 years, it will increase by another 1 million students. The average school today is 42 years old. The last major investment in schools was made back in the Eisenhower administration. It was a $1 billion investment then. The same amount of money today, in current terms, would be $5.4 billion. This amendment simply sets aside $5.9 billion over the next 5 years to accomplish at least a portion of the pressing unmet school construction needs in this country today. I hope it will be the wisdom of my colleagues to agree to this particular amendment and vote for schools.

I think I adequately covered the amendment last night. I yield to my distinguished colleague from Georgia or others who may wish to address this particular amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the Senator from Virginia has been debating this for an extended period of time. School construction and renovation is traditionally the responsibility of local and State governments. It traditionally has been and it still is.

The Robb amendment, in effect, has the effect of raising taxes by $4.2 billion over 5 years to have the Federal Government take over part of this responsibility. Even under the President's proposal, which would cost even more, we would only be able to cover about one-fourth of the total cost of improving schools, according to the General Accounting Office.

As we have said repeatedly over the last couple of days, this budget resolution includes more money for education than the President—$600 million more in 2001 and $2.2 billion more over 5 years. We have made plenty of room for different options on education policy in this budget resolution.

All of these issues will be discussed and debated in the ESEA reauthorization coming up in May. The spending increase in this amendment is unnecessary.

In addition, if the Federal Government is going to become a major and direct party in the issue of school construction, along with it will come the same kind of intervention that the last two Congresses have been endeavoring to undo. They have been trying to make it more flexible, not less.

It is my personal opinion, given the way school construction has been managed, that any Federal program of this nature will by necessity have the tendency to pick winners and losers because as everybody acknowledges, it doesn't get to the total requirement and it will also have the effect of rewarding local jurisdictions that have been less attentive to the work that they are responsible for or for which they are responsible.

Invariably, districts that have gotten the job done or are in the business of doing it will be second-class citizens to those jurisdictions that have overlooked or not been attentive to the nature of their responsibility of school construction.

How much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 1 minute 40 seconds and the Senator from Virginia has 2 minutes 14 seconds.

Mr. COVERDELL. I yield the floor to the Senator from Virginia.

Mr. ROBB. Mr. President, I respond to my distinguished colleague from Georgia by saying, first of all, this is not an amendment to raise taxes. This is simply an amendment to give up $5.9 billion of the tax cut that is in the resolution.

Second, there are no Federal strings attached. One of the benefits of this particular approach is we are not dealing with school policy, which can be very sensitive. We are dealing with bricks and mortar. For the most part, we are doing this through a tax credit that leverages the money so they can get a whole lot more bang for the buck. It is a way to keep us from being involved in local school policy. It provides maximum flexibility in the way the funds are used.

Finally, with all due respect to my distinguished colleague, he talked about less attentive. You can translate ''less attentive'' into ''less resourced.'' Most of the Federal programs designed to help are for those localities and institutions that simply don't have the resources to meet the critical needs of their students. This is designed to help some of those localities, including localities with very old schools that have leaking roofs and simply don't have modern heating, air conditioning, ventilation, and other accommodations that are part of the modern school system or could not have the modern technology.

This gives them a chance to compete on a more equal footing. I hope it will

be the pleasure of our colleagues to set aside this part of the tax cut for the very important purpose of investing ultimately in our children, by investing in a nonintervention, nonintrusive way in school policy, in the bricks and mortar that will provide the kind of environment where they can learn.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the bottom line, whether you call it a tax increase or reduction of a tax relief proposal, the net effect is between $4 billion and $6 billion is not going to be in the checking accounts of American citizens if this amendment is adopted that could theoretically otherwise be there. Taxpayers will have less if the amendment is adopted.

The second point the Senator from Virginia makes about underresourced has merit. But so does mine. Yes, there are some school districts that are underresourced; those are the responsibility of those States, not the Federal Government.

It is equally true that many of these jurisdictions do have the resources and for whatever reason have not made that the priority it maybe ought to have been. There is no doubt about it. We can name any number of jurisdictions that have underequipped schools that sit in municipalities or counties that have innumerable resources.

Mrs. MURRAY. Mr. President, I take a moment to commend my colleagues—Senator ROBB, Senator HARKIN, Senator LAUTENBERG, and Senator DORGAN, for bringing this important amendment to the floor.

I commend the work they have done and their commitment to school modernization which means so much to our communities and the children who attend the public schools in this country.

I have heard the other side say throughout this debate they have made a commitment to education. But I am concerned, as I look at their budget, that a real commitment is missing. I believe that part of making a real commitment to education requires providing resources to our schools. Today, my colleagues are offering an amendment as a way to offer this choice.

Today, a record 53.2 million children are enrolled in elementary and secondary schools. By 2009, this number will reach 54.2 million. As a result, local communities need to build or modernize 6,000 public schools, and repair an additional 8,300 public schools. In addition, the average public school building in this country is 42 years old. These schools need improvements.

What kind of message do we send to our children when they can go to shopping malls, movies theaters, and baseball stadiums that are significantly nicer than their schools? What kind of message does that send about our priorities?

This amendment would once again provide us with a clear choice on the issue of education. Do we want a tax cut, or do we want to provide to modernize our schools. This amendment would allow the federal government to take a roll as a partner in helping our districts meet the pressing need of modernizing our school buildings.

The amendment would provide $1.3 billion in grants and loans to help schools address urgent facilities issues, and provide tax credit bonds to help communities finance the cost of new construction and major repairs for schools.

This Congress has made a commitment over the past two years to reducing class size. This program is truly making a difference in our schools. I believe we have the opportunity this year to continue the efforts to reducing class size, and providing funds for school to make sure they have the facilities to provide for these smaller classes.

A decent sized class in an adequate facility is not too much for our children. I hope you are all able to make this choice and support this amendment.

Mr. ROBB. How much time remains on this side?

The PRESIDING OFFICER. Nine seconds.

Mr. ROBB. I yield the entire 9 seconds to the distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, I wholeheartedly support the amendment of the Senator from Virginia. It is what is needed for this country. It is a national obligation. We ought to be rebuilding and modernizing our schools. The Senator from Virginia has it right.

AMENDMENT NO. 3010 TO AMENDMENT NO. 2965

(Purpose: To reduce revenue cuts by $5.9 billion over the next 5 years)

Mr. COVERDELL. I send the substitute to the Robb amendment No. 2965 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 3010 to amendment 2965.

Mr. COVERDELL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 8, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 18, line 7, increase the amount by $1.

On page 18, line 8, increase the amount by $1.

On page 18, line 11, increase the amount by $1.

On page 18, line 12, increase the amount by $1.

On page 18, line 15, increase the amount by $1.

On page 18, line 16, increase the amount by $1.

On page 18, line 19, increase the amount by $1.

On page 18, line 20, increase the amount by $1.

On page 18, line 23, increase the amount by $1.

On page 18, line 24, increase the amount by $1.

On page 29, line 3, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

On page 29, after line 5, insert the following:

In lieu of the language proposed to be inserted, insert the following:

SEC. . (a) The Senate finds that on March 2, 2000, the Senate passed S. 1134, by a vote of 61–37, the Affordable Education Act of 2000, which—

(1) authorizes up to 2.5 billion dollars a year in new bond authority to allow public-private partnerships to build new schools;

(2) allows small school districts to build more schools by providing them greater flexibility in dealing with complex IRS regulations;

(3) allows 14,000,000 families or 20,000,000 children to benefit from Education Savings Accounts, which would generate $12,000,000,000 in new resources for kindergarten through college education;

(4) allows 1,000,000 college students in State pre-paid tuition plans to receive tax relief to make college more affordable;

(5) allows 1,000,000 workers studying part-time to receive education assistance through their employers;

(6) guarantees that every college student and recent college graduate in America will receive a tax break on the interest on their student loans;

(7) gives all of our Nation's elementary and secondary school teachers needed tax relief for their professional development expenses;

(8) gives America's teachers needed tax relief by providing them a deduction for their out-of-pocket classroom expenses;

(9) allows America's classrooms to benefit from new technology by encouraging the charitable donation of computers to the classroom;

(b) Therefore, it is the Sense of the Senate that this budget resolution assumes that

Congress should pass, and the President should sign significant education tax relief legislation for America's teachers and students.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Parliamentary inquiry: It is my understanding that with the second-degree amendment before the Senate, there is now an hour equally divided on this measure; is that correct?

The PRESIDING OFFICER. On the second-degree amendment, that is correct.

Mr. COVERDELL. Mr. President, the bipartisan education savings account which was passed in March and had been threatened by a veto from the President makes education more affordable for millions of Americans. I might say, during that debate of our proposal to empower parents, to empower local school districts and communities, there was a similar debate with the Senator from Virginia on a similar subject. We prevailed at that time.

At that time, the Senator from Virginia basically was attempting to fund this idea of his by removing the loss of tax revenue that occurs in the education savings account. As I understand the amendment now, it would reduce the tax relief in the budget resolution. So it is a very similar debate that is occurring between the Senator from Virginia and our side.

I want to refresh the Senate on what has passed the Senate and will soon find its way to the President's desk. As I said a little earlier, the President has at least given an indication that he would veto it, so I think it is entirely appropriate that we reassert our position in the budget resolution.

The education savings account starts with the current law, which allows families to save up to $500 per year while the interest in an account is exempt from taxes as long as the savings are used for college education. We have taken the same proposal and expanded it to $2,000 per year instead of $500, and we have said a family can use the savings in that account anywhere in the education of the child, from kindergarten through college—even after college if the student is a dependent.

We have taken what everybody on both sides of the aisle has said is a grand idea and expanded it. Everybody is a winner: Public education, private education, home schooling education, kindergarten through college. It remains puzzling to me that this bipartisan proposal, supported by Members on both sides of the aisle, is now threatened by the President.

On State prepaid tuition relief, the legislation makes interest earned on qualified public and private school higher education tuition plans tax free. Some 41 States today—I think soon it will be all—offer a State prepaid tuition plan to help parents prepare their students for the cost of college. The problem is, when those benefits come to the student, they get taxed, so it is diminished significantly. Under this proposal, that tax would no longer hit the savings account. It would be there and available for the family to help that child through college.

The proposal extends employer-provided educational assistance for undergraduate studies; in other words, it helps make it possible for employers to assist employees in their continuing education. It is estimated that some million employees will be the beneficiaries of this proposal that has now passed the Senate.

I failed to mention that it is estimated those who would open education savings accounts, such as those we are enumerating here, are 14 million families who are the custodians, those who are taking care of 20 million children. That is about 40 percent of the entire population in school in the United States.

The proposal repeals the 60-month rule on student loan interest deductions and allows many individuals to claim tax deductions on interest they pay on their student loans without the imposition of a time limit. Currently, you have an exemption on that kind of benefit, but it runs out after a certain number of years. This removes the time limit.

With regard to school construction, the Affordable Education Act contains a provision originally offered by Senator GRAHAM of Florida to create a new category of exempt bonds for privately owned, publicly operated K–12 schools. So we do not obviate or ignore the issue of construction problems in the country. This provision would make available up to $2.5 billion each year in school construction bonds, enough to build hundreds of new schools in America every year. But it would be totally controlled locally. It would not be the Federal Government picking which schools, it would be the districts themselves deciding whether they wanted to use this new provision in order to deal with school construction needs in their district.

The bill would allow school districts to issue more tax-exempt bonds for school construction without having to comply with complex IRS arbitrage rebate rules. This would lower the cost of school construction for many small and rural school districts.

The billions of dollars in Federal assistance are on top of what State and local governments are already doing to build schools without, as I said a moment ago, Federal interference from Washington or any selection being made by Federal bureaucrats. According to the U.S. Census Bureau, State and local governments spent $13 billion in 1999 on public school and university facilities. An American school and university survey shows, between 1990 and 1999, public school construction expenditures increased by 60 percent—that is without the Federal Government; they have done that on their own, making their own decisions—while overall economic activity only increased by 32 percent, and student population increased by only 10 percent.

So, in summary, what this sense of the Senate does is ask the President to recognize how many winners are generated by the Senate's idea on the Affordable School Act: 14 million families will benefit, 20 million schoolchildren; there will be $12 billion in new savings without the Federal Government investing a dime; 1 million college students in State prepaid tuition plans; 1 million workers receiving education assistance; countless schools will be built across the country; and countless Americans will receive a break on the interest they pay on their student loans.

Reserving the remainder of my time, I yield the floor so we might hear from the Senator from Virginia.

Mr. REID. Mr. President, I ask for the yeas and nays on the Coverdell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Under the resolution, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank my distinguished colleague from Georgia. I did not see the movie ''Groundhog Day,'' but this reminds me of ''Groundhog Day.'' We have been here before. We wasted an entire week of the Senate's valuable time on the precise bill that the distinguished Senator from Georgia is now presenting to us as an alternative.

I listened as the clerk read the language of the initial part of the bill, taking all the amounts that would be put aside to help schools and reducing them to a single dollar. In Virginia, we call that the shad treatment: You leave the skeleton but you surgically remove the entire skeletal structure so there is nothing remaining. Then you substitute a piece of legislation that has already passed this body, notwithstanding the fact that the authors and proponents of the legislation knew from the very beginning this particular bill would not be signed by the President.

With all due respect to my distinguished colleague from Georgia, he knew and they knew from the beginning we were wasting a week on that particular legislation. To suggest this is a possible new development or a surprise now, with all due respect, is a bit disingenuous.

We have the same problem as before. We are trying to do an end run to bring about vouchers. With this legislation, this Senate would be finding a way to put a disproportionate amount of money—if I recall the figures; I do not have them in front of me—about $37 or so per family for those students who, for the most part, are already sending

their children to private schools or parochial schools and about, if I recall, $7 for those in public schools.

This is designed to get around the difficulty the distinguished Senator found in incorporating a voucher provision. Vouchers address 10 percent of the population. Our responsibility is to the 90 percent of the children who are in schools in America who do not have access to them. Even if we were to make vouchers available to every schoolchild in America, we only have infrastructure that can support a little over 10 percent of the population. This takes money that would otherwise be available, in this case, for much needed school construction which the States cannot afford and which, by his own admission, would help disproportionately those school districts that do not have the resources, that do not get a chance to play on a level playing field.

It would take the money we could use to leverage to build even more schools and renovate even more schools to run the voucher route, again, in a bill that will not even go to the President. This particular resolution does not go to the President for signature. It will have no impact on whatever the President chooses to do about the particular legislation the Senator and those who supported his position passed last time around.

Let's not support vouchers in another form to find a way to make it impossible for the Federal Government, without strings attached, to provide support for bricks and mortar in local school districts and divisions that need the assistance. We want to move away from a situation where we have trailers instead of classrooms. If colleagues support the underlying amendment, they will be supporting school construction and renovation. If they support the substitute, they will be supporting school vouchers. I hope it will be the pleasure of this body to reject the substitute and support the underlying amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from Iowa, Mr. HARKIN, off the resolution.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank our minority whip for yielding me this time. I do speak strongly in favor of the underlying Robb amendment of which I am a cosponsor.

Senator ROBB has it right when he tries to invest in rebuilding and modernizing our public schools. States and local communities are struggling right now to renovate existing schools. School construction and modernization is necessary for our kids in the 21st century.

The average school in America right now, as Senator ROBB said, is 42 years old. Technology is placing new demands on our schools. As a result of increased use of technology, many schools must install new wiring, telephone lines, and electrical assistance. The demand for the Internet is at an all-time high, but in the Nation's poorest schools only 39 percent of classrooms have Internet access.

In 1998, the American Society of Civil Engineers issued a report on our Nation's infrastructure. The report found many problems with a lot of our infrastructure, but the most startling finding was with respect to our Nation's public schools.

The American Society of Civil Engineers reported that public schools are in worst condition than any other sector of our national infrastructure. This is an alarming fact. I ask unanimous consent that a copy of the American Society of Civil Engineers report card be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY OF CIVIL ENGINEERS—1998 REPORT CARD FOR AMERICA'S INFRASTRUCTURE

Subject	Grade	Comments
Roads	D−	More than half (59 percent) of our roadways are in poor, mediocre or fair condition. More than 70 percent of peak-hour traffic occurs in congested conditions. It will cost $263 billion to eliminate the backlog of needs and maintain repair levels, Another $94 billion is needed for modest improvement—a $357 billion total.
Bridges	C−	Nearly one of every three bridges (314 percent) is rated structurally deficient or functionally obsolete. It will require $80 billion to eliminate the current backlog of bridge deficiencies and maintain repair levels.
Mass Transit	C	Twenty percent of buses, 23 percent of rail vehicles, and 38 percent of rural and specialized vehicles are in deficient condition. Twenty-one percent of rail track requires improvement. Forty-eight percent of rail maintenance buildings, 65 percent of rail yards and 46 percent of signals and communication equipment are in fair or poor condition. The investment needed to maintain conditions is $39 billion. It would take up to $72 billion to improve conditions.
Aviation	C−	There are 22 airports that are seriously congested. Passenger enplanements are expected to climb 3.9 percent annually to 827.1 million in 2008. At current capacity, this growth will lead to gridlock by 2004 or 2005. Estimates for capital investment needs range from $40-60 billion in the next five years to meet design requirements and expand capacity to meet demand.
Schools	F	One-third of all schools need extensive repair or replacement. Nearly 60 percent of schools have at least one major building problem, and more than half have inadequate environmental conditions. Forty-six percent lack basic wiring to support computer systems. It will cost about $112 billion to repair, renovate and modernize our schools. Another $60 billion in new construction is needed to accommodate the 3 million new students expected in the next decade.
Drinking Water	D	More than 16,000 community water systems (29 percent) did not comply with the Safe Drinking Water Act standards in 1993. The total infrastructure need remains large—$138.4 billion. More than $76.8 billion of that is needed right now to protect public health.
Wastewater	D+	Today, 60 percent of our rivers and lakes are fishable and swimmable. There remain an estimated 300,000 to 400,000 contaminated groundwater sites. America needs to invest roughly $140 billion over the next 20 years in its wastewater treatment systems. An additional 2,000 plants may be necessary by the year 2016.
Dams	D	There are 2,100 regulated dams that are considered unsafe. Every state has at least one high-hazard dam, which upon failure would cause significant loss of life and property. There were more than 200 documented dam failures across the nation in the past few years. It would cost about $1 billion to rehabilitate documented unsafe dams.
Solid Waste	C−	Total non-hazardous municipal solid waste will increase from 208 to 218 million tons annually by the year 2000, even though the per capita waste generation rate will decrease from 1,606 to 1,570 pounds per person per year. Total expenditures for managing non-hazardous municipal solid waste in 1991 were $18 billion and are expected to reach $75 billion by the year 2000.
Hazardous Waste	D−	More than 500 million tons of municipal and industrial hazardous waste is generated in the U.S. each year. Since 1980, only 423 (32 percent) of the 1,200 Superfund sites on the National Priorities List have been cleaned up. The NPL is expected to grow to 2,000 in the next several years. The price tag for Superfund and related clean up programs is an estimated $750 billion and could rise to $1 trillion over the next 30 years.

America's Infrastructure G.P.A. = D. Total Investment Needs = $1.3 Trillion (estimated five-year need). Each category was evaluated on the basis of condition and performance, capacity vs. need, and funding vs. need.
A = Exceptional; B = Good; C = Mediocre; D = Poor; F = Inadequate.

Mr. HARKIN. Mr. President, because of increasing enrollments and aging buildings, local and State expenditures for school construction have increased dramatically by 39 percent in the last several years. However, this increase has not been enough to address the needs.

The National Education Association recently surveyed States about their need to modernize public schools and upgrade education technologies. According to their preliminary report, $254 billion is needed to modernize school facilities; $54 billion is needed to upgrade education technology. In my State of Iowa, for example, $3.4 billion is needed for school facilities and $540 million for education technology.

It is a national disgrace that the nicest places our children see are shopping malls, sports arenas, and movie theaters, and some of the most rundown places they see are their public schools. What kind of a signal does that send about the value we place on them, their education, and their future? How can we prepare our kids for the 21st century in schools that did not even make the grade in the 20th century?

This amendment by Senator ROBB provides a comprehensive two-pronged response: $1.3 billion each year to make grants and no-interest loans for emergency repairs to schools.

The second part of this strategy is to underwrite the cost of building nearly $25 billion of new school facilities. This amendment provides the tax credits to subsidize the interest on new construction projects to modernize public schools.

Last year, six Iowa school districts received grants to underwrite the cost of building new school facilities. Over and over, school officials said the availability of the Federal grant was responsible for convincing local citizens to support a school bond issue to finance the bulk of the project. Modern, up-to-date school buildings are essential for student achievement.

Studies show students in overcrowded schools, or schools in poor fiscal condition, scored significantly lower on math and reading than their peers in less crowded conditions.

This is a very serious national problem. In Iowa alone during the 1990s, there were 100 fires in Iowa public schools. During the previous decade,

there were only 20. The wiring is getting old, schools are catching on fire, water pipes are bursting, and they do not have the new technology our students need.

If there is one thing that cries out for our intervention on a national level, it is this issue: to upgrade and modernize our schools and to build new schools where needed. All one has to do is read Jonathan Kozol's book ''Savage Inequalities: Children in America's Schools'' to understand in this system of ours in America where schools are financed by local bond issues, that if you have an area with high-income residents, high property values, you get pretty darn good schools. But go to areas where there are low-income people and low property values; that is where we find the poor schools.

Yet a child educated in one of those poor schools does not stay in that local school district. That child moves to Iowa, California, Virginia, Georgia, or anywhere else and becomes a burden on all of society. That is why this cries out for a national solution.

To hear my friends on the other side, they say leave it up to the local school districts and let them handle it. Sure, if you live in a rich school district, you are fine.

But if you live in a poor area of America—rural or urban—you do not have the wherewithal to build those new schools and to get the wiring and the upgrading that you need.

That is why it is a national problem. It requires a national solution. That is why I hope the Coverdell amendment will be defeated and that we could get to the underlying Robb amendment and let the kids of this country and their parents and their families know that this national effort is going to go forward to rebuild our schools.

I compliment the Senator from Virginia for his amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Georgia.

Mr. COVERDELL. Mr. President, I will be very brief.

The Senator from Virginia and I have an honorable disagreement about how the Federal Government ought to respond to being a better partner in education. But the one issue that I would take some exception to and would like to clarify is the question of whether this is designed to be a voucher. It is not a voucher. The good Senator from New Jersey, Mr. TORRICELLI, who vehemently does not support vouchers, is a coauthor because he does not view this as a voucher.

I would not say that of the 70 percent of the families who would open an account who are in public schools, some family somewhere with that savings account might not make a change. But it would be statistically insignificant. If they did, I think it is a right that they should have.

As the Senator from Virginia said, 90 percent-plus of our students are in public schools. I venture to say that 10 years from now, 90 percent-plus of our students are still going to be in public schools.

The proposal is not designed to be a disguise for vouchers. It never has been. As I said, 70 percent of the people who open these accounts are estimated to have children in public schools and 30 percent are in some other school.

Of the $12 billion that will be saved and used for schools, it is divided about 50–50. In my view, that is because those families who have the child in the private school know they have a higher hurdle, that they have to pay the local school taxes and the tuition, so they tend to save more.

It may not be persuasive to the Senator from Virginia, but I did want to make the point that I never viewed this, and I think generally speaking it has never been viewed, as a voucher.

I yield the floor. When the Senator from Virginia concludes his remarks, I think we are both prepared to yield back time on this substitute amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I request, from the Senator from Nevada, 2 minutes from the resolution.

Mr. REID. The Senator from Virginia is given 2 minutes from the resolution.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I will be very brief.

I thank my colleague from Georgia for the clarification. I did not suggest that this was a voucher. I suggested it was an end run around the difficulty in establishing vouchers. The fact is that three-quarters of the benefits under the education IRA that the distinguished Senator from Georgia was able to pass through this body, which will be vetoed by the President of the United States, would go to people who are already enrolled in private schools. So it may not be a duck, but it certainly looks, talks, and walks like a duck.

With respect to the need, I suggest to the Senator from Georgia—and I do this in a friendly spirit—looking at all of the schools and the current estimates, Georgia faces an $8.5 billion shortfall for school modernization, which includes $7.1 billion for infrastructure and $1.5 billion for technology needs. There is projected a 26.5-percent increase in this shortfall in the decade ahead. Georgia would be among the States to benefit from this particular provision.

But the bottom line is that we have a choice between a plan that we know the President would support and sign, which would provide some 6,000 schools built or modernized and some 25,000 schools repaired, as opposed to the alternative, where we would have 198 schools built or modernized and none repaired.

At the same time, we would be transferring funds that could be used to support public education that would be supporting private education. It is as simple as that. I ask our colleagues to reject the substitute and support the underlying amendment.

With that, I yield to the distinguished Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The ranking member of the Budget Committee, who has been working today with his staff to resolve our vote-athon later, to get rid of a lot of these amendments that are around, is yielded 5 minutes off the resolution.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my friend from Nevada.

I commend the Senator from Virginia for his very thoughtful amendment. I listened carefully to what he had to say. Senator ROBB has the respect of all of us, regardless on which side of the aisle your political initiation or interests fall.

As he said, if it looks like and sounds like and talks like it, then we kind of know what it is. I think that is a proper characterization, in all fairness to the distinguished Senator from Georgia. If it is a tax-saving device that later can be used for contributions to private schools, it obviously is. If it is not a voucher, it sure enough resembles one so much that the disguise is more than penetrable.

But I wish to talk about the Robb amendment. Senator ROBB talks about the need to modernize our Nation's schools. Boy, I salute that. I am the product of public education. In fact, my parents barely could afford to send me to a free school.

I have taken an interest in the community from which I came, Paterson, NJ. It is industrialized, one of the poorest cities in the State of New Jersey—in fact, one of the poorest cities in America in ranking.

I looked at the situation with the schools there, schools that I attended. In particular, I looked at one school, a school that we called school No. 6, that I attended where they are barely able to keep plaster on the walls and keep the place in fit condition. I also went to high school in the same city for a while. Knowing my age, one recognizes how old those schools might be. The fact is, we both weathered storms, the schools and I, over a lot of years. But wear and tear shows.

We look at these schools and see how inadequately prepared they are for contemporary times. We question what we ought to do there. Since I come out of the computer business, those are my roots. I am a member of something that probably is not noticeable on everybody's calendar, but I am a member of the Information Processing Hall of Fame, which is in Dallas, TX. My former colleague, Bill Bradley, was a Hall of Famer, but of a much more recognizable Hall of Fame, also a much more recognizable participant.

But what I know is that unless we go to the Patersons of the country, unless

we go to the cities of the country that are in desperate need of improvements in the physical structure of their schools, we are going to find ourselves leaving out a significant portion of our population—whether rural or urban.

I do not mean to boast, but I personally made a contribution to a school in Paterson and stood there and pulled wires with people from the telephone company, who, on a voluntary basis, all pulled wires. And I paid for some small part of the installation of cable that would enable this school, if they ever got the equipment, to at least hook up to the Internet and the world outside their physical building.

That is necessary. It is not that we are being good to these kids. We are being good to America. We have to have people who can learn, and we don't care what their background is. If they have the capacity to learn, we ought to give them the tools, as the most advanced country, the largest power in the world that has students who can learn but who don't always get the benefits of the proper tools for an education. That includes the simplest thing, not just pulling cable to hook them up to the Internet, but to make sure the buildings are sound enough to provide reasonable temperatures in the summer and the winter.

Nothing is more discouraging to the learning process than to expect someone to function in a school that doesn't have the basic comforts. We have all heard the horror stories about sanitary facilities located floors away from where the classrooms are, where windows are broken, kids can be injured by falling plaster or, worse, even today, asbestos still used in the construction.

I commend the Senator from Virginia for standing up for what is right. It is a small cost, when you think about it, as to what we might get in return on investment. Those of us who are in the business world do look at return on investment, and this is one really good one.

I hope we are going to get by the partisan divide. We are worried about the digital divide, but we also have to worry about the partisan divide as we discuss the budget and its requirements. We have to kick this football. This is where the game starts, right here in the budget resolution. What we ought to do is have a good clean kickoff and make sure we do it right. I hope when the roll is taken, we defeat the Coverdell amendment and support the ROBB amendment.

The PRESIDING OFFICER (Mr. GORTON). Who yields time on the pending amendment? If neither side yields time on the amendment, it will be deducted equally from both sides.

Mr. COVERDELL. Mr. President, on the Coverdell substitute, we are prepared to yield back our time. It is the understanding that the other side will do the same.

Mr. REID. I yield back our time.

AMENDMENT NO. 3013 TO AMENDMENT NO. 2965

(Purpose: To express the sense of the Senate regarding the need to reduce gun violence in America.)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, for himself, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, Mr. HARKIN, Mr. WYDEN, Ms. MIKULSKI, and Mr. L. CHAFEE, proposes an amendment numbered 3013 to Amendment No. 2965.

Mr. REID. 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 end of the amendment add the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

(a) FINDINGS.—The Senate finds the following:

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

Mr. REID. Mr. President, I will take time now on the resolution to say this to the acting manager of the bill so the majority knows what we are doing. This matter has already been debated. The Senator from Rhode Island came earlier today and debated this amendment. Therefore, what we are going to do to use our half hour of time allotted under the second-degree amendment is time will be yielded to the Senator from Maryland, Ms. MIKULSKI, who also is going to, at a subsequent time, offer an amendment on the digital divide. Her half hour will be on the digital divide, not on the Reed amendment. You, of course, would have your half hour to speak about anything the majority cares to. I wanted to explain that to the majority.

Mr. COVERDELL. You are essentially using your half hour to deal with the Senator from Maryland.

Mr. REID. On another amendment, that's right. Mr. President, under the resolution, that is what we are going to do. It should move this matter along. The Senator from Maryland—when she gets here—will speak.

Mr. STEVENS. Will the Senator yield for a minute? I want to make sure I haven't inadvertently lost the floor.

Mr. REID. Without losing my right to the floor, I say to the chairman of the Appropriations Committee, what we have here now is we have filed a second-degree amendment to the pending amendment. We have an hour of debate, which the Senator from Maryland is going to use at this time.

Mr. STEVENS. A second degree to my pending amendment?

Mr. REID. No, the Robb amendment.

Mr. STEVENS. I appreciate that.

Mr. DOMENICI. I have a question. Did Senator COVERDELL not offer a substitute to the Robb amendment?

Mr. COVERDELL. Mr. President, we have offered a substitute and we yielded back time.

Mr. REID. The same problem of this morning.

I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Parliamentary inquiry to my Democratic whip: Am I offering my amendment now or only speaking on it?

Mr. REID. We offered it.

Ms. MIKULSKI. I am ready to do it anyway. Thanks to you and the Democratic leadership, President Bill Clinton, and AL GORE, we are talking about a plan to cross the digital divide. A few minutes earlier, Senator CHUCK ROBB of Virginia spoke eloquently and persuasively about how we needed to deal with the problem of wiring schools in the United States. I absolutely support that Robb amendment because we have schools that are deteriorating, and they are in such bad shape we can't wire them for the Internet.

While we are creating a new physical infrastructure for our schools, we also need to look to the future. We want to help our children by making sure that public education gets them ready for the new future and a new economy. This is why I believe very strongly that no child in the United States of America should ever face the digital divide.

What is the digital divide? The divide is between those who have access to technology and who have access to learning and how to use the technology. If you are on the right side and have access to technology, and access to those who will teach you how to use it, both as a person and a community, you will feel very empowered and have a bright future. But if you are on the wrong side of the divide, where you don't have access to technology—Mr. President, the Senate is not in order.

Mr. STEVENS. Mr. President, I am still disturbed, if the Senator will yield about the procedure.

Ms. MIKULSKI. Mr. President, I have the floor.

Mr. STEVENS. Point of order: I call for regular order. The regular order is my amendment.

Mr. REID. Mr. President, this was an amendment in the second-degree.

The PRESIDING OFFICER. The Senator from Maryland has the floor. As long as she has the floor, no one else can call for regular order with respect to amendments.

Ms. MIKULSKI. Mr. President, I have the floor. I in no way mean to have sharp elbows with the Senator from Alaska. I was only trying to get order to continue my presentation.

The PRESIDING OFFICER. The Senator is entitled to be heard.

Ms. MIKULSKI. If people want to argue about who has the floor, they can go off the floor and continue those arguments. Mr. President, I would like, if we are going to have exchanges——

The PRESIDING OFFICER. Will those who are having discussions in the right side of the well take their conversations off the floor.

Ms. MIKULSKI. Thank you, Mr. President.

What I was talking about was that if you have access to technology and access to those who can teach you technology, your future as a person, a community, and even our country, is bright. But if you are on the wrong side of the divide and don't have access to technology, and will never know how to learn to use technology, your future is quite dismal and, as a person, you could end up functionally obsolete in the United States of America.

The Presiding Officer comes from the State of Washington, which is one of the most robust, high-tech States in the United States of America. He knows from his conversations with those tech tycoons that what we are facing in the United States of America is a workforce shortage of people who know how to use technology. Also, not only in the new ''dot-coms'' or the new ''dot-commers,'' what we also face is a skill shortage, even in the old economy.

In my own hometown of Baltimore, where they make steel or build automobiles, we have gone from smokestacks to ''cyberstacks.'' Walk with me along the minivan plant in Baltimore or come with me in the steaming steelmills of Baltimore, and you will see steelworkers and automobile workers are now tech workers.

I want to be sure that every person in the United States of America is ready for that new economy. That is why we want to emphasize K through 12. We will practice the basics from K through 12. We are going to ensure that no child is left out or left behind in this new economy. We want to practice in the budget the ABCs. We want to make sure there is universal access to technology in schools, libraries, and community centers. We want to practice the ''B'' which is the ''best'' trained teachers. We also want to practice a ''C'' called ''computer'' literacy for every child by the time they finish the eighth grade.

Those are our national goals. That is what I hope we are able to do. But in order to do that, we have to put our resources with our national commitment.

First of all, I truly believe that the Government cannot do this alone. That is why an amendment I will be offering later on will put aside $200 million in tax incentives to encourage public-private partnership.

Why is this important? Because the Government can't do it alone. The private sector is already doing important, exciting work, and improving access to technology. But technology empowerment can't be limited to a few ZIP Codes, or recycled factories, where great work is being done in my own hometown. We need to encourage private sector donations of high-quality technology, sponsorship of community centers, and the sponsorship of training. I have seen many examples in my own hometown.

While we look forward to providing technology, one of the most important things is to make sure our teachers are trained. If our teachers are not trained, our technology could end up in closets and our children could be left not learning what they need to learn. The budget amendment calls for $600 million for teacher training.

Everywhere I go, teachers tell me they want to help their students cross the digital divide. But they need the training to do this. Technology without training is a hollow opportunity.

In my own home State of Maryland, the superintendent of public education established what we call a ''tech academy'' so that public schoolteachers could come from across the State to learn how to use this. Guess what. Six hundred teachers came and 400 had to be turned away. We now have an incredible waiting list.

No teacher should have to stand in line to learn how to use technology so they can teach children how to use technology. This is why we want to make sure that young people coming up in our teacher schools learn technology. Those teachers who are the fourth grade reading specialists should know as much about technology as some computer whiz.

In addition to that, our amendment provides access—$400 million—for school technology and school libraries, for hardware and software technology everywhere. We want to make sure our school libraries are high-tech media centers.

Why is this important?

In my own community, in some schools we have a ratio of one computer per five children.

To the Senator from Georgia, I would note that in some of our private schools it will be mandated that every child come with a laptop.

But I say to my colleague and others who are listening, if you are a poor child, it is more likely you live in a poor neighborhood. The poor neighborhood has poorer schools. They do not have technology in their classroom or a media center in their library.

Please, in the United States of America, with all the money we are going to spend in this budget, let's put $400 million to be sure our schools and our libraries do have the hardware and software where they need it.

Our children don't only learn in schools and in libraries, though those are crucial places. Many of them learn out in the community. This is why our amendment will provide $100 million to create 1,000 community technology centers. Community leaders have told me that we need to bring technology to where the children learn. They don't learn only in schools; they learn in communities.

I saw for myself what technology meant to a community center at a public housing project. The adults learned technology during the day and the children learned technology through structured afterschool activities sponsored by the Boys and Girls Clubs in the afternoon.

In my own town of Baltimore, I spoke to the Urban League to see what they were doing to help get our children ready for the future. They told me they had to forage for funds, and there was not one Federal dollar available to help the Urban League help those children get ready for the future.

Certainly, if we can spend $18,000 a year on one person in prison, we can spend the money to create 1,000 community centers to keep our children in school and get ready for the new economy.

Mr. President, in addition to that, speaking of the Boys and Girls Clubs, we are including in our amendment Senator BIDEN's excellent proposal to provide $20 million to place computers and trained personnel in those Boys and Girls Clubs. What a tremendous opportunity.

In April we are celebrating Boys and Girls Clubs Month. There are great alumni from the Boys and Girls Club. Michael Jordan is one; President Bill Clinton went to one when his mother worked as a nurse and the Boys and Girls Clubs was one of his afterschool activities. Boys and Girls Clubs have been training and helping young people stay on the right track for a number of years. We not only want to teach them about hoop dreams; we want to team them about technology. This is why this is so crucial.

We will also provide $25 million to create an e-Corps within AmeriCorps. This will provide funds for 2,000 volunteers to teach technology in their schools and community centers.

In addition, we want to make sure we provide private sector deployment of broadband networks in underserved urban and rural communities. We need these funds to build the super information highway with on and off ramps for all.

I have in my State the Mountain Counties, a nice tourism word for Appalachia. With the old economy fading in coal mining and without the railroad jobs and so on, we are trying to

create a super information highway there. Guess what. If you are a constituent in Cumberland, your on and off ramp is in Pittsburgh. This makes service slow and unreliable. It slows down e-commerce and prevents new jobs from coming to an area that badly needs them. These funds will be used to help the private sector bring the super information highway to every corner.

We need to test new ways to bring technology into the home, with innovative applications. We need to look out for Native Americans. We are living in a very exciting time. The opportunities are tremendous to use technology to improve our lives, to use technology to remove the barriers caused by income, race, ethnicity, or geography. If we can help every one of our children and make sure they cross this digital divide, this will be the most important legislation this United States can pass. It will be as important as the Civil Rights Act of 1964. Technology is the tool, but empowerment is the outcome.

It could mean, through the work we do here, the death of distance as a barrier for economic development. But it also could mean the death of discrimination because poor children and children of color would be able to leapfrog into the future.

My amendment takes the Federal dollars and makes public investments in our schools, our community-based organizations, our libraries, our teachers, and, most of all, our children. At the right time, I will be offering my amendment. That is, indeed, a brief summary of this amendment.

Obviously, this isn't the most compelling thing on Senators' minds, and it is disappointing I have had to speak in an environment where everybody else's conversation was more important than the person speaking. That is OK because deep down I know America is listening. Deep down, I know this is a very important coalition issue. It brings people together of all different geographies, rural and urban, whether poor white or a child from a family of African, Latino, or Native American background. It also means if you are disabled, you will be able to learn the tools needed to ensure, though you might have a physical disability, you will not have barriers.

This amendment is about hope. This amendment is about opportunity. This amendment is about one more rung on the opportunity ladder of the United States of America. I think it has broad-based appeal on a bipartisan basis. I hope when the time comes to offer my amendment and when we have a roll-call vote, the men and women of the Senate will vote to ensure that our children can have a future and many children can leapfrog into the future, leaving behind the legacies of poverty.

I yield the floor.

Mr. SARBANES. Mr. President, I rise in support of the National Digital Empowerment Amendment to be offered by my colleague, Senator MIKULSKI. Let me begin by expressing my deep thanks to Senator MIKULSKI for her leadership in the Senate in crafting this initiative. And I should mention that she has not only worked with her Senate colleagues on this, but has reached across to the House of Representatives, joining with the members of the Congressional Black and Hispanic Caucuses, to ensure that it addresses the digital divide in a comprehensive and extensive way. She has also sought out the opinions of parents, teachers, children, business people and working people all across our State and the Nation to ensure that every community can reap the benefits of technology.

Moreover, I am pleased that members of the technology sector of our economy are participating so fully and have played such a key role in helping to develop this initiative. With the technological giants joining us in this effort, we are off to a great start in helping to ensure that every man, woman and child in our country will have the opportunity to access the Internet.

I believe we have a tremendous opportunity right now, with our economic prosperity, to begin closing this digital divide. We have the lowest unemployment rate and the lowest inflation rate in our country in more than 30 years. In our African-American and Hispanic communities, unemployment has fallen to some of the lowest levels in history.

And to help sustain this economic recovery, we must provide the tools to enable our people to obtain the skills necessary to compete in a global economy—an economy that is growing by leaps and bounds in part due to the technology sector and the opportunities it presents.

We are the world's leader of this technological revolution and our children are on the cusp of enjoying the full benefits of what it has to offer. In order to assist them in this endeavor, we must move forward to empowering each and every community with the technological skills and resources it requires. We can take a major step in this regard by passing this legislation—America's future deserves no less. So I lend my strong support to this amendment and I urge my colleagues to do the same.

Mr. STEVENS. What is the parliamentary situation?

The PRESIDING OFFICER. We are on amendment No. 3013 of the Senator from Rhode Island, Mr. REID. It is a second-degree perfecting amendment to the Robb amendment.

Mr. STEVENS. It was my intention to delay debate on my amendment until the Robb amendment and the second-degree amendment were finished. As I understand it, a substitute was filed rather than a second-degree. I am not sure that process is over. I want to keep our commitment. I apologize to the Senator from Maryland; I thought that was over when I came to the floor.

I am prepared to allow my good friend from Georgia to complete this process, if that is the desire of the Senate. We will get to my amendment when this amendment is disposed of.

Mr. REID. I say to my friend from Alaska, and the manager of the bill, we are still on the Robb amendment. We have whatever time is left on our side.

We have one more speaker on our side.

Ms. MIKULSKI. I understand there was confusion. I was yielded 30 minutes, and I have consumed 16 minutes. I yield my 14 minutes back to the Democratic whip to use such time as he deems appropriate.

Mr. REID. We have no more amendments to offer on this particular measure. Does the majority wish to spend more time on this amendment?

Mr. COVERDELL. We have 30 minutes allotted on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. In answer to the question of the Senator from Nevada, yes, we have several speakers on the amendment and will probably use the majority of the 30 minutes on our side.

Mr. REID. We don't appear to have any speakers.

There was no attempt—and I explained this in detail to the Senator from New Mexico—to do anything other than complete the work on the Robb amendment.

There are a lot of people I might try to take advantage of, but one of them is not the Senator from Alaska.

Mr. STEVENS. I appreciate the Senator's comments. I was misinformed. I apologize to the Senator.

I want to make certain when the time comes, we get to the floor as intended.

The PRESIDING OFFICER. Who yields time on the Reed amendment?

Mr. COVERDELL. 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. COVERDELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Parliamentary inquiry. Under this circumstance, the time is being equally divided?

The PRESIDING OFFICER. If no one yields time, it is equally divided.

Mr. REID. Mr. President, unless the majority is ready to proceed, we have a Senator to speak, and I can yield him some time off the resolution. But if the Senator from Idaho is ready to proceed?

Mr. COVERDELL. We are. Mr. President, I yield up to 10 minutes of our time to the Senator from Idaho.

Mr. DOMENICI. Mr. President, might I ask a question of the Senator who has been managing? How much time does he have on his amendment?

Mr. COVERDELL. The full 30 minutes, well, minus—what is it, 25 minutes?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. DOMENICI. Thank you.

Mr. CRAIG. Mr. President, I want to be brief, but I think it is important to respond for the record because we have had a Senator stand up and suggest we ought to instruct the judiciary committees that are in conference now over juvenile justice—and he is doing it based on guns and guns alone. So for a few moments let me talk about what is in the juvenile justice bill that has been covered up by the debate that has produced no results for this country and, most importantly, should not.

I know the Senator has not talked about the alcohol prevention for minors that is in the bill or the cultural violence issues or the gangs or the juvenile Brady bill and the gun safety provisions that were already in a bill before Columbine and before Senators came to the floor and began to muck up the process of a very well thought out juvenile crime bill. There are provisions for juvenile offenders to allow the U.S. attorney to prosecute juveniles as adults for violent felonies and serious drug offenses. It treats Federal delinquency records for serious crimes such as murder and rape and armed robbery and assault similar to records of adults and other offenders.

Why are we stymied? Why has the Congress not rushed to judgment on gun laws? More gun laws—adding more to the 35,000 gun laws that are already on the books of America's cities, counties, State, and Federal Government. Let me tell you why.

In a recent poll by Zogby, recognized by most as a very creditable pollster, here was the question asked of the American citizens: Which of the following is the best way to solve the gun violence in America? Mr. President, 52 percent said prosecuting criminals who use a gun in the commission of a crime—well over a majority of the American people are saying no more laws; Attorney General Janet Reno, go after the criminal who misuses his or her rights under the Constitution.

Then 15 percent said having parents and schools teach self-control. Now we are up to 67 percent of the American people who, when asked the question, are saying: Don't pass more laws; enforce the ones you have. Work on the cultural problems that America has. Only 2 percent of the American people say Congress should legislate more gun laws—only 2 percent.

So when the Senator from California brought this amendment to the floor some time ago, and it was defeated, that was the reason it was defeated. Now the Senator from Connecticut comes forward with the identical amendment and is going to ask the Senate to repeat the action. A political ''gotcha'' is what they think it is.

America is very aware of what we are doing here. It is not what we are not doing here. They know we are not passing more gun laws. They know the reason is because that does not work. Only 2 percent of the American public are willing to suggest that somehow the Congress can miraculously change the culture of our society or the violence in America. The juvenile justice bill itself, absent what was put on it by this Senate, will go a great deal further in curbing juvenile crime than anything else.

The Senate will vote its will on this issue, and it should. That is appropriate. But it will not be voting the will of America, an America that is saying to this Justice Department: Get busy and enforce the law; saying to the parents of school-age children of America: Get involved in the lives of your children. Work with them in developing self-control. Work with your schools and your communities. That is not passing a law. That is changing your schedule as a parent. That is taking time out of your busy lives to get involved with your kids.

That was the tragedy of Columbine and that is the tragedy of America today. Somehow we have become so busy we cannot give our children time. When violence erupts in America as a result of a juvenile offender and a misdirected child, we run to the Congress of the United States and say: Fix it.

We cannot fix these kinds of things, and the American people innately know it. That is why they so clearly said to the Senator from California or to the Senator from Connecticut or to other Senators: Stacking up laws and stacking up law books does not a safer world make. That is why the Senate has rejected it. That is why the House has rejected it. That is why my colleagues on the other side of the aisle gain absolutely no value and political traction on this issue—because the American people have it figured out.

I am not surprised. The American people are collectively much brighter than most of us. I ask the Senate to reject this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. I yield to the Senator from California for 5 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the assistant Democratic leader for this time. I came to talk about the MIKULSKI amendment, which I was honored to carry for her in the Budget Committee. But I also feel the need to respond to my friend from Idaho, who is an eloquent voice for the status quo when it comes to gun violence.

The Senate did act, the Senate did act on five sensible gun laws. The fact is, we should be pushing for them because over his opposition we did pass those laws and they are stuck in the conference committee. The Reid amendment would simply call on the conference committee to do its work and report these laws out so we can turn around the tragedy that is meeting too many families, too many children.

I heard a statistic the other day: 75 percent of all gun murders of children in the world occur in the United States of America, the land of the free and the home of the brave. It does not matter how brave a child is. Twelve a day are killed. I say to my friend from Rhode Island, I appreciate him offering his amendment.

Also, I say to the Senator from Maryland, Ms. MIKULSKI, I was honored to offer a very similar amendment in the Budget Committee. The good news is that amendment was adopted unanimously, and Chairman DOMENICI accepted it. The difference between Senator MIKULSKI's amendment, which I cosponsor with her, and the one in the committee is that this one has solid numbers behind it. The amendment in the committee was a general vow of support from the Budget Committee to bridge that digital divide. We offer in this amendment a comprehensive approach to building human capital and physical infrastructure that is needed for sustained success in this century.

I want to make two points about the great need we face for our children. We have a public education system in this Nation that is essentially a great equalizer. It gives all children a chance to grow up and be what they want to be, in my case a Senator. I want to see that occur for all of our children. It will not occur if they do not have access to computers and teachers who understand how to use the computers.

I come from a State that boasts Silicon Valley. In Los Angeles, we have a similar high-tech area. In San Diego, we have a magnificent high-tech area, and it is moving all over our State. Those companies have to go to foreign countries to get human capital. People are being offered very high salaries to come to America. Therefore, we must train our young people or all those good jobs will not go to Americans, and that will be a very sad situation, indeed.

The last point I will make is that if you have young children or if you have grandchildren—and I am fortunate to have a grandchild—you can see that 2- and 3-year-olds find their way on computers. A lasting memory I have of my grandson is at the age of 2½, with his thumb stuck in his mouth, his blanket hanging down, and the other hand on the mouse figuring out how to use the computer. Now he is 5. I hate to admit it, but he understands computers probably as well as I do. At least when the computer freezes up, he figures out a way to make it work.

If children are gravitating in that direction and they can understand at that age—because their brain capacity is expanding at amazing rates at age 3, 4, and 5—we have to make sure our families can give them this opportunity. It is the right thing to do for them. It is the right thing to do for our education system. It is the right thing to do for our Nation.

The Mikulski-Boxer amendment, which is supported by many others too

numerous to mention, is so important. Since we can look back at the budget vote and see that a similar amendment was, in fact, adopted across the board by the committee in a bipartisan vote, this is the logical next step—to put the numbers behind the idea that every single child in America should come on board this information age and do well in school, do well in the family, and do well in a future career.

I thank the Chair, and I thank my assistant minority leader.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. How much time remains on our side?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. COVERDELL. I yield up to 10 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from Georgia and welcome the opportunity to share a few remarks about violence in America and what we can do to make our streets and communities safer and, specifically, what we ought to do about firearms in America.

Over half the homes in America have a gun. It is a traditional part of American life, and it will always be. It is protected by the second amendment to the Constitution. It provides the right to keep and bear arms. That is a tradition and a legal right given to the American people, unless it is taken away by an amendment to the Constitution of the United States.

However, even though we have firearms, firearms are dangerous and they should not be in the hands of people who are dangerous.

We have a string of laws that help us deal with that, laws that I used to enforce for 15 years as a Federal prosecutor, and 12 years as U.S. attorney. We had a project under President Bush called Project Triggerlock, which he promoted and I promoted in my district. I sent out a newsletter to every sheriff and every chief of police telling them that we were willing and able to use tough Federal firearms legislation to help them crack down on crime where firearms were used; that we would prosecute people who had been convicted of a felony who possessed a firearm; that we would, indeed, prosecute them aggressively if they wanted to bring those cases to the Federal prosecutors. We increased those prosecutions substantially. I believe that helped reduce crime. I believe it helped make our communities safer.

Years went by and President Clinton took office. I expected, since he talked so much about illegal guns and stopping guns—they talk about this inanimate object, a metal firearm as if it is an evil force, when, obviously, the person behind it is the one who causes the trouble. I thought we would see a further step-up of the prosecution of laws.

As one can see from the chart behind me, exactly the opposite occurred. It is astounding to me. I left office in 1992, and under President Bush's administration, there were 7,048 prosecutions of criminals for illegal use of guns under existing laws then, and we have more laws today than we had then. Look what happened. They steadfastly set about to reduce those gun prosecutions to 3,807 in 1998. I find that astounding.

I came to this body 3 years ago. I know how to pull out the Department of Justice statistics book. I used it every day as a Federal prosecutor. I could see how my district was doing and other districts were doing. I looked at the numbers. It was stunning to me.

In the last 3 years I have been here, I do not believe I have missed one opportunity to call those numbers to the attention of the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, or the Chief of the Criminal Division. It has been 10, 15, or more times. Most of the time I have had this very chart with me.

I said: I am astounded.

They said: The States are prosecuting more cases, and we are trying to go after big gun cases.

Fundamentally, the numbers went down. The intensity of the effort went down.

Then an experiment occurred. The U.S. attorney in Richmond, VA, appointed by President Clinton, got with the chief of police in Richmond, who is a young, aggressive African American, to do something about gun violence in Richmond. So they attempted to do what we called Project Triggerlock. They called it Triggerlock with Steroids. They prosecuted the types of cases we were doing, and they ran TV advertisements and announcements. They thought the combination would help.

They credited their efforts in Richmond, VA—President Clinton's own appointee—with a 30-percent reduction in the number of deaths and murders in Richmond, VA—40 percent. It may be more than that over 2 years, but 30 percent was the number they testified to in a hearing I held.

Oddly enough, the day before the hearing, which was going to be on a Monday, the President, the Department of Justice, and Janet Reno tried their best to put off the hearing. They did not want to go into these numbers. They did not want to talk about them. Finally we said: We are going to have this hearing; we have been talking about it for years.

So we set it and went forward. Then that Saturday before the hearing was to be held, President Clinton dedicated his national radio address to Project Exile in Richmond and bragged about how good it was. He said in that radio address: I am directing the Attorney General of the United States and the Secretary of the Treasury—which has the Bureau of Alcohol, Tobacco, and Firearms that does most of the investigations—to step up their prosecution of criminals with guns.

A month or so later, the Attorney General came before the committee on another matter, and I asked her about it. She apparently had not done anything about it. I remember asking her: How did she get the message from the President? Did she have to turn on the radio or did he send it to her in writing? He said it on the radio: I am directing you to enhance these prosecutions. He should; but it has not been done.

A lot of other laws have been passed in recent years that are supposed to work. I am telling you about the 7,000 prosecutions of felons who were in the possession of a gun during the commission of a crime, the 7,000 prosecutions of felons, in the possession of automatic weapons, lying on their forms when they applied to buy one, and that sort of thing. That is the bread and butter of prosecuting gun cases. That is the meat and potatoes of it. We passed a lot of other laws.

They want to pass another law to go even further than what this Congress has passed to restrict the sale of guns at a gun show saying it is going to affect crime in America. That is absolutely bogus. That is baloney. That is politics.

We tried to reach a reasonable agreement, but I am not going to vote for some sort of restriction on gun shows that says to people who have been doing this for 50 years that they have to wait 3 days before they can sell a gun. By then the show is closed and has gone back to a State somewhere far away. That is not necessary.

We have tried to reach an accord with the White House on that. They do not want an accord. They think they can get a political issue.

Let me show you what I am talking about, what is really important on guns.

They passed a law called 922(q), title 18, involving the possession of firearms on school grounds. That was a few years ago before I came to the Senate. It was not too many years ago.

In 1997, they had five prosecutions in the whole United States. In 1998, they had eight prosecutions in the whole United States. They passed a law that it is unlawful to transfer firearms to juveniles. I support that law. I support the one on the possession of firearms on school grounds, too. But, look, in 1997, they prosecuted five of those cases; and in 1998, six of those cases.

Another law deals with the possession or transfer of a semiautomatic weapon; that is, the assault weapons. You remember we had to have this assault weapon ban. It was worthy of debate.

An assault weapon looks like a military M–16, an AK–47, but it really is not. The assault weapons are semiautomatic, not fully automatic as are the military weapons. If it is fully automatic, if it is a machine gun, an automatic weapon, it has been illegal since the days of Al Capone. I do not believe I have ever failed to prosecute a case in

Alabama when a person had an automatic weapon, a machine gun.

We did not need these new laws to prosecute that. But if they had a weapon that looked like an M–16, they wanted to make it illegal, even though it fired one shot. That was eventually done. That was going to stop crime in America. Right?

In 1997, there were four prosecutions; in 1998, there were four prosecutions.

Look, we want to reduce crime in America. We want to reduce the incidence of illegal weapons. Children do not need to be playing with weapons. Everybody who has a weapon in their home needs to keep that weapon locked up.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator's time has expired.

The Senator from Georgia.

Mr. COVERDELL. I yield another 5 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, we want to do the right thing. But there is a constitutional right to keep and bear arms in this country. How far do we want to go? These laws that are not being enforced, does that suggest this administration is guilty of hypocrisy?

They said this was so important, that we had to pass it, and we were going to enforce these laws. But their prosecutions have plummeted under the administration.

I say to the people of America, and the Members of this Senate, if we replicated, throughout this country, Project Exile in Richmond, and if it were carried out under existing laws, that all these laws and those gun laws were enforced steadfastly—if criminals who are using guns are given enhanced sentences, as Federal law requires; if you carry a firearm during a drug deal, you must receive 5 years without parole consecutive to any sentence you receive for the drug offense—the word starts getting out.

It did in Mobile, AL, where I prosecuted. Drug dealers quit carrying guns because if they carried a gun, they would be taken to Federal court, and when they were prosecuted, they would be sentenced and sent off, in exile, to some Federal prison way out of the State.

It does work. It worked in Richmond. That is what we need to do. We need to be skeptical of the news media that always judges whether or not somebody is against gun violence by whether they vote for every bill the Clinton administration proposes. If you do not vote for every bill they propose, then you are for gun violence.

I was a prosecutor. I prosecuted a lot more cases, firearms cases, than the Clinton administration did and my brother U.S. attorneys did. So that offends me. I do not believe it is right.

This amendment that has been proposed, this sense of the Senate, is just a political deal. I worked hard with Senator HATCH, and others on the Judiciary Committee, to pass a juvenile crime bill that I believe will work to reduce crime in America. It has some gun amendments on it that restrict gun use in America. It makes it a felony to sell one of these assault weapons to a young person. And there are other offenses we added to that. But they are not going to really affect crime in America, frankly. Certainly, they will not if they do not get enforced.

I suggest that what we need to do is to enforce the laws we have. I know Mr. Wayne LaPierre, the executive director of the National Rifle Association, made the comment that the President wanted violence in America, and that is why he would not enforce these laws. He got so mad about it, he said he thought it was deliberate. I do not agree with that.

But I will say to you right now what I said in the hearings before my committee: There have been good and decent people all over America who are dead today because this administration will not enforce and carry out a proven program such as Project Exile in Richmond, VA, to target criminals who are using guns to kill people.

They claim they have had a 30-percent reduction in murder in Richmond. Think what would happen if every city in America could achieve that by carrying out such a program. It could be done if the Attorney General would direct it, if the President would insist on it, and we would get about that business—instead of just talking about guns, talking about some new esoteric law, some wording in some transaction at a gun show, as if that is going to make a difference.

Trust me. I have been there. I prosecuted these cases. I care about this issue. I believe we need to quit playing politics. We need to pass that juvenile crime bill. It is a good bill. It is being held up because we will not go as far as the President wants to go on gun show legislation. The House voted it down substantially, with some Democratic opposition. We need to get that legislation passed, quit playing politics with this issue, and get on with the business of the Senate.

I thank the Chair and yield the floor.

Mr. REID. Mr. President, from the resolution, I yield 5 minutes to the Senator from Rhode Island, the sponsor of the legislation which is the subject matter of this discussion.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Nevada.

My resolution is very clear. It asks that the conferees return the report back to us on the juvenile justice bill so we can vote up or down on the measures we passed on May 20 of last year, in response to Columbine, which provide for safety locks on handguns, ban large clips for automatic weapons, and would also close the gun show loophole. All of these measures are supported by an extraordinary majority of Americans.

Nearly 90 percent of Americans favor requiring child safety locks on all new handguns, including 85 percent of the gun owners who were surveyed. In addition, 89 percent also favor background checks on all sales at gun shows. This is what the American people want. It is not what the gun lobby wants. That is why we have waited 1 year, not in principles compromise and debate but essentially trying to strangle this measure we passed so that it won't come back to the floor.

There has been one meeting of the conferees, which is just trying to kill it off by indifference, hoping we will forget about Columbine, that we will forget about the violence that is plaguing the country.

Anyone who is suggesting that these measures are designed to end crime in America is being slightly hyperbolic. What it might do is prevent those hundreds, perhaps thousands, of deaths a year by handguns through accidents, through suicides, through the mishandling of weapons. That in itself will be a great achievement.

I had the opportunity this morning to talk about some of the incidents involving children, young people, who might have been deterred, not from criminal activity but gun accidents, gun violence. I was particularly shocked in my home community of Providence by a bunch of young people, 16-, 17-year-olds, horsing around, getting into a little bit of an ego contest. What happened? They were in a place where, when they turned around, somebody in the crowd had a gun. Not the two young people wrestling but somebody had a gun. They got the weapon. One person, out of a sense of just total irrationality, fired, hitting the other young man in the head, critically wounding the young man, and was so distraught by remorse for what he had done that he ran into a backyard and killed himself.

That is what we are talking about in terms of gun violence. There is no law that would prevent that.

Mr. SESSIONS. Will the Senator yield?

Mr. REED. I would like to finish my remarks.

We can do much more, and we should do much more. I have heard people say all weapons should be secured in the home, if they are stored there. The child safety lock will ensure that takes place.

On the gun show loophole, the GAO has done a report that suggested, under the Brady instant check, 73 percent of these background checks are finished almost immediately, conducted almost simultaneously with the request, that 95 percent of all checks are completed within 2 hours. It is only those checks that raise serious questions that go beyond 2 hours, which will in no way interfere with the operation of a gun show. It is in those checks where the most likely violations occur in terms of getting a weapon which you should not have. In fact, those people are 20 times more likely to be unable to acquire a weapon.

In the nature of a gun show, many of the dealers at gun shows are licensed gun dealers. They are subject to the Brady law. They have to do the background check. We can't abandon reason when we come to the floor. If you are looking for a weapon and you know you are going to face a Brady check when you go to a gun show, where are you going to go? You will go not to the licensed gun dealer but someone who is selling guns and doesn't have to do a background check. Then you will hope, if any check is done, it will be done so arbitrarily that you won't be caught. That is what the statistics show in the GAO report.

Mr. SESSIONS. Will the Senator yield on one point?

Mr. REED. I would like to finish. My colleagues want to speak on other matters. Let me say something about this mantra about enforcement: You just have to enforce the laws.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. REED. I ask for 2 additional minutes.

Mr. REID. Two minutes under the resolution.

Mr. REED. The NRA, the gun lobby, talks about enforcement. They have persistently, over decades, frustrated real enforcement. For 10 years they refused to support the Brady bill and told their members it would effectively destroy the right to bear arms in America, resulting in total, strict gun control on all Americans.

With respect to the operation of inspections, in 1986 the McClure-Volkmer Act was supported strongly by the NRA—$1.5 million of lobbying activity. That legislation limits ATF's ability to conduct unannounced inspections. If you want to enforce the law, that is fine. Then why does the gun lobby go ahead and try to constrain the law so that we can't effectively enforce laws that are on the books already? If you look at the number of ATF agents, it has declined. Fortunately, they have increased over the last year. As a result, we have more prosecutions, more referrals.

The Wall Street Journal suggests, based upon evidence from a Chicago investigation:

> While firearm-rights enthusiasts argue that there are enough gun laws on the books, and the problem is merely lax enforcement, the Chicago case illustrates that in some areas, the gun laws have holes and enforcement is harder than one might think.

That is the Wall Street Journal, not some radical newspaper in this country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. REID. Mr. President, I am going to yield time now to Senator GRAHAM of Florida. Senator GRAHAM and some of his colleagues—Senator BAYH, Senator EDWARDS, Senator LANDRIEU—have a very important education amendment they have been waiting to offer. They will not be able to offer it now, but they will offer it at some subsequent time. The 25 minutes remaining under this amendment are going to be divided among them to speak on this very important education amendment. I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. DOMENICI. Mr. President, I have a Senator who wants to speak on the actual amendment itself, Mr. HATCH.

Mr. HATCH. I will be happy to wait for 5 minutes.

Mr. REID. We have other people to speak. We will hear from Senator GRAHAM and then go to you. How much time do you wish to take?

Mr. HATCH. How much time do we have left on this side?

Mr. DOMENICI. Do we have 6 minutes remaining on our side?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I will yield Senator HATCH 4 minutes of that.

Mr. REID. Senator GRAHAM is going to speak for 5 minutes, and then Senator HATCH is going to speak on the Reed amendment. Then we will go back to the other individuals.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I will be offering an amendment, which is described as Graham amendment No. 1, in which I am joined by Senators LIEBERMAN, BAYH, LANDRIEU, LINCOLN, BREAUX, ROBB, and EDWARDS, which relates to a new approach to the Federal role in primary and secondary education.

This is the first major legislative initiative of the Senate New Democrats. We are a group of Democrats who feel passionately about the importance of a partnership between the Federal Government and the State and local school districts for the benefit of our children, but we feel pragmatic as to the means by which we can achieve that appropriate partnership.

We are going to advocate that that partnership has several fundamental principles. One of those is accountability for student results. A second is additional resources.

If I could put it in a common form, we believe you will not make the cow bigger by just weighing the cow every day; that you have to provide the resources in order to be able to achieve the goals, the high goals, and to meet the accountability standards we believe are necessary to set for our children in order to achieve our national objectives.

We also are believers in the principle of greater flexibility at the State and local levels; that our Federal programs should be more focused and concentrated. We believe the primary focus of Federal programs should be on the children in the greatest need, the at-risk children, the children who too often fall through the cracks of current American education.

Individual members of our group will speak to the various principles of this legislation. I want to use the remainder of my time to talk about the issue of accountability because, in my opinion, that is a central and fundamental issue. It is a word that has many different meanings. Some people define accountability in the context of an accountant—that accountability is to be certain you have properly accounted for all of those things that were input into the education system; that you have the appropriate number of books in the school library, as an example. We believe those are important.

We do not believe that is the accountability the Federal Government should be looking for from States and local school districts. We also do not believe that accountability is accountability for student performance alone. We recognize that student performance is heavily influenced by many factors, particularly the socioeconomic circumstances of the family of the student. The challenge, rather, is an accountability that focuses on those aspects of the experience in the school and the classroom that has contributed to the students' educational growth and development.

So we will be attempting to present an accountability that is school based, school focused, but is determined by how much educational value the school experience has added to the students' progress.

I ask unanimous consent to have printed in the RECORD an opinion article that appeared in the Tallahassee Democrat entitled ''Bush Plan Grades Students Poverty Levels,'' as illustration of these different approaches to the concept of accountability.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tallahassee Democrat, Aug. 16, 1999]

BUSH PLAN GRADES STUDENTS POVERTY LEVELS

(By Walter Tschinkel)

The Bush administration and the legislature, after months of lobbying, wrangling, dealing and agonizing, has given us the A+ Plan with its school accountability report (www.firn.edu/doe/schoolgrades/account.htm). Upon analysis, it turns out to be merely an elaborate and expensive way to grade schools on the poverty or affluence of their students.

The Bush/Brogan report assigns each school a grade primarily on its raw, overall standardized test scores. Because standardized test performance is reliably predicted by poverty, the poverty-level of a school is by far the strongest predictor of that school's grade from the governor. In fact, if you tell me the percent of a school's students who are on supported lunch (an indicator of low family income). I will tell you its Bush/Brogan grade with 80 percent accuracy.

If you think I'm bluffing, let me show you that it's true. Let us simply classify schools by their affluence/poverty makeup—very affluent, moderately affluent, moderately poor, very poor—with the most affluent schools get an A, the next group getting a B, and so on. The table shows how closely the grades based on poverty correspond to those assigned by the Bush/Brogan School Accountability Report. Simply by considering

school/affluence/poverty, we are able to assign the same grade as the Bush/Brogan 'performance-based' system with 26 out of 33 schools in Leon County. And we did this without looking at a single test score.

SCORES DON'T TELL US ABOUT PERFORMANCE

Is this a fair, or even a sensible, way to grade our schools? Only if you think poverty should be punished. Does the Bush/Brogan grade tell us anything new about a schools' educational performance? Of course it does not. It tells us what proportion of the student body comes from poor families.

It is not my purpose to dwell on the poverty-performance link. But no school grading system that does not take this socioeconomic factor into account is useful in telling us how well our schools are really doing. Would it not be much fairer to adjust school performance for poverty before grading them?

I think it would, and hereby offer the Prof. Walter's Level-Playing-Field School-Grading System as an alternative to the Bush/Brogan School Accountability Report.

We begin with a so-called regression analysis of the school performance data (three standardized tests) against the poverty level of the student body. This statistical method shows about 80 percent of the test scores are predicted by the poverty level of the student body. I detailed this relationship in a March 14 My View column (also found on my website at www.fsu.edu/biology/faculty/wrt.html). For every percent that poverty increases, the school's scores drop by an average of 1.6 points. The most affluent schools, those with fewer than 15 percent poor students, have scores higher than 230, while the poorest, with more than 75 percent poor students, have scores below 120, less than about half those of the most affluent schools. Next, we take the difference between each school's actual test scores and the test score predicted by the regression for a school of that socioeconomic condition. These differences tell us how much better or worse than average a school tested, given its particular level of poverty. By doing this, we have removed the effect of poverty on test scores. The result is that the maximum difference in test scores has shrunk from 175 points to only about 70 (the lost 105 points are the effect of poverty). Differences less than zero indicate that (with poverty effects removed) a school did less well than average; above zero indicate that it did better than average.

My scale assigns letter grades as follows: above 25 gets an A; between 5 and 25 gets a B; between −20 and 5 gets a C; between −35 and −20 gets a D; anything below −35 gets an F. The table below lists our elementary and middle schools in the order of the grades assigned by the Bush/Brogan Plan.

When graded according to the Level-Field system, we can recognize that schools like Riley, Hartsfield, and Woodville are doing relatively well compared to other schools of similar socioeconomic makeup. My system recognizes this and rewards them with A's and B's instead of the C's and D's assigned by the Bush/Brogan system.

On the other hand, my system also shows that schools like Swift Creek, Buck Lake and Griffin do not deserve their Bush/Brogan A's because they are only average as compared to other schools of similar socioeconomic makeup. Hence, the Level-Field system assigns them a C, because the Level-Field system does not reward schools for being lucky enough to be teaching mostly affluent students.

The case of Griffin highlights another flaw of the Bush/Brogan plan. Giffin received an A, not because of its terrific performance on standardized tests, but because (1) the percent of long absences or suspensions was below state averages; (2) greater than 95 percent of the student body was tested; (3) no subgroup fell below minimum criterion; (4) reading scores improved without a decline in math and writing over 1998.

Only the last two can actually be considered academic performance. The first two are bureaucratic tricks. It is a bit like requiring that an athlete run the 100-yard dash in 10 seconds, but you credit him with half a second if he wears the right color shorts, and another half second if she pulls her socks up before starting. Neither has anything to do with performance, and both serve to obscure real performance.

INSIST ON BETTER GRADING SYSTEM

You may ask, ''Well, how are we supposed to know how our schools are really doing?'' I suggest that we insist on a much more sophisticated analysis of school data by the state Department of Education, instead of letting it just plunk it onto their web site or onto a newspaper page so the public can worry about what it means.

At the very least, school performance needs to be adjusted for the nature of the student body. Better yet, let us not pretend that a single number can adequately assess the performance of our schools. Performance must be measured, not by any single number, but by the relationship between what goes into a school and what comes out. The large and expensive bureaucracy at DOE can reasonably be expected to explain to the public how the data are related to each other, what they mean and how our schools are really doing. This will allow us to discover what works and what doesn't work, and thus to spend money more effectively.

Mr. GRAHAM. Mr. President, this group of Senate Democrats appreciates this opportunity and accepts the challenge. We understand that education is fundamental to the growth of America today and even more fundamental to our progress tomorrow. Our willingness to invest intelligently in our children is a test of our Nation's intelligence about shaping its future. I am pleased to be joined by my colleagues in this effort and look forward to their illumination on these principles of our education proposal.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank Senator DOMENICI, chairman of the Budget Committee, for his outstanding leadership on the budget resolution.

Mr. President, I feel compelled to make some short remarks today because the topic has strayed away from the budget and focused once again on gun control. This topic—and many misleading statements about it—are paraded out year after year when the Senate considers the budget resolution.

This year, I hope we can see through the rhetoric and focus on what objective observers already know to be true: The statistics prove that the Clinton administration has failed to enforce federal gun laws. For example:

Between 1992 and 1998, so-called Triggerlock prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

Despite over 6,000 incidents of children carrying guns into public schools last year, the Clinton Justice Department prosecuted only eight cases under the federal law against possessing firearms on school grounds in 1998, and only five such cases in 1997.

It is a federal law to transfer a firearm to a juvenile, yet the Clinton Justice Department prosecuted only six cases in 1998, and only five in 1997.

Similarly, for all its talk about the dangers of semiautomatic assault weapons, the Clinton Justice Department has an equally abysmal record for prosecuting cases under the current laws governing those weapons. The Clinton administration brought only four cases in 1998, and only four in 1997, under the federal law criminalizing the transfer or possession of semiautomatic assault weapons.

Now, Mr. President, you will not hear the Clinton administration or the gun control advocates in Congress talk about these statistics, even though it is these statistics—not a wish-list of more laws and regulations—that reveal the true story of gun misuse in America. Instead, the number that gun control advocates talk about is the 500,000 felons and other prohibited purchasers that the Brady background check prevented from buying firearms since the Brady law was enacted.

Let me point out that with the original Brady law this administration wanted was a 7-day delay once you tried to buy a weapon. We reduced it to 5 days. We knew that wasn't going to work, so we instituted an instant check system so you can find out immediately whether a person is capable of purchasing a weapon. It was our instant check system that caught these, according to the President, 500,000 people. Actually, it was about 400,000 people.

But even this statistic points out the Clinton administration's lack of commitment to enforcing federal gun laws. Every one of those 500,000 people who were thwarted in their attempts to purchase firearms violated 18 U.S.C. section 922(a)(6) by stating under oath that they were not disqualified from purchasing a firearm. How many of those 500,000 were prosecuted between 1996–1999? Only about 200 were even referred for prosecution.

Mr. President, the only thing worse than this poor enforcement record is the Clinton administration's disingenuous and concerted effort to blame the lack of federal gun prosecutions on a lack of resources. The facts demonstrate that, during the period when federal gun prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice has increased by 54 percent.

The Clinton administration also tries to hide its failure to prosecute gun crimes behind its never-ending calls for more federal gun control laws. The irony of the administration's position was evident at an oversight hearing last year, when I questioned Attorney General Reno about the decline in federal firearms prosecutions. She replied

that many firearms violations have been prosecuted in state court, and she indicated that state court is the proper forum for these cases. As chairman of the board of the Federalist Society, I agree that most firearms crimes can be prosecuted in state court as well as federal court. Nevertheless, I find it ironic and hypocritical for the administration to argue that crimes involving firearms should be prosecuted in state court at the same time they are calling for more federal gun control laws. If the administration really believes that its dismal record on gun prosecutions is because gun laws are a state issue, it should be consistent and stop pressuring Congress for even more federal gun control laws that it does not intend to enforce.

The relevance of all this to the budget resolution is that there are several actions the Justice Department could take right now—with no additional laws or resources—that would have a positive impact on reducing crime in America. First, the Justice Department should use state law enforcement grants to encourage States to enact mandatory minimum sentences for firearm offenses based on 18 U.S.C. 924(c), and to prosecute such offenses in state court. The key to Project Triggerlock is the 5-year mandatory minimum prison sentence for any person who uses or carries a firearm in a crime of violence or serious drug trafficking offense. This 5-year prison sentence is in addition to the prison term for the underlying crime. As I mentioned earlier, most of these gun crimes can be prosecuted in state court as well as federal court. By encouraging States to enact stronger penalties for gun crimes, there will be less need to prosecute these cases in federal court.

Mr. President, there is a precedent for the federal government encouraging States to increase prison sentences. The Truth-in-Sentencing Grant Program provides prison construction funds to States that adopt truth-in-sentencing laws. Truth-in-sentencing laws require violent criminals to serve at least 85 percent of their sentences. Due to truth-in-sentencing grants, more than 70 percent of prison admissions last year occurred in states requiring criminals to serve at least 85 percent of their sentence.

Another positive step the Justice Department should take is using the funds provided in the budget resolution to designate at least one assistant United States attorney in each district to prosecute federal firearms violations. As the U.S. attorney's office in Richmond, Virginia has shown, federal prosecutors, in cooperation with state and local law enforcement, can help reduce violent crime. The U.S. attorney's offices should focus their efforts on federal firearms violations until the States enact stronger sentences for state firearm offenses.

Finally, the Justice Department should place mental health adjudications on the National Instant Check System (NICS). It is a federal crime for any person who has been adjudicated as a mental defective or who has been committed to a mental institution to possess or purchase a firearm. Despite this commonsense federal law, mental health adjudications are not placed on the NICS system. Consequently, mentally ill persons can buy firearms from licensed dealers because the dealers are not notified by the NICS system of the mental disqualification. The NICS system will never reach its potential until mental health adjudications are included. These commonsense ideas would go a lot further toward reducing the number of crimes committed with firearms than the administration's current practice of ignoring federal violations, asking for more gun restrictions, and blaming lack of funding for their abysmal record of prosecutions.

It is pathetic that there are 2,000 laws, rules, and regulations on the books that aren't being taken care of now, and now we have some who say let's have a political recitation here on this resolution to try to embarrass people instead of standing up and doing something about the misuse of weapons in our society.

Mr. DOMENICI. Mr. President, I want to use my 2 minutes to express to the Senate—referring to no singular Senator but all of us—this budget resolution idea has become preposterous. Any kind of sense of the Senate is in order, including one to instruct the committee that is in conference. We are going so far overboard that we are making this floor much like a circus. Actually, I am hopeful it won't be too long from now that the Parliamentarian will reverse himself. I don't know how we will do it. Maybe we will instruct him to do it himself. A Parliamentarian ruled that senses of the Senate were in order on budget resolutions even if they did nothing to the resolution.

Now we are dreaming them up. We have a gun amendment on a budget resolution. We have instructions to a committee in conference on a Budget Committee. I don't know what kind of points people are making, but if anybody thinks they are effective just because they win one of these sense of the Senates, let me say, constituents and politicians don't believe they are effective because they do nothing.

So if you want to run a TV ad that you got something passed in a sense of the Senate, I hope the other guy is smart enough to say that is baloney; it did nothing. We would be out of here if we didn't have these—out of here as far as substantive amendments. It is getting worse, not better, on both sides. On our side, we have 20 sense-of-the-Senate resolutions. I am going to ask them to file them pretty soon and see how many have the courage to call them up and have votes on those.

I yield the floor.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from Indiana to speak on the education amendment that will be offered at a subsequent time.

Mr. BAYH. Thank you, Mr. President. I thank my colleagues. I particularly express my appreciation to Senator GRAHAM, and my colleagues, Senators EDWARDS, LANDRIEU, LIEBERMAN, LINCOLN, and others, who are also speaking on the issue that has been near and dear to my heart for many years. It is the cause of improving the public education system in this country and the opportunity that we give to schoolchildren across the United States of America.

Mr. President, for more than 100 years, our Republic has been dedicated to the proposition that every child growing up in our country—every child, not just a few, not just the privileged and the elite—should have access to a quality public education.

In the 1960s, there was a growing recognition, particularly for those children in our country who are less fortunate, that the dream of a good education was a promise unfulfilled, and the Elementary and Secondary Education Act was born.

We gather here today to say that for too many of our young people the dream of a good education is still a promise unfulfilled, the status quo is not good enough, that we must do better, that we must have a significant rethinking and rededication to the principle that a good education is essential for opportunity and for every child growing up in our country.

That is what the Graham amendment is really all about. It begins with resources in the recognition that if we don't give our public schools the tools with which to get the job done, we can't possibly expect them to succeed.

The Graham amendment calls for setting aside an additional $15 billion in resources for reform and improvement in public education over the next 5 years. This is about one-tenth of the size of the tax cut included in the budget resolution before us.

While I favor cutting taxes, and in fact have sponsored and supported several of the measures that would reduce taxes in our country, I believe investing in education is just as important to the future well-being of this Nation.

I don't think a Member of the Senate can possibly say that cutting taxes is 10 times more important than putting quality public school teachers in every classroom in this country, or 10 times more important than ensuring that the latest educational technology is available to our students, or 10 times more important than ensuring that remedial help is available to our young people who need to do better reading, writing, and basic science.

Making these investments is vitally important to the important challenge of improving public education for every child. But Senator GRAHAM's approach does not just throw money at the problem. It deals with fundamental reform and starts with accountability and a

recognition that we need to focus not just upon how much money is spent but, instead, how much our children learn.

We need to focus on outcomes of the process, just as we add inputs necessary to achieving additional success. We need to also focus on high academic standards that are important to the success of all of our children. This is important because there is a growing gap between the haves and have-nots in our society, and there is just as much gap in knowledge and learning as in anything else.

We must ensure that every child gets good access to education and is held to these high educational standards to ensure that for the first time in the history of our Nation we don't experience the creation of an underclass characterized by people who do not have enough knowledge and learning to participate in the opportunities of the 21st century.

Just briefly, this approach is targeted on things that are important, such as adding good teachers, the latest technology, and focusing upon students who are at greatest risk, which is at the heart of the challenge we face as a country.

In closing, let me say this: The cause of educating our children is, by definition, the cause of shaping our future. But in doing so, we stay in touch with the fullest wellsprings of our past. It was Thomas Jefferson, the third President of the United States, who, after his public career, founded the University of Virginia and dedicated his life to the cause of education, who once said that, ''a society that expects to be both ignorant and free is expecting something that never has been and never shall be.''

As we debate this amendment, I urge my colleagues to support it because, in doing so, we not only ensure the future well-being of our economy, not only what kind of society we will one day have, but the vitality of our democracy itself.

I thank my colleagues for their forbearance.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, last May, in the wake of the Columbine massacre, this Senate took action, passing a comprehensive juvenile justice bill that would begin the long process of addressing the problems that plague the youth in this country.

Parts of the bill addressed our crisis of violence.

These provisions included: A comprehensive package of measures I authored with Senator HATCH to fight criminal gangs; increased penalties for adults who recruit children into criminal activity or provide them with firearms; the James Guelff Body Armor Act, an amendment I authored, which contains reforms to take body armor out of the hands of criminals and put it into the hands of police; and other provisions related to juvenile confinement, juvenile record-keeping, and countless other important issues.

Parts of the bill addressed our crisis of guns: a ban on juvenile possession of assault weapons and high capacity ammunition magazines; a provision to close the gun show loophole; a requirement that safety locks be included with every handgun sold in America; and my provision to ban the importation of large capacity ammunition magazines.

But the crisis in leadership remains.

Despite passage by both Houses of Congress almost one year ago, the conference committee on this bill has met only once—in early August of last year. No real issues have been discussed. No progress has been made. The bills sit in legislative purgatory, apparently never to see the light of day again.

It now seems clear that these bills will die a quiet death at the end of this short session. As a result, all of the important issues we debated will remain un-addressed. Gang violence, juvenile detention, firearm regulation reform, and a host of other problems will remain unsolved.

And nobody within the walls of this Chamber or elsewhere has any doubt why this stalemate persists. This bill would have passed months ago were it not for those four, simple, targeted gun measures buried within the text of the bill.

This, Mr. President, demonstrates just how deeply this Congress is dominated by just one special interest group—these people who fervently resist any regulations on firearms, no matter how mild, no matter how targeted, and no matter how much the American people want it.

Some argue that we don't need more gun control laws—enforcing our current laws would be enough. But those arguments miss the point entirely.

Of course we should be enforcing our current laws. And we are. The evidence clearly shows that gun prosecutions are up. In fact; since 1992, the total number of federal and state prosecutions has increased sharply—about 25 percent more criminals are sent to prison for state and federal weapons offenses now than in 1992 (from 20,681 to 25,186).

The number of higher-level federal firearms offenders sent to prison (those sentenced to five or more years) has gone up more than 34 percent (from 1049 to 1406) in six years.

The number of inmates in federal prisons on firearm or arson charges (the two are counted together) increased 51 percent from 1993 to 1998, to 8,979.

And we are working to improve this situation.

Just last week, my colleague Senator KOHL and I introduced legislation that would expand Project Exile to 50 cities and provide law enforcement with ballistics technology that will make it far easier to identify and to punish the perpetrators of gun violence.

Early last year, I wrote the Secretary of the Treasury several times to demand greater attention to those who violate the Brady Law. I asked why so few violators had been prosecuted, and I was told that the resources just aren't there.

That is why I support the President's request to fund at least 500 additional ATF agents and 1,000 new prosecutors to focus on guns.

But enforcing our current laws has been made tougher by the concerted efforts of the NRA to disparage and to destroy the very people tasked with enforcing those laws. The NRA called AFT agents ''jack-booted thugs,'' in a letter that was completely contradictory to what they are saying they want now.

In fact, every time the opportunity arises to increase federal law enforcement capabilities by increasing ATF investigatory ability, the NRA fights it tooth and nail:

The NRA fought the Brady bill for 10 years.

They successfully defeated all attempts to allow the Consumer Products Safety Commission to regulate the safety of firearms.

In 1986, the NRA got legislation passed which restricts ATF inspection of gun dealers to once per year. Even dealers who are the source for hundreds of crime guns cannot be routinely inspected more than once a year without a special court warrant.

For years, the NRA has successfully blocked ATF computerization of gun sale records from gun dealers that have gone out of business. As a result, when a gun is traced as part of a criminal investigation, the files must often be retrieved manually from warehouses where the old records are kept. This can add days or even weeks to the time it takes to start tracking down the perpetrators of gun violence. By the time the records are found, the trail may already be cold.

And most importantly, the NRA fights against funding our law enforcement agencies at levels adequate to enforce our current laws. As former New York City Police Commissioner William Bratton has said, ''The NRA has strenuously opposed increased financing for the [ATF] and has successfully lobbied against giving it the authority to quickly investigate the origins of guns sales.''

The ATF has been left underfunded, understaffed, and unable to adequately enforce our current gun laws.

And the simple fact is that our current laws—even if fully enforced—are just not enough. Those laws are riddled with NRA-induced loopholes. Guns are still too easy to get. And too many children die every day for us to ignore the problem. The Columbine incident shocked this nation and this Congress to its core—as did the school shootings in Jonesboro, Arkansas; West Paducah, Kentucky; Pearl, Mississippi; Springfield, Oregon; and Edinboro, Pennsylvania. And in my own state of California, we saw a hateful bigot kill a

postal worker and then wound five others at the North Valley Jewish Community Center in Granada Hills.

Those incidents were tragic. But countless incidents go relatively unreported, but with equally tragic results. Every day in this country, another dozen children die of gunshot wounds.

A new study published in the April issue of the American Journal of Public Health found that over a third of American children live in a home where there is also a gun—in 43% of those homes, the firearm is stored unlocked.

Who knows how may lives could be saved if trigger locks were made available to gun owners?

The pictures of those young children in Granada Hills being led away from the scene of the tragedy were not only heart-wrenching but also clearly depicted the trickle-down of gun crimes in this country. The victims of gun violence get younger, and younger.

We must close the gun law loopholes for those children.

We must pass the juvenile justice bill so that we can at least begin the process of solving some of these problems.

We must pass this bill for the fifth grader from San Francisco who wrote me that ''One day I saw a neighbor of mine get shot on her way to the candy house. She got shot 4 times. She got shot 3 times in her side and once in her leg. Now she's paralyzed for life. That really hurt me and a lot of other people. She was only 12 years old and she was a nice little girl.''

We should pass this bill for the other fifth grader who told me ''every year I hear at least 20 gunshots. I am scared at night because I think it's going to be a drive-by. I even sometimes can't go outside to recess because gunshots are heard.''

We must pass this bill for the little girl who wrote me that ''I do not like to be locked in my room just because my mom feels I can't be safe in my own neighborhood and I think everybody deserves to live just like human beings.''

We must pass this bill so that the next six year old child who decides to seek revenge on a classmate is not able to find a gun so easily.

And so that the next kindergartner who gets a timeout from the teacher and tries to bring his grandfather's gun to school the next day to get revenge is likewise left without a weapon.

I say, enough is enough. The least this Congress can do is turn to the juvenile justice bill and move forward with the Senate-passed gun provisions. These provisions are no-brainers. And there is no excuse for inaction.

Before I conclude, I want to talk briefly about the problem of gang violence in this country. This is a problem that I have taken seriously for many years—every since my days on the San Francisco County Board of Supervisors and as Mayor for 9 years when I worked to create the city's first anti-gang task force after the infamous gang massacre at the Golden Dragon Restaurant in 1977. In those shooting, gang members killed five people, including two tourists, and injured 11 others.

For the last 4 years in the Senate, I have worked with Senator HATCH to craft national legislation giving law enforcement the tools they need to fight gang crime and gang violence.

Criminal youth gangs have become a national problem, extending their virulent reach and bringing with them murder, drive-by shootings, drug sales, intimidation, and destruction of theft of property.

Gangs plague more than 4,700 cities in all 50 states.

There are some 25,000 gangs with over 650,000 members, and the problem continues to spread.

In Los Angeles, for example, there are currently 408 gangs with more than 64,000 members. This is 15,000 more members than 10 years ago.

That means that there are currently more gang members in L.A. alone than there are people in most of America's cities and towns. For instance, the number of gang members in L.A. is almost double the population of the largest city in Vermont.

And these gang members do not stay in California. The state ''exports'' more gang members than any other state.

For instance, two of the largest gangs, the Bloods and Crips—with more than 60,000 members—are based in Southern California, but operate in more than 119 cities in the West and Midwest. In fact, one recent survey found gangs claiming affiliation with the Bloods and/or Crips in 180 cities in 42 states. (Department of Justice)

The mere existence of gangs is a terrible social problem. Gang members are far more likely to commit crimes than non-gang youths, even those who may have grown up under similar circumstances.

This is especially true for homicides; drive-by shootings; using, selling, and stealing drugs; auto theft; carrying concealed weapons in school; and intimidating or assaulting victims and witnesses.

In fact, the Los Angeles Police Department has told me that almost half of violent crime in the city is committed by gang members.

And the problem is just as acute in other cities, big and small. Just a few months ago in my home city of San Francisco, for example, an innocent bystander was caught in the crossfire between two warring gangs in the Mission District. He was shot through both legs and may be crippled for life. A brave witness assisted police in apprehending the perpetrators. But gang members later cornered the witness, held a automatic gun to his head and threatened to blow his head off if he continued to help the police.

Also, recently in San Francisco, gang members stuck an assault weapon in the face of a victim in an attempted robbery. When the victim resisted, he was shot 17 times. The victim survived but will never walk again.

Let me give some specifics about gang-sponsored violent crime.

Killings: Around the country, every year, gang members kill over 3,000 people. Last year in Los Angeles alone, there were 136 gang-related killings.

Drugs: A survey of law enforcement agencies suggests that about 75% of gang members are involved in illegal drug sales; that about one-third of gangs are organized specifically for the purpose of trafficking in drugs; and that gangs make over 30% of crack cocaine and marijuana sales. (Department of Justice)

Guns: Ninety percent of gang members report that their fellow gang members carry concealed weapons and 80% report that those members had taken guns to school. Worse, the study showed that gang members favor powerful, lethal weapons over smaller caliber handguns. (Ohio State University study).

The Senate-passed juvenile justice bill includes a number of key measures to address this complex problem. The bill:

Provides $100 million annually in federal aid for certain intense gang activity areas, so those communities can afford to create joint task forces with federal and local law enforcement and to support community gang prevention efforts;

Increases sentences for interstate drug gang activity;

Makes it a Federal offense to recruit youngsters into a gang;

Enables Federal law enforcement to prosecute gangs who cross state lines to commit gang crimes such as drive-by shootings; and

Increases penalties for transferring handguns to minors.

Since we passed the juvenile justice bill last May, an estimated 30,000 people have died from gunshot wounds, including 3,700 children.

If history is any judge, millions of large capacity ammunition feeding devices have been approved for import—in the year preceding the juvenile justice bill, more than 11 million of those clips were approved.

All of the commonsense gun, gang, and other provisions in the juvenile justice bill are now at risk of disappearing without a trace, and I urge the majority to proceed with the conference and come to a compromise.

The compromise should preserve intact the Senate-passed gun control legislation, which represents the bare minimum we should do this year to stem the gun violence that is increasingly common on our streets and in our schools.

I also urge this body to pass the President's gun enforcement initiative. That initiative, which will fund more than 500 new ATF agents and 1,000 new prosecutors, is vital to the enforcement of our current gun laws.

The crisis of leadership has come to a head. It is time for this Congress to take serious and bipartisan steps to stem the tide of youth and gun violence that continues to plague this nation.

I thank the Chair and yield the floor.

Mr. REID. Mr. President, I yield 10 minutes off the resolution to the ranking member of the Budget Committee, Senator LAUTENBERG, to speak on the Reed amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will try to consolidate my remarks because I know everybody is anxious to complete work on the budget resolution.

I am compelled, as I listen to the discussion here, to talk to the Reed amendment and to talk to those who would disparage our efforts to have sensible gun violence control in this society.

I heard it said that what we need in law enforcement is more enforcement; that what we need is a more sincere effort, as if to imply that President Clinton and his administration want to let criminals wander the streets. It is somewhat akin to the argument we hear from those who are NRA spokespersons who say President Clinton is looking for more killings to make his political case. It is an outrageous thing. We hear that all we have to do is note how many laws are on the books.

I ask the question: Is the deciding factor how many laws we have on the books?

I heard someone say today we have 20,000 laws on the books related to guns. But in this country we kill more than 20,000 a year with guns. We kill over 30,000. That is only a page per victim, if you want to judge it on that basis. It is outrageous.

That is not the problem. The problem is that people here don't believe guns kill. People here don't believe a gun is a lethal weapon. People here don't believe we ought to know who it is who buys a gun at a gun show. That is the problem.

This morning, I had the privilege of standing with Senator REED and the head of the State police department from Maryland. What he was advocating was more law enforcement, more laws to give them the tools to work with.

We had police officers from the area around Providence, RI. They were asking the same thing. They said, give us the tools. It is said, you have enough tools, like the weight of the number of the bills, the numbers of pieces of legislation that you have—again, as if that were the yardstick by which we measure the performance of the society.

Go tell the parents of the kids who were killed in Columbine or those who stood in prayer in Fort Worth, TX, or the kids who attended the school in Los Angeles who ran away in fear of a gunman's weapon or in Conyers, GA. Tell those families we have enough laws on the books. Tell them we don't enforce the laws sufficiently—that they will accept that as OK. Well, then I can understand the sacrifice that was made in my family, my home, and the school.

I said earlier today that we have a Million Mom March headed for Washington on May 14 this year—a million women from across the country. What are they saying to us? They are saying to us, if you really want to protect women's rights, then tell us our children can go to school, enter the school safely, and leave in the same condition at the end of the day.

These are hollow arguments.

I hear that we don't prosecute enough.

In 1996, there were 22 percent more criminals behind bars for weapons offenses than in 1992. Firearms crimes put 25,000-plus in jail in 1996 compared to 20,681 in 1992.

Prosecutions were up 16 percent in 1996 compared to 1992.

In 1992, there were 4,754 Federal firearm prosecutions; 1999, 5,500.

The argument misses the point when it comes to talking about law enforcement, when in some cases there is no law to enforce. Anybody can walk up at a gun show, go to an unlicensed dealer—an unlicensed dealer can operate in most gun shows, and he is kind of the piggy bank for those who want to escape identity—put their money on the table, and he won't ask them a question. He just gives them as many guns as they can carry, or maybe more than they can carry, in one trip if they want to buy them. Whether you are on the Ten Most Wanted list or you are Osama bin Laden, a terrorist who took refuge in Afghanistan, it doesn't matter; you can buy a gun.

We are trying to defend in some peculiar way the right of people to buy guns anonymously. We don't know who they are; we don't know where they are taking the guns. We do know in the Columbine killing, a young woman related to that killing testified before the Colorado Legislature. Robyn Anderson testified she and the two boys, Eric Harris and Dylan Klebold who killed the other students, went to the Tanner gun show on a Saturday. She testified:

> I remember this as being November or December of 1998. When Eric and Dylan had gone the previous day, a dealer told them they needed to bring someone back who was 18. They were both 17 at the time. This was a private—not a licensed dealer. While we were walking around Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.
>
> They bought guns from three sellers. They were all private. They paid cash. There was no receipt. I was not asked any questions at all. There was no background check. All I had to do was show my driver's license to prove I was 18. Dylan got a shotgun. Eric got a shotgun and a black rifle that he bought clips for.

The rest, unfortunately, is history. She says:

> I don't know if Eric and Dylan could have been able to get guns from another source, but I would not have helped them. It was too easy. I wish it had been more difficult. I wouldn't have helped them to buy the guns if I faced a background check.

We may need a couple more laws. Despite the fact there are some 20,000 on the books, that hasn't protected approximately 33,000 who lose their lives every year. There are 13,000 homicides, a bunch to suicides, a bunch to accidents.

I think the ultimate example of carelessness with guns in our society was when the 6-year-old killed the 6-year-old in Michigan. The gun was left out casually where the child could reach it. Shouldn't we have laws that say a person who owns a gun is responsible for keeping it out of the hands of children? I certainly think so.

We are finding the NRA has a broad reach. It reaches into this Chamber. The hand of the NRA muffles sound. It muffles the sound of tearful parents—not necessarily those who lost children but those who are afraid their children might get lost. Those are the sounds we hear, the parents and the grandparents who are saying, in poll after poll: For crying out loud, close that loophole; close that gun show loophole.

It is common sense. It doesn't make sense to the gun lobby because they are afraid one inch is a yard. It is ridiculous when we are talking about human lives.

I agree with the Senator from New Mexico that we are doing some silly things. But the silliest is to defend against some sensible gun legislation. Ask the people around the country. I know what they want to see. They want their kids protected, their households protected, their communities protected.

One thing we have yet to try in this country is to know who owns guns and where the guns will be. We had an incredible battle some years ago when we tried to put the Brady law into place. It is demonstrated on this placard: Gun show loophole goes right through the Brady law. Under Brady, 400,000 people, judged not fit to own a gun, were denied gun permits. We still argue about whether or not there is enough time to check applicants' backgrounds sufficiently to make sure they are not unfit to own a gun. They want to reduce the time from 3 business days to 24 hours. The FBI will tell you; they are out there hunting for 1,500 guns that were sold improperly because they didn't have time to check the information.

As we near the close of this debate on a budget resolution, citizens across this country should be aware not only did we work on the numbers, not only did we work on the resources, not only did we work on the guns, we also worked on protecting your children when they go to school. We know the costs that guns have exacted on our society. Yet we cannot pass sensible gun legislation.

I commend the Senator from Rhode Island for his amendment. I sincerely hope we can get past the partisan discussion and look into the faces of the families, distant though they are, listen to the pleas of the mothers, the fathers, the grandfathers, grandmothers,

brothers, and sisters and say we have done the right thing—we have tried to reduce gun violence in our society.

I yield the floor.

Mr. DOMENICI. Mr. President, I thank the distinguished minority whip for his tremendous cooperation. Without his help and cooperation, we wouldn't be where we are. We might, indeed, get this budget resolution finished. Many thanks for that go to Senator REID.

In the interest of orderliness, I ask consent that all first-degree amendments to the pending budget resolution be submitted at the desk by 7 p.m. this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Members, for first-degree amendments, walk up and file them. You don't have to stand on the floor. Just give them to the clerk so we can have a list of all of them filed and they will have a number and we can work with them in an orderly fashion to finish this task.

I also ask any subsequent second-degree amendments offered from the floor must be relevant to the first-degree amendment that they are amending.

Mr. REID. It would be tremendously helpful, especially to the staff, if after the amendment is filed at the desk there be a copy left with both managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I think that is an excellent suggestion. We will understand where we are.

On behalf of the leader, let me one more time say any Member who has not submitted their first-degree amendment at the desk must do so by 7 p.m. in order for it to be available to be called up for consideration during the remainder of the budget resolution.

Mr. REID. Mr. President, under the time on the Reed amendment, I offer 10 minutes to the Senator from North Carolina to speak about his education amendment or on whatever else he chooses to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Will the Senator yield?

Mr. EDWARDS. I yield the floor.

Mr. DOMENICI. I note the presence of the Senator from California, Mrs. BOXER.

During the debate on this ANWR amendment, the distinguished Senator stated this was the first budget resolution that ever addressed ANWR, and in the meantime called it an anti-environment resolution.

I clarify, and I think she agrees, that in 1996 in the budget resolution we not only referred to ANWR but we reconciled the ANWR instruction to the Energy and Natural Resources Committee. I wonder if the Senator would acknowledge that.

Mrs. BOXER. I absolutely acknowledge it and state that was one of the reasons the President vetoed that legislation and we beat it back. We will have this fight again. My friend is absolutely right. It is the second time that ANWR was put into a budget resolution. He is correct.

Mr. LAUTENBERG. Since we are clarifying the record, could I ask the Senator from California whether or not she discussed the photograph that she displayed on the floor?

Mrs. BOXER. Yes, we have gotten confirmation. This has to do with Senator MURKOWSKI. We have gotten confirmation from the biologist who took that photo, that that photo is in the proposed ruling area, and he has sent us chapter and verse of exactly where he was.

Senator DOMENICI is correct, this is the second time we had this in. We beat it back the last time, and I hope we can beat it back this time.

Mr. REID. Senator EDWARDS, the Senator from North Carolina, is to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, first I would like to speak on the Graham amendment. The single most important thing we do as a country is educate our children. What we should be doing in this debate is talking about making this decade the education decade. We have great roads, great technology, great airports, a great economy in this country. We should be working toward making our schools the envy of the world. Instead, we have children who go to the local mall and go to beautiful, shiny buildings and stores and then the next morning go to schools that are falling down, with roofs leaking, with floors that are covered over with patchwork carpet. We have to do better.

We need to send a clear and unmistakable signal to the American people that we are committed and dedicated to doing what is necessary to improve our public schools. I have filed a sense-of-the-Senate amendment that provides for two things: First, that the level of education spending will be maintained at the current level, taking inflation into account over the next 10 years. Second, that we commit a minimum of 10 percent of the non-Social Security surplus to spending on education.

It is a very simple resolution. It is intended to signal our commitment to do what is necessary to support our public schools. I also, though, want to speak about the Graham amendment which does some very important things that need to be done in our public schools. There are basically five components to the Graham amendment.

No. 1, it invests the resources that are so desperately needed in our education system; resources that can be used to rebuild crumbling schools; resources that can be used to modernize schools where the roof is leaking, where kids have to go outside to get to the restroom, where kids are going to school in mobile classrooms. Those resources are desperately needed. We need to show our commitment, and the Graham amendment does that.

No. 2, it provides for local control. Those of us supporting this amendment believe very strongly that the school system should not be run from Washington, DC; that, instead, our schools should be run at the local level. It is local folks who know what is needed in the local schools. That is where the control should be. That is what the Graham amendment provides. That is what the American people believe in and support.

No. 3, accountability. Senator GRAHAM talked about accountability. We cannot simply continue throwing money at our education system. We need to provide those systems with the resources they need for all the things we have talked about: crumbling schools, technology, afterschool programs, hiring more teachers, and reducing class size so the teachers can do their jobs.

But we need to hold these schools accountable. We need to make sure they are performing; that schools that are not doing well are improving; that kids who are going to schools that are not performing well will be getting the kind of education they need and deserve. Accountability is absolutely crucial to making our public education system work. The Graham amendment provides for accountability. It is a critical component of what needs to be done in our education system in this country.

No. 4, this amendment targets those kids who are most in need, the kids in this country who are having the most problems in the poorest areas, in the rural areas, particularly in places such as rural North Carolina, rural eastern and western North Carolina—chronically economically disadvantaged areas where the kids are not on a level playing field. They do not have a chance. They do not have self-esteem. They don't feel as if they can compete with kids who go to school in richer, urban areas.

We need to give these children a chance. We need to put them on the launching pad with all other children so they can compete. That is what this amendment does. It targets the money to those kids who most need the help.

Finally, it takes the resources that we are providing them and focuses those resources in the places where they will do the most good.

So these five components are things that all will go toward improving our public school system: more resources; local control where we want the control to be; accountability, holding school systems responsible for performing; making sure the resources are focused; and making sure they are targeted at those kids who are most in need.

We need to show, in this body, that we are committed to the single most important thing we do in this country, which is educating our kids.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield to the Senator from Arkansas, Mrs. LINCOLN, 5 minutes off the resolution; and yield 5 minutes off of the amendment to the Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I am proud to rise in strong support of the amendment by my good friend, Senator BOB GRAHAM. There are several of us in this body who have come together to build a consensus of a commonsense, result-oriented solution to educating our children in this Nation. This amendment combines two concepts that are essential to improving our system of public education—greater investment and tough accountability standards.

Now Mr. President, before I get into the details of why this amendment is so important, I think we have to take a minute to consider the current state of education in this country.

I am not sure how the rest of my colleagues feel, but I think it is difficult to deny that the status quo in our education system is simply not acceptable. It is not working, and we are not doing a good enough job in educating our children. We are certainly not doing the best job we could be doing.

And if we think things are bad now, we should stop and look 10 or 15 years into the future. I continue to be amazed at the pace of high-tech development in this country and the incredible advancements that take place every day. This progress is only going to continue, and our children are the ones who will be left behind in the global high-tech world.

If we do not do something to change the way we approach education, if we do not increase our Federal investment and demand more accountability from our system and our educators, then we are only fooling ourselves, and we are cheating our children.

Our children are our greatest national resource, and their education is worthy of a significant investment. Unfortunately, the budget resolution before us today once again falls short of our responsibility to make quality education a top priority in this Nation.

Under the budget resolution before us, Arkansas would receive $6.6 million less in title I funds than it would under the administration's plan. That means more than 10,000 students in my home State would be denied the critical support this program provides.

In addition to the annual budget, we in the Senate have the difficult task before us this year of passing legislation that reauthorizes the Elementary and Secondary Education Act.

Quite frankly, we need a bold new approach that targets resources to the neediest areas, puts decisions in the hands of local educators, and maintains national priorities like school safety and educational technology.

I have joined with a group of my moderate Democratic colleagues in the Senate to promote a ''Third Way'' on ESEA, one that synthesizes the best ideas of both sides into a whole new approach to federal education policy.

Like our ''Three Rs'' bill, the additional funding contained in this amendment would allow schools to raise student achievement, implement effective professional development programs for teachers, improve English language instruction and encourage innovation in the classroom.

This investment is especially important to rural school districts, like many of those in Arkansas, that cannot afford to meet all of their needs with limited local resources.

We must do more than just throw more money at the problem of underachievement in the classroom. We also must demand results.

To qualify for additional funding under this amendment, educational proposals authorized by the Elementary and Secondary Education Act would have to contain greater accountability; incentives to set high student achievement standards; an emphasis on education for disadvantaged students; and funding targeted to our neediest, most impoverished schools.

Congress must do all it can to help our schools meet the challenges they face today and will face in the future.

Our most important responsibility is to help States and local school districts raise academic achievement and deliver on the promise of equal opportunity for all students.

I believe in the children of this country. I believe that through this amendment, we can truly make a difference by making a bigger investment and setting our children's education as one of our top national priorities. I urge the support of this amendment, and I thank my colleagues for their attention. I yield back any remaining time I may have to the Democratic leader.

The PRESIDING OFFICER (Mr. BENNETT). Who yields time?

Mr. REID. Mr. President, we still have time left under our amendment. We have 8 more minutes before the other side can offer an amendment. I yield 3 minutes to the Senator from Connecticut to speak on the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, with deference to my friend and colleague from Louisiana, I am going to be brief.

Mr. President, I rise today in support of the amendment offered by my colleague, Senator GRAHAM. This amendment would set aside and protect $15 billion over the next five years, holding funds in reserve so that resources are available once legislation reuathorizing ESEA is enacted. The amendment adds that to qualify for funds, ESEA reauthorization must contain a few fundamental elements: (1) increased accountability; (2) the ability of States and localities to set high student performance standards; (3) the targeting of funds to the most impoverished areas and schools most in need of improvement; and (4) the concentration of Federal resources on key national goals of compensatory education for disadvantaged children, teacher quality, innovative education strategies, serving limited English proficient students, student safety, and educational technology.

During the upcoming debate on ESEA, I will join with several of my colleagues in offering a new approach that meets these qualifications. It is an approach that would refocus our national policy on helping States and local school districts raise academic achievement for all children, putting the priority for Federal programs on performance instead of process, and on delivering results instead of developing rules. Our approach calls on States and local districts to enter into a new compact with the Federal Government to work together to strengthen standards and improve educational opportunities, particularly for America's poorest children. It would provide States and local educators with significantly more Federal funding and significantly more flexibility in targeting aid to meet the specific needs. In exchange; it would demand real accountability, and for the first time impose consequences on schools that continually fail to show progress.

In order to implement effective educational policy, we have to first recognize that there are serious problems with the performance of many public schools, and that public confidence in public education will continue to erode if we do not acknowledge and address those problems soon. While student achievement is up, we must realize the alarming achievement gap that separates minorities from whites and low-income students from their more affluent counterparts. According to the State-by-State reading scores of fourth graders on the National Assessment of Educational Progress, the achievement gap between African American and white students grew in 16 States between 1992 and 1998. The gap between Hispanic and white students grew in nine States over the same period of time. Most alarmingly, student data reveals that the average African-American and Latino 17-year-old has about the same reading and math skills as the average white 13-year-old.

We must also question whether our schools are adequately preparing our youth to enter the globally competitive market place when, as one report states, ''Students are being unconsciously eliminated from the candidate pool of Information Technology (IT) workers by the knowledge and attitudes in their K-12 years. Many students do not learn the basic skills of reasoning, mathematics and communication that provide the foundation for higher education or entry-level jobs in IT work.''

We also have to acknowledge that we have done a very good job in recent years in providing every child with a well-qualified teacher, a critical component to higher student achievement. We are failing to deliver teachers to the classroom who truly know their subject matter—one national survey found that one-fourth of all secondary school teachers did not major in their core area of instruction, and that in the school districts with the highest concentration of minorities, students have less than a 50 percent chance of getting a math or science teacher who has a license or a degree in their field.

While more money alone will not solve our problems, we cannot honestly expect to reinvent our schools without it either. The reality is that there is a tremendous need for additional investment in our public schools, not just in urban areas but in every kind of community. Not only are thousands of crumbling and overcrowded schools in need of modernization, but a looming shortage of two million new teachers to hire and train lurks on the horizon. Add to this, billions in spiraling special education costs to meet.

We also have to recognize the basic math of trying to raise standards at a time of profound social turbulence that we will need to expend new sums to reach and teach children who in the past we never asked to excel, and who in the present will have to overcome enormous hurdles to do so. At the same time that schools are trying to cope with new and complex societal changes, we are demanding that they teach more than they ever have before. Employers and parents alike what better teachers, stronger standards, and higher test scores for all students, as well as state-of-the-art technology and skills to match.

It is a tribute to the many dedicated men and women who are responsible for teaching our children that the bulk of our schools are as good as they are, in light of these intensifying pressures. I believe any child can learn—any child—and that has been proven over and over again in the best schools in both my home state of Connecticut and in many of America's cities.

There are, in fact, plenty of positives to highlight in public education today, which is something else that we have to acknowledge, yet too often do not. I have made a concerted effort over the last few years to visit a broad range of schools and programs in Connecticut, and I can tell you that there is much happening in our public schools that we can be heartened by, proud of, and learn from.

There is the exemplary John Barry Elementary School in Meriden, CT, which has to contend with a high-poverty, high-mobility student population, but through intervention programs has had real success improving the reading skills of many of its students. In addition, there is the Side by Side Charter School in Norwalk, one of 17 charter schools in Connecticut, which has created an exemplary multiracial program in response to the challenge of Sheff v. O'Neill to diminish racial isolation. Side by Side is experimenting with a different approach to classroom assignments, having students stay with teachers for two consecutive years to take advantage of the relationships that develop, and by all indications it is working quite well for those kids.

And there is the BEST program, which, building on previous efforts to raise teacher skills and salaries, is now targeting additional state aid, training, and mentoring support to help local districts nurture new teachers and prepare them to excel. The result is that Connecticut's blueprint is touted by some, including the National Commission on Teaching and America's Future, as a national model for others to follow.

A number of other States, led by Texas and North Carolina, are moving in this same direction—refocusing their education systems not on process but on performance, not on prescriptive rules and regulations but on results. More and more of them are in fact adopting what might be called a ''reinvest, reinvent, and responsibility'' strategy, by (1) infusing new resources into their public education systems; (2) giving local districts more flexibility; and (3) demanding new measures and mechanisms of accountability, to increase the chances that these investments will yield the intended return, meaning improved academic achievement for all students.

To ensure that more States and localities have the ability to build on these successes and prepare student to succeed in the classroom, we must invest more resources. That is why we would boost ESEA funding by $35 billion over the next five years. But we also believe that the impact of this funding will be severely diluted if it is not better targeted to the worst-performing schools and if it is not coupled with a demand for results. That is why we not only increase Title I funding by 50 percent, but use a more targeted formula for distributing these new dollars to schools with the highest concentrations of poverty. And that is why we develop a new accountability system that strips federal funding from states that continually fail to meet their performance goals.

We also agree with those concerned with the current system that federal education programs are too numerous and too bureaucratic. That is why we eliminate dozens of federally microtargeted, micromanaged programs that are redundant or incidental to our core mission of raising academic achievement. But we also believe that we have a great national interest in promoting broad national educational goals, chief among them delivering on the promise of equal opportunity. It is not only foolish, however, but irresponsible to hand out federal dollars with no questions asked and no thought of national priorities. That is why we carve out separate titles in those areas that we think are critical to helping local districts elevate the performance of their schools.

The first would enhance our longstanding commitment to providing extra help to disadvantaged children through the title I program, while better targeting $12 billion in aid—a 50 percent increase in funding—to schools with the highest concentrations of poor students. The second would combine various teacher training and professional development programs into a single teacher quality grant, increase funding by 100 percent to $1.6 billion annually, and challenge each state to pursue the kind of bold, performance-based reforms that my own state of Connecticut has undertaken with great success.

The third would reform the Federal bilingual education program and hopefully defuse the ongoing controversy surrounding it by making absolutely clear that our national mission is to help immigrant children learn and master English, as well as achieve high levels of achievement in all subjects. We must be willing to back this commitment with essential resources required to help ensure that all limited English proficient students are served.

Under our approach, funding for LEP programs would be more than doubled to $1 billion a year, and for the first time be distributed to states and local districts through a reliable formula, based on their LEP student population. As a result, school districts serving large LEP and high poverty student populations would be guaranteed federal funding, and would not be penalized because of their inability to hire savvy proposal writers for competitive grants.

The fourth would respond to the public demands for greater choice within the public school framework, by providing additional resources for charter school start-ups and new incentives for expanding local, intradistrict choice programs. And the fifth would radically restructure the remaining ESEA and ensure that funds are much better targeted while giving local districts greater flexibility in addressing specific needs. We consolidate more than 20 different programs into a single High Performance Initiatives title, with a focus on supporting bold new ideas, expanding access to summer school and after school programs, improving school safety, and building technological literacy. We increase overall funding by more than $200 million, and distribute this aid through a formula that targets more resources to the highest poverty areas.

The boldest change we are proposing is to create a new accountability title. As of today, we have plenty of rules and requirements on inputs, on how funding is to be allocated and who must be served, but little if any attention to outcomes, on how schools ultimately perform in educating children. This bill would reverse that imbalance

by linking Federal funding to the progress States and local districts make in raising academic achievement. It would call on State and local leaders to set specific performance standards and adopt rigorous assessments for measuring how each district is faring in meeting those goals. In turn, States that exceed those goals would be rewarded with additional funds, and those that fail repeatedly to show progress would be penalized. In other words, for the first time, there would be consequences for poor performance.

In discussing how exactly to impose those consequences, we have run into understandable concerns about whether you can penalize failing schools without also penalizing children. The truth is that we are punishing many children right now, especially the most vulnerable of them, by forcing them to attend chronically troubled schools that are accountable to no one, a situation that is just not acceptable anymore. This bill minimizes the potential negative impact of these consequences on students. It provides the States with three years to set their performance-based goals and put in place a monitoring system for gauging how local districts are progressing, and also provides additional resources for States to help school districts identify and improve low-performing schools. If after those three years a State is still failing to meet its goals, the State would be penalized by cutting its administrative funding by 50 percent. Only after 4 years of under performance would dollars targeted for the classroom be put in jeopardy. At that point, protecting kids by continuing to subsidize bad schools becomes more like punishing them.

I must address another concern that may be raised that this is a block grant in sheep's clothing. There are substantial differences between a straight block-grant approach and this streamlined structure. First, in most block-grant proposals the accountability mechanisms are vague, weak and often non-existent, which is one reason why I have opposed them in the Senate. Our bill would have tangible consequences, pegged not just to raise test scores in the more affluent suburban areas, but to closing the troubling achievement gap between students in poor, largely minority districts and their better-off peers.

It is a commonsense strategy—reinvest in our public schools, reinvent the way we administer them, and restore a sense of responsibility to the children we are supposed to be serving. Hence the title of our bill: the Public Education Reinvention, Reinvestment, and Responsibility Act, or the Three Rs for short. Our approach is humble enough to recognize there are no easy answers to turning around low-performing schools, to lifting teaching standards, to closing the debilitating achievement gap, and that most of those answers won't be found here in Washington anyway. But it is ambitious enough to try to harness our unique ability to set the national agenda and recast the federal government as an active catalyst for success instead of a passive enabler of failure.

I am pleased to support the Graham amendment which will ensure we have the necessary resources in reserve to provide for the kind of education reform that I have outlined. Reauthorization of the status quo is not the answer. We need real reform that concentrates resources around central national goals, targets those resources to the most impoverished areas and schools in greatest need, and holds States and localities to a new, higher standard of accountability for results in raising student academic achievement.

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I am very grateful for the strong statements that have been made by my colleagues in support of this amendment by Senator GRAHAM. This amendment is, in a sense, our first statement of support for a major reform of the Elementary and Secondary Education Act, which we intend to offer when that act comes before the Senate in May.

There are two facts to state about the Federal role in education and what is happening throughout the country.

The first is that we have not achieved what the ESEA was adopted to achieve in 1965, and that is to close the academic achievement gap between advantaged and disadvantaged children. The proposal that I will offer, along with Senators BAYH, LANDRIEU, LINCOLN, KOHL, GRAHAM, ROBB, and BREAUX, is aimed at investing more money in the education of disadvantaged children while giving local authorities the flexibility to set achievement goals and decide what they think is the best way to achieve them, and then to hold them accountable for producing measurable results. It will reward those who succeed and, for the first time ever, impose real consequences on those who do not.

The second reality in American education today is that there are also cases of magnificent reform happening at the local and State level, which we must recognize. These success stories include many of the same elements—more accountability, more innovation, more public school choice, higher teaching standards, and superb work by great teachers and school administrators.

Our proposal will streamline more than 40 current ESEA programs into five performance-based grants that will support and expand these reform efforts that are occurring at the grassroots level in America. It is a common sense proposal built upon the core principles of reinvestment, reinvention, and responsibility that will finally provide the full, decent, and equal education we want for all our children, and the educational reform that our children need.

I thank my friend and colleague from Florida for offering this amendment. We have a very strong working group in favor of reform. We hope this proposal not only represents innovation and change that will be a catalyst for broad-scale national education reform, but that it will constitute a bridge on which Members of both parties can meet in the Senate to accomplish the most sweeping reform of the Elementary and Secondary Education Act in its 35-year history.

I thank the Chair and my friend from Nevada, and particularly my patient and learned friend from Louisiana. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in support of the Graham amendment. I acknowledge the very helpful comments made by my colleague from Connecticut and others who have spoken about this amendment.

I realize my time is short. I would like to begin by saying that in 1965, when President Lyndon Johnson first signed the Elementary and Secondary Education Act, it was 32 pages long with 5 program titles. Today, the bill is over 1,000 pages and contains over 60 programs. We need to get back to basics, and that is what the Graham amendment is about.

If these 1,000 pages of rules, regulations were working. If micromanagement of these 60 programs is the answer, then we should be satisfied with the status quo. A few minutes ago, my colleague from Arkansas spoke about what the status quo means for our children. I rise to urge my colleagues, Republicans and Democrats, to say no to the status quo.

As the Senator from Connecticut, our leader on this issue, has acknowledged, there are many wonderful schools and many wonderful teachers, and some wonderful superintendents and active parents. The problem is they are becoming the exception rather than the rule. Let me just share just a few startling and disturbing statistics.

In many school districts, 40-, 50-, or 60-percent failure rates are the rule, not the exception to the rule.

Every day in America, 2,806 children drop out of the school system because it is not working for them.

According to the National Education Goals Report, 80 percent of our fourth graders scored below proficient in math and 70 percent scored below proficient in reading.

For every 100 children who start kindergarten each year, only 27 percent eventually graduate from college.

If you are happy with these statistics, then do not vote for the Graham amendment. I, for one, cannot live with these numbers and am here to insist on change for our kids.

Let me say that although we are all talking about change, there is right change and there is wrong change. There is change that gets us on the right road, and there is change that takes us further away from where we want to go.

Some Republican leaders offer vouchers as the solution to the dilemma I just outlined. Those same Republican leaders also talk about block grants, minimal accountability, and then waiting 5 years for results. I personally do not think that is the solution.

On the Democratic side, unfortunately, there are many leaders who just want to talk about more programs, more money, more strings, more pages, and more micromanagement. But more money and more programs are not the answer.

The Graham amendment is about a clean break away from the old ways. Away from sort of the ''romance,'' if you will, of vouchers, which really are an abandonment of our public schools and the children who need them the most.

The Graham amendment says we need to talk about performance and outcomes. We need to minimize the paperwork, the redtape, the regulations. We need to help our schools set high performance standards, reward them when they meet those performance standards, and make sure there are serious consequences when they fail to do so.

We cannot have a system any longer that fails a third of our children. It is important for us to break with the past. That is what this amendment attempts to do.

It does not do it all. There are many other steps we have to take. But it is an important step. A bold step. It talks about real accountability. It requires that States and local districts set and meet targets for boosting student performance. It will offer awards to those who meet their goals and withhold funding from those who repeatedly fail to do so.

The amendment suggests greater flexibility. It acknowldedges that the local level has the tools necessary to make these decisions and gives them the power to do so. While it does not call for consolidation specifically, it does call for us to concentrate our resources around broad titles, including teacher quality, professional development, smaller classroom sizes

Finally—I know I am getting to the end of my time—it increases funding because it is time that we truly invest in our children's future. Derek Bok, Former President of Harvard once said, ''If you think Education is expensive . . . try ignorance.''

I am proud to stand here and support the Graham amendment because it is the only way for our Nation to build the kind of foundation we need for the future.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I yield to the Senator from Florida, Mr. GRAHAM, 3 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I express my appreciation to my colleagues in the Senate, our new Democrats, for having so eloquently outlined the goals of our amendment and what those goals represent in our vision of American public education.

We believe American public education is fundamental to our Nation's progress. We are going to be faced with enormous economic challenges from around the world. The only way America will be able to maintain its current standard of living and improve that standard for the next generation is by an investment in our people, which means an investment in public education.

We believe passionately in the importance of that. We recognize that the States and local school districts have the primary responsibility, but we think the Federal Government should be a meaningful and constructive partner and that the principles in this amendment and the principles we will be offering when we debate the Elementary and Secondary Education Act are critical to achieving that constructive partnership.

The most obvious thing this amendment will do—since we are talking about an amendment to a budget resolution—is to reserve an additional $15 billion, over the next 5 years, for the purposes of the Federal Elementary and Secondary Education Act.

We do that because we believe that additional amount of Federal contribution, particularly with the flexibility, targeted at the most in-need students, with an accountability system that relates to student performance in the classroom, that that investment is going to be a necessary part of lifting the performance of our American students, especially those who are most in need.

If we fail to do that, if we fail, at the Federal level, to make that additional commitment to their education, I am afraid we are consigning the next decade of American public education to the same critique we hear so much of today—that we are not doing an adequate job of preparing our children for the future, that we are contributing not just to a digital divide but to a socioeconomic divide among our children, and that those children who do not have the kind of support we have traditionally associated with the family's contribution to child development will continue to fall further and further behind their fellow students who are more advantaged.

We believe this is a pragmatic approach to a passionately held goal of improved American education.

Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Off the resolution, I yield to the Senator from Minnesota 15 minutes. Also, I say the Senator from Minnesota and the Senator from South Dakota, Mr. JOHNSON, have an outstanding amendment to be offered at a subsequent time. I applaud and commend them for their diligence in allowing us to hear the debate on this issue.

I yield Senator WELLSTONE 15 minutes.

Mr. WELLSTONE. I thank my colleague from Nevada.

Mr. President, I hope Senator JOHNSON—I have contacted his office—will be down here because I am really joining Senator JOHNSON who has taken the lead on this amendment and has been very involved, going back to his work on the Budget Committee.

Let me, first of all, give credit where credit is due. Over the last several years, we have been fighting what is called the flatline budget.

Last year, the administration presented to the Congress a veterans budget that was woefully inadequate. This year, they have really significantly increased their investment. It is an additional $1.4 billion over where they were. The Budget Committee has stuck with that. That is a huge help.

But Senator JOHNSON and I have had the honor and the opportunity to work with a lot of veterans organizations—the VFW, the Paralyzed Veterans of America, the Disabled American Veterans—who have put together an independent budget. They did this, starting last year, and did a lot of good grassroots organizing around the country.

It went way beyond just veterans coming to Washington, DC, and testifying because the message from the Congress to the veterans was: We are not just interested in what you are opposed to or what you say you need more money for. We want to see a careful outline.

This independent veterans budget is just such a budget proposal. What Senator JOHNSON has done—and I am pleased to join him—is called for an additional $500 million above and beyond the $1.4 billion increase from the Senate Budget Committee that would be an investment, especially in veterans' health care.

We have a real challenge in veterans' health care. We talked about this in our millennium bill. What we have authorized is essentially decent care for a veterans population that is an aging population. We have many veterans who are 75, 80 years old. What we have said—and we should be looking at the whole population in this country in the same way—is this is a population where there are some huge gaps, some

huge needs. We need to get serious about it.

How can we pass legislation saying, veterans, we are going to make a commitment to long-term care. We are especially going to make a commitment to making sure you are not forced into nursing homes. We will make a commitment to making sure that there is the support for you to stay at home and live at home in as near a normal circumstance as is possible with dignity.

I was in the VA medical center about a month ago. It was very poignant. Quite often the men are World War II veterans. They have had a hip operation, a knee operation. If you spend any time out there in the lounge and talk to their wives, they are scared to death about when their husbands come home because they can't take care of them any longer without help. They don't know what they are going to do. Whether it be respite care, whether it be public health nurses within the VA health care system, we have to get serious about this.

The $500 million doesn't do the job, but it goes in the direction of having a veterans budget that is an honest-to-God response to the needs of veterans in this country.

In my State of Minnesota, I think the real heroes and heroines are the county veterans' service officers. They are not a part of the VA, but they are on the front lines of veterans' health care. They are on the front lines of meeting the needs of veterans and their families. I have had several meetings with these county veterans' service officers—lots of people come; a lot of veterans come—who are advocates for the veterans. In our State, the medical center in Minneapolis is really a flagship place, but veterans wait for up to 18 months for some of the specialized care they need. That is too long a wait. We have too long a waiting list. We have staff that are overworked, sometimes having to work one shift after another.

We have an aging veterans population. We have made the commitment in the millennium bill, but we have not backed it up with the investment of resources. We have too high a percentage of the veterans population that is a part of the homeless population. Too many of them are Vietnam vets, still struggling with posttraumatic stress syndrome.

If my colleagues have had any meetings with these vets, they know they are the most poignant meetings. Quite often, veterans will be sitting in a room with you. People will get up and leave and come back and get up and leave. They are struggling; you can see it. Quite often, you have substance abuse that occurs with this as well. We are not providing the treatment.

This amendment is a terribly important amendment. I yield the rest of my time to my colleague from South Dakota, Senator JOHNSON, who took the lead on the Budget Committee. He is the one who introduced the amendment. I am proud to be on the floor with him in partnership pushing for this.

Mr. STEVENS. Will the Senator yield for a parliamentary inquiry?

Mr. JOHNSON. Yes.

Mr. STEVENS. Mr. President, I have the right to call for regular order, but how much more time is left on this amendment?

Mr. WELLSTONE. I say to my colleague, I think about 7 minutes.

The PRESIDING OFFICER. The Senator from Minnesota has 6 minutes 7 seconds.

Mr. STEVENS. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I commend my colleague, Senator WELLSTONE of Minnesota, for his extraordinary work on this issue. He has long been a champion of veterans in our Nation. I have enjoyed the opportunity to work with him on this and many other issues.

I am appreciative of Chairman DOMENICI's effort to secure a $1.4 billion increase in outlays in the budget. We have come a considerable distance from a year ago, when I was offering on this floor a $3 billion increase in veterans' health care appropriations which was necessary at that time to catch up after 3 years of frozen VA budgets. Of the $3 billion that was passed, ultimately, by the time the Appropriations Committee was done, we had about $1.7 billion. Even so, it was a significant increase. It has done a lot to breathe additional viability into our VA health care system.

This year, Senator DOMENICI has proposed a $1.4 billion increase. That is encouraging. However, the Authoritative Independent Budget produced by 40 different veterans groups and medical societies—including Amvets and Disabled American Vets, Paralyzed Veterans of America, and the VFW—reminds us that even then we still need an additional $500 million in outlays over the Budget Committee's level to raise the funding level to the point where it is requested in the independent budget of a $1.9 billion increase for fiscal 2000. This amendment pays for this. This amendment would get us to that needed level.

We need to make a fundamental decision in this body about where our priorities lie. We are talking now about multibillion-dollar surpluses in the Federal budget over the coming years. We ought to be cautious about whether they materialize or not, but certainly we can be optimistic that we will be in black ink in the coming years.

The question then is, Are we going to fully fund the veterans' health care programs at the level the veterans organizations themselves contend—I think rightfully so—is necessary? Are we going to put them as a first priority honoring those people who put their lives on the line and made our liberties possible or are we going to fall back to the point where, again, we only use the dollars that are left over after other things have been done?

To me, this ought to be a first-priority item. We have an opportunity on the floor this evening to make it very clear to our colleagues in the other body that, in fact, veterans' health care is a first priority item and that we will take care of that. When we are done with dealing with veterans' health care issues, we will then move on to whatever our other priorities might be, whether they be tax cuts, education, health care, or other matters facing the country. This ought to be at the top or near the top of our agenda as we debate the look of the Federal budget in this coming year.

I applaud the constructive steps that have been taken on veterans' health care. I certainly am appreciative of the work of Senator WELLSTONE in helping to raise the visibility of this issue. At this juncture, as we shape this budget resolution which creates a roadmap, which creates the parameters for where the appropriations committees will go next, we need to send them this kind of message that, in fact, we want full funding for veterans' health care.

This is our opportunity to make that statement. We should not let this opportunity go by without making it clear that we are committed to this reasonable level of funding, after those many years of frozen VA budgets, that the VA requires.

Mr. President, I yield back my time.

AMENDMENT NO. 2931

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, what is the regular order.

The PRESIDING OFFICER. The regular order is the Stevens amendment No. 2931.

Mr. STEVENS. Mr. President, this is the first of a series of three amendments that deals with points of order in the budget resolution, as it was reported to the Senate.

I have the feeling that this is deja vu because every year we face the same kind of concept. In the current budget resolution, for instance, that we are operating on for this fiscal year, there is, in fact, a point of order against emergency spending that requires 60 votes for emergency spending of a nondefense character. The resolution that was reported to the floor extends that to cover defense spending also.

It also has what we call a firewall that covers both budget authority and outlays for defense and nondefense. And it has a series of two other points of order that deal with delayed obligations and advance appropriations. Those make the management of the 13 bills our subcommittees work on annually and the supplemental and emergency bills that we face extremely difficult.

We have had a long series of conversations. I told someone I sort of feel like Houdini. Every year, I get a different set of chains and the configuration of the box I am put in before I am

put in the water differs, but everybody expects me to get out of it. I must say to the Senate, before this year is over, you might find some new approaches that help me get out of the chains. But these mechanisms, primarily for enforcement, ought to apply to the Senate as a whole, not only to the Appropriations Committee.

In fact, if you examine the rules, as I did early this morning when I got up and started thinking about these amendments, I think you will find it very interesting. We have a series of rules that govern the Senate, and if we ever really followed them, we would not have the trouble that we have once in a while here on the floor. The interesting thing is that those rules do not apply to the appropriations process in most instances because the framers of those rules understood the real complexities of the appropriations process and the fact that we do deal with emergencies and with various extraordinary circumstances in the course of each year's consideration of these 13 bills.

We were prepared to offer three amendments to delete these three sections: 208, 210, and 211. I have had long discussions with my good friend, Senator DOMENICI, the manager of the bill, chairman of the Budget Committee, and he has made an offer to us, which I am reluctant to agree to, but I have no alternative because no committee needs the budget resolution more than the Appropriations Committee. The points of order that are in the Budget Act apply to the Senate Appropriations Committee. They don't even apply to the House bill because the House controls its access to the floor and amendments through the rules process.

We, therefore, have to negotiate with the Budget Committee to obtain the best possible regime under which to present the appropriations bills for the fiscal year 2001. I am going to yield to my friend. It is my understanding that he will offer an amendment and that the amendment will be debated here. It is my intention, if it is what I believe it to be—as I said, I am reluctantly going to agree to support it, primarily because we need this budget resolution, and also because I have great trust and faith in the chairman of the Budget Committee. He is seeking to get his job done, and I am seeking to be able to do the job that has been assigned to our committee.

Mr. President, I yield to my friend to carry on the discussions. He will yield to the Senator from Texas and others. How much time do I have on this amendment?

The PRESIDING OFFICER. The Senator has 49 minutes.

Mr. STEVENS. If I have 49 minutes, I yield 45 minutes to my friend, and I will reserve 4 minutes in case I have to come back into this discussion at some point. It is my understanding that he has the authority, then, to yield to other Members on this side who might wish to discuss the matter, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, parliamentary inquiry: It is my understanding that the Senator from Alaska offered an amendment to which he has 1 hour, is that correct?

The PRESIDING OFFICER. There was not enough time for 1 hour, so it is 54 minutes to each side.

Mr. REID. Who is in opposition to the Stevens amendment other than the Democrats?

Mr. DOMENICI. Nobody here is in opposition.

The PRESIDING OFFICER. The minority leader controls the time.

Mr. REID. So we have 54 minutes?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I will retain 4 minutes of the time and yield the rest of the time to the Senator from New Mexico. He will yield time to my friend from Virginia, as well as the Senator from Texas.

The PRESIDING OFFICER. The Senator from New Mexico has control of the 45 minutes.

Mr. DOMENICI. Mr. President, I want to talk with Senator STEVENS for a moment. First of all, let me say that there are a couple of Senators who want to speak for 2 or 3 minutes on my side. Since I have almost an hour, I will yield to them. We haven't been able to have any time because of the way things are. Senator GORTON wishes to speak. How much time would Senator GORTON take?

Mr. GORTON. Two minutes.

Mr. DOMENICI. I yield 2 minutes to Senator GORTON.

Mr. GORTON. Mr. President, I ask unanimous consent that the current amendment be set aside and we call up, first, amendment No. 2942, and then 3011, both of which have been agreed to by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2942

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. KOHL, for himself, Mr. REID, and Mr. GRASSLEY, proposes an amendment numbered 2942.

Mr. GORTON. 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. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs to conduct background checks on prospective employees.

Mr. GORTON. Mr. President, this is an amendment by Senator KOHL of Wisconsin regarding the establishment of a national background check system for long-term care workers. It has been agreed to, and I think we can take it directly to a vote.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2942) was agreed to.

AMENDMENT NO. 3011

(Purpose: To express the sense of the Senate concerning the price of prescription drugs)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself and Mr. JEFFORDS, proposes an amendment numbered 3011.

Mr. GORTON. 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. ___. SENSE OF THE SENATE CONCERNING THE PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today, two-thirds of senior citizens in the United States have access to prescription drugs through health insurance coverage.

(2) However, it is difficult for many Americans, including senior citizens, to afford the prescription drugs that they need to stay healthy.

(3) Many senior citizens in the United States leave the country and go to Canada or Mexico to buy prescription drugs that are developed, manufactured, and approved in the United States in order to buy such drugs at lower prices than such drugs are sold for in the United States.

(4) According to the General Accounting Office, a consumer in the United States pays

on average ⅓ more for a prescription drug than a consumer pays for the same drug in another country.

(5) The United States has made a strong commitment to supporting the research and development of new drugs through taxpayer-supported funding of the National Institutes of Health, through the research and development tax credit, and through other means.

(6) The development of new drugs is important because the use of such drugs enables people to live longer and lead healthier, more productive lives.

(7) Citizens of other countries should pay a portion of the research and development costs for new drugs, or their fair share of such costs, rather than just reap the benefits of such drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico should be reduced or eliminated.

Mr. GORTON. Mr. President, this amendment relates to the discrimination in the price for prescription drugs on the part of American companies between drugs sold in the U.S. and drugs sold for less overseas, and it expresses the concern of the Senate about that discrimination and the desire that it be reduced or eliminated.

Mr. REID. Mr. President, I ask my friend from Washington, Senator GORTON, has this been approved by the majority and minority, signed off on; is that true?

Mr. GORTON. Yes.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3011) was agreed to.

Mr. DOMENICI. Now, Mr. President, Senator ALLARD wishes to speak. Can he do what he wanted to do in 3 minutes?

Mr. ALLARD. I can.

Mr. DOMENICI. I yield 3 minutes on the amendment.

Mr. ALLARD. Thank you. Mr. President, frankly, I had no intention to come to the floor today, as I received a generous amount of time yesterday to debate my amendment concerning the national debt. I appreciate the chairman of the Budget Committee giving me some time to speak momentarily. After listening to the dialog today and reading the content of the sense-of-the-Senate amendment by the Senator from Rhode Island, I felt a sincere need to come and speak to you all this evening.

Since last April's tragic events in my home State at Columbine High School, the town of Littleton, it seems as though the students and community of the Columbine High School have been mentioned almost on a daily basis on the floor of the Senate in Washington, DC. This tragic event has become a new flag to be waved by those in this body who seek to further politicize the issues of crime, law enforcement, and the second amendment. I ask you, Mr. President, what has this politicking done to help heal the wounds in my home State? I have staff from Littleton. I have staff in Littleton, and I have staff in my State offices who will go home this very night in Littleton, CO.

This tragic event shocked the people in that community, and to date I fail to see any benefit to those in Littleton from the continued publicity and polarization coming from this Chamber.

I have with me two articles published this week: Denver Rocky Mountain News editorial documenting the April 12 visit of President Clinton to Littleton:

It would be utterly tasteless for any politician—from the President to local state representative—to attempt to make political hay over Columbine on the brink of its anniversary.

Washington Post Article ''Columbine, Reflections of a Painful Past'':

Students, parents and school officials here are viewing this anniversary with trepidation. They are apprehensive about the emotions it may rekindle—and about the crush of journalists and curiosity seekers expected to arrive.

A Columbine Senior said, ''It is not the kind of thing that really falls away very quickly. We're healing. But it is always in people's emotions. There is always a hint of it in the background.''

I am ashamed that part of background noise that disturbs the healing of these tender wounds in a Colorado community is the increasing effort by some to make this event the driving force behind their own policy goals.

As the chairman of last year's Juvenile Justice Task Force I worked closely with a number of members of this body to determine causes and solutions for America's juvenile justice problems. The causes are intricate and many. We made our recommendations and we contributed to the juvenile justice bill currently in conference committee.

We are here today to work on a budget resolution for the coming fiscal year. We have had, and will have again, policy debates on the many issues this amendment addresses. We should have those debates in the realm of sensible, comprehensive policy. What we should not do is continue painful rhetoric that inflames the wounds of the Littleton community.

I ask unanimous consent that the Denver Rocky Mountain News article and the Washington Post article mentioned in my statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 6, 2000]

AT COLUMBINE, REFLECTIONS ON A PAINFUL PAST

(By Amy Goldstein)

LITTLETON, COLO., April 5.—One of Matt Varney's best friends is Pat Ireland, a Columbine High School student who, last April 20, was captured on television tumbling, shot and bleeding, out a school window. A year later, Varney said that his friend inspires and sobers him still.

''Watching him heal—his everlasting pursuit to get better—has healed me,'' said Varney, a Columbine senior. Yet, he said, ''I have trouble seeing him, knowing these two guys took away so much from him.''

Varney had left Columbine for lunch two minutes before a pair of fellow students rampaged through the building, murdering 13 people and wounding two dozen others before killing themselves. Tonight, Varney was one of two dozen Columbine students and staff members who volunteered to sit on a stage for a town meeting to describe how the nation's deadliest school shooting has influenced their school and themselves.

For nearly two hours, they talked of friendships that have tightened. The solidarity of teachers willing to fill in for one another on a difficult day. The solace they draw from faith and family and writing poetry.

They talked too, of sadness that endures. ''Sometimes, I just want to shout out at night, 'I don't know why it was us,'" said Sergio Gonzales, a senior. ''It isn't the regular life of a teenager.''

The strains that linger, mental health and school officials say, are mounting in the days leading to the first anniversary of the massacre. The community is responding with a series of events intended to commemorate the occasion and, at the same time, minimize the disruption to a community still striving for equilibrium.

Tonight's town meeting was the opening event and the first time that the Jefferson County school district has convened students and staff to speak publicly about the shooting and its aftermath. ''Columbine'' suddenly became known worldwide as a synonym for school violence on a late Tuesday morning when a pair of juniors, Eric Harris and Dylan Klebold, crossed a soccer field and entered the building with guns blazing, fatally shooting a dozen students and a science teacher before turning their guns on themselves in the high school library. They had also laced the building with bombs, most of which never went off.

Like other commemorative events that will take place this month, tonight's 90-minute forum, ''Conversations With Columbine,'' was tightly controlled, with reporters allowed to request individual interviews with participants afterward only by handing their business cards to school system representatives. Reporters and television crews who want a glimpse inside the school may have one—but only in small, guided tours arranged for them early this Sunday, when the building will otherwise be vacant.

Students, parents and school officials here are viewing this anniversary with trepidation. They are apprehensive about the emotions it may rekindle—and about the crush of journalists and curiosity-seekers expected to arrive.

Based on the crowd that thronged Oklahoma City one year after the 1995 bombing of a federal office building there, and the proximity of the Littleton anniversary to Easter vacations, school officials have predicted that perhaps 100,000 people will arrive here later this month. Community leaders also have heard reports that members of the National Rifle Association may turn out in force to try to counteract welling support here for tighter gun control measures being debated in the Colorado legislature.

''We don't want the masses, but we have to be prepared for the masses,'' Rick Kaufman, a school system spokesman, said this week.

Outwardly, Littleton has recovered a sense of normalcy. Adjacent to the Columbine campus, the grass has grown back in Clement Park, which last spring became a muddy encampment for dozens of television satellite trucks and a makeshift shrine for students bringing flowers and placards to memorialize the dead. This week, the park was filled with young boys playing lacrosse after school in the spring sunshine.

The police tape was removed long ago from the school, a sprawling beige brick structure near the entrance to a quiet residential neighborhood. But there are reminders and frailties, still. The student who walks into class and tells a teacher he had a flashback and ended up crashing a car. The unfailing shivers from the sound of a helicopter whirring overhead. The sight of a few students still propelling themselves down the school's corridors in wheelchairs.

''It is not the kind of thing that really falls away very quickly,'' said senior Peter Forsberg, who hid last April 20 in the school's Spanish office for hours. ''We're healing. But it is always in people's emotions. There is always a hint of it in the background.''

[From the Denver Rocky Mountain News]

THE TIMING OF CLINTON'S VISIT

Would Bill Clinton politicize the anniversary of Columbine? Perish the thought! Why, didn't the president wait three whole days after the Columbine shootings last year before he publicly linked them to a lack of gun control? And didn't he cool his heels a full week before he introduced a package of gun measures that the White House described as ''the most comprehensive gun legislation any administration has put forward in 30 years''? There's sensitivity for you.

Yes, this president has been the very model of self-control in resisting the temptation to exploit the Columbine tragedy to advance a long-held political agenda. Most impressive of all, he waited a whole month after Columbine—think of the forbearance!—before he called for a Federal Trade Commission probe into the marketing of violent video games and other products.

That's why we are so shocked that anyone would suggest that Clinton might actually try to politicize the anniversary of Columbine when he visits Colorado on April 12 to campaign for a state initiative that would mandate background checks at gun shows. What on Earth in the president's record raises that unworthy suspicion?

It would be utterly tasteless for any politician—from the president to a local state representative—to attempt to make political hay over Columbine on the brink of its anniversary. President Clinton, whose tastefulness in all matters is legendary, would be just about the last person we'd expect to resort to such a crude maneuver.

So by all means, let the public accept the assurances of SAFE Colorado, the gun-control group pushing the ballot initiative, that the timing of the president's visit so close to the Columbine anniversary of April 20 is a mere coincidence and meant to signify nothing. Of course that's true. There are only 52 weeks in a year, after all, and this paltry number puts a terrific strain on the schedule of such a busy world leader. If you wonder why Clinton would come to Colorado barely a week before the Columbine anniversary to attend a political rally on gun control, blame the burdens of the presidency if you must blame something, but please do not blame this man whose very career is a tribute to discretion and respect for private grief.

As impressed as we are with Clinton's sensitivity, we are also pleased to see that his upcoming visit is evoking the usual carefully reasoned rhetoric from gun-rights advocates. ''I just think (Clinton's) just doing what he always does, wading through the blood of the victims to push his agenda,'' said Bill Dietrick, legislative director of the Colorado State Shooting Association. Dietrick's thoughtful analysis is yet another enlightened contribution to the debate over guns, and it follows a series of equally diplomatic comments last month by the executive vice president of the National Rifle Association.

Among other things, the NRA's Wayne LaPierre claimed that President Bill Clinton ''needs a certain level of violence in this country. He's willing to accept a certain level of killing to further his political agenda and his vice president's, too.''

It is heartening to see, as the Columbine anniversary approaches, so much evidence of maturity and mutual respect on both sides in the gun-control debate. Now you see why we're so confident that the exploitation of Columbine is the furthest thing from the minds of Clinton, those who arranged his visit and those who will protest it.

After all, how could anyone possibly complain about their behavior up till now?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished manager, Senator DOMENICI.

Senator STEVENS and I have an amendment at the desk calling for a $4.1 billion increase in total defense spending.

We recognize that the House of Representatives is taking similar action. This would be parallel action.

At no time in contemporary history have there been more threats and more challenges affecting the security of this country. At the same time, at no time in my memory—I have been associated with the military as far back as World War II—has there been really less incentive for the young men and women of the Nation to join and proudly wear the uniform and incentives for those in the middle grades of our military to stay in after enormous expenses for the taxpayers to train them. When they finish their obligated period and first-term enlistments—the first term for officers and oftentimes pilots is 6 to 8 years—they are highly sought after by the private sector in our magnificent expanding economy.

We have this coincidence of pressures being put on the military today.

I urge my colleagues to vote favorably on the current version of the Stevens-Warner amendment of $4 billion for extra defense spending to meet the threats worldwide and to provide the proper benefits and care for the men and women of the Armed Forces and their families; to provide for the increase in procurement for the modernization they need with the additional dollars for training.

This Nation has witnessed the deployment of the men and women of the Armed Forces beyond our shores in the last 6 or 8 years, more times than any other President has sent them out into harm's way. For too many years, the size of our defense budget has been based on constrained funding, not on the threats facing our country or the military strategy necessary to meet those threats. We began to make some progress last year when, for the first time in 14 years, we had a real increase in the authorized level of defense spending. We must continue the momentum we started last year in an effort to correct the most critical readiness, modernization, and recruiting and retention problems in our military.

Any analysis of our defense budget should begin with an analysis of the worldwide threat that our military faces—both now and in the future. The world remains complex and dangerous, and the United States is continually called upon to provide the requisite leadership to resolve the many conflicts which continue to erupt in this rapidly changing world. The negative impact that the large number of contingency operations in which our military is engaged worldwide is having on the readiness of our military forces concerns me. We have had troops in the Persian Gulf—engaged in active military operations against Iraq—for over a decade, in Bosnia for over four years, and now in Kosovo—with no end in sight for any of these operations.

The Joint Chiefs of Staff have testified that they still have a shortfall in funding of $9.0 billion for this fiscal year—fiscal year 2000; a requirement for an additional $15.5 billion above the budget request to meet shortfalls in readiness and modernization for fiscal year 2001; and a requirement for an additional $85.0 billion over the next five years. These were requirements identified by the Service Chiefs as their unfunded, validated requirements—not a set of ''wish lists.''

As the elected representatives of the American people, we have no higher responsibility than ensuring the safety and security of our people by maintaining a strong and capable military. As chairman of the Armed Services Committee, I cannot sit idly by—knowing of the many shortfalls in defense funding that currently exist—without at least trying to address the many urgent needs of our military.

The Administration's budget request for fiscal year 2001 took some positive steps forward. The Budget Committee added an additional $500 million, but more needs to be done.

While the fiscal year 2001 defense budget request does reach the $60 billion modernization goal set in fiscal year 1995, this goal has not kept pace with requirements and has never been adjusted for inflation. Estimates from the Congressional Budget Office (CBO) have more accurately placed the funding necessary to meet modernization requirements at $90.0 billion annually, with other organizations stating that even larger increases are necessary.

We must continue the momentum we started last year when the Congress provided the personnel incentives necessary to reverse the negative trends in recruiting and retention. The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs have all said that fulfilling our commitment for healthcare to our military retirees will be among the highest priorities this year. I believe, there is overwhelming support in the Senate to correct many of the shortfalls in the military healthcare system for our service members, their families, and our military retirees. it is critical to

enact the important initiatives contained in the bipartisan healthcare legislation introduced by the Senate and the Armed Services Committee leadership. Adding the funds in this amendment makes it possible to fund this important initiative for military retiree healthcare.

The increase of $4.0 billion contained in our amendment will allow us to bring defense spending to a more appropriate level and address some of the urgent unfunded requirements of the military chiefs. By adding the funding in this amendment, we will not be forced to fund needed increases for defense using emergency spending. Adding these funds now, allows the Senate to follow the normal procedures of authorization first, and not to forced to deal with added spending as an emergency.

The challenges that this country will face in the new millennium are diverse—new threats, new battlefields, and new weapons. It is important that we remain vigilant, forward thinking, and prepared to address these challenges.

Mr. Tenet, the Director of Central Intelligence, concluded his excellent opening statement at a very sobering hearing before the Armed Services Committee in January by saying:

> The fact that we are arguably the world's most powerful nation does not bestow invulnerability; in fact, it may make us a larger target for those who don't share our interest, values, or beliefs.

We must ensure that our military forces remain ready to meet present and future challenges.

I want to express my appreciation again to the distinguished chairman of the Appropriations Committee and the chairman of the Budget Committee for assisting us on this amendment. I want to also thank the highly professional staff members of the Appropriations Committee and the Budget Committee for their assistance for working out this amendment.

I also want to thank Senator DOMENICI and his staff in assisting me last evening in working out a solution which will provide for the implementation of a Thrift Savings Plan for the active and reserve components of our military.

I urge adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2931, AS MODIFIED

Mr. STEVENS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2931) as modified is as follows:

On page 4, line 22, increase the amount by $4,000,000,000.

On page 5, line 7, increase the amount by $2,000,000,000.

On page 5, line 15, decrease the amount by $2,000,000,000.

On page 9, line 6, increase the amount by $4,000,000,000.

On page 9, line 7, increase the amount by $2,000,000,000.

On page 27, line 7, decrease the amount by $4,000,000,000.

On page 27, line 8, decrease the amount by $2,000,000,000.

Strike page 41, line 5 and all that follows through page 45, line 22; and insert the following:

(g) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.

SEC. 209. RESERVE FUND PENDING INCREASE OF FISCAL YEAR 2001 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) The functional totals with respect to discretionary spending set forth in this concurrent resolution, if implemented, would result in legislation which exceeds the limit on discretionary spending for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. Nonetheless, the allocation pursuant to section 302 of the Congressional Budget and Impoundment Control Act of 1974 to the Committee on Appropriations is in compliance with current law spending limits.

(2) Consequently unless and until the discretionary spending limit for fiscal year 2001 is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(3) The functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2001 as follows:

(A) For the discretionary category: $600,579,000,000 in new budget authority and $592,326,000,000 in outlays.

(B) For the highway category: $26,920,000,000 in outlays.

(C) For the mass transit category: $4,639,000,000 in outlays.

(4) To facilitate the Senate completing its legislative responsibilities for the 106th Congress in a timely fashion, it is imperative that the Senate consider legislation which increases the discretionary spending limit for fiscal year 2001 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2001 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the appropriate chairman of the Committee on the Budget shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 to the appropriate Committee on Appropriations.

(c) LIMITATION ON ADJUSTMENT.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(3).

SEC. 210. CONGRESSIONAL FIREWALL FOR DEFENSE AND NON-DEFENSE SPENDING.

(a) DEFINITION.—In this section, for fiscal year 2001 the term ''discretionary spending limit'' means—

(1) for the defense category, $310,819,000,000 in new budget authority and $297,050,000,000 in outlays; and

(2) for the nondefense category, $289,760,000,000 in new budget authority and $327,583,000,000 in outlays.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—After the adjustment to the section 302(a) allocation to the Appropriations Committee is made pursuant to section 208 and except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that exceeds any discretionary spending limit set forth in this section.

(2) EXCEPTION.—This subsection shall not apply if a declaration of war by Congress is in effect.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 211. MECHANISMS FOR STRENGTHENING BUDGETARY INTEGRITY.

(a) DEFINITION.—For purposes of this section, the term ''budget year'' means with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(b) POINT OF ORDER WITH RESPECT TO ADVANCED APPROPRIATIONS.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, motion or conference report that—

(A) provides an appropriation of new budget authority for any fiscal year after the budget year that is in excess of the amounts provided in paragraph (2); and

(B) provides an appropriation of new budget authority for any fiscal year subsequent to the year after the budget year.

(2) LIMITATION ON AMOUNTS.—The total amount, provided in appropriations legislation for the budget year, of appropriations for the subsequent fiscal year shall not exceed $23,000,000,000.

(c) POINT OF ORDER WITH RESPECT TO DELAYED OBLIGATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, resolution, amendment, motion, or conference report that contains an appropriation of new budget authority for any fiscal year which does not become available upon enactment of such legislation or on the first day of that fiscal year (whichever is later).

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to appropriations in the defense category; nor shall it apply to appropriations reoccuring or customary or for the following programs provided that such appropriation is not delayed beyond the specified date and does not exceed the specified amount:

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. STEVENS. Yes.

Mr. DOMENICI. Let me suggest that this modification is supported by Senator STEVENS, Senator DOMENICI, Senator GRAMM, and Senator WARNER, and I understand on the Democrat side Senator INOUYE has told Senator STEVENS he supports it.

We are obviously trying tonight to complete our work and get a budget resolution that we can take to conference with the House of which we are proud.

Frankly, we came out of committee with $595.6 billion available in program authority for defense and domestic accounts.

In addition, we said in that budget resolution that we were reinstating what we had used for 3 years: The first 3 years of the balanced budget agreement between the President and the

Congress—to wit, a firewall—so the defense money couldn't be used for domestic spending or vice versa.

In this amendment, we retain that, but we have added $4 billion in program authority to defense.

There will be no mingling of that money with domestic and no mingling of domestic money with defense.

That firewall stays in this modification offered by Senator STEVENS on behalf of himself and other cosponsors.

In addition, the budget resolution had a 60-vote point of order for emergencies.

With this amendment, we have returned to the law as it was before this budget resolution; that is, last year we had in the budget resolution that 60-vote point of order which would apply to domestic spending. That is retained, not modified, and it is not expanded to include defense.

In addition, the House of Representatives adopted in the budget resolution a limitation on advanced appropriations, a technicality often used but not always used by Presidents and Congress as they complete their appropriations work. It is a legitimate tool of appropriating. The House, in their resolution, has $23 billion as the maximum amount allowed in program authority to be advanced.

Then there is a point of order, if you do more. We are agreeing here to do what the House did.

Senator STEVENS has negotiated with us, and we are going to the House level on that number. That means for those who are concerned, we are keeping some very rigid discipline, but we are going to the House number, and the number that was very much discussed in the Budget Committee, we are back to that number.

Senator GRAMM of Texas has agreed with their compromise, and he was one who wanted to lower the number.

We are beginning to develop a package that looks to have consensus on our side. I wasn't sure any Democrats were going to vote for our budget resolution. I hope they do with these modifications. We have Senator INOUYE agreeing with these modifications. It doesn't mean he is committed to the budget resolution.

There are no nondefense delayed obligations except for those listed in the budget and those that are ordinary and historic.

Senator STEVENS made two commitments to us. Frankly, I have committed to him. We worked together. He is going to make every effort to stay within the limitations in this budget.

That means there is $289 billion in budget authority, and $327.6 billion in outlays for the nondefense part of this budget.

Depending on how you figure it, it is anywhere from a 3.35-percent increase—looking at it another way, it may be as much as 6, or 6½, depending upon a couple of things such as a $4.3 billion budget authority that is going to be made available when we pass a certain bill that was required by the Budget Act of 1997.

The distinguished chairman is committing to do everything in his power to live within the budget resolution. That is all anybody ever asked. He has agreed not to violate the $23 billion in advanced funding. There would be no reason to put it in the budget resolution if we weren't going to do it.

I express my extreme gratitude to the distinguished Appropriations Committee chairman for working with me, working with Senator GRAMM, and working with Senator LOTT and others on our side, and the distinguished Senator WARNER who carved out this budget enforcement compromise. I think it is an excellent one.

I think we ought to adopt it.

From what I can understand, all segments of the Republican Party that had diverse views on this budget resolution ought to be in concurrence on this. I believe it does precisely what most of us would like.

I remind those who are thinking about domestic spending that we have increased the advanced appropriations amounts from $13 billion to $23 billion. That is a pretty good one that will allow flexibility of management, which is what the appropriators are looking for. But it is not too high because the House has accepted it also as something they can live with based on this year's levels and the levels of last year.

I think overall it is a good compromise. It is now the pending business, as Senator STEVENS indicated in his submission to the desk as a modification of his original amendment.

We still have some additional time. The distinguished Senator from Texas, who is a valued Member of the Senate and of the Budget Committee, with whom I worked very hard to carve the budget resolution, is here. I yield 7 minutes to the distinguished Senator from Texas.

Mr. GRAMM. Mr. President, I would hate to have to make a living negotiating with Senator STEVENS. In the dull moments when we sit here and listen to some droning speech and look at the names written in our desk drawers—many of which we do not even recognize and never heard of—my guess is that someday people will see Senator STEVENS' name in one of these drawers and they will know who he was.

I believe we have a stronger budget as a result of this agreement. I think we have a stronger enforcement process as a result of this agreement because Senator DOMENICI and I had words written on paper, but we didn't have a consensus in the majority party to enforce those words. We have that consensus today.

I take the word of the distinguished senior Senator from Alaska to be more powerful and worth more than points of order. When he says he will lead the effort to the best of his ability to live within the nondefense discretionary numbers of this budget and to stay with the limit we have agreed to on advanced appropriations, I believe that is the strongest enforcement mechanism we can have.

We have preserved our 60-vote point of order for emergencies that are nondefense in nature. Senator STEVENS raised the point that in an emergency for defense, you could require a supermajority, and if you had a partisan issue on defense, you could deny the ability to meet the defense needs of the Nation. A point well made and a point well taken.

But we have the enforcement mechanism that prevents the piling of items of a nondefense nature into bills and designating them as emergencies when, in fact, they are not emergencies.

We kept the firewalls so when we get money for defense, it stays in defense. We have adjusted the advanced appropriation level to the level we had last year, the level that is in the House, with a strong 60-vote point of order to hold it in place. We prohibit nondefense delayed obligations, which is an important new power in the budget process. We have a unified Republican commitment to live within a discretionary budget written here and to stay with that number through the process.

This has been a long and difficult negotiation. We are dealing with people who have jobs to do. I think as a result of this agreement we can move forward together to do that job. I thank Senator DOMENICI. I thank Senator STEVENS. I believe we have a good product. I believe it is worthy of support. I believe we have a fighting chance to hold it through the appropriations process. If we do, the Nation will be the big beneficiary.

I reserve the remainder of my time.

Mr. THURMOND. Mr. President, as the Senate debates the Fiscal Year 2001 Budget Resolution, I want to again bring to the attention of my colleagues the testimony by General Shelton, the Chairman of the Joint Chiefs of Staff, before the Senate Armed Services Committee on September 29, 1998.

''It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.''

It has been glaringly evident to me, and I suspect to some of my colleagues, that there has been little or no mention of national security issues during this debate on the budget resolution. Maybe it is because defense does not rank very high in the polls which reflect the concerns of the American people. Or maybe it is because everyone assumes that the defense budget is adequate and there is no reason to debate it. I am here today, along with the Chairman of the Armed Services Committee, Senator WARNER, and members

of the Armed Services Committee, to tell you that the level of defense spending proposed by the President and this budget resolution is inadequate.

To highlight the problem let me point out that despite the two percent increase in the President's budget over fiscal year 2000 and another $500 million increase in the budget resolution, the Joint Chiefs of Staff have identified a requirement for an additional $15 billion to meet shortfalls in readiness and modernization for fiscal year 2001.

Mr. President, we have the best soldiers, sailors, airmen and Marines, however, all their professionalism is for naught if they do not have the equipment, weapons and supplies to carry out their mission. Since the end of Operation Desert Storm, which reflected both the professionalism and material quality of our Armed Forces, the defense budget has declined by $80 billion. Yet the pace of the military operations has not declined, in fact the pace of operations exceeds that of the Cold War era. Not only are the men and women of our military stretched to the limits, but also their equipment. The $4 billion increase in the Defense Budget proposed by Chairman WARNER's amendment will not resolve the shortfall identified by the Nation's most senior military commanders, it will however provide the necessary funding to improve recruiting, retention, health care, and most important readiness.

Mr. President, I urge the adoption of Senator WARNER's amendment to ensure we meet the Nation's security needs. We must not leave the false impression that the increase in the President's budget and the additional funding proposed in the budget resolution will result in increased security for our Nation.

Mr. DOMENICI. How much time remains on the amendment as modified?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. DOMENICI. I yield 4 minutes to Senator SMITH from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague for yielding this time.

I have an amendment, No. 3031, called prescription drug amendment, along with my colleague, Senator ALLARD. Three or four minutes does not give much time to explain a complicated amendment, but I say to my colleagues on the other side of the aisle it meets the criteria of the Democrat plan with a couple of additions for improvement.

It is revenue neutral. It eliminates the need to spend $40 billion in the budget. It takes effect as early as 2001, and there is no premium increase for seniors. It is voluntary. It is accessible to all Medicare beneficiaries. It is designed to provide meaningful protection. It is affordable for all beneficiaries. It is administered using the private sector. It is consistent with broader Medicare reform. It is revenue neutral. It does not increase premiums. It provides full prescription drug benefits as early as 2001.

The cost to the trust fund under Smith-Allard is zero; the cost to the trust fund under the Clinton proposal is $203 billion over the next 20 years.

It is supported by Mr. King, the former HCFA Administrator, in a letter.

Monthly premiums under the Clinton plan, $51; Smith-Allard, zero for drugs; Part B, $45.50, versus $45.50; Medigap, $134 versus $88.

The total is $230 versus $133. The Smith-Allard premium savings is $96.83 a month. It works simply. The annual deductible under Clinton is $876—$776 plus $100. Under Smith-Allard, the combined deductible is $675. And prescription drugs are in part going toward the deductible.

In conclusion, this is a very good approach. It saves $40 billion out of this budget resolution, with which we could do a lot of things. It is revenue neutral. It takes effect as early as 2001. There is no premium increase for seniors.

I encourage my colleagues to support my amendment. I yield the floor.

Mr. DOMENICI. Senator CHAFEE has been asking for time. I yield 2 minutes to Senator CHAFEE.

Mr. L. CHAFEE. Mr. President, I am sending amendment No. 2944 to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. L. CHAFEE. I ask unanimous consent reading of the amendment be dispensed with.

Mr. REID. Mr. President, it is my understanding this is not the time to offer amendments.

The PRESIDING OFFICER. It would require unanimous consent to offer the amendment.

Mr. REID. Objection.

The PRESIDING OFFICER. The objection is heard.

Mr. DOMENICI. The Senator from Rhode Island understands the amendment is not in order unless agreed upon on the other side, but I yield time for him to speak.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. L. CHAFEE. Mr. President, I am pleased to be joined by a bipartisan group of cosponsors, including Senators MIKULSKI, SNOWE, and GRASSLEY, in offering this amendment.

In 1990, Congress passed legislation to authorize the Centers for Disease Control to pay for screening tests to detect breast and cervical cancer on low-income and uninsured women. Regrettably, this legislation did not authorize the treatment for those screening tests tragically indicating cancer. I cannot believe any legislator would not want to correct this omission.

Diagnosis without treatment is leaving women with the life-threatening disease nowhere to turn. Screening must be coupled with treatment to reduce mortality. Specifically, the sense of the Senate mirrors legislation introduced by Senator John Chafee which would give States the option to provide treatment through the Medicaid program for women diagnosed with breast or cervical cancer under the CDC screening program. I truly believe this is a corrective measure.

Yes, this program costs $315 million over 5 years. However, the House included funding for this program in its budget 2 weeks ago, and the House leadership has committed to a vote on this bill by Mother's Day, May 14. This is not a permanent entitlement. Women would only be eligible for Medicaid during the duration of treatment. The coverage would continue only until the treatment and followup visits are completed. Without Medicaid coverage, we are leaving these women to an unreliable, fragile, and deteriorating system of charity care where they are often unable to get the treatment they need. Only about 6,200 women nationwide would be eligible for Medicaid under this legislation. This small investment stands to save lives for low-income and uninsured women with breast and cervical cancer all over America. Since we have already made the commitment in Congress to diagnose these women, we owe it to them to provide followup treatment.

I urge my colleagues to join me in supporting this amendment. We must finish the job we started in 1990 by filling this gap in a vital Federal program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. Mr. President, I am happy to join Senator CHAFEE in introducing the sense-of-the-Senate amendment to urge the Senate to pass S. 662, the Breast and Cervical Cancer Treatment Act.

This bill was originally introduced by the late Senator John Chafee, who dedicated much time and energy to this important legislation. It is with great honor that we carry with his efforts for passage of this critical legislation.

I would like to submit for the RECORD a letter I received from an Iowan. Her story illustrates the urgent need for passage of this bill.

Barbara Morrow of Evansdale, Iowa, was diagnosed in January 1995 with breast cancer after being screened by the CDC Early Detection Program. Because she had no insurance and no money, she had little hope of finding medical care to treat her disease.

After exhaustive efforts, she was able to secure medical treatment from doctors willing to perform charity care.

Unfortunately, in January 1999, she learned that her breast cancer had spread to her lungs. She returned to the same doctor who treated her earlier. For 14 months, she has been receiving chemotherapy and is alive today.

Ms. Morrow owes more than $70,000 for treatment she has received. She pays what she can each month to the hospital where she receives her care. The bills cause great worry and she considers stopping treatment to stop the bills.

She is a mother and a grandmother and she wants to live.

It is urgent that Congress pass S. 662 to allow women to receive the treatment they need to beat this disease. We have an opportunity to make a real difference in the lives of thousands of women and mothers across the Nation.

I urge your support for this amendment.

I ask unanimous consent that the letter sent to me by Barbara Morrow be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. CHARLES GRASSLEY,
444 N. Capitol Street, NW, Washington, DC.

DEAR SENATOR GRASSLEY: I am writing to urge you to pass S. 662, The Breast and Cervical Cancer Treatment Act. In January 1995 I was diagnosed with breast cancer after receiving a mammogram through the Center for Disease Control Breast and Cervical Cancer Early Detection Program (CDCBCCEDP). I had no insurance and no money to pay for treatment. I have been struggling ever since.

My struggles began when the results of my CDC mammogram suggested breast cancer. Initially two doctors refused to perform a biopsy because I had no insurance. Finally, Dr. Gerrelts in Waterloo agreed to take me as a patient and perform a biopsy for free. The biopsy was malignant and three to four days later Dr. Gerrelts performed a lumpectomy. Dr. Gerrelts made an appointment for me with Dr. Nadipuram, a Waterloo oncologist. Dr. Nadipuram agreed to provide chemotherapy treatment and a radiologist provided 8 weeks of radiation without charge. I needed a surgically implanted cath-a-port for administration of the chemotherapy. Dr. Gerrelts did this surgery for free. I received six months of chemotherapy ending in September 1995.

Even though my initial treatment for breast cancer was complete without a lot of bills, the expenses began to mount from then on. I needed a cath-a-port flush every 6 weeks, check ups every six months, and a bone scan every time I had an ache. In January 1999, Dr. Gerrelts sent me for an x-ray of my lungs. It was found the breast cancer had spread to my lungs.

Dr. Gerrelts once again sent me to Dr. Nadipuram. Dr. Nadipuram sent me to the University of Iowa Hospitals and Clinics in Iowa City for treatment. At the University of Iowa I had many biopsies, scans, and tests. Recurring breast cancer was found in my brain also. University of Iowa told me I did not fit the criteria for their stem cell transplant program and all they could offer me is chemotherapy that would keep me alive for six months.

I returned to my home in the Waterloo area devastated, with no money, no insurance, and no hope. I once again asked Dr. Nadipuram to treat my recurring breast cancer. He has been treating me with chemotherapy ever since and I am still alive 14 months later.

I applied for Social Security disability benefits after my diagnosis for recurring breast cancer. Over a year later, I will finally begin to receive benefits April 19, 2000. However, my medical bills have accumulated and these bills must still be paid by me. I owe over $70,000. I send what I can each month to Allen Hospital, Covenant Hospital, Covenant Clinic, a radiologist, and Dr. Nadipuram all of Waterloo. I also send money to the University of Iowa Hospitals and Clinics and the doctors at the University of Iowa. In spite of this I continue to be hounded by all of these institutions and doctors asking me to pay more. My bills are so high I often wonder if I should quit treatment so I will not saddle myself and my family with so much debt.

But, my grandson was diagnosed with cancer at age 9. He is now 16 and my daughter and I continue to care for him. I must stay alive to help my daughter and grandson.

Breast cancer and it's treatment are overwhelming. Being unable to pay for treatment is devastating. Please pass S. 662 so that women who are diagnosed with breast cancer through the CDCBCCEDP can receive treatment.

Sincerely,

BARBARA MORROW.

Mr. STEVENS. Mr. President, using my time, I would be honored if the Senator would let me be a cosponsor of the amendment.

Mr. WARNER. Likewise, I ask the Senator if I might be a cosponsor. My father was a medical doctor and devoted much of his career to the very subject the Senator addressed in his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. I reserve 2 minutes of our time. How much time do we have left?

The PRESIDING OFFICER. The Senator from New Mexico has 18 minutes. The Senator from Alaska has 3 minutes.

Mr. DOMENICI. I yield myself 4 minutes.

Mr. President, I say to the Senate, I am not sure I will have a chance later tonight to summarize this budget resolution that I hope sometime tomorrow we are going to adopt, with an amendment that the distinguished Senator from Alaska, Mr. STEVENS, and others put together, that we have been discussing and of which I was a part.

Let me first say this budget resolution has the right priorities. It increases defense at the same time it increases spending for such things as education—at least the equivalent amount of increase the President has.

We leave how the education program is to be structured up to the appropriate authorizing committees and the appropriators, but we give them plenty of resources to have an increase. With some reform, we may be able to do better at education than we have done in the past.

In addition, we have extra funding for the National Institutes of Health—not as much as some people would want but a very substantial increase—$1.1 billion. I know some would like more than that, but I remind everyone, for the last 3 years we have increased the National Institutes of Health more than they have been increased in their entire history, year over year. That is why they are doing such remarkable things and that is why in a few more years of increases we may find breakthroughs in cancer and many other diseases that beset mankind.

In addition, we have reduced the debt of the United States in this budget resolution by $177 billion. It was not too many years ago, perhaps Lyndon Johnson's budget, that the whole budget was $177 billion. This year we are reducing the deficit—the debt owed to the public—by $177 billion.

For those who think our tax relief in this budget is too much, let me remind you: In the first year, if we accomplish them, they are $13 billion. That is $13 billion compared to $177 billion in debt reduction. It is pretty good, Americans, pretty good. If we end up in that way for the next 7 or 8 years, we will indeed leave a stronger and better America with more prosperity than we have today. In addition, if you take the whole 5 years, we have eight times as much debt reduction, to wit, $1.1 trillion debt reduction, $8 for every $1 in tax relief.

The tax relief we dream of, and we hope the Finance Committee will enact—and we can do nothing more than give them our best advice; they will do what they want in the public interest, and it will be right—we have the marriage tax penalty. Married couples, new ones and those who have been married for a long time, will not have an average penalty of $1,200 to $1,400 for having been married and working and filing one return as a husband and a wife. They are now punished. We say reform the Tax Code now—not 10 years from now. We are putting plenty of money on the debt. We ought to put some money on reforming the Tax Code for the marriage penalty, for small business changes, and a few other things such as that. That is what this budget is going to provide for Americans, so I am proud we have it here.

For the appropriated accounts, all the rest of Government, when you take the fact that there were $9 billion last year in items that are not recurring, and you take the increase that we have in this budget, and $4.1 billion they will get when they pass another bill that we ought to pass because it is in the balanced budget amendment with reference to Social Security and veterans—it merely changes pay dates as required by the balanced budget agreement—they will have a rather significant increase that can be done in this very difficult political year.

I wrap my argument up by saying it will be tough, appropriators and all of us, because the President has submitted a political budget. Why is it political? Because it is a 14-percent increase in domestic spending. Really, nobody thinks you can do that big an increase. He put it in. It could only be for one reason—to present us with a political budget. Then we are going to have to have to match our wits with getting something done while he tells the Americans he did more.

Of course you do more, but if you added 14 percent every year on this budget on only domestic spending, you would consume all of the surpluses that are accumulated and you would dip into the Social Security trust fund to a huge extent, just by adding the amount the President offered as an increase this year. So he clearly must not have intended it to go on forever. So what was it? It was a submission to try to either embarrass us or make us spend precisely what he wants, which is way too much.

So we will be busy doing that. It will be tough. But if we can get out of here tomorrow, leave the Senate and say we did some good work, we have a budget resolution, let's go to conference—we are pretty close with the House—then the appropriators can start their work.

My final comments go to Senator STEVENS. Senator STEVENS and I have become friends. I have been here a long time. He has been here longer. I am chairman of the Budget Committee; he is chairman of Appropriations. I think neither of us thought—at least he waited a long time for his chairmanship. Might I say, I believe when we are finished today everybody will be thankful he was willing to sit down with us and work this out.

I thank the distinguished majority leader for his help, Senator LOTT, and I thank the Senator from Texas, Mr. GRAMM, and all Members who have participated in getting us this far.

There are many more amendments, there is no doubt about that, in the vote-arama and otherwise, but I think we will come out with a budget resolution we can confer upon that will be very close.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. L. CHAFEE). The assistant minority leader.

Mr. REID. I yield to the distinguished Senator from West Virginia, Mr. BYRD, 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, let me preface my remarks by saying I had joined with Senator STEVENS in two amendments that were at the desk earlier, one dealing with section 208, and one dealing with section 210.

I understand both of those have been modified. I still want to speak, however, to the subject matter here. In doing so, may I say I have no closer friend in this body than Senator STEVENS. It has been that way, and it is going to continue to be that way. He is chairman of the Appropriations Committee, and I think I have supported him throughout all the time he has been chairman, and he has certainly been a great supporter of mine. He is the chairman; I am not. He carries some responsibilities that I do not carry at this moment. So what I have to say is not to be perceived as any criticism of TED STEVENS. I hope no one will perceive it as that, and I hope he will not. I merely want to speak to the subject matter of the two sections we were about to strike and to say why I am opposed to those two sections. I want to make that case for at least my side of the aisle, and I want to make it for the people out there who are watching. I do not bear any rancor toward anyone on the other side of the aisle, but I think these things ought to be said.

I rise, Mr. President, to speak about the two amendments we would have offered. The first of our amendments would have stricken section 208 of the budget resolution. That section would establish a 60-vote point of order in the Senate against the use of an emergency designation in any spending or revenue legislation.

Senators will recall that last year's Senate budget resolution contained a simple majority point of order against any emergency designations on all discretionary spending—both defense and nondefense. But, when the budget resolution last year came out of the conference with the House, the Senate provision had been changed. The conference agreement on last year's budget resolution did away with the simple majority point of order and replaced it with a 60-day point of order on nondefense discretionary spending only! The conferees chose to eliminate the point of order for defense emergency spending altogether. When the conference agreement on last year's budget resolution came back to the Senate, there was no way to attack that particular provision. Budget resolution conference reports are limited as to time and, therefore, filibuster proof. The Budget Act sets a time limit on their consideration, after which a final vote will occur. The majority had the votes to adopt that conference agreement, and did so. That is why, for fiscal year 2000, we have the ridiculous and totally unjustifiable requirements on emergency spending.

Let me say that again, Mr. President. When the budget resolution last year was acted upon by the Senate, it had a simple majority vote point of order, but when it went to conference with the Members of the other body, it came back to us with a 60-vote point of order. The House conferees had a voice in changing that point of order by which the Senate has had to live in the intervening time.

I think our Members ought to be fully aware of that. It did not leave the Senate floor last year with a 60-vote point of order. It went to the conference with the other body, and they helped to change the rules, if I may use that term, by which we have to live. They are not bound by the 60-vote point of order, but we are. It came back to us in the conference report which we could not change.

We ought to be aware of those things when we send these resolutions to the other body. I do not blame the other body. I am not criticizing them. They may actually have had nothing to do with it, but it was changed in conference.

Here is the perfectly ridiculous aspect of this 60-vote point of order requirement under which we have to live here. If your constituents suffer from any of the myriad natural disasters that can occur at any time, such as droughts, floods, hurricanes, tornadoes, earthquakes, or any other catastrophe—maybe an act of God—emergency spending for the relief of those constituents is subject to a 60-vote point of order in the Senate. The House has no such supermajority point of order.

In the Senate for fiscal year 2000, if any Senator wishes to raise a point of order against emergency spending in the nondefense area, it will take 60 votes, or that emergency spending will be deleted from any appropriations bill or conference report thereon.

For example, if the Senator from Hawaii, Mr. INOUYE, has a catastrophe, if there is an act of God that is visited upon his State, he may be perfectly justified in asking for an emergency appropriation to deal with that catastrophe. But in the Senate, a 60-vote point of order will lie against that funding for the relief of his State, and 41 Members of the Senate can deny him and deny his people relief. God forbid that any catastrophe should hit his State, or the State of the Senator from Nevada who is sitting before me. If his State is suddenly hit by a catastrophe and they need disaster relief, 41 Members, a minority in the Senate, can say no, and the people of Nevada would be denied that relief.

In other words, we can send our brave men and women in uniform around the world, whether it be to Bosnia or to Kosovo or to Iraq or anywhere else, and provide emergency funding to pay for those operations, regardless of the costs, without facing a point of order against such spending. But when it comes to helping the people at home, the constituents who send us here, when it comes to helping them in their dire extremities that have been brought on by an act of God, no, a point of order can be made against that funding, and it would take 60 votes for those people in that disaster-stricken State to get relief.

That is preeminently unfair. One can say what one wants, but that is unfair. I cannot understand why anyone would want to insist on a point of order that would require 60 votes when it comes to helping the people who send us here, the people who pay the taxes.

We should not unduly hamstring spending intended to cover either defense or nondefense emergencies. While we have discretionary spending caps in the law, provisions must be made to deal with the unexpected. And we should not encumber the flexibility to answer those emergency needs with parliamentary devices which make responding to them difficult.

I should point out, Mr. President, that, as chairman of the Appropriations Committee during the time of the 1990 budget summit and as a participant in that summit, I worked very hard to include the exemption for emergency spending that is now contained in section 251(b)(A) of the Balanced Budget and Emergency Deficit Control Act. That 1990 budget summit between the Bush administration and Congress was necessary in order to avoid huge across-the-board sequesters of Federal spending that would have otherwise occurred under Gramm-Rudman. Those sequesters, or automatic across-the-board cuts, were in the magnitude of 40 percent, and could have

devastated the Nation. And so, we had no choice but to reach an agreement. In the end, after months of negotiations both here in Congress and at Andrews Air Force Base, an agreement was finally reached and subsequently enacted by Congress and signed by President Bush.

An important feature of the 1990 budget agreement was that, for the first time, statutory caps were placed on discretionary spending. As a participant in those negotiations, I was intimately involved in the setting of those discretionary spending caps and the other budgetary enforcement provisions contained in the 1990 budget summit agreement. In order to agree to those caps, I felt that it was critical that the Appropriations Committees be held ''harmless'' for economic and technical miscalculations that occur in each year's budget projections. In other words, if discretionary appropriations were to be held to a specific spending cap each year, that discretionary spending should not be automatically cut because of technical or economic miscalculations by either the Office of Management and Budget or the Congressional Budget Office.

Another critical exception was the allowance of emergency spending to be included in annual appropriations acts, without having the cost of those emergencies charged against the discretionary spending caps. No human being can determine what nature has in store for the Nation in terms of natural disasters, such as, hurricanes, tornadoes, drought, floods, fire, or military emergencies around the world. So, we had to have some way to address those needs outside of the very stringent budgetary caps that were being placed on discretionary spending. The result was the enactment of section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act. That Section of the Budget Act has by and large worked well since its enactment in 1990. However, in recent years, without going into detail, there have been a number of instances where such emergency designations might not have been fully justified. Therefore, I would support the inclusion in the budget resolution, criteria such as those set forth in section 208(a)(2). Those criteria read as follows:

(A) In general, the criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are:

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

These are real emergencies.

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

So, Mr. President, what I object to is not that any emergency requirement should have to meet those criteria. What I object to is the creation of a 60-vote point of order against all—against all—emergency designations in any appropriations bill, whether they meet the criteria or not. In other words, Section 208 of the budget resolution would allow any Senator to make a point of order against any emergency designation, even if it met the criteria set forth in section 208. That point of order could then be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members duly chosen and sworn.

In other words, a minority of 41 could thwart the efforts of Senators or a Senator to deal with a catastrophe that had stricken his State. A minority, a minority of 41, could thwart the effort. It takes 60 votes, a supermajority.

Mr. President, this onerous section should be stricken from the budget resolution.

Mr. President, Alexander Hamilton had something to say about supermajorities. Let's see what he had to say about supermajorities.

In the Federalist No. 75, here is what Hamilton said:

. . . all provisions which require more than the majority of any body to its resolutions have a direct tendency to embarrass the operations of the government and an indirect one to subject the sense of the majority to that of the minority.

That is Alexander Hamilton speaking.

What did Madison have to say about supermajorities? In the Federalist No. 58, here is what James Madison said about supermajorities:

It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of a quorum for a decision.

That is what we are talking about here. We are talking about the need for more than a majority—60 votes for a decision.

That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed.

That is what we are talking about here. Let's read that again. Madison said:

In all cases where justice—

Any Senator whose State has been hit by a catastrophe would feel it is only justice—only justice—that his State receive some disaster relief.

Madison said:

In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued—

We are talking about an active measure here. That is what Madison had in mind.

In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed.

He is talking about the requirement of supermajorities now. He is saying that the fundamental principle of free government would be reversed. It would be no longer the majority that would rule. The power would be transferred to the minority. In this instance, in this legislation, the power to rule is going to be transferred to a minority.

This is a democratic republic. A lot of people say it is a democracy. It is not a democracy. It is a republic. All legislative bodies that abide by democratic principles, all republics that abide by democratic principles, have as the basis of those principles the principle that the majority rules. That is not the case here. If Senator INOUYE's State needs help because of a typhoon, the majority won't necessarily rule. It won't in the State of New Mexico. It won't in the State of Senator REID. It won't in my State. A minority can rule. Forty-one votes can come between justice and the people of our States.

I am against the 60-vote point of order when it comes to nondefense or defense spending. That is what we were trying to do in the amendments that were originally sent to the desk.

Madison again is speaking:

It would be no longer the majority that would rule: the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.

Madison foresaw that in situations where supermajorities were required, there could be situations in which the minority would extort unreasonable indulgences in return for their support.

So much for Hamilton and Madison for today. They are certainly not going to be listened to, I would anticipate.

Its adoption would severely curtail the ability of Congress to respond to the unforeseen urgent needs of the people of this country who have suffered devastation caused by floods, severe droughts, tornadoes, hurricanes, and earthquakes.

Under section 208, a minority of just 41 Senators could prevent the enactment of the spending to address all of these needs. What would happen under this provision in the case of regional emergencies which may only affect one State, such as an earthquake in California or a hurricane in North Carolina or floods in North Dakota, or drought conditions in Texas? Funding for disasters such as these, which affect only one area of the country, could be in danger. If a point of order is made by any Senator who may have his nose out of joint for some reason—he may just not want to help another Senator to help his people—those emergency funding provisions for particular States or regions would need 60 votes or funding for disaster assistance would not be forthcoming.

The PRESIDING OFFICER. The time that has been yielded to the Senator from West Virginia has expired.

Mr. REID. How much time does the minority have on this, Mr. President?

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. REID. I yield the Senator 9 minutes.

Mr. BYRD. I thank the distinguished minority whip.

This point of order is an unwise and cumbersome device that could prevent the committee from responding to the urgent needs of our Nation. Now, why do we want to do that?

The second amendment, which I joined in offering, would have stricken section 210 from the budget resolution. That section would reinstitute a congressional firewall on defense and nondefense discretionary spending for fiscal year 2001. This section of the budget resolution would set defense spending for fiscal year 2001 at $306,819,000,000 in new budget authority and $295,050,000,000 in outlays. For the nondefense category, the cap would be set at $289.7 billion in new budget authority and $327.5 billion in outlays.

In other words, this budget resolution would cap defense spending at a level that is $9 billion above what it would take to maintain this year's level of spending adjusted for inflation. But the cap for nondefense spending would be set at a level requiring a cut. The cap for nondefense spending—hear me now—the cap for nondefense spending would be set at a level requiring a cut of $19 billion in budget authority below this year's spending level. In other words, section 210 of the budget resolution now before the Senate would take away from the Appropriations Committee the ability to determine, through their committee markups, what the appropriate levels of defense spending or domestic spending should be.

Imagine that. How silly can we get? The Appropriations Committee is being prevented from using the judgment of its members, their expertise, to decide even the most basic levels of defense and domestic spending for this Nation. Instead, this budget resolution sets that figure. I have been on the Appropriations Committee now going on 42 years. That is longer than anybody has ever served. The budget resolution sets that figure for the Appropriations Committee prior to their even having finished their hearings. The Budget Committee will have usurped all of those decisions with the construction of these firewalls.

I believe this is unwarranted and unacceptable micromanagement on the part of some Members. I don't blame all of the members of the Budget Committee. I know they have their problems. I have great respect for the chairman of the Budget Committee. He has always been very fair to me. He sits on the Appropriations Committee likewise. He knows what this does to the Appropriations Committee. He is trying to do a good job and he does a splendid job. But a lot of these things, those who are in the driver's seat at a particular given moment have the votes, and those who would do otherwise, such as Senator STEVENS, in other cases, or Senator DOMENICI, they have to look at the votes.

I thought we had all learned our lesson about substituting structural devices for human judgment with the Gramm–Rudman experience. Setting up procedural barricades often creates more problems than are solved when it comes to funding real priorities for a vast and complex nation. Autopilot politics amounts to an abdication of our responsibility to debate and weigh reasonable alternatives, as we are expected to do and as we are elected to do by the people.

The distinguished chairman of the Appropriations Committee, my good friend, Senator STEVENS, is one of the most knowledgeable experts in the history of the Senate when it comes to the funding needs of the Department of Defense. Do we have to squander his experience and the accumulated expertise of the members of the Appropriations Committee? Here sits one on my left, Senator INOUYE. He is on the Defense Appropriations Subcommittee of the Senate.

Do we have to squander their experience, their accumulated expertise, by constructing these mindless, artificial firewalls which attempt to game the funding process before it is even begun? Well, these sections, I assure you, my fellow Senators, will greatly increase the difficulty faced by the Appropriations chairman in marking up and presenting to the Senate the 13 fiscal year 2001 appropriations bills. The speed and efficiency sought by all of us to get this essential work done will not be aided by these unwise and irresponsible budget barnacles. Let us scrape them off before they do their damage.

Mr. President, how much time do I have left of my 9 minutes?

The PRESIDING OFFICER. One minute.

Mr. BYRD. I thank the Chair. I know that my remarks tonight will result in no favorable action that will override the die that has already been cast. I am confident of that. And to that extent, they were remarks made in futility. But for the record they were not futile.

I think that we should let the people know what is being done here. The people out there want us to use our best judgment in the Appropriations Committee and to have our hands free when it comes to appropriating funds for disaster. We can't foresee those. They may strike my State next. They may strike the State of any Senator who sits within the sound of my voice; they may be the next. In all my years, I have never voted against a dollar for any State that has been hit with a disaster, and I don't expect to ever do that.

I don't think we ought to be handcuffed and gagged and bound foot and hand when it comes to dealing with emergencies. Now we are going to have a supermajority thrust upon us. We have been laboring under that process. I had hoped that we could rid ourselves of those shackles—not for ourselves but for our people. Well, Mr. President, the wheel goes around and some day perhaps we will come to our senses and throw off these shackles and get back to where we are free agents and can act in the best interests of our constituents, without having to overcome supermajorities such as are being imposed upon us here.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. STEVENS. Will the Senator from Nevada yield so I may make one comment? I will use 1 minute of my time.

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want the Senator from West Virginia to know I appreciate the restraint that he has used in coming out on the procedure we followed. In my judgment, there was no alternative. I agree with much of what the Senator from West Virginia has said. But the necessity for obtaining a budget resolution soon so we can get on with our business on appropriations motivated me to join with my good friend from New Mexico. I think the Senator understands that problem, and I do thank him for his restraint in commenting upon my behavior here today.

Mr. BYRD. Mr. President, if I may retain a minute. I wasn't commenting on the behavior of my distinguished friend. I understand his situation, and I have no quarrel with him, no complaint; I only have admiration for him. I am sorry for the circumstances with which he has to deal. I hope those circumstances will change.

Mr. REID. Mr. President, I have spoken to the staff of the minority leader, and we are going to be here forever tomorrow if we don't get copies of the amendments. Both sides should make sure that the other side has copies of the amendments. We are now up to 153 amendments that will be voted on or disposed of in some manner. We hope they are disposed of. So I hope the majority will do everything they can to make sure the minority staff has copies of the amendments so we can move on.

At this time, I yield 5 minutes to the Senator from New York, who has been so instrumental in all matters before the Senate during his term.

Mr. DOMENICI. Will the Senator from New York yield for a unanimous consent request first?

Mr. SCHUMER. I am happy to yield.

Mr. DOMENICI. Mr. President, I ask unanimous consent that votes relative to the following amendments be scheduled to occur at the expiration of time on the budget resolution, they occur in the sequence listed, with no second-degree amendments in order, and there be 2 minutes prior to each vote for explanation, and all votes after the first

vote in the sequence be limited to 10 minutes. The amendments are as follows: the Stevens amendment, No. 2931; the Robb amendment, No. 2965 and, if not tabled, then votes in relation to the Reed of Rhode Island amendment, No. 3013; and the Coverdell amendment, No. 3010.

Mr. REID. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Therefore, several votes will occur beginning at approximately 8:15, is that correct?

Mr. REID. That is right.

Mr. DOMENICI. This evening, in a stacked sequence, as just agreed upon by the Senate.

I yield the floor.

Mr. REID. Mr. President, I yield 5 minutes to the Senator from New York, hoping that next year he will be with the majority.

Mr. SCHUMER. I thank the Senator from Nevada. I would love to call him majority whip, a job he would perform as admirably well as he does the job minority whip. I thank him for his friendship and leadership. I also thank my friend from West Virginia. It is always a pleasure to sit on the floor and listen to his words and his wisdom.

I rise in support of the amendment of Senator REED, my good friend from Rhode Island, who has done such a fabulous job with his leadership on this budget, on closing the gun show loophole, the Lautenberg amendment, which passed this body a while back. I will address one point. My colleagues laid out very well the many reasons to be for the Reed amendment. I want to add an additional reason.

The only argument that we have heard from the National Rifle Association, and others, against closing the gun show loophole is that allowing for a 3-day waiting period would effectively shut down gun shows because they are weekend operations. They argue if somebody bought a gun on Saturday morning and it took 72 hours to check, by then it would be Tuesday morning and the gun show, which predominates on the weekend—something that I stipulate is true—would be closed.

Fortunately, one of our colleagues—somebody with whom I disagree, Senator CRAIG THOMAS of Wyoming—asked the GAO to do a report on purchases at gun shows. This is what the report said, and I urge my colleagues to read it. It didn't get much publicity, but I think it is dispositive in this debate. The report debunks the myth that the 3-day waiting period will shut down gun shows. This is what the report showed, colleagues, and I hope people will listen because I think it is important: ''Seventy-eight percent of all the instant checks are completed within 3 minutes.'' That means 78 percent of those guns checked at gun shows—because we believe they would be no different than others—would be purchasable within 3 minutes. And 95 percent are completed within 2 hours. So the person would go to a gun show and be able to buy the gun in 2 hours. That is 19 of every 20 purchases. And only 5 percent take more than 1 day to complete.

Now, you say, what about those 5 percent? Why should we hold them up? Well, let me tell you why, my colleagues. Those 5 percent are far and away the most likely Brady checks to turn up a felon. In fact, it is 20 times more likely that the 5 percent of the checks that take more than 1 day will show up a felon than in the 95 percent where the check takes 3 minutes or 2 hours.

The background check won't affect gun shows more than a pittance. Ninety-five percent of all guns will be able to be purchased by people who have the right to purchase those guns having passed the Brady check within 2 hours.

My colleagues, there is no reason why we can't pass the Lautenberg amendment, as the Reed amendment exhorts us to do, because very simply it is not going to close down gun shows.

Will it stop a good number of felons from receiving guns? By all means. That is the purpose. I don't think anybody in this body would challenge the fact that we don't want felons to receive guns.

Second, perhaps tomorrow, probably in the vote-arama, the Senator from Illinois and I will offer an amendment on enforcement. I know he will address that at great length. But that amendment does just what many who disagree with us on gun control have asked us to do. They said: Why don't we enforce the present law?

The fact is, that every time we try to increase enforcement by adding ATF agents and giving those agents more authority, we have been opposed by the very people who are asking us for enforcement.

But there is real hope. Something called Project Exile, supported by the NRA and by CHUCK SCHUMER, has now sprung up and has done well in three cities, including Rochester in my State.

Last year on this floor, when we debated the budget, we added some $50 million to Project Exile. And now four cities in my State of New York—Buffalo, Rochester, Syracuse, and Albany—will get the advantage of Project Exile.

The NRA and gun control advocates such as myself have agreed on this issue. Perhaps we can agree on more. I hope we will get universal support for the Durbin-Schumer amendment.

Getting back to the other Reed amendment, I hope my colleagues will listen to the facts that I gave out. If we would agree to the Reed amendment, we would ratify the Lautenberg amendment as passed out in the conference, and we would move forward on an issue that is so vital for the safety of Americans and for the future of our country.

Mr. President, I thank the Senator from Nevada for his generosity.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Eleven minutes.

Mr. DOMENICI. I yield 4 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank my colleague from New Mexico, especially for his leadership on the Budget Committee and for his efforts in 1997 which greatly contributed to the fiscal policy that has led this country from an era of deficits to an era in which we anticipate budget surpluses for the foreseeable future.

He has had a challenging job crafting budget resolutions that balance the many real and competing needs of the Nation. He has been a strong advocate for education and an even stronger advocate for funding IDEA. In fact, last year, I joined him in calling for an increase in education funding of $40 billion over five years. Regrettably our colleagues on the House Budget Committee did not share this commitment.

This year he has, once again, taken up the challenge of balancing the competing needs. The budget resolution that he has brought before us is a product of difficult negotiations between competing viewpoints.

Because of my deep respect for him, I do not come to the floor with an amendment lightly. I come to the floor with an amendment only because of my conviction that there is a Federal obligation that must now be met in full.

This amendment, which I will offer tomorrow, has been cosponsored by Senators DODD, STEVENS, KENNEDY, COLLINS, FEINGOLD, SNOWE, CHAFEE, HARKIN, LEAHY, KOHL, and MIKULSKI, among others.

I will begin my remarks with a question to which I will time and time again return. In 1974 we made a commitment to fully fund IDEA. If 25 years later we cannot meet this commitment in an era of unprecedented economic prosperity and budgetary surpluses, when do we plan to keep this pledge.

The American people have a right to ask us—If not now, then when?

In the early years, when we were running large budget deficits, it was understandable that we couldn't meet those commitments.

During those same years this body, by almost unanimous votes, voted—99 Members sometimes—that ''when feasible'' we would fully fund our commitment to our States and our school districts. That time has come. We now have large surpluses with more than enough resources to meet our commitment now and well into the future.

I have behind me a chart which compares the funding levels in my amendment with the funding levels in this budget resolution and with the levels that will be required to fully fund IDEA. This shows where full funding is.

This shows the bipartisan amendment I will be offering and how it will take us to full funding. And this is where we will be if we do nothing but live within this budget that is before us. Make no mistake. The budget resolution before us does not fully fund IDEA. Despite the repeated pledges we have made to fully fund IDEA, this budget resolution sends a clear message that this body has no intention of fulfilling this commitment anytime in the next five years.

I was one of the few, now in this body, that were present at the time that P.L. 94–142, The Education of all Handicapped Act was passed. As a freshman Member of Congress, I was proud to sponsor that legislation and to be named as a member of the House and Senate conference committee along with then Vermont Senator Bob Stafford.

At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education. Passage of the Education of All Handicapped Act offered financial incentives to states to fulfill this existing obligation. Recognizing that the costs associated with educating these children was more than many school districts could bear alone, we pledged to pay 40% of the costs of educating these students.

We pledged to pay 40% of these costs but we never have. We have continuously claimed that we couldn't afford to. We started in 1976 with 12.5%. Then we slipped to 6%. Those were tough budget deficit times. Lately we have come up to 13 percent—still less than ⅓ of our pledge.

Today, however, instead of making good on our promise now, those who object to my amendment cry, that would be mandatory spending—that's bad. How can it be bad policy to fund this vital program that we have guaranteed to fully fund—over and over again? It is now feasible. It is now painlessly possible and it must be done.

We must pay our share of educating children with disabilities. No more excuses. The time is now.

I know that there is some disagreement about whether or not a commitment was made. I want to tell you as someone that was there at the time that we made a pledge to fully fund this program.

The time is now.

I didn't have to ask my constituents in Vermont whether the Federal government made a commitment. I will show you what I got when I was home. This is a petition from every school district in the State of Vermont that says: Do what you promised to do; fund IDEA; fund special education. The chart behind me shows you what those petitions look like.

Vermonters know that we made that commitment. Passing this amendment will do more to help our school districts meet their obligation to improve education in this country than nearly anything else we can do. Our amendment will triple what they presently receive. We promised. We should deliver it. The time to make good on this promise is now.

Now some of you may think that because you were not here in 1975 that you were not party to a pledge to fully fund IDEA.

In 1997 Congress once again took up this landmark legislation. This is a complex bill that has profound impact on classrooms across the Nation. With the strong leadership of Senator LOTT, Senator FRIST, Senator GREGG, Senator KENNEDY, Senator DODD, Senator HARKIN, Senator COLLINS and others on my Committee, we passed the first reauthorization of IDEA in 22 years. It is an accomplishment that we are all very proud of.

At that time, we reaffirmed our commitment to pay 40% of the costs of educating these children. We made this pledge to families, to school boards, and to the Governors of our States. Over the past three years, with the leadership of my colleague from New Hampshire, Senator GREGG, we have made some progress.

But as he has pointed out several times over the past year, we are only supporting 13 percent of these costs. In 1975, we made a pledge which we did not keep. In 1997 we made that same pledge once again when we reauthorized IDEA.

I say to my colleagues on both sides of the aisle; If not now, then When?

In the 105th Congress we felt it important to reaffirm our commitment to full funding for IDEA. We added language to the FY 1999 Budget that stated that IDEA should be fully funded as soon as feasible. This language was adopted unanimously by the Senate. At that time, we still faced budget deficits and it was argued that full funding was not feasible. Today, however, in an era of unprecedented economic prosperity and with budget surpluses projected far into the future, full funding is within our grasp.

If not now, then when?

In the 106th Congress we continued to press for full funding for IDEA. The FY 2000 budget resolution made room for about a $500,000,000 increase in funding for IDEA. Once again, the Senate adopted language that I advocated with Senator GREGG calling for full funding of IDEA as soon as feasible. The House of Representatives adopted a bipartisan free standing resolution that called for full funding.

The budget resolution that is before us assumes that funding for IDEA will increase by $1 billion in FY 2001 and $2.5 billion in FY 2002. If there is time remaining, I will take time later on to discuss my concerns about whether these assumptions require cuts in other programs that we will not have the will to make at the end of the day. What is very clear, however, is that this budget resolution does not claim to fulfill our obligation to fully fund IDEA. The budget resolution assumes that the Federal government will never fund more than about 20% of the costs of educating disabled students. One half of what we have promised over and over again.

If our amendment fails, adoption of this budget resolution will state clearly to the Nation that this Congress does not intend to fulfill its commitment any time in the next five years.

Our amendment is simple. It provides a path by which we will achieve full funding for IDEA in fiscal year 2005. It sends a clear message to the Nation that we, as a body, make good on the commitments we make.

I want to tell you that I am tired of being party to promises that this body hasn't kept. The time is now.

I urge you to ask your people back in your state. Ask parents, teachers, and education administrators. Ask your governors. ''What would you prefer—the possibility of a future tax cut, or fully funding IDEA so you can have more money for education, and pay less property taxes?''

Fulfill the pledge that you made to your people. I tell you that if you want a hero's welcome, you will vote in favor of this. If it wins, let me tell you that they will be out on the streets marching to meet you when you come home. If you do not, I wouldn't want to go home.

Tomorrow morning I will have a chance to drive this point home once again. Tonight I want to close by thanking my cosponsors for their stalwart commitment to fully funding IDEA. Senator STEVENS, Chairman of the Appropriations, has been a strong advocate for IDEA. Senator FEINGOLD has worked closely with me on this amendment and has been instrumental to getting us to the place we are today. Senator COLLINS has worked long and hard to persuade members of this body that we should fully fund IDEA. I also want to thank Senators DODD and KENNEDY and HARKIN with whom I have worked for many many years to improve educational opportunities for disabled students. Similarly, I am grateful for the efforts of Senator SNOWE and Senator CHAFEE. I feel confident that with their efforts, our amendment will prevail.

Thank you.

Mr. REID. Mr. President, I yield to the Senator from New Jersey 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank Senator REID of Nevada for giving me the time earlier in the debate.

My colleague from North Carolina, Mr. EDWARDS, rose to remind our colleagues that while the flooding earlier in the year may be over and not in the headlines of our newspapers, Hurricane Floyd is still a reality for many communities around our country.

Towns such as Bound Brook, NJ—and, as indeed Mr. EDWARDS pointed out, Princeville, NC—Florida to Maine, Hurricane Floyd left a path of destruction so large that FEMA declared it to

be the eighth worst disaster of the decade. In New Jersey by comparison, it was worse:

Two-hundred and fifty-three municipalities in New Jersey, the populations of 4.2 million people, were stricken.

More than 43,000 structures, including homes, schools, and businesses, suffered severe damage.

Over 20,000 residents of New Jersey alone applied for Federal assistance, and municipalities submitted over 2,000 requests for public assistance to remove debris or to repair damages.

While FEMA has led an effort of providing assistance to homeowners, the greatest problem is how to rebuild their own economic infrastructure.

Bound Brook, NJ, alone, a community that was entirely inundated by this flooding, lost 7 percent of its annual revenue and 37 percent of its property value. A month after Floyd, the New Jersey government appropriated $80 million for disaster relief.

The reality is that the magnitude of the loss is so overwhelming that, without Federal aid, these communities will not simply suffer—some will actually cease to exist.

Main Streets were inundated, businesses lost, local governments lost revenues.

They will close their doors and no longer be the communities where people live and work.

The amendment I have offered with Mr. EDWARDS provides needed resources by increasing funding for communities in a regional development by $250 million. It includes $150 million for community development block grants; $50 million for the EDA; $50 million for community facilities block grants.

This, my colleagues, is not an unusual approach. In 1997 the supplemental disaster bill provided flood aid for the upper Midwest of $500 million for communities in desperate need in North and South Dakota and Minnesota.

In 1998, the disaster supplemental bill provided $250 million for community development block grants in Alabama, Florida, Louisiana, Mississippi, Puerto Rico, and the Virgin Islands as they recovered from Hurricane George.

Now we return to those States damaged from Florida to Maine, particularly in North Carolina, Delaware, Maryland, New York, and New Jersey. Hurricane Floyd destroyed many of our communities. We need this Congress to respond again.

Tomorrow this amendment will be offered. I hope in this budget resolution we can make room for this $250 million to respond to the need of these communities.

I thank the Senator from Nevada for yielding and I yield the floor.

Mr. EDWARDS. Mr. President, I would like to discuss very briefly the Torricelli-Edwards amendment on hurricane relief. First of all, let me say what is happening in North Carolina, 7 months after the hurricane hit. We still have more than 8,000 people who live in trailers that have been provided by FEMA. We have many other people who are living with families and friends. We have roads and bridges that were washed out by the flood that are still not repaired. We have, literally, towns that have been wiped out, places such as Princeville, Tarboro, all smaller towns in eastern North Carolina, that were devastated.

The people whose lives have been destroyed in North Carolina as a result of Hurricane Floyd are completely innocent. They are people who for generations have been law-abiding, taxpaying citizens, and for the first time in their lives, instead of writing tax checks to go to Washington, they are asking for something in return. If our Government cannot respond to a crisis such as Hurricane Floyd, we serve absolutely no purpose.

Our people in North Carolina are hurting and they need help. This amendment provides for $250 million for those programs that would best address the needs of the people in 13 States, not only North Carolina, that were devastated by Hurricane Floyd.

These are the components. First, $50 million for economic development. These communities that have been destroyed need long-term relief plans, and they need the resources to develop and implement those plans. Places such as Princeville and Tarboro that were literally completely wiped out by the hurricane have lost wastewater treatment plants, plants that have to be replaced. We have to provide the resources for that.

There is $150 million in community block grants. North Carolina has imminent emergency housing needs. Our State has responded by providing millions and millions and millions of dollars in State money to help with these needs. These are people who were in rental housing who have no place to live now. That rental housing will never be replaced if we do not provide the resources to do it. It is going to leave literally thousands of North Carolinians with no place to live, without a home—families totally wiped out.

Finally, there is $50 million for community facilities in a grant program which is specifically designed to address the needs of individual communities. For example, Princeville lost its fire station; the town of Windsor lost its library. These are things that need to be replaced, and these folks need help.

My people in North Carolina do not ask this Senate for a handout. They are doing everything they know how to do. The people of North Carolina have responded heroically to this tragedy. The State of North Carolina has responded by providing hundreds of millions of dollars—unprecedented in the history of this country. All they are saying now is that it is time for the Federal Government in Washington to respond in a responsible way, and to provide these folks whose lives have been devastated, whose communities have been completely wiped out, with the help they so desperately need.

They are not asking for a handout. They are asking us to do what any responsible Federal Government would do under these circumstances, which is to provide them with the resources to put themselves back on their feet.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. REID. I yield 1 minute to the Senator from Maine.

Mr. DOMENICI. I yield 2 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the chairman of the Budget Committee. He has done a terrific job. I thank Senator REID as well for yielding me time so I can discuss this very important matter.

I am very pleased to be a cosponsor of Senator JEFFORDS' amendment to finally start on the path toward paying the share of special education costs that the Federal Government promised to pay when the legislation was passed 25 years ago.

During the last recess of the Senate, I met with more than 70 superintendents and principals from northern and eastern Maine to discuss education issues. Originally, my thought was to discuss the reauthorization of the Elementary and Secondary Education Act, but the No. 1 issue on their minds was the escalating costs of meeting the needs of children with special needs, the costs of special education.

If the U.S. Government kept the promise it made back in 1975, it would mean an additional $60 million to the schools in the State of Maine. That is money that would free up other money so that schools could meet their own needs—whether this is hiring more teachers, improving their libraries, upgrading their science labs or providing special professional development—whatever the need of that particular school and that particular community.

If we take this step of starting to meet our obligations under the special education law, it will make a tremendous difference not only to the schools in Maine but to schools throughout our country. The Jeffords-Collins amendment would mean an additional $155 million to the schools of Maine over the next 5 years.

I am very pleased to be an original cosponsor. This has been one of my priorities since my election to the Senate. I know it is the No. 1 priority of the school districts in the State of Maine.

I thank my colleagues for making the time available to me. If I have additional time, I yield it back to the chairman of the Budget Committee. I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Alaska.

AMENDMENTS NOS. 2932 AND 3009 WITHDRAWN

Mr. STEVENS. Mr. President, I wish to use the remaining time to withdraw amendment 2932 and amendment 3009. I ask unanimous consent they be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2932 and 3009) were withdrawn.

Mr. STEVENS. Mr. President, I thank those who listened regarding the appropriations process and the actions we have taken to try to assure we will have the ability to meet the needs of the Nation. It is a very trying process. I think the compromise we have worked out will be enough for us to do our work. I am indebted to the chairman of the Budget Committee and all who have worked on this matter.

Mr. DOMENICI. Mr. President, I have two observations.

I wish Senator BYRD were on the floor. He spoke about the 60-vote point of order in terms of history, and what great Americans have said about supermajority being applicable in the year we are in, and the 60-vote point of order on emergencies. We have passed very large emergency appropriations for agriculture. In fact, I think it might have been as much as $8 billion. Nobody raised a point of order. There was no point of order voted upon.

We had hurricane assistance; we had Y2K emergency assistance, all of which fell within the purview of meeting 60 votes. Nobody raised it. Had they raised it, it would have gotten 60 votes.

I don't believe what is being predicted will happen. I believe when there are real emergencies, they will get adopted on the floor of the Senate and nobody will even raise that 60 votes. If they do, they will get 60 votes.

My last observation is we have lots of 60 vote points of order in the Budget Act, some of which the distinguished Senator from West Virginia has supported in the past. We entered into a 5-year agreement with the President, bipartisan, both Houses, with a firewall on defense for the first 3 of the 5 years. We lived with it in exactly the way that has served the distinguished Senator tonight. But it succeeded. The cap on defense was high enough for defense, and none of the defense was used for domestic for the first 3 years of the agreement to balance the budget.

I think it will work again, especially with the modifications we have added tonight.

I yield whatever time I had remaining.

Mr. REID. I miscalculated the time when I spoke earlier, and I still have 7 minutes. I yield 5 minutes to Senator DURBIN on the Reed amendment.

Mr. DOMENICI. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Nevada. April 20, 1999, is a day we will remember for a long time in America. That was the day of the Columbine High School shooting. Remember when you first heard about it? You remember the first time you saw the scenes on television, with the high school kids running away from the school? There was one poor young man who had been shot, dragging himself out of a window, trying to escape the shooting taking place.

America was stunned. Colorado was stunned. This Congress was stunned. We responded by passing legislation, with the help of Vice President GORE, which did three things to try to reduce gun violence in America.

First, a background check at gun shows so that the people who buy guns at those shows would be subject to the same questions and inquiries as those who go to gun dealers. We don't want to sell guns to criminals. We don't want to sell them to kids. We certainly don't want to see gun shows as a loophole for selling guns to those who shouldn't own them.

Second, trigger locks so if guns are going to be stored they are stored safely and securely so a young child can't pick it up and hurt himself or others.

Third, the prohibition against those high capacity ammo clips that were being brought in from overseas that turn an ordinary gun into a dangerous, murderous weapon. Three very sensible changes for gun safety in America. It only passed because Vice President GORE showed up on the floor to break the tie. But we thought the Congress had learned a lesson from Columbine, not just for the Members of Congress and families across America, but for the students who go to school across America and want to be in safe buildings.

That bill passed the Senate, and it has been sitting over in the House of Representatives in a conference committee that refuses to call it for consideration. My colleague, Senator JACK REED of Rhode Island, believes that on the anniversary of Columbine we owe it, not only to the families in Colorado but across the Nation, to consider this important legislation. I support him completely. Close the loopholes, keep guns out of the hands of criminals and kids.

Second, tomorrow I will be offering an amendment which addresses the gun issue from a different perspective. There are some who say: Oh, you don't need to close the loopholes. I disagree with them. I think we need to close them. They say, instead, we need more enforcement. Let's have people who are going to investigate and prosecute gun criminals. Put them in jail.

Do you know what? I agree with them. But I think we need both. Close the loopholes and make sure we have the resources for enforcement of gun laws. The amendment I will offer tomorrow, with Senator SCHUMER of New York, my seatmate here on the floor of the Senate, provides the President's initiative: 500 new ATF investigators to look after the gun dealers across America, to make certain they are not selling guns to the wrong people.

Are they? You bet they are. Out of 80,000 gun dealers across America, we have traced gun crimes and found that the guns for 57 percent of the criminals in America come from 1,000 gun dealers out of 80,000. What it tells us is the overwhelming percentage of gun dealers across America are obeying the law. But there are bad people out there who are licensed gun dealers who are breaking the law and giving guns to criminals who commit crimes with those guns and harass us in our neighborhoods and our schools. My amendment creates more enforcement authority to keep those gun dealers from breaking the law.

Next, more prosecutors. It is not enough to arrest somebody. You need a prosecuting attorney at the State, local, or Federal level, who is going to put that person behind bars. I say to the National Rifle Association and all the people who speak for them, if we are going to have enforcement, vote for the Durbin amendment so you have the resources at ATF and across the Nation to make sure gun laws are enforced.

It is a complementary approach: Close the loopholes, increase the enforcement, and let us hope in the near term, in the near future, we can say this Congress responded in a way that answers to American families that we heard the cries of the parents and the families at Columbine and we responded to them. We should not leave ourselves in a position where we back off from our responsibility because of any special interest group.

I yield the floor.

The PRESIDING OFFICER. The time has expired.

Mr. STEVENS. How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute. The Senator from New Mexico has 3 minutes. The Senator from Nevada has 2 minutes.

Mr. DOMENICI. I yield my time.

Mr. REID. I yield the time of the minority.

VOTE ON AMENDMENT NO. 2931, AS MODIFIED

Mr. STEVENS. I yield back my time and ask for a vote on my amendment.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 2931, as modified.

The amendment (No. 2931), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2965

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is it not correct that the Robb amendment, No. 2965, is now pending for a vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. There are 2 minutes? I waive my minute if the minority will waive its minute.

Mr. REID. We waive our minute.

Mr. DOMENICI. Mr. President, I move to table the Robb amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 2965. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) is necessarily absent.

The result was announced, yeas 54, nays 45, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee, L.	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

Sessions

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, that was a 35-minute vote. I apologize for letting it go on that long. You can see how hard it is going to be to get through a vote-arama if we do that. Our plan now is to have two more votes tonight. If Senators would stay in the Chamber or close to the Chamber, we could do those votes in no more than 15 or 20 minutes. Maybe we could cut the second one down to 10. That would certainly help.

We are now ready to go into the period for the votes on the number of amendments that are pending, the so-called vote-arama.

Having said that, any Senator who has timely filed their amendment at the desk can call it up for Senate consideration. However, there is no allotted time for debate.

Therefore, I ask unanimous consent that, as we did last year, in a way that I think is the fairest to try to explain what the amendments are, in that brief period of time, there be 2 minutes equally divided prior to each vote for explanation, and all votes in the vote-arama be limited to 10 minutes each after the first vote.

Mr. DASCHLE. Reserving the right to object, I just suggest that we also ensure that either side has at least a block of five amendments that are going to be offered so we can look at them ahead of time. Nobody knows, on either side, what the amendments are. If we can at least take them five by five, we can analyze them and decide whether we will table them, second degree them, or whatever. I think it is very important to do that. I suggest that as well.

Mr. LOTT. I think that is obviously a good suggestion. Let me add to this, if I could, Mr. President, that we are going to go forward with two more amendments tonight, one on each side—the Bond amendment on our side and the Reed amendment on their side. After that, we are going to stop for tonight because we still have a large number of amendments that have not been able to be worked through. I am going to ask the managers on both sides to get all these amendments lined up and to get the first five on each side ready for in the morning so we won't have to wait until we come in. Also, we will come in at 9 o'clock so we can get an early as possible start. Some would like to be able to go home or do commitments as early as possible. But as it now stands, because of the number of amendments and the fact that we haven't had an opportunity to line up all the amendments in order, the managers requested we do it this way.

I emphasize that as soon as we finish the votes on amendments that are offered, and a vote is required, when we finish those, we will be through. So you may want to take that into consideration as to whether or not you insist on your amendment tomorrow. We can finish at 10 or 11 o'clock, or 12, but we need to go ahead and complete that.

Having said that, I am looking that way, but I could more easily be looking our way. A lot of amendments are still pending on both sides that really could be handled in some other way. I hope Senators will consider doing that. I thank the managers for the time they spent and the cooperation we have been getting from Senator DASCHLE and Senator REID doing his usual good job. But our managers need this time tonight and early in the morning to start getting amendments racked up so we can vote on the first five.

Mr. DASCHLE. Mr. President, I wonder if the majority leader might entertain having a 10-minute vote on the first vote now. We have all come to vote. It seems we can accelerate that process.

Mr. LOTT. I will accept that suggestion.

Mr. LAUTENBERG. Mr. President, I would like to ask this. Can't we limit the clock and keep the promise to 10 minutes instead of having 1 or 2 persons cause the other 98 to be here?

Mr. LOTT. We can do that. It requires that Senators stay here and that we stay attentive and say ''turn it in.'' We are trying to be considerate of both sides. Obviously, we need to stop. If we get unanimous consent for it to be 10 minutes, we will stop it. I amend the UC so that we may have 2 minutes equally divided on each amendment and that this vote and the next vote be 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. With that, I yield the floor.

AMENDMENT NO. 2913

(Purpose: To express the sense of Senate against the Federal funding of smoke shops)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2913.

Mr. BOND. 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 end of title III, add the following:

SEC. ___. SENSE OF THE SENATE AGAINST FEDERAL FUNDING OF SMOKE SHOPS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Smoking begun by children during their teen years and even earlier turns the lives of far too many Americans into nightmares decades later, plagued by disease and premature death.

(2) The Federal Government should leave a legacy of more healthy Americans and fewer victims of tobacco-related illness.

(3) Efforts by the Federal Government should seek to protect young people from the dangers of smoking.

(4) Discount tobacco stores, sometimes known as smoke shops, operate to sell high volumes of cigarettes and other tobacco products, often at significantly reduced prices, with each tobacco outlet often selling millions of discount cigarettes each year.

(5) Studies by the Surgeon General and the Centers for Disease Control and Prevention demonstrate that children are particularly susceptible to price differentials in cigarettes, such as those available through smoke shop discounts.

(6) The Department of Housing and Urban Development is using Federal funds for grants to construct not less than 6 smoke shops or facilities that contain a smoke shop.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that no Federal funds may be used by the Department of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a smoke shop or other tobacco outlet.

Mr. BOND. Mr. President, this amendment simply says the Department of HUD should stop using community development block grant funds to build discount cigarette stores known as smoke shops.

A year ago, a doctor called up and said there was a new discount smoke shop in his neighborhood and it was funded by Federal dollars. I didn't know what the sign said, so I sent staff out. Here it is: Smoke Shop, Discount Tobacco. Our policy is supposed to discourage cigarette smoking. Inside, we found wall-to-wall cigarettes, 25 percent or more off. These are your tax dollars at work.

Instead of funding what we could have funded, $4.2 million went to six of these in the last 3 years—instead of building a water tower or elders' wellness centers.

I wrote to HUD and said stop funding them. The letter I got back from the assistant said: You haven't proven that discount cigarettes encourage smoking. Well, it is about time we taught HUD some common sense. The Secretary of Housing now says: If you tell me to stop funding it, if you stop me from funding them, I will stop.

I urge colleagues to vote aye.

Mr. INOUYE. Mr. President, I am against smoking, but this amendment picks on Indians. Why don't we include all discount tobacco stores? Why don't we include Wal-Mart, Kmart, and all these places that sell discount tobacco? Why just pick on Indians?

Mr. BOND. Mr. President, the amendment says we should not fund any discount smoke shops. It doesn't say Indians.

Mr. INOUYE. The Senator's sense of the Senate mentions Indians, Indian smoke shops.

Mr. BOND. It does not.

Mr. INOUYE. Mr. President, I am against this sense-of-the-Senate resolution, and I hope we will vote it down.

Mr. CAMPBELL. Mr. President, in 1997 this body considered wide-sweeping tobacco legislation and the Indian Affairs Committee held several hearings on the issue and in fact reported a bill to reduce smoking in Native communities.

The rate of smoking in Native communities is the highest in the country and Natives suffer emphysema, lung cancer, and related problems as a result of that smoking.

The resolution we are now considering would as a practical matter apply to smoke-shops that offer ''discount tobacco'' products without defining that term.

There are ''discount cigarette'' stores right across the river in Virginia, there are ''discount tobacco'' outlets in airports around the country, and there are ''discount stores'' on Indian lands.

Now, if this resolution were to apply to all tobacco outlets, I would support it. I am dismayed that Secretary Cuomo would support the amendment given that it would not affect Community Development Block Grant funds for non-Indian tobacco outlets.

As a practical matter only Indian outlets are affected and there are no potential non-Indian tobacco sellers that would be affected. Though it may not be the preferred economic activity of some in this chamber, many Indian tribes rely on selling tobacco, which is a legal commodity, to generate revenues.

The targeted nature of this resolution as well as the economic hardships created by it led me to support the Vice Chairman of the Committee on Indian Affairs, Senator INOUYE, and his Motion to Table the Bond Amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2913.

Mr. INOUYE. 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 question is on agreeing to amendment No. 2913.

Mr. LOTT. 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 ask that we proceed to the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2913. The yeas and nays have been ordered. The clerk will call the roll on the motion to table.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 81, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—19

Akaka	Hollings	Robb
Biden	Inouye	Rockefeller
Campbell	Levin	Stevens
Cleland	Moynihan	Warner
Daschle	Murkowski	Wellstone
Edwards	Murray	
Helms	Reid	

NAYS—81

Abraham	Durbin	Lautenberg
Allard	Enzi	Leahy
Ashcroft	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Fitzgerald	Lott
Bennett	Frist	Lugar
Bingaman	Gorton	Mack
Bond	Graham	McCain
Boxer	Gramm	McConnell
Breaux	Grams	Mikulski
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bunning	Hagel	Roberts
Burns	Harkin	Roth
Byrd	Hatch	Santorum
Chafee, L.	Hutchinson	Sarbanes
Cochran	Hutchison	Schumer
Collins	Inhofe	Sessions
Conrad	Jeffords	Shelby
Coverdell	Johnson	Smith (NH)
Craig	Kennedy	Smith (OR)
Crapo	Kerrey	Snowe
DeWine	Kerry	Specter
Dodd	Kohl	
Domenici	Kyl	
Dorgan	Landrieu	
Thomas	Thurmond	Voinovich
Thompson	Torricelli	Wyden

The motion was rejected.

The question is on agreeing to the amendment.

The amendment (No. 2913) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2964

(Purpose: To express the sense of the Senate regarding the need to reduce gun violence in America)

Mr. REED. Mr. President, I call up amendment No. 2964.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. REED), for himself, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, Mr. HARKIN, Mr. WYDEN, Ms. MIKULSKI, and Mr. L. CHAFEE, proposes an amendment numbered 2964.

Mr. REED. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

(a) FINDINGS.—The Senate finds the following:

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

Mr. KENNEDY. Mr. President, several weeks ago, the Treasury Department and HUD made a significant announcement on Smith and Wesson's willingness to make guns safer and keep them out of the hands of criminals.

Momentum is building for Congress to break the stranglehold of the National Rifle Association. It is appalling that this Republican Congress refuses to respond to the urgent need for responsible gun control. Our Republican colleagues should stop listening to the National Rifle Association and start listening to the American people. The American people and America's children are calling on Congress to move

forward on commonsense gun provisions.

The National Rifle Association continues to talk about Second Amendment rights. But we say what about the right to live of the 12 children a day, every day, who die because of firearms in this country? What about the right of citizens to be free from crime, when criminals can go to gun shows and purchase weapons without a background check? What about the right of law-abiding citizens to live peaceably in their neighborhoods? It is time for Congress to stop kowtowing to the NRA. It is long past time for Congress to act responsibly, and adopt sensible measures to close the loopholes in our current gun laws.

That means—closing the gun show loophole—requiring the sale of child safety locks with firearms—prohibiting juveniles from possessing semiautomatic assault weapons—banning imports of large capacity ammunition clips—expanding the number of cities that participate in gun tracing—giving ATF and other federal law enforcement agencies the resources they need for more effective enforcement of our gun laws.

Nothing we do will interfere with the rights of responsible gun owners. But, it has everything to do with the rights of men, women, and children to live peacefully in their communities.

Ninety percent of the American people support background checks at gun shows; 88% favor child-proofing guns. But every attempt we make to act is met by a stonewall of resistance from our Republican colleagues. And every day, we learn of more tragedies of families who lose loved ones to senseless gun violence because we fail to act.

Congress must end its obstruction and enact critical reforms that have been pending for too long. If this Congress won't act, the American people will elect a Congress in November that will act.

It has been almost a year since the tragic shooting at Columbine High School. In literally dozens of cases since then, children have brought guns to schools, and there have been at least seven school shootings since Columbine.

According to the Department of Education, over 6,000 students were expelled in the 1996–1997 school year for bringing guns to public schools. According to a study by the Centers for Disease Control, 8% of all students reported bringing a gun to school in a 30-day period.

It is time for Congress to finish the job we began last year and pass the gun control provisions in the juvenile justice legislation. Students, parents and teachers across America are waiting for our answer.

We need to help teachers and school officials recognize the early warning signals and act before violence occurs.

We need to assist law enforcement officers in keeping guns away from criminals and children.

We need to close the gun show loophole.

Above all, we need to require child safety locks on firearms, so that we can do all we can to prevent senseless shocking shootings like the first grade gun killing that occurred a few weeks ago in an elementary school in Michigan.

The Senate passed this needed legislation last year. It is time for House and Senate conferees to write the final bill and send it to the President, so that effective legislation is in place as soon as possible.

The lack of action is appalling and inexcusable. Each new tragedy is a fresh indictment of our failure to act responsibly.

We have a national crisis, and commonsense approaches are urgently needed. If we are serious about dealing with youth violence, the time to act is now. There is no reason why this Congress cannot enact this needed legislation now. The citizens of this country deserve better than what this kow-tow-to-the-NRA Congress has given them so far.

Mr. REED. Mr. President, on April 20 of last year, America and the world was shocked by the gun violence and carnage at Columbine High School. Shortly thereafter, on May 20, this Senate passed legislation within the juvenile justice bill that provided for sensible gun control measures, including safety locks for handguns, background checks on all guns at gun shows and the ban on the importation of large clips for automatic weapons. Since our vote on May 20, the measure has languished in the conference committee that has met only once—last August.

My amendment is very straightforward and simple. It asks that the conferees send to the House this measure so we can vote so we can do what the American people want. Over 90 percent of the American people want gun locks on weapons. A large number of them want to close all the loopholes in the gun shows. We must do that to respond to America, not just with respect to Columbine, but for the 12 young children each day that die in America because of gunfires.

I urge passage of this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. The juvenile justice bill provides $450 million in accountability in block grants for all kinds of problems; $547.5 million in prevention grants for juveniles, $75 million in grants to update felony records, et cetera, none of which basically will pass as long as we stay in the gunfight.

A majority of Republicans and Democrats in the House will not support the Lautenberg amendment. A majority of the Republicans and Democrats in the Senate will not support the Dingell amendment. So we are stuck with one of the most important anticrime juvenile justice bills in history because we can't resolve the gun process.

The best thing we can do is strip it out, fight that another day, and do it this way. We cannot get a conference report and call a conference when all we will do is polarize the situation and divide people even more. I think we have to come to a conclusion and pass the juvenile justice bill, regardless of what happens. I hope we can vote down this amendment. It is not helping.

Mr. CRAIG. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2964. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—53

Abraham	Feingold	Lugar
Akaka	Feinstein	McCain
Bayh	Fitzgerald	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Roth
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Smith, (OR)
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

NAYS—47

Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Baucus	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Mack	

The amendment (No. 2964) was agreed to.

Mr. REED. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MINERAL RECEIPT SHARING ADMINISTRATIVE COSTS

Mr. BINGAMAN. Mr. President, I wish to engage in a colloquy with the Chairman of the Budget Committee regarding the reserve fund for stabilization of payments to counties in support of education contained in section 203.

Mr. DOMENICI. I will be pleased to speak with my colleague regarding this issue. This reserve fund will accommodate legislation recently reported by the Energy and Natural Resources Committee that will correct a very large problem for counties across the

country which have historically shared receipts taken in by the Forest Service and BLM. The decline in those receipts over the last ten years has had devastating effects on many rural school districts, especially in the rural West, and the Budget Committee has provided $1.1 billion over the next five years to stabilize the flow of resources to these counties.

Mr. BINGAMAN. I know that Senator DOMENICI is aware of another situation that has had a negative impact on States' share of Federal mineral receipts. Subtitle C of Title X of the Omnibus Budget Reconciliation Act of 1993 put in place a system for allocating mineral revenues between the States and the United States that is complicated and difficult to administer. It has resulted in confusion and conflict between States and the Federal Government, and the Inspector General of the Department of the Interior has noted that the agencies' budgeting processes and accounting systems were not designed to accumulating costs in the detail required for administering the system. The system is criticized by both the States and the Federal agencies charged with administering it, and it is time for it to be changed.

Mr. DOMENICI. Senator BINGAMAN is correct, and I understand he has introduced legislation to correct that provision. We now have a CBO preliminary estimate of the budgetary impact of that bill.

Mr. BINGAMAN. In that regard, I ask the Chairman of the Budget Committee if the amount available in the section 203 reserve fund would accommodate this legislation, and if it could be included within the intent of this reserve fund.

Mr. DOMENICI. As we are considering this resolution, I cannot say for sure that the reserve fund would accommodate Senator BINGAMAN's bill, since the estimate of the budgetary impact of the recently reported legislation is not yet complete. It is my hope, however, that when we convene the conference on this resolution, we will have estimates on the impacts of both bills. It is my intention to move in that conference that the House recede to the Senate position with an amendment to accommodate both the Forest Service receipt stabilization legislation, and the mineral receipt sharing legislation.

Mr. BINGAMAN. I thank the Chairman for taking the time to clarify this point for us. I can assure you that this issue is very important to our States, and we look forward to working with you and the rest of our colleagues to address this situation in the near future.

THRIFT SAVINGS ACCOUNTS

Mr. WARNER. Mr. President, in the National Defense Authorization Act for Fiscal Year 2000, the Congress authorized active and reserve members of the uniformed services to participate in the Thrift Savings Plan now available for federal civil service employees. This was an important part of the recruiting and retention package which the Senate passed, and which was enacted into law last year.

Under that authority, provided in last year's Defense Authorization Act, service members would be eligible to deposit up to five percent of their basic pay, before tax, each month. The government is not required to match the service member's contributions. In addition, service members would be permitted to directly deposit special pays for enlistment, reenlistment and the lump-sum for electing to remain in the ''Redux'' retirement program—pretax—up to the extent allowable under the Internal Revenue Code of 1986, into their Thrift Savings account.

Last year's legislation required the President to identify sufficient offsets in order to implement this important program. Unfortunately and inexplicably, the President failed to identify the offsets in the budget he submitted to the Congress in February. Mr. President, we must adjust the outlays and revenues in the Budget Resolution to permit the Thrift Savings Plan to be extended to members of the uniformed services. This Thrift Savings Plan does not cause the loss of revenues, but defers the tax due until the service member retires. This is an important point—there are no lost revenues, and the cost of this initiative is cheaper than losing our most qualified military personnel.

Making the Thrift Savings Plan available to military personnel would come at a critical time for the military services. Participating in a Thrift Savings account would encourage personal savings and enhance the retirement income for service members, who currently do not have access to a 401k savings plan. Under current Thrift Savings Plan regulations, participants may borrow from Thrift Savings accounts for such worthy purposes as college tuition and purchasing a home. When implemented, military personnel would be able to join federal workers in a savings program that would enhance the value of their retirement system and permit them to improve their quality of life.

The Armed Services Committee continues to receive testimony strongly supporting a Thrift Savings Plan for military personnel as a strong incentive for both recruiting and retention. Testimony from the Joint Chiefs of Staff, Service Secretaries and the military personnel chiefs confirm that the Thrift Savings Plan would be an important incentive for recruiting military personnel and retaining highly trained military personnel on active duty or in the Ready Reserve. The Service Chiefs have indicated that this plan, combined with the pay raise, the repeal of the Redux retirement system, and the increased bonuses in the FY 2000 bill, would alleviate the hemorrhage of trained and experienced military personnel we are now experiencing.

This critical initiative was not included in the President's budget request, but it is necessary to assist in retaining our military service personnel. We must correct this shortcoming in the President's budget.

The Senate has supported extending the Thrift Savings Plan to military personnel on three previous occasions. It is time that we complete the process and provide the necessary funding that would permit military personnel to join the federal workforce in the Thrift Savings Plan.

Mr. DOMENICI. The Chairman of the Armed Services Committee has crafted an important provision that can improve retention in our Armed Services. The cost effectiveness of the provision is particularly notable. It is regrettable that the Administration's lack of compliance has caused the delay of an entire year in the effective date of this provision of last year's Department of Defense Authorization bill. Servicemen and women have lost out because of the Administration's failure to act.

I understand that you also have a problem with moving forward on legislation that permits military personnel to participate in the Thrift Savings Plan because deferred revenue or a ''revenue loss'' is attributable to such legislation and this makes the legislation potentially vulnerable to a Budget Act point of order.

As my friend from Virginia knows, our budget resolution, S. Con. Res. 101, as well as the budget resolution passed by our colleagues in the House of Representatives, H. Con. Res. 290, last week, provides for up to $150 billion in revenue reductions over the next five years. It is my understanding that the revenue loss in the form of deferred revenue associated with your TSP provision is $10 million in 2001 and $321 million over the next five years.

Let me assure my colleague, the Chairman of the Armed Services Committee, that the revenue assumptions in the budget resolution can accommodate the revenue loss associated with your TSP statute. Moreover, let me say that I will happily make it clear in the statement of managers on the conference report on this year's budget resolution that the revenue assumptions will permit your TSP provision to move forward and to be implemented without the threat of a Budget Act point of order.

Mr. WARNER. I thank my friend for his commitment to correct this shortcoming in the President's budget and his help in reducing the hemorrhage of trained and experienced military personnel. I also want to express my appreciation to the highly professional staff of the Budget Committee for their assistance in working out a solution to this vital issue.

Mr. L. CHAFEE. Mr. President, I voted against the amendment offered by Senator ROBB, which would use the tax code to provide assistance to school districts to build and renovate school facilities. There is no doubt that many states and local school districts need help to address the dilapidated conditions of their schools. However, I do

not believe that the approach presented by Senator ROBB, which has been repeatedly defeated by the Senate, is the best solution.

Earlier this year, I was pleased to cosponsor legislation known as BRICKS—the Building, Renovating, and Constructing Schools Act—which Senator SNOWE introduced. Senator SNOWE's bill authorizes the use of $20 billion for school construction and repairs. She pays for her proposal by borrowing from the Exchange Stabilization Fund (ESF).

According to the Snowe proposal, states would receive funds only at the request of the Governor. They would be distributed in accordance with the formula prescribed under Title I, which provides federal assistance to the lowest achieving, low income students. I believe this is a far better approach with potential for bipartisan support.

Mr. President, it will be regrettable if the outcome of the vote on the Robb amendment prevents a vote on an amendment by the senior Senator from Rhode Island, Senator REED. I am an original cosponsor of the Reed amendment which simply expresses the sense of the Senate that gun safety provisions approved by the Senate last year should be brought before the Senate for final action. As a cosponsor of the Reed amendment and a strong supporter of gun safety laws, particularly those which are intended to keep guns out of the hands of children, my vote against the Robb amendment should in no way be considered a vote against the Reed amendment.

Mr. WELLSTONE. Mr. President, I rise to address a serious problem with one of the obscure assumptions both of this budget resolution and the President's budget. Both the Administration's submission and this budget resolution contain an assumption that $350 million of anticipated Medical Care Cost Recovery Fund (MCCF) receipts will be remitted to the Treasury from the VA. I strongly oppose this assumption. It flies in the face of current policy—and all logic—since it would result in a $350 million decrease in VA health care funding at the same time that Congress proposes an increase. The budget resolution is essentially assuming the VA is being given a ''loan'' from Treasury which it must pay back.

The VA has historically had difficulty in meeting their projected third party collection goals as it is, using the projected collections as a means to pad the budget on paper. By substantially reducing the incentive for aggressive collections by the VA, the MCCF receipts are even less likely to reach projected levels—meaning fewer funds for veterans health care.

This proposal is nothing more than an obscure, cynical maneuver to give extra scoring room on the appropriations bills later in this year at the expense of veterans. However, this provision will require legislation to be put into effect, and I want my colleagues to know that I will strongly oppose any efforts to pass such legislation as that process moves forward this year.

Mrs. FEINSTEIN. Mr. President, as we debate the priorities for spending in the federal budget for the next fiscal year, I am pleased to have voted yesterday for the Bingaman education amendment. Unfortunately, the Senate tabled this amendment yesterday by a 54 to 46 vote. This amendment begins to address some of the critical needs of our schools. But more importantly, it says, ''We think education is important. We think education is a priority. We think education should be nourished, not starved.''

This amendment adds important resources in several ways:

It supports the $4.5 billion or 12.6 percent increase for education that the President proposed for FY 2001 over the previous year.

It adds $1 billion for Title I, the program that helps school districts educate disadvantaged students. If Congress follows through with FY 2001 appropriations, this would bring total Title I funding next year to $9.9 billion, up from $8.5 billion in FY 2000.

It adds $2 billion to train new teachers and current teachers.

It provides $1.75 billion to continue to reduce class sizes in the early grades.

It increases funds for afterschool programs to give students extra help.

It provides $1.3 billion to repair schools in high-need areas.

It adds $1 billion for special education, programs to help disabled students.

It raises the maximum Pell Grant, aid for needy college students, from $3,500 to $3,700.

This amendment is timely because the federal share of elementary and secondary education has declined from 14 percent in 1980 to 6 percent in 1999–2000. Hopefully, this amendment will begin to reverse that decline.

The schools in my state face huge challenges—low test scores, crowded classrooms, teacher shortages, growing enrollments, decrepit buildings. In short, they are overwhelmed.

California has 5.8 million students, more students in school than 36 states have in total population and one of the highest projected enrollments in the country.

California will need 300,000 new teachers by 2010. Eleven percent or 30,000 of our 285,000 teachers are on emergency credentials.

California has 40 percent of the nation's immigrants; we have 50 languages in some schools. Children from these families need special attention, not just in English language learning but in dealing with huge adjustments of learning to live in a new country.

California's students lag behind students from other states. Only about 40 to 45 percent of the state's students score at or above the national median, on the Stanford 9 reading and math tests.

For school construction, modernization and deferred maintenance, California needs $21 billion by 2003 or 7 new classrooms per day. Two million California children go to school today in 86,000 portable classrooms.

California's Head Start programs serve only 13 percent of eligible children.

For higher education, the University of California has the most diverse student body in the US. Federal programs provide nearly 55 percent of all student financial aid funding that UC students received. Our colleges and universities are facing ''Tidal Wave II,'' the demographic bulge created by children of the baby boomers who will inundate California's colleges and universities between 2000 and 2010 because the number of high school graduates will jump 30 percent.

California's schools are in crisis. The needs of my state are huge.

While these needs cry out for resources, the federal government is contributing only 6 percent of total education funding. Funds are so short in my state that California teachers are spending around $1,000 a year out of their own pockets to pay for books, magic markers, scissors and other school supplies, according to the San Diego Tribune, August 16, 1999.

Why should we be increasing funds for education? Let me answer that question by giving you an example of the state of our schools, as expressed by a young student. I would like to read a letter from Hannah Wair, a 14-year-old from Santa Rosa, California, who graphically describes her school:

SANTA ROSA, CA,
December 13, 1999.

DIANE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR MS. FEINSTEIN: My name is Hannah Wair, and I am 14 years old and I attend Rincon Valley Middle School in California. I am writing you this letter because I am concerned about the amount of money that is given to the Santa Rosa City Schools. It seems as though far too many kids attend these schools without enough supplies, computers, books, and sports equipment. On top of that, most of the schools (with an exception of a few new ones) are in need of extreme repairs. Many schools have trashy, dirty, bathrooms and locker rooms that have not been repaired or updated in about 20 years. The fields and tracks are invaded with weeds and rocks, and there have been many injuries because of this. Many of the classes are over-populated, with an average of 30 or 35 students per class. This gives the students less attention, which makes it harder to learn.

Although there are many aspects that need to be improved about our schools, they are all still great schools, and I'm sure that you could change all of this in only a matter of time. Thank you so very much for your time. I hope to hear from you soon!

Sincerely,

HANNAH WAIR.

The Clinton-Gore Administration has proposed to increase education funding in FY 2001 by 12.6 percent, to $40.1 billion. Yet the budget before us does not add, it cuts the President's education request by $4.7 billion. I submit, Mr. Chairman, that this is no time to be cutting education:

American students lag behind their international counterparts in many ways. American twelfth grade math students were outperformed by students from 21 other countries, scoring higher than students from only two countries, Cyprus and South Africa.

Three-quarters of our school children cannot compose a well-organized, coherent essay, says the National Assessment Governing Board in September.

U.S. eighth graders score below the international average of 41 other countries in math. U.S. twelfth graders score among the lowest of 21 countries in both math and science general knowledge.

Three-quarters of employers say that recent high school graduates do not have the skills they need to succeed on the job. Forty-six percent of college professors say entering students do not have the skills to succeed in college, according to a February Public Agenda poll.

These statistics speak for themselves. Our schools are failing many of our youngsters. It is not the students' fault. It is our fault. We need to be nourishing education, not starving it, especially at a time of budget surpluses when the needs of our children are so stark.

I am especially pleased that this amendment increases funds for Title I, adding $1 billion to the program.

Title I provides grants to help disadvantaged children, grants designed by Congress in 1965 to provide supplementary services to low-achieving children in areas with high concentrations of poverty. Title I reaches virtually every school district and is very important in my state. Schools serving disadvantaged populations of students receive fewer resources than other schools, according to the Public Policy Institute of California in a new report.

With 18 percent of the country's Title I students, California only receives 11.4 percent of Title I funds. At least, 775,000 eligible Title I students are not getting services in my state.

It is my hope that when Congress takes up the Elementary and Secondary Education Act reauthorization and the FY 2001 appropriations bill, we will rectify the long-standing inequities in the funding formula to give fast-growing states like mine their fair share of Title I and other funds.

In 1994, Congress included in the Title I law a requirement to annually update the number of poor children so that the allocation of funds would truly reflect the most up-to-date number of poor children. This is a very important provision to growing states like mine. However, despite my opposition, a ''hold harmless'' provision has been included in annual appropriations bills, effectively overriding the census update requirement and locking in historic funding amounts for states despite the change in the number of poor children.

As Secretary of Education Riley said last year, ''a basic principle in targeting should be to drive funds to where the poor children are, not to where they were a decade ago.'' While today's amendment includes an assumption that Title I would go up $1 billion and does not address the ''hold harmless'' one way or another, I want to make it clear that a ''hold harmless'' should not be part of our final funding bill.

I am also pleased that the amendment adds $2 billion for teacher training. What are the needs? For starters, my state has 30,000 teachers on emergency credentials. That is 11 percent of our 285,000 teachers. We have high teacher turnover. We face a severe teacher shortage. California will need 300,000 new teachers by 2010.

Not only do we face a serious teacher shortage, we need to beef up training of current teachers in order to improve student learning. There is no substitute for a good teacher. A good teacher can make a lifetime of difference in a student, especially a struggling or low-performing student. Teacher quality has more impact on student achievement than any other single factor, including family income and parent education, according to a Texas study by Ronald Ferguson of Harvard University. Studies show that the teacher's qualifications account for more than 90 percent of the variation in student achievement in reading and math.

Another disturbing statistic in my state is this: In California, the lowest-scoring students are five times more likely than high-scoring children to be placed in a classroom with under qualified teachers, concluded a study by the Center for the Future of Teaching and Learning last December. ''More than a million children in California go to school where they have particularly high concentrations of teachers who are under prepared to teach them,'' the study said. Similarly, the National Commission on Teaching and America's Future noted,

> In the nation's poorest schools, where hiring is most lax and teacher turnover is constant, the results are disastrous. Thousands of children are taught throughout their school careers by a parade of teachers without preparation in the fields they teach, inexperienced beginners with little preparation and no mentoring, and short-term substitutes trying to cope with constant staff disruptions. It is more surprising that some of these children manage to learn than that so many fail to do so.

Without strong teachers, our children suffer. We must enhance teacher training.

The National Commission on Teaching and America's Future found that teacher training has suffered for years saying it has been ''historically thin, uneven and poorly financed.'' That commission has called for strengthening teacher training requirements and better rewarding teaching knowledge and skill.

I welcome the additional funds in this amendment to train more teachers and to strengthen teacher training.

This debate today is not just about raw numbers, this increase or that decrease. This debate is about the future of our nation. We must ask some fundamental questions about our spending priorities. Why it is important to increase spending on education? Here are some reasons:

The economy of my state is transitioning from manufacturing toward a more higher-skilled, service and technology jobs. Since 1980, jobs in the ''new economy'' (services and trade) have jumped nearly 60 percent.

Over the next 10 years, nationally, computer systems analyst jobs will grow by 94 percent; computer support specialists, by 102 percent; computer engineers, 108 percent. Jobs for the non-college educated are stagnating.

High tech employers say they cannot find qualified people. They plead for Congress to expand visas to bring in employees from abroad.

Low literacy levels are powerful predictors of welfare dependency and incarceration. More than half the adult prison population has literacy levels below those required by the labor market.

Near 40 percent of adjudicated juvenile delinquents have treatable learning disabilities that went untreated in school.

Seventeen years ago, the nation's attention was jolted by a report titled A Nation at Risk. In April 1983, the Reagan Administration's Education Secretary, Terrell Bell, told the nation that we faced a fundamental crisis in the quality of American elementary and secondary education. The report said:

> Our nation is at risk. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

The report cited declines in student achievement and called for strengthening graduation requirements, teacher preparation and establishing standards and accountability.

Today, we still face mediocrity in our schools. While there are always exceptions and clearly there are many excellent teachers and many outstanding schools, we can do better. To those who say we cannot afford to spend more money on education, I say we cannot afford to fail our children. Our children do not choose to be illiterate or uneducated. It is our responsibility and we must face up to it.

I urge adoption of the education amendment.

Mr. JOHNSON. Mr. President, the Senate yesterday approved my amendment to the fiscal year 2001 budget resolution that establishes a reserve fund which creates room in the Senate budget resolution for military retiree health care improvements. I thank Budget Committee Chairman DOMENICI for working with me and supporters of my amendment. I also want to recognize the driving force behind this issue: the thousands of military retirees and

their dependents across this country who have established an impressive grassroots effort. Their work, in conjunction with the efforts of the Retired Enlisted Association, the National Association of Uniformed Services, the National Military and Veterans Association, and the Retired Officers Association, have brought military health care to the forefront.

My amendment would allow the Senate Armed Services Committee to increase spending on military retiree health care while considering the fiscal year 2001 Department of Defense Authorization bill. It is important to note that my amendment must also be approved by the House and Senate conference committee on the budget resolution in order for the Senate Armed Services Committee to use the reserve fund.

A promise of lifetime health care has been broken. Testimony from military recruiters themselves, along with copies of recruitment literature dating back to World War II, show that health care was promised to active duty personnel and their families upon the personnel's retirement.

However, the creation on June 7, 1956, of space-available care for military retirees at military hospitals has led to a broken promise of health care coverage for these men and women and their families. Post-cold-war downsizing of military bases and their medical services have left many retirees out in the cold. A final insult is the fact that military retirees and their dependents are kicked off of the military's health care system, Tricare, upon turning age 65.

Chairman of the Joint Chiefs of Staff, Gen. Henry Shelton, testified before the Senate Armed Services Committee and said: ''Sir, I think the first thing we need to do is make sure that we acknowledge our commitment to the retirees for their years of service and for what we basically committed to at the time that they were recruited into the armed forces.''

Defense Secretary William Cohen testified before the Senate Armed Services Committee and said: ''We have made a pledge, whether it's legal or not, it's a moral obligation that we will take care of all those who served, retired veterans and their families, and we have not done so.''

My oldest son, Brooks, served as a peacekeeper with the United States Army in Bosnia, and he was recently deployed to Kosovo. I know how important ''quality of life'' issues are to military personnel and their families. Our country asks young men and women to willingly work in combat zones and receive minimal pay compared to the private sector. As compensation, military personnel have been promised that their health care needs and those of their families will be taken care of now and upon retirement. Despite the best efforts of many talented health care providers in the military, this promise has been broken, and it is impacting a young man or woman's decision to make a career of the military.

The question is whether Members of Congress want to make military retiree health care a priority instead of an afterthought. I am hopeful that, working on a bipartisan approach similar to that seen with my reserve fund amendment, we in Congress can choose military retiree health care as a priority this session.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, in order to make some logic out of this vote-arama process, on behalf of the leader, I ask unanimous consent that the first 10 amendments to be voted on tomorrow be the following and that as stated earlier all votes after the first vote be limited to 10 minutes, with 2 minutes for explanation prior to each vote. The amendments are: the Santorum amendment on military/vets benefits; the Conrad amendment on lockbox; the Abraham amendment on SOS lockbox; the Johnson amendment on veterans; the Ashcroft amendment on SOS Social Security investment; the Mikulski amendment on digital divide; the Bob Smith amendment on RX; the Graham of Florida amendment on education; the Voinovich amendment on strike tax reconciliation; and the Kennedy amendment on Pell grants.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, on behalf of the leader, I now ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE GOOD WORKS OF THE SOCIETY FOR MATERNAL-FETAL MEDICINE

Mr. THURMOND. Mr. President, I rise to recognize the vital work performed by a group of tireless and dedicated professionals: The members of the Society for Maternal-Fetal Medicine (SMFM). I congratulate the Society for its outstanding achievements, and note this year they celebrated their 20th annual meeting.

It is often said that the United States is home to the finest pool of health care professionals in the world. I could not agree more. Each and every day, these professionals provide cutting edge care for millions across the country. Treatments that did not exist just ten years ago are now saving lives on a routine basis. I am hopeful that we never take this high level of care for granted.

The Society for Maternal-Fetal Medicine is one group that demonstrates the tremendous talent we have in our country. For many of us, ''maternal-fetal medicine'' may not be an everyday term. However, we all acknowledge that mothers experiencing complicated pregnancies require and deserve the best care possible. Maternal-fetal specialists provide care or consultation during complicated pregnancies. In addition, they provide education and research concerning the most recent approaches to the diagnosis and treatment of obstetrical problems. As a result, these specialists promote awareness of the diagnostic and therapeutic techniques for optimal management of these complicated pregnancies. In addition, it should be noted that maternal-fetal medicine specialists are complementary to obstetricians in providing consultations, co-management or direct care before and during pregnancy.

Mr. President, I urge my colleagues to join me in congratulating the members of the Society of Maternal-Fetal Medicine for their outstanding work. I also want to acknowledge the fine work of Dr. Peter Van Dorsten, President of the SMFM, who resides in my home state of South Carolina. There is no doubt that Americans across the country join me in thanking these unique individuals.

Mr. KENNEDY. Mr. President, seven months have elapsed since the House of Representatives passed the bi-partisan Norwood-Dingell bill to end insurance company and HMO abuses, and more than six months have passed since House and Senate conferees were appointed to prepare the final version of this important measure.

Today, I am releasing a new study by the Minority Staff of the Health, Education, Labor and Pensions Committee that documents how devastating this long delay has been for millions of Americans and their families, and how urgent it is for the House-Senate conference to complete its work as soon as possible.

Drawing on data gathered by the University of California School of Public Health and the Harvard School of Public Health, the report documents unacceptably high numbers of patients who are denied needed care, who suffer increased pain, or whose health has seriously declined because too many HMOs and insurance companies put profits ahead of patients.

According to the study, 59,000 patients each day—22 million patients a year—report added pain and suffering as the result of the actions of their health plans. Large numbers of patients have specialty referrals delayed or denied. Others are forced to change doctors. Still others are forced to take prescription drugs that are different from the drugs their doctor prescribed.

In addition to patients' reports of significant problems as the result of actions of their health plans, thousands of physicians report seeing patients every day whose health has seriously declined as the result of abuses

such as the failure to cover recommended prescription drugs, denial of needed diagnostic tests and procedures, and unwillingness to allow referrals for specialty care.

This study provides powerful new evidence of the need for Congress to move promptly to pass a strong Patient's Bill of Rights. Millions of families are suffering because of the failure of Congress to act. Families across America deserve protection, and it is time for Congress to fulfill its responsibility and see that they get it.

I ask unanimous consent the study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE IMPACT ON PATIENTS OF DELAYS IN PASSING A PATIENTS' BILL OF RIGHTS: A SENATE HEALTH, EDUCATION, LABOR AND PENSIONS COMMITTEE MINORITY STAFF STUDY

Delays in passing legislation to curb insurance company abuse result in injury to thousands of patients daily and millions of patients annually. Drawing on two prior studies on the incidence of abusive health plan practices, this report looks at the number of patients affected daily, weekly, monthly and yearly.

The estimates are based on patient self-reports of experiences with health plans and on physicians' reports of the frequency of various abuses and the seriousness of injuries sustained by the patients they see in their own practices.

Highlights

According to patient reports, every day, as the result of actions of their health plan: 59,000 patients experience added pain and suffering; 41,000 patients experience a worsening of their condition; 35,000 patients have needed care delayed; 35,000 patients have a specialty referral delayed or denied; 31,000 patients are forced to change doctors; and 18,000 patients are forced to change medications.

According to physician reports, every day: 14,000 physicians see patients whose health has seriously declined because an insurance plan refused to provide coverage for a prescription drug; 10,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a diagnostic test or procedure; 7,000 physicians see patients whose health has seriously declined because an insurance plan did not approve referral to a medical specialist; 6,000 physicians see patients whose health has seriously declined because an insurance plan did not approve an overnight hospital stay; and 6,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a referral for mental health or substance abuse treatment.

Table 1 shows the incidence of plan restrictions on care and patient injuries resulting from plan actions by day, week, month, and annually, as reported in the survey of patients. Table 2 shows the number of physicians seeing plan abuses that result in serious declines in patient health each day, month, week, and year.

TABLE 1.—PATIENT SURVEY

Health plan abuse	Number of patients affected per year	Number of patients affected per month	Number of patients affected per week	Number of patients affected per day
Delay in Needed Care	12,880,000	1,073,000	247,000	35,000
Delay or Deny Specialty Referral	12,880,000	1,073,000	247,000	35,000
Forced to Change Doctors	11,270,000	939,000	216,000	31,000
Forced to Change Medications	6,440,000	537,000	124,000	18,000
Results of Health Plan Abuse:				
Added Pain and Suffering	21,638,000	1,803,000	415,000	59,000
Worsening of Condition	14,876,000	1,240,000	285,000	41,000

Source: Committee Analysis Based on Helen H. Schauffler's "California Managed Health Care Improvement Task Force Survey of Public Perceptions and Experiences with Health Insurance Coverage." U.C. Berkeley School of Public Health and Field Research Corporation, September, 1997, reported in Improving Managed Health Care in California, Findings and Recommendations, Volume Two, January 1998, tables 4 and 19, projected to the national level.

TABLE 2.—PHYSICIAN SURVEY

Health plan abuse	Number of doctors each year seeing patients with serious decline in health plan abuse	Number of doctors each month seeing patients with serious decline in health from plan abuse	Number of doctors each week seeing patients with serious decline in health from plan abuse	Number of doctors each day seeing patients with serious decline in health from plan abuse
Denied coverage of recommended prescription drug	137,000	111,000	71,000	14,000
Denied coverage of needed diagnostic test	149,000	100,000	51,000	10,000
Denied referral for needed specialty care	122,000	76,000	37,000	7,000
Denied overnight hospital stay	110,000	65,000	29,000	6,000
Denied referral for mental health or substance abuse treatment	116,000	63,000	30,000	6,000

Source: Committee Analysis Based on Kaiser Family Foundation and Harvard School of Public Health, "Survey of Physicians and Nurses," July, 1999.

METHODOLOGY

The data presented in this report was drawn from two sources. Patients' self-reports on difficulties with their health plans and illness and injury caused by actions of their health plans was drawn from a random sample survey of individuals in California with private health insurance conducted by the Center for Health and Public Policy Studies, School of Public Health, University of California at Berkeley. Helen Schauffler, Ph.D., was the principal investigator. The survey was conducted during September, 1997 for the Managed Care Improvement Task Force of the State of California, and reported in Improving Managed Health Care in California, Findings and Recommendations, Volume Two, January, 1998, Tables 4 and 19.

The survey asked whether the respondent experienced specific difficulties with a health plan. Those who experienced difficulties were asked about the impact of the difficulty on their health. The figures presented in this report assume that the incidence of such events is the same among the total U.S. population of privately insured individuals as it is among the privately insured population in California. Daily, weekly, and monthly figures were derived by dividing annual rates by 365, 52, and 12, respectively. All figures in the tables are rounded to the nearest 1,000 patients.

Data on physicians' reports of health plan practices and serious declines in health experienced by patients as the result of health plan actions were drawn from the 1999 Survey of Physicians and Nurses by the Kaiser Family Foundation and the Harvard School of Public Health. The survey was conducted between February 11 and June 5, 1999. Physicians were asked how frequently a set of plan practices occurred (weekly, monthly, every six months, yearly, never, or not applicable to my practice). Physicians who reported that the practice occurred were asked for the impact on the health of their patients.

The figures reported in the survey were converted into daily, weekly, monthly, and annual totals by adding the proportions seeing the specified event during the specified time period. For example, to derive a weekly total, the numbers of doctors reporting seeing such patients weekly was added to one-fourth of the doctors reporting seeing such patients monthly plus one-fifty-second of the doctors reporting seeing such patients annually. The proportion was then multiplied by the size of the sampling universe of 470,364 physicians. All figures reported in the table are rounded to the nearest 1,000 patients.

Note that the tables are not comparable, since one reports on numbers of patients affected, while the other reports on numbers of doctors seeing affected patients. Many doctors saw numerous affected patients. Moreover, judgments of doctors who attribute health declines to specific plan practices may not coincide with patients' own conclusions. Also, the doctor survey reports on patient injuries due to specific plan practices which are not identical with the problems identified in the patient survey.

SMITH AND WESSON AGREEMENT

Mr. LEVIN. Mr. President, for the first time in the United States, a gun manufacturer has agreed to make major changes to the design, distribution and marketing of its products. In a historic settlement reached by Smith & Wesson, the Administration, and cities and states around the country, Smith & Wesson will make sweeping changes to its business practices.

Under the terms of the agreement, several cities and counties will drop lawsuits filed against Smith & Wesson in exchange for reforms designed to make guns safer and limit access to them by unauthorized users. Specifically, Smith & Wesson agreed to increased safety standards, such as the

inclusion of external locking devices on all of its guns immediately, and internal safety locks on its pistols within two years; more stringent performance standards for its handguns, including rigorous drop tests; and a commitment to include ''smart gun'' technology in its newly designed handguns within three years.

In addition, Smith & Wesson agreed to revamp the way it distributes and sells firearms. Smith & Wesson will conduct business transactions only with authorized distributors and dealers who abide by a code of conduct. The distributor or dealer must agree in writing to perform and complete a background check for all sales, including those at gun shows; impose limits on the bulk purchase of guns; implement a security plan to prevent firearm and ammunition theft; require juveniles to be accompanied by a parent or guardian where guns and ammo are stored or sold. Other parts of the voluntary agreement include a trust fund for a public service campaign about the risk of firearms in the home and lessons for proper home storage. Also, Smith & Wesson made assurances that their guns will not be marketed to appeal to children or criminals and will not be advertised in the vicinity of schools, high crime zones, or public housing.

Finally, with this agreement, a firearm manufacturer has agreed to the basic demands of the American people: to keep guns out of the hands of children and criminals. I hope other gun manufacturers will follow their lead and work to reduce the level of gun violence in America.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 5, 2000, the Federal debt stood at $5,758,940,935,120.58 (Five trillion, seven hundred fifty-eight billion, nine hundred forty million, nine hundred thirty-five thousand, one hundred twenty dollars and fifty-eight cents).

One year ago, April 5, 1999, the Federal debt stood at $5,662,955,000,000 (Five trillion, six hundred sixty-two billion, nine hundred fifty-five million).

Five years ago, April 5, 1995, the Federal debt stood at $4,878,158,000,000 (Four trillion, eight hundred seventy-eight billion, one hundred fifty-eight million).

Ten years ago, April 5, 1990, the Federal debt stood at $3,093,268,000,000 (Three trillion, ninety-three billion, two hundred sixty-eight million).

Fifteen years ago, April 5, 1985, the Federal debt stood at $1,737,241,000,000 (One trillion, seven hundred thirty-seven billion, two hundred forty-one million) which reflects a debt increase of more than $4 trillion—$4,021,699,935,120.58 (Four trillion, twenty-one billion, six hundred ninety-nine million, nine hundred thirty-five thousand, one hundred twenty dollars and fifty-eight cents) during the past 15 years.

ADDITIONAL STATEMENTS

NATIONAL STUDENT EMPLOYMENT WEEK

• Mr. CRAIG. Mr. President, I rise today in honor of National Student Employment Week. I would like to show appreciation for the good work that the past and present interns in my office have done, and say a few words about the mutual benefits of a congressional student internship program.

These days, as people turn to government more frequently for answers, it is especially important for young people to learn about government. If is crucial that they know how it affects their lives and the lives of others and what they can do to improve it. There is no better way for a student to discover how government works than by participating in the legislative process. Real-world experience helps a student develop optimistic, practical expectations of government.

An internship is often a student's first brush with the professional world. The congressional office gives them an opportunity to develop their professional skills. Each year, after working on Capitol Hill or in a state or district office, thousands of former student interns commit themselves to public service or choose a career path in the private sector. These young people bring the high standards with which they were trained to their first job.

Internships also allow students to gain experience specific to jobs in a congressional office. They allow students to try out different tasks, which gives them the chance to discover jobs they are well suited for and would not know about without hands-on office experience.

Many of us who hold office today credit a student internship as the inspiration for our commitment to public service. In fact, I believe that right now there are many young people who are planning to devote part of their careers to public service because of their student internships. Although not all former interns pursue a public service career, these young people are usually left with an ongoing interest in politics. The result of a student intership, is at the very least, an informed and thoughtful citizen.

I have the great fortune to work with some of the sharpest and most eager minds to come out of our colleges and universities. Among them this spring are Melissa Simpson of Blackfoot and Boise State University, Richard Andrus of Rexburg and Utah State University, Sarah Bonzer of Boise and Boise State University, Laura Atchely of Ashton and the University of Idaho, Melynda Topelian of Herndon High, Herndon, Virginia, and Holly Sonneland of Hailey and The Community School in Sun Valley, in my personal office in Washington, DC. The interns in my Republican Policy Committee office include Elisha Tiplett from Woodbridge, Virginia, and James Madison University, Nathan Johnson of Lewiston, Maine, and Brigham Young University, Carolyn Laird of Edmonton, Alberta Canada and the University of Alberta. The interns in my state offices are: Jose Melendez, a student from Northwest Nazarene University in the Boise office; Angela Nyland of Idaho State University and Mark H. Liedtke of Century High School in the Pocatello office; Kjersta Baum of Ricks College and Kristina Pack of Skyline High School in the Idaho Falls office. Past interns in the Idaho Falls office whom I would like to recognize include Pricilla Giddings of Salmon River, Jr./Sr. High School and Jared Lords of Idaho State University.

These interns are a welcome addition to my Idaho and Washington, DC, offices. They have brought their energy and scholastic ability with them and helped make my office more responsive to constituents at home.

In return for their effort, these students gain the satisfaction of helping their fellow citizens, the reward of being a well-trained worker, and the opportunity to make lifelong political contacts. Some have incorporated their study into their curriculum and will receive academic credit for their endeavors.

For these reasons, I will continue to provide internship opportunities to Idaho students. Student internship programs are an excellent example that student employment is pivotal in the continuation of a well-trained work force.

I commend my colleagues who have done their part by opening their offices to interns. I hope that they have seen, as I have, that student internships offer numerous benefits to both the congressional office and the student.

I thank the students who have participated in an internship. Their time as interns has made them knowledgeable citizens on the subject of government, and their participation has enriched our nation's legislative process.•

16TH ANNUAL TUFTONIA'S WEEK CELEBRATION AT TUFTS UNIVERSITY

• Mr. KENNEDY. Mr. President, this month marks the 16th annual observance of Tuftonia's Week by Tufts University in Medford, Massachusetts. As part of this impressive celebration, large numbers of the 80,000-plus Tufts alumni from around the world return to honor their outstanding university. We are fortunate to have many distinguished Tufts alumni working on Capitol Hill, so many of us are well aware of the high quality of these graduates.

This celebration always has special meaning for me. My daughter, Kara, is a graduate of Tufts, and I've also worked closely with many Tufts scholars on a wide range of public policy

issues. I am proud to count myself as a member of the Tufts family, and to add my congratulations to the official proclamations by Governors and Mayors across the country.

For the past 148 years, Tufts has trained many of our nation's outstanding scholars and distinguished political leaders. Tufts has provided outstanding leadership in medicine, engineering, nutrition and education. In addition to Tufts' strong academic tradition, it is a national leader in emphasizing service learning and providing opportunities for students to combine community service with their academic life. This program called ''TuftServe'' was highlighted when President Clifton held his Summit for America' Future in 1997, and it continues to be a model for the country. Campus Compact, housed at Tufts, has assisted Massachusetts colleges in participating in America Reads and America Counts, two initiatives that continue to improve the lives and futures of children in public schools.

I commend Tufts for the wide range of opportunities that it continues to offer to its students and alumni, and I also commend Tufts' President, John DiBiaggio, and all the members of the Tufts community for their impressive accomplishments in enhancing education and contributing so effectively to Massachusetts, the nation, and the world.●

232ND ANNIVERSARY OF THE CHAMBER OF COMMERCE

● Mr. GRAMS. Mr. President, April 5th marked the 232nd anniversary of the founding of the first Chamber of Commerce in the United States. A full eight years before the colonies declared their ''independence'' from English rule, New York City business owners banded together to create a unified voice. Today, there are thousands of local Chambers from Anchorage, Alaska to Zumbrota, Minnesota.

Over the past eight years, I have had to honor to work with these grassroots organizations on a wide variety of issues. Whether its been estate tax relief or permanent normalized trade with China, Minnesota's chambers have been there, working for Minnesota's job providers, every step of the way. That is why I was so proud to receive the Chamber's Spirit of Enterprise award earlier this year.

When Washington talks about our strong economy, debating what to do with the billions in federal surplus dollars, it sometimes appears as though Congress wants to take all the credit. Policy makers focus on the innovations, the increased productivity, the ''globalization'' of today's marketplace as proof of their good work. I don't need to remind my colleagues that the only thing Government can do is to remove the barriers to competition and provide a level playing field. The rest is a direct result of the entrepreneurial spirit of the men and women who've sacrificed to build businesses around Minnesota and around the country. Employers and employees, working hand in hand and with their chamber of commerce, have helped to turn this nation around.

So Mr. President, while our chamber members are taking care of business back home, we must recognize they are looking to the Congress for leadership to stem the tide of burdensome regulations and oppressive taxes. I believe working together, we can create an environment where all can thrive. And as we mark the anniversary of the first chamber of commerce, let us celebrate the contributions of all our chambers.●

IN RECOGNITION OF CHARLES STEWARD MOTT COMMUNITY COLLEGE AND MR. PETER LEVINE, MPH

● Mr. LEVIN. Mr. President, I rise to congratulate Mott Community College and Mr. Peter Levine, MPH on being selected as the 1999 Corporate and Individual Health Advocates of the Year by the American Lung Association of the Michigan-Genesee Valley Region. Mott Community College and Mr. Levine are being honored by the Lung Association for their efforts to encourage, promote and raise awareness about improving the health of the Genesee Valley Region.

Mott Community College (MCC) is a dynamic community institution serving the needs of all the residents of Genesee County. This commitment to community service is manifested in the school's efforts to promote public health on campus and in the community. MCC has implemented a pro-active lung health program that not only eliminates smoking in all campus buildings, but also assists smokers in their efforts to ''kick the habit''. MCC provides counseling for employees who desire to quit smoking, and its health insurance providers offer educational programs to support employees who desire to quit smoking.

In addition, MCC has become a leader in community service. The college encourages faculty and staff to serve on local boards for community-based, nonprofit organizations, and the school allows employees to fulfill these commitments on company time, if necessary. The school also serves as a gathering place for community health special events. The annual MCC Health Fair brings community and health officials together, and Tipper Gore chaired a recent mental health town meeting on campus. MCC students and faculty in the health sciences share their expertise by assisting school groups, churches and the Genesee County Public Health Department with a variety of community health initiatives.

Peter Levine has served his community, state, and country in countless ways. He serves as the Executive Director of the Genesee County Medical Society. The Society is a progressive organization which seeks to be pro-patient and pro-physician. During Mr. Levine's tenure, the Medical Society has grown from a small association employing a few people into a set of four corporations serving the medical and general community with approximately 80 employees. The Society focuses on medical, social, bioethics, environmental health and resource allocation issues.

Mr. Levine has been on the faculty of Michigan State University since 1985, where he is currently an Associate Adjunct Professor in the College of Human Medicine. He has published extensively about health issues in scholarly and popular journals. In 1992, Health Care Weekly Review cited him as one of the eight most influential health care policy individuals or organizations in the State of Michigan. Peter Levine was a founding Board Member and volunteer for the Genesee County Free Medical Clinic. He also serves on the board of numerous civic and professional organizations. Currently he is the Chair of the Michigan Council of County Medical Society Executives.

Mr. President, I have mentioned only a small sampling of the many ways in which Charles Steward Mott Community College and Mr. Peter Levine have used their creativity, hard work and unflagging commitment to public service to make this community and our nation a better place to live. I know my colleagues will join me in honoring Mott Community College and Peter Levine for service on behalf of the Genesee Valley Region and State of Michigan.●

FORTIETH ANNIVERSARY OF THE DEATH OF CHARLIE MOHR

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to the memory of Charles ''Charlie'' Joseph Mohr, the University of Wisconsin's last 165-pound collegiate boxing champion. In April 1960, Charlie was badly beaten in a NCAA championship bout against San Jose State's Stuart Bartell. Minutes later he began convulsing in the locker room and lost consciousness. A week afterward, Charlie died without regaining consciousness.

Charlie grew up in Merrick, NY, and learned to box in nearby Long Beach. At age 18, he reached the semifinals of the prestigious New York City Golden Gloves amateur boxing tournament. In 1955, Charlie wrote a letter to Wisconsin's boxing Coach John Walsh asking about the possibility of receiving a scholarship. Coach Walsh eagerly obliged.

At the university, he excelled in all aspects of campus life. He was a good student who helped other's study for their exams. Charlie was very involved with the local parish St. Paul's Church and even thought about becoming a priest.

However, it was in the ring where he gained his notoriety. In his freshman

year, he won two university tournaments despite not being able to compete on the varsity team. The next year he won seven of his nine fights. As a junior, he captured the NCAA's 165-pound championship after defeating Jesse Klinkenberg.

The cause of Charlie's death is still in question. Doctors dispute whether the brain hemorrhaging that led to his untimely passing was caused by a blow at the hands of Bartell or an aneurysm. No one can dispute the profound impact his death had on the University and the intercollegiate sport. A couple of weeks after Charlie's death the faculty decided to disband the school's boxing program. Soon after, the NCAA followed suit, abolishing boxing as a sanctioned sport.

On January 19, 1999, I proposed S. 143, the Professional Boxing Safety Act Amendments of 1999 in order to try to protect fighters from lasting and debilitating head injuries in the ring. The bill passed, as an amendment to S. 305, the Muhammad Ali Boxing Reform Act, on July 27 of last year. The bill will require fighters to undergo a computer axial tomography (CAT) scan before a fighter can renew their professional license. Hopefully, the lesson taught to us by Charlie Mohr will not be forgotten.●

IN RECOGNITION OF BETH DANIEL

● Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize one of South Carolina's most outstanding athletes, Beth Daniel, who was recently inducted into the Ladies Professional Golf Association (LPGA) Tour Hall of Fame—only the 16th woman to claim this prestigious honor.

A native of Charleston, SC, Daniel moved to Greenville to attend Furman University and play collegiate golf. While a student at Furman, she captured the U.S. Women's Amateur title twice, in 1975 and 1977. She was a member of the 1976 and 1978 U.S. Curtis Cup teams and the 1978 World Cup team. Since joining the LPGA Tour in 1979, she has collected an impressive 32 career victories and seven LPGA awards, including the 1979 LPGA Rookie of the Year award.

Beth had a phenomenal year in 1990, winning seven tournaments, including a major—the Mazda LPGA Championship—and setting a record for consecutive rounds in the 60s with nine. Also in 1990, she was named the Rolex Player of the Year and the United Press International Female Athlete of the Year. In 1995, she entered the South Carolina Golf Hall of Fame and, in 1996, became the third player in LPGA history to cross the $5 million mark in career earnings. She was also a member of the victorious 1996 U.S. Solheim Cup team.

Beth Daniel's accomplishments on the LPGA Tour and her many contributions to women's golf make her an excellent addition to the LPGA Hall of Fame. She is a credit to her sport, to Charleston, and to the State of South Carolina.●

TRIBUTE TO MICHAEL DOBMEIER

● Mr. CONRAD. Mr. President, I rise today to pay tribute to Michael Dobmeier and to recognize him as a member of a distinguished group of North Dakotans who have demonstrated extraordinary leadership in their military careers and civilian life.

Michael was recently elected National Commander of the million-member Disabled American Veterans, a group with a historic tradition of advocating responsible legislation to assist disabled veterans, their families and survivors. Speaking of the DAV recently Michael said, ''I soon discovered the critical role the DAV serves in the lives of disabled veterans and their families in my community and communities nationwide.'' I wholeheartedly agree with this statement and attest to the fact that Michael has exemplified through his many significant achievements the great importance of the Disabled American Veterans.

Michael Dobmeier is a native of Grand Forks, North Dakota. After graduating from high-school, he enlisted in the navy in 1969. Following boot camp in San Diego, he trained as an engine man in Great Lakes, IL, attended Submarine School in New London, CT, and, later, Diver's School in San Diego.

While serving off the coast of Washington in April 1972 aboard the USS *Trigger*, Michael was severely burned when an engine crankcase oil heater exploded. It sprayed him with flaming oil and caused him 2nd and 3rd degree burns over more than 30 percent of his body.

Following this accident, Michael received a military discharge and joined the Grand Forks' Disabled American Veterans Chapter 2. Since then, he has held almost every local, state, and national leadership position in the organization and has held all chapter and department leadership positions. At the 1994 DAV National Convention, Michael was chosen to serve on the National Executive and Finance Committee, was elected 4th and 3rd Junior Vice Commander consecutively at the 1995 and 1996 DAV National Conventions, and at the 1997 National Convention was elected 1st Junior Vice Commander. In 1998, Michael was elected Senior Vice Commander at the National Convention in Las Vegas, NV. He was also the president of the North Dakota Veterans Home Foundation and was chosen the 1985 DAV Outstanding Member of the Department of North Dakota.

Michael Dobmeier resides in Grand Forks with his wife Sandra Jo and their two children. As owner and President of Dobmeier, Inc., an independent insurance company, Michael has also found success in the business world.

I am proud to honor Michael Dobmeier as a person who has served his country with distinction and accepted the challenges and risks associated with this service. As Michael recently stated, ''Taking risks means moving forward while others are waiting for better times, while others are waiting for proven results, and while others are waiting for applause for their past performance. The greatest risk of all, however, is to take no risks * * * make no changes.'' We thank Mr. Dobmeier today for taking those risks. The world is truly a better place because of him.●

IN RECOGNITION OF BURTON H. BOYUM

● Mr. LEVIN. Mr. President, I rise today to recognize Burton H. Boyum, who is being honored on April 13th for his significant contributions to the preservation of the history of mining in Michigan's Upper Peninsula.

Burton H. Boyum was born in Minneapolis, Minnesota in 1919 and moved to the Upper Peninsula in 1941. He quickly learned to love the beauty of the U.P. and the outstanding character of its people. He worked as a mining engineer for one of the U.P.'s largest employers at the time, Cleveland Cliffs International, from his arrival in the U.P. until his retirement in 1984. Mr. Boyum's experience with Cleveland Cliffs inspired him to teach the public about the geology, mineralogy and mining heritage of his adopted home.

Mr. Boyum has contributed greatly to the preservation of the U.P.'s mining heritage throughout the years. In 1961, he was a founding Board Member of the Quincy Mine Hoist Association and was named its first Secretary. He served as President of the Board of the Association from 1973 until 1998, when he was named the first Chairman of the Board. Mr. Boyum has also served on the Advisory Commission of the Keweenaw National Historical Park, served as President of the Historical Society of Michigan, helped gain State approval for the Michigan Iron Industry Museum, and helped to create the Marquette Range Iron Mining Heritage Theme Park. He has written two books about the mining experience in the U.P., Saga of Iron Mining in Michigan's Upper Peninsula and The Mather Mine, and has also produced two videos about the history of U.P. mining.

As important as the mining experience has been to the U.P., Mr. Boyum also embraced the U.P.'s love for the outdoors and outdoor sports. He successfully campaigned for the creation of the National Ski Hall of Fame in Ishpeming, Michigan, and served as its first President and Curator. He also helped to organize the Great Lakes Olympic Training Center Association and served as its President for 10 years.

Mr. President, the history of Michigan's Upper Peninsula is deeply intertwined with the iron and copper mining industries. Burton H. Boyum has served the people of the U.P. well by dedicating himself to the preservation of its mining heritage. I know my colleagues will join me in wishing him well and in thanking him for his efforts.●

IN MEMORY OF MARY BODNE

• Mr. HOLLINGS. Mr. President, last month a former Charleston, SC resident and longtime friend, Mary Bodne, passed away at the age of 93. She and her husband, Ben, a Charleston native, owned and operated the Algonquin Hotel in New York City for over 41 years. In honor of their dedication to historic preservation and their service to all of those who had the pleasure of staying at the Algonquin, I ask that the attached article from the New York Times be printed in the RECORD.

The article follows:

[From the New York Times, Mar. 4, 2000]

MARY BODNE, EX-OWNER OF ALGONQUIN HOTEL, DIES AT 93

(By Douglas Martin)

Mary Bodne, who with her husband, Ben, fell in love with the Algonquin Hotel on their honeymoon and later owned it for 41 years, died on Monday at Lenox Hill Hospital in Manhattan. She was 93.

She lived at the elegant Midtown hotel, the literary hangout of the Jazz Age, from 1946 until her death, spending most afternoons in her lobby armchair greeting regulars.

It all began when the Bodnes, newly married, lunched at the Algonquin in the early 1920's and sighted Will Rogers, whom they had seen the night before at the Ziegfeld Follies; Douglas Fairbanks Sr., Sinclair Lewis, Eddie Cantor, Gertrude Lawrence and Beatrice Lillie. The bride joked to her husband, an oil distributor in Charleston, S.C., that after he bought the baseball team he dreamed about, he should get her the hotel.

Although Mr. Bodne toyed with buying the Pittsburgh Pirates, he never bought a ball club. But in 1946 he paid around $1 million for the 200-room hotel at 59 West 44th Street, between Fifth Avenue and the Avenue of the Americas. The couple promptly moved in.

For the former Mary Mazo, the Algonquin was the final address in an odyssey that began in Odessa, Ukraine, where she was the second child in a large Jewish family that fled the pogroms when she was an infant. A family story has it that the baby Mary began to cry in an attic while Cossacks rampaged below, but that she miraculously hushed up before it was too late. It is said that Mrs. Bodne's later loquaciousness was compensation for that momentary silence.

The Mazo family immigrated to Charleston, where the father, Elihu, opened the city's first Jewish delicatessen. When George Gershwin and DuBose Heyward were working on ''Porgy and Bess,'' they were frequent customers. They would also discuss the creation of the show at dinners in the Mazo family home.

Decades later, the Mazo tradition of hospitality would continue at the Algonquin. Mrs. Bodne cooked chicken soup for an ailing Laurence Olivier. She baby-sat for Simone Signoret, who called her ''one of my three truest friends.''

Mrs. Bodne had a gift for acquiring house seats for sold-out Broadway shows for desperate friends. Ella Fitzgerald was so grateful that she regularly sang to Mrs. Bodne whenever she stayed at the hotel.

The Irish writer Brendan Behan was so touched by a courtesy that he declared, ''Mary, your son will live to be pope,'' even though Mrs. Bodne was Jewish and had two daughters.

The daughters, Renee Colby Chubet and Barbara Anspach, both live in Manhattan. Mrs. Bodne is also survived by four sisters: Annie Rabin and Celie Weissman, both of Manhattan, and Minnie Meislin and Norma Mazo, both of Charleston.

The Bodnes bought the Algonquin, built in 1902 in the French Renaissance style, from Frank Case, who had catered to writers and editors from The New Yorker and other nearby publications. Among them were Dorothy Parker, Robert Benchley, Franklin P. Adams, Edna Ferber and Alexander Woollcott. They gathered around several tables before settling on the round one that became famous, not least because of Mr. Case's knack for publicity.

When he bought the hotel, Mr. Bodne, who enjoyed promoting boxing matches, said he would not attempt to recreate Mr. Case's role as boniface of the literati. But he said he regarded the Algonquin as an investment and, as such, had no intention of changing its essential character. So he kept the mahogany panels and deep-pile carpeting, while adding such amenities as color television and air-conditioning.

The Bodnes ended up playing host to a new generation of literary and show business celebrities, like the writer John Henry Faulk when he was blacklisted and exiled from Hollywood. Alan Jay Lerner and Frederick Loewe made so much noise working on a musical that the other guests complained; the show was the hugely successful ''My Fair Lady.''

Mr. Bodne, who died in 1992, had vowed that he would sell the charmingly dowager hotel the day it needed self-service elevators. He sold it in 1987 to the Aoki Corporation, the Brazilian subsidiary of a Japanese corporation, which in a 1991 renovation installed self-service elevators.

In 1997, Aoki sold the hotel to the Camberley Hotel Company, which promptly did its own $4 million renovation, promising no major changes. In an article in The New York Times, Julie V. Iovine noted that the newsstand had been sacrificed for space to sell coffee mugs, and that door numbers had been replaced by plaques featuring remarks by the famed Algonquin wits. The impression, she wrote, was ''self-consciousness verging on kitsch.''

At a party celebrating the makeover, Mrs. Bodne sat on the new velvet chair that had replaced her beloved old sagging one. ''What I've seen looks very nice, but it will never look like my old Algonquin now,'' she said. ''No, darling, I know it will never be the same.''

Except for the cat. Each owner of the Algonquin, including the Bodnes, has kept a lobby cat. The current one is named Matilda•.

TRIBUTE TO SARAH DAHLIN

• Mr. JOHNSON. Mr. President, I rise today to strongly commend and honor Sarah Dahlin of Vermillion, South Dakota. Sarah has been a highly-valued member of my legislative staff for approximately eight years, and I wanted to take this opportunity to publicly thank her for years of hard work and dedication to the people of South Dakota. Sarah will no longer be working on my staff after this week, and I, along with my entire staff, will miss her greatly. I have had the pleasure of knowing Sarah and her family for years, as we are both residents of Vermillion.

Fortunately for us and for Congress, Ms. Dahlin will not be leaving Capitol Hill, as she will be joining the office of Representative KAREN MCCARTHY. Sarah is truly a public servant, as demonstrated by her efforts in my office since 1992, when she joined my staff in the House of Representatives as a legislative correspondent. Sarah quickly earned my trust and confidence, as well as that of my senior staff, and she soon became a legislative assistant covering my Natural Resources Committee assignment, as well as a whole range of issues, from energy and environment, to defense and education, issues that are critically important to South Dakota. Issues and projects that Sarah has worked on for me and the people of South Dakota are too numerous to list, but Sarah has left a lasting contribution in many ways, from helping rural transit-providers receive a fair share of federal transit funds to helping South Dakota recover from devastating blizzards and flooding. Sarah's efforts over a number of years have helped make the Springfield bridge over the Missouri River a reality, with the Vermillion bridge not far behind. Sarah is the staff person who worked with me to pass an amendment to secure federal funds for the ongoing rehabilitation of the James River in South Dakota, an effort that will have a longstanding positive impact on the James River valley. She has helped create a new National Park Service facility to preserve a missile silo site, as well as help preserve important historical sites known as Spirit Mound and Blood Run.

After working on my House staff for more than four years, Sarah moved over to my Senate staff where she became a Senior Legislative Assistant. As well as staffing my Energy and Natural Resources Committee assignment during the last three plus years I have served in the Senate, most recently Sarah has also been responsible for staffing my Senate Budget Committee assignment. During consideration of the fiscal year 2000 and 2001 budget resolutions, Sarah has been instrumental in the passage of my amendments to increase funding for veterans health care, as well as the passage of an amendment to create a reserve fund for military retirees health care.

I know Sarah's parents, family, friends and colleagues are all very proud of her. She has a wonderful career and life in front of her, and I know she will continue to succeed at whatever she chooses to do. Hopefully she will have an opportunity to one day again serve the people of South Dakota. Mr. President, on behalf of my wife Barbara and I, and my entire staff, I want to thank Sarah Dahlin for her dedication and years of hard work for the people of South Dakota.•

REGISTRATION OF MASS MAILINGS

The filing date for 2000 first quarter mass mailings is April 25, 2000. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to

the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.

2000 APRIL QUARTERLY REPORTS

The mailing and filing date of the April Quarterly Report required by the Federal Election Campaign Act, as amended, is Saturday, April 15, 2000. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 12:00 noon until 4:00 p.m. on April 15th, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE FISCAL YEAR 1998 ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Health, Education, Labor, and Pensions.

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)), I transmit herewith the annual report of the National Endowment for the Arts for 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 6, 2000.*

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3660. An act to amend title 18, United States Code, to ban partial-birth abortions.

H.R. 3671. An act to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1374. An act to designate the United States Post Office building located at 680 U.S. Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building.''

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office.''

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3671. An act to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes; to the Committee on Environment and Public Works.

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–8363. A communication from the Director, Cash Management Policy and Planning, Financial Management Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510–AA81), received April 5, 2000; to the Committee on Finance.

EC–8364. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation entitled the ''Coalfields Security Act of 2000''; to the Committee on Finance.

EC–8365. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Extension for Johannisberg Riesling; Additional Grape Varieties'' (RIN1512–AB80), received April 3, 2000; to the Committee on Finance.

EC–8366. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Yountville Viticultural Area'' (RIN1512–AA07), received April 3, 2000; to the Committee on Finance.

EC–8367. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Chiles Valley Viticultural Area'' (RIN1512–AA07), received April 3, 2000; to the Committee on Finance.

EC–8368. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Increase in Tax on Tobacco Products and Cigarette Papers and Tubes'' (RIN1512–AB88), received April 3, 2000; to the Committee on Finance.

EC–8369. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Floor Stocks Tax for Cigarettes'' (RIN1512–AB95), received April 3, 2000; to the Committee on Finance.

EC–8370. A communication from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled ''Omnibus Federal Human Resources Administrative Improvements Act of 2000''; to the Committee on Governmental Affairs.

EC–8371. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Abolishment of the King, WA, Nonappropriated Fund Wage Area'' (RIN3206–AI75), received April 4, 2000; to the Committee on Governmental Affairs.

EC–8372. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Government National Mortgage Association management report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–8373. A communication from the Chief of Staff/Acting Director, Office of Surface Mining, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''New Mexico Regulatory Program'' (SPATS No. NM–037–FOR, Part III), received April 4, 2000; to the Committee on Energy and Natural Resources.

EC–8374. A communication from the Chief of Staff/Acting Director, Office of Surface Mining, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''New Mexico Regulatory Program'' (SPATS No. NM–037–FOR, Part III), received April 4, 2000; to the Committee on Energy and Natural Resources.

EC–8375. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Planning and Management Program; Integrated Resource Planning Approval Criteria'' (RIN1901–AA84), received April 4, 2000; to the Committee on Energy and Natural Resources.

EC–8376. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Bank Secrecy Act Regulations—Requirement that Money Transmitters and Money Order and Traveler's Check Issuers, Sellers, and Redeemers Report Suspicious Transactions'' (RIN1506–AA20), received April 3, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8377. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the 1999 annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC–8378. 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–8379. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Institutes of Health Loan Repayment Program for Research Generally for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–8380. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 97F–0157), received April 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8381. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 97F–0246), received April 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8382. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Paper and Paperboard Components'' (Docket No. 93F–0132), received April 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8383. A communication from the Assistant Secretary of the Army, Civil Works transmitting, pursuant to law, the report of a rule entitled ''Final Rule Establishing an Administrative Appeal Process for the Regulatory Program of the Corps of Engineers'' (RIN0710–AA41), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8384. A communication from the Chairman, The Morris K. Udall Foundation transmitting a draft of proposed legislation entitled ''Native Nations Institute for Leadership, Management and Policy Act of 2000''; to the Committee on Environment and Public Works.

EC–8385. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement'' (FRL # 6573–5), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8386. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District and Mojave Desert Air Quality Management District'' (FRL # 6570–9), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8387. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Allegheny County, Pennsylvania; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators'' (FRL # 6571–5), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8388. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; California-South Coast'' (FRL # 6570–7), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8389. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Mississippi'' (FRL # 6574–3), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8390. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''EPA Review and Approval of State and Tribal Water Quality Standards'' (FRL # 6571–7), received April 4, 2000; to the Committee on Environment and Public Works.

EC–8391. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to cabin air quality research; to the Committee on Commerce, Science, and Transportation.

EC–8392. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-Based Pelagic Longline Fishery Line Clipper and Dipnet Requirement; Guidelines for Handling of Sea Turtles Brought Aboard Hawaii-Based Pelagic Longline Vessels'' (012100C), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8393. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan; Delay of Effectiveness'' (RIN0648–AK79), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8394. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Swordfish Quota Adjustment'' (I.D. 102299B), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8395. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Opens Directed Fishing for Several Groundfish Species in the Central Regulatory Area in the Gulf of Alaska'', received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8396. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska-Pollock Closure in the West Yakutat District of the Gulf of Alaska'', received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8397. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Logio Squid'', received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8398. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program Supplemental Notice of Funds Availability for the Coastal Ecosystem Research Project in the Northern Gulf of Mexico'' (RIN0648–ZA78) (Docket No. 0002023–0023–01), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8399. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program Supplemental Notice of Funds Availability for the South Florida Ecosystem Restoration Prediction and Modeling Program and the South Florida Living Marine Resources Program'' (RIN0648–ZA79) (Docket No. 0002024–0024–01), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8400. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, the report of a rule entitled ''Coastal Ocean Program Supplemental Notice of Funds Availability for the Global Ocean Ecosystem Dynamics (GLOBEC) Research Project'' (RIN0648–ZA77) (Docket No. 000127019–0019–01), received April 4, 2000; to the Committee on Commerce, Science, and Transportation.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1936. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes (Rept. No. 106–256).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL for the Committee on Indian Affairs:

Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for

American Indians, Department of the Interior.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST:

S. 2368. A bill to authorize studies on water supply management and development; to the Committee on Environment and Public Works.

By Mr. KERRY:

S. 2369. A bill to amend title 49, United States Code, to waive federal preemption of State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. ROTH, Mr. SMITH of New Hampshire, Mr. BAUCUS, Mr. VOINOVICH, Mr. HATCH, Mr. DASCHLE, Mr. LOTT, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. TORRICELLI, Mr. WELLSTONE, Mr. WYDEN, Mr. BENNETT, Mr. BOND, Mr. L. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. GRAMM, Mr. HELMS, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. NICKLES, Mr. SANTORUM, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. FITZGERALD, Mr. GORTON, and Mr. GRAMS):

S. 2370. A bill to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 2371. A bill to suspend temporarily the duty on Cibacron Red LS–BHC; to the Committee on Finance.

By Mr. HELMS:

S. 2372. A bill to suspend temporarily the duty on Cibacron Brilliant Blue FN–G; to the Committee on Finance.

By Mr. HELMS:

S. 2373. A bill to suspend temporarily the duty on Cibacron Scarlet LS–2G HC; to the Committee on Finance.

By Mr. HELMS:

S. 2374. A bill to suspend temporarily the duty on certain TAED chemicals; to the Committee on Finance.

By Mr. HELMS:

S. 2375. A bill to suspend temporarily the duty on a certain polymer; to the Committee on Finance.

By Mr. HELMS:

S. 2376. A bill to suspend temporarily the duty on isobornyl acetate; to the Committee on Finance.

By Mr. HELMS:

S. 2377. A bill to suspend temporarily the duty on sodium petroleum sulfonate; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. BRYAN):

S. 2378. A bill to amend titles XVIII and XIX of the Social Security Act to improve the safety of the medicare and medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. L. CHAFEE, and Mr. GRAHAM):

S. 2379. A bill to provide for the protection of children from tobacco; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, Mrs. BOXER, and Mrs. MURRAY):

S. 2380. A bill to provide for international family planning funding for the fiscal year 2001, and for other purposes; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. REID, Mr. STEVENS, Mr. KERRY, Mr. AKAKA, Ms. LANDRIEU, Mr. DURBIN, Mr. BINGAMAN, Mr. ASHCROFT, Mr. BIDEN, Mr. COCHRAN, Mr. INOUYE, Mr. FEINGOLD, Mr. LEVIN, Mr. GRAHAM, Mr. DEWINE, Mr. THURMOND, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. SANTORUM, Mr. WARNER, Mrs. MURRAY, Mr. ROBB, Mr. BURNS, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. CONRAD, Mr. SESSIONS, and Mrs. FEINSTEIN):

S.J. Res. 44. A joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2369. A bill to amend title 49, United States Code, to waive federal preemption State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce; to the Committee on Commerce, Science, and Transportation.

MOVING COMPANY RESPONSIBILITY ACT

• Mr. KERRY. Mr. President, I rise today to introduce the Moving Company Responsibility Act of 1999 to improve the protections afforded to consumers who hire moving companies to carry their possessions from one state to another. Under current law, consumers whose goods are lost or stolen during transit have no redress against moving companies that deceive or mistreat them during the claims process.

This problem was first brought to my attention by my constituents, Jane Rini and John Pucci. In 1990, Ms. Rini hired a moving company to transport her household goods from South Carolina to Massachusetts to attend Smith College's Ada Comstock Program. Among Ms. Rini's possessions were valuable original paintings and art objects that had been passed down through her family. When her belongings were delivered by the driver employed by the moving company, Ms. Rini noticed that the boxes containing the works of art were missing. Although the company's driver was not able to locate the boxes, he demanded that Ms. Rini sign inventory sheets indicating that her goods had been properly delivered and refused to leave her house until she signed for the delivery. Under pressure, Ms. Rini signed the inventory sheets, noting on them that boxes containing the works of art were missing. She was not informed by the company that she should note missing boxes on the bill of lading, nor was she given the pamphlet containing this information, as required by federal law. The next day, Ms. Rini and her family unpacked the boxes that had been delivered and determined conclusively that eleven works of art were missing. They have never been recovered.

From that point on, Ms. Rini did everything to obtain redress that reasonably could be expected of a consumer. She filed her claim with the moving company in a timely manner, and she went to great lengths to supply the moving company's claims adjusters with all the information they needed to process her claim. However, her efforts to recover damages for the lost artwork were met with abusive and deceptive tactics seemingly designed to discourage her claim.

At the beginning of the claims process, the company demanded that Ms. Rini provide it with documentation such as canceled checks, recent appraisal information, insurance riders, or cash receipts. Ms. Rini had no recent information on the works because they had been handed down through her family for generations, but she was able to supply the company with photographs of most of the missing pieces, and she even paid for professional appraisals of the works based on the photos. She also provided the company with a letter from 1929 which reflected the authenticity of some of the pieces.

Mr. President, this should have been more than enough to satisfy the company as to the validity of Ms. Rini's claim, but the company refused to accept appraisals unless they were based upon actual examination of the objects. Meanwhile, Ms. Rini was told by a company representative that a thorough investigation of her claim would be conducted, but the representative negligently failed to interview or take written statements in a timely manner from any of the employees involved in the move who might have been able to substantiate the claim.

Almost nine months later, the company denied Ms. Rini's claim on the grounds that all items were delivered and signed for on the bill of lading without a notation indicating missing items; that the company had not received adequate documentation to substantiate Rini's claims; and that the company had not uncovered any evidence that the works had not been delivered to Northampton.

Ms. Rini finally took her case to a District Court in Massachusetts. During the trial, the moving company's own expert witnesses testified that reliable and fair estimates of the value of works of art are commonly obtained through examination of photographs, but the company maintained that Ms. Rini's documentary proof was insubstantial and denied that it had a duty to settle the claim. Upon hearing the testimony, the court found Ms. Rini's documentation provided sufficient evidence upon which the moving company should have settled her claim. It further characterized the company's tactics as ''unfair,'' ''unethical,'' and ''deceptive,'' and found that Ms. Rini was entitled to recover damages for injury she suffered as a result of the company's negligence and misrepresentation throughout the claims process. However, the District Court's decision, which was based on Massachusetts law, was overturned by the First Circuit Court of Appeals, which found that state law providing relief to Ms. Rini is preempted by the federal law establishing uniform liability for motor carriers.

Mr. President, Ms. Rini's story is just an illustration of the larger problem. Under current law, irresponsible, unethical moving companies are allowed to mistreat those who depend on them for service, and there is no recourse for consumers who are the victims of negligence or deception. Consumers who place their trust in moving companies should have a reasonable expectation that they will be treated with consideration and respect at all times; and when a company fails to deliver on its promise to transport household goods in good condition, consumers' efforts to recover damages should not be met with the kind of abuse and deception that Ms. Rini experienced. No consumer should have to suffer that sort of treatment.

Unfortunately, current law provides little or no incentive for moving companies to make sure that customer claims are handled fairly. In fact, under current law, moving companies can act irresponsibly and unfairly with impunity. According to the Department of Transportation, well over 2,500 complaints were filed against moving companies in 1998, the most recent year for which this information is available. That's more than 2,500 consumers who believe they were treated unfairly—and those are just the consumers who actually took the time to file complaints. The time for Congress to act to protect consumers is now, and passage of the Moving Company Responsibility Act is the first step.

The Moving Company Responsibility Act would provide customers with a means of redress against unethical companies by allowing them to pursue claims under state law. The penalties and fines available under state laws would serve as an incentive to companies to treat customers fairly throughout the business relationship. This is a simple bill, but it is needed to ensure that consumers are adequately protected when they contract with moving companies.

I would like to thank my constituents, Ms. Rini and Mr. Pucci, for bringing this important consumer protection matter to my attention.

This bill will provide important protections to consumers, and I hope my colleagues on both sides of the aisle will join me in supporting it so that we can pass it quickly.

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. 2369

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

SECTION 1. STATE COURT AWARDS OF PUNITIVE DAMAGES FOR UNFAIR OR DECEPTIVE PRACTICES OF MOTOR CARRIERS IN CONNECTION WITH CLAIMS FOR LOSS, DAMAGE, INJURY, OR DELAY OF TRANSPORTED PROPERTY.

(a) PUNITIVE DAMAGES AUTHORIZED.—Section 14706 of title 49, United States Code, is amended by adding at the end the following:

''(h) PUNITIVE DAMAGES FOR UNFAIR OR DECEPTIVE PRACTICES.—Nothing in this section limits the liability of a carrier for punitive damages authorized under applicable State law for any act or omission of the carrier in connection with the investigation, settlement, adjudication, or other aspect of the processing of a claim under this section that constitutes an unfair or deceptive trade practice under such State law.''.

(e) RETROACTIVE EFFECTIVE DATE AND APPLICABILITY.—Subsection (h) of section 14706 of title 49, United States Code (as added by subsection (a)), shall take effect as of January 1, 1990, and shall apply with respect to receipts and bills of lading referred to in subsection (a)(1) of such section that are issued on or after that date.●

By Mr. SCHUMER (for himself, Mr. ROTH, Mr. SMITH of New Hampshire, Mr. BAUCUS, Mr. VOINOVICH, Mr. HATCH, Mr. DASCHLE, Mr. LOTT, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. KERREY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. TORRICELLI, Mr. WELLSTONE, Mr. WYDEN, Mr. BENNETT, Mr. BOND, Mr. L. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. GRAMM, Mr. HELMS, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. NICKLES, Mr. SANTORUM, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. FITZGERALD, Mr. GORTON, and Mr. GRAMS):

S. 2370. A bill to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the ''Daniel Patrick Moynihan United States Courthouse''; to the Committee on Environment and Public Works.

LEGISLATION S. 2370 TO NAME THE FEDERAL COURTHOUSE AT 500 PEARL STREET IN NEW YORK CITY FOR SENATOR DANIEL PATRICK MOYNIHAN

Mr. SCHUMER. Mr. President, I rise today with 61 of my colleagues to introduce a bill to name the beautiful Federal Courthouse located at 500 Pearl Street in Manhattan, after my esteemed colleague and champion of this project, Senator DANIEL PATRICK MOYNIHAN.

When I think about the many accomplishments of the distinguished Senator or the numerous accolades that he has received, I am left with very big shoes to fill and very few words that have yet to be used to describe the man and his legacy. His roles throughout his 47-year career in public service include legislator, scholar, reformer, teacher and last, but definitely not least, builder. In New York, PAT MOYNIHAN has taught us the value of beautiful public works.

It is especially for his role as builder that we honor PAT MOYNIHAN today. The Federal Courthouse at 500 Pearl Street embodies the same spirit as his previous architectural endeavors—an extraordinary work of art, inside and out. Completed in 1994, the Courthouse was designed by the distinguished architectural firm of Kohn Pederson Fox with a dignity worthy of the weighty judicial matters considered within its walls. It is a magnificent structure of solid granite, marble, and sturdy oak, built to last 200 years, adorned with public art from notable contemporary artists Ray Kaskey and Maya Lin.

Not coincidentally, the Courthouse's presence and elegance befit the man who was most responsible for its creation—Senator DANIEL PATRICK MOYNIHAN, who has been an enduring champion of excellence in public architecture, both here in Washington and at home in New York. Senator MOYNIHAN toiled for nearly a decade prodding the Congress, General Services Administration, three New York City mayors, and anyone else he needed, to see this spectacular Courthouse built.

Senator MOYNIHAN has always been an important force for architecture in New York. He was responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green in Lower Manhattan and 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 H. Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. MOYNIHAN has also spurred a powerful popular movement in Buffalo to build a new signature Peace Bridge over the Niagara River.

But the project for which he is best known is his beloved Pennsylvania Station. In 1963, PAT MOYNIHAN was one of

a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Penn Station—a glorious public building designed by McKim, Mead & White, the Nation's premier architectural firm of the time.

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 we could use the Farley Building to once again create a train station worthy of our great City. I, along with many of my colleagues, offered a bill last year to name that new train station after him, but Senator MOYNIHAN, with characteristic modesty, asked that the station keep the Farley name.

Fortunately, the Courthouse at 500 Pearl Street will serve as an equally fitting tribute and provide an enduring monument in the heart of the City that PAT MOYNIHAN and I both love so dearly, a monument for the millions of New Yorkers and their fellow Americans who love and admire Senator DANIEL PATRICK MOYNIHAN.

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. 2370

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 UNITED STATES COURTHOUSE.

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the ''Daniel Patrick Moynihan United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Daniel Patrick Moynihan United States Courthouse.

Mr. LAUTENBERG. Mr. President, I commend Senator SCHUMER for submitting this resolution. I, too, have had the privilege of working with Senator PAT MOYNIHAN on the Environment and Public Works Committee for almost 18 years. There are few people who have a better knowledge of history, design, and concept than does our friend, PAT MOYNIHAN.

I join Senator SCHUMER in his comments about Senator PAT MOYNIHAN. I am very familiar with the railroad station. Many people from New Jersey, and people from all over the country, will get to see this station and the contributions Senator MOYNIHAN has made to our national well-being.

I urge passage of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as has the distinguished Senator from New Jersey, I have had the privilege of serving with our friend, Senator MOYNIHAN, for many years on the Environment and Public Works Committee. If I may say with some little immodesty, I have been sort of a silent partner with Senator MOYNIHAN, not so much on this project—this was entirely his, I say to the junior Senator—but the Ronald Reagan Airport, for example, and the completion of the Federal Triangle are major, significant landmarks which will go forward for future generations. But for this quiet, modest, knowledgeable man—I doubt if he would ever be a cosponsor of this resolution—it is most befitting that this be done to recognize a man who stands for the rule of law.

I thank the Senator.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, Mr. KERREY, and Mr. BRYAN):

S. 2378. A bill to amend titles XVIII and XIX of the Social Security Act to improve the safety of the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

STOP ALL FREQUENT ERRORS (SAFE) IN MEDICARE AND MEDICAID ACT OF 2000

• Mr. GRASSLEY. Mr. President, I am pleased to introduce this important legislation today with my colleagues, Senator LIEBERMAN, Senator KERREY, and Senator BRYAN. This bill represents an important step toward ensuring patients receive safe, quality health care in our nation's hospitals and healthcare facilities.

The Institute of Medicine (IOM) Report released last fall indicates that nearly 44,000 to 98,000 people die or are seriously hurt in hospitals every year. That is equivalent to having three jumbo jets filled with passengers crash every two days. Should we be safer flying in an airplane than going to a hospital for routine surgery?

Take the case of Gary Masiello, who lost his daughter when her breathing tube was accidentally disconnected. Nine months later he lost his wife in another hospital when she choked on her medication. He no longer has the confidence that he or his family are safe when entering the hospital.

The case of Betsy Lehman, a Boston Globe health reporter, is yet another example of how medical mistakes can lead to death. She received a drug overdose in 1994 during her chemotherapy treatment.

Ironically, even one of the contributors to the IOM report was touched by a medical error. Mary Wakefield, while she was preparing the report, discovered that her 83 year old mother was operated on the wrong hand.

Today, Senator LIEBERMAN, Senator KERREY, Senator BRYAN, and I are introducing a bipartisan bill to make patient safety a national healthcare priority. We recognize that mistakes happen, and that in our complex healthcare system, problems will occur. But in a country that is the leader in healthcare research, technology, and advancement, we should be able to do much, much better when it comes to patient safety.

We are not here today to point the finger or to blame. We are here to provide a solution to this disturbing problem—a problem we think is preventable.

Our legislation establishes a reporting and patient safety program for hospitals and other healthcare providers that participate in the Medicare and Medicaid programs, which would include virtually every healthcare facility in the United States. Billions of federal tax dollars go to these programs. The taxpayers deserve to know that the healthcare system they invest in provides safe, high-quality care.

This bill extends confidentiality protections to ensure that providers will report without risk of retaliation by trial lawyers. By creating a safe environment, this bill will foster reporting and corrective action plans in hospitals and healthcare facilities across the country.

Our legislation will improve patient safety and give providers the tools they need to address medical mistakes before patients are harmed. These errors are not intentional by any means, but they are preventable. So, I ask that my colleagues on both sides of the aisle to support this bill to ensure that medical errors become a thing of the past.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION OF THE STOP ALL FREQUENT ERRORS (SAFE) IN MEDICARE AND MEDICAID ACT OF 2000

Section I. Title and Table of Contents.

Section II. Purpose—This section describes the intent of the legislation which is to create a non-punitive medical error reduction program under the Medicare and Medicaid programs through identification of medical errors, extension of confidentiality with limited disclosure, and implementation of systems and processes to reduce the number of adverse events that occur.

Section III. Improvement of Patient Safety under the Medicare Program—This section establishes the guidelines for the medical error reduction program in the Medicare and Medicaid programs as a condition of participation.

Facilities that choose to participate in the Medicare and Medicaid programs including hospitals, critical access hospitals, skilled nursing facilities, comprehensive outpatient rehabilitation facilities, home health agencies, hospice, renal dialysis facilities, and ambulatory surgery centers would have to meet the requirements of this Act.

Hospitals would be required to participate one year after the date of enactment of this Act. The other institutions would be phased-in on a timetable to be determined by the Secretary of Health and Human Services.

Providers would have to implement a patient safety program to reduce medical errors. The program will target both sentinel events and additional events associated with injury as targeted by the Secretary, or local providers. The program shall utilize active investigation to discover health care errors and achieve measurable improvement in the rates of health care errors.

In addition, providers would be required to report sentinel events and additional designated errors to the following: (1) their state health department; (2) a national accrediting organization when applicable, i.e. the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO); and (3) the Medicare peer review organizations. The facility would be responsible for performing a root-cause analysis and implementing a corrective action plan that reduces the risk of such event happening in the future. Providers can designate which agency or entity described above to approve their compliance with the reporting and correction program. Aggregated reports without identifiers would be submitted to the Secretary by the agency or entity.

Confidentiality and privacy protections based on current peer review protections would be extended to ensure that institutions would be encouraged to report and to implement effective patient safety programs. Information would also be protected for the purposes of conducting peer review activities and root cause analysis.

A definition of poor performance is complying with the reporting and correction program will be specified by the Secretary, JCAHO, the Agency for Healthcare Research and Quality (AHRQ), the peer review organizations, providers and consumer organizations. When a facility has a pattern of poor performance, this information is reported to the Secretary and the Secretary shall then release this information to the public. This would occur if the pattern of poor performance continues for more than two years, and a provider fails to report sentinel events and implement corrective actions to address safety problems.

Section IV. Improvement of Patient Safety Under the Medicaid Program—This section extends the Medicare provisions above to congregate care providers in the Medicaid program. Congregate care provider is defined as facilities in the Medicaid program that provide hospital services, nursing facility services, services of intermediate care facilities for the mentally retarded, hospice care, residential treatment centers for children, services in an institution for mental diseases, and inpatient psychiatric hospital services for individuals under age of 21.

Section V. Establishment of the Center for Patient Safety—This section establishes a Center for Patient Safety (Center) within HHS. The mission of the Center is to improve patient safety and reduce the incidence of medical errors. The Center would establish national goals for patient safety and mechanisms to track such goals. In addition, the Center would prepare and submit an annual report to the President and Congress with recommendations concerning patient safety. Among some of its duties, the Center would develop a national health care patient safety research agenda, disseminate information and evaluate mechanisms to improve patient safety, and conduct pilot projects to conduct new or innovative patient safety reporting systems.

Section VI. Grants to Establish Patient Safety Programs—This section authorizes the Center to award grants to providers and health professionals affiliated with such providers for the establishment and operation of patient safety programs.

Section VII. Authorization of Appropriations—This section authorizes the following amounts:

(1) For fiscal year 2001, $30,000,000.
(2) For fiscal year 2002, $35,000,000.
(3) For fiscal year 2003, $40,000,000.
(4) For each fiscal year thereafter, such sums as may be necessary.●

By Mr. HARKIN (for himself, Mr. L. CHAFEE, and Mr. GRAHAM):

S. 2379. A bill to provide for the protection of children from tobacco; to the Committee on Health, Education, Labor, and Pensions.

KIDS DESERVE FREEDOM FROM TOBACCO ACT OF 2000

Mr. HARKIN. Mr. President, I am pleased today to be joined by Senators CHAFEE and GRAHAM to introduce the ''KIDS Deserve Freedom from Tobacco Act of 2000.''

Just over 2 years ago, on March 31, 1998, Senators HARKIN, CHAFEE and GRAHAM teamed up to introduce the first comprehensive bipartisan legislation to reduce teen smoking. Today, I am pleased to announce that Senators HARKIN, CHAFEE and GRAHAM are teaming up again with the same goal. This bill is the first bipartisan Senate effort to restore the Food and Drug Administration's authority to protect our kids from tobacco.

We feel it is absolutely critical to show bipartisan support for picking up the ball the Supreme Court dropped in our lap just two weeks ago. We hope that our announcement today will be the beginning of a bipartisan push to get this type of common sense legislation passed.

The need is clear. As the Supreme Court recognized, tobacco use among children and adolescents is probably the single most significant threat to public health in the United States. A new study released just yesterday shows how the tobacco industry continues to successfully target our children. Seventy-three percent of teens reported seeing tobacco advertising in the previous two weeks, compared to only 33% of adults. And 77% of teens say it is easy for kids to buy cigarettes.

That is why 3,000 kids start smoking every day and fully 1,000 of them will die prematurely because of it. That's the equivalent of 3 jumbo jets packed with kids crashing every day. And that is why cigarette smoking among high school seniors is at a 19-year high. There is no question we face a public health crisis of unmatched proportions and we have the opportunity this year to stop it.

Passing comprehensive legislation that would dramatically reduce the number of American children hooked on this deadly habit is a once and a lifetime opportunity. Unfortunately, though, the tobacco debate in Washington has so far been largely partisan. That's why we've joined arms across party lines behind the KIDS Deserve Freedom From Tobacco Act, the KIDS Act. We hope and believe that the introduction of our bipartisan bill will change the debate and significantly increase the odds that reforms will be made this year.

Let me be clear. Nicotine is an addictive product and cigarettes kill. Even the tobacco companies are starting to admit it. In fact, Big Tobacco has known this for so long, they deliberately manipulate the nicotine in cigarettes to get more people addicted.

The FDA regulations, struck down by the Supreme Court two weeks ago, were about stopping kids from smoking. These regulations were an investment in the future of our kids.

Our legislation will re-affirm the FDA's authority over tobacco products. It will classify nicotine as a drug and tobacco products as drug delivery devices. It will allow FDA to implement a ''public health'' standard in its review and regulation of tobacco products. By codifying FDA's regulation of 1996, our legislation will also allow for continuation of the critically important youth ID checks. It will provide needed youth access restrictions such as requiring tobacco products to be kept behind store counters and ban vending machines. It will also include sensible advertising limits as well as other important provisions of the original FDA rule designed to reduce teen access to tobacco.

For the sake of our kids and the public health, we have a responsibility to act quickly on this. Today, we begin that important effort.

Mr. President, I urge my colleagues to examine our legislation and give us their comments. We should not leave this year without taking this type of common sense step to protect our kids.

Mr. L. CHAFEE. Mr. President, I am pleased to join Senators HARKIN and BOB GRAHAM in introducing the Kids Deserve Freedom From Tobacco Act of 2000, which would give the Food and Drug Administration the authority to regulate the manufacture and sale of tobacco. This legislation is a commonsense and bipartisan approach to ensure that tobacco products do not get into the hands of minors, especially in light of the Supreme Court's recent decision that the FDA does not have the authority to regulate tobacco products.

The Supreme Court's recent decision is disappointing. This judgment, while following the letter of the law, will cause unnecessary harm to millions of people unless Congress acts quickly to stem its affects. We must ensure that the FDA regulations are enacted into law.

Not only does tobacco pose a significant risk to the individual smoker, but it reaps a high cost from the American public. The widespread use of tobacco is eating away at our society's physical and financial health. Tobacco's physical toll in deaths and diseases is well-documented. However, the financial weight that tobacco places on America's overburdened health care system is often overlooked. As the single most preventable cause of premature death, disease and disability facing our nation, tobacco use is also the single biggest preventable expense to our nation's health care system.

America's publicly financed health care system has also suffered. Nearly half the costs of treating tobacco related illnesses—approximately $25 billion in 1993, according to the Centers for Disease Control—fall to state and federal governments through such programs as Medicare and Medicaid. This

unnecessary fiscal burden has hit the health care industry hard, increasing the cost of health care, while driving millions into the ranks of the uninsured. As Congress struggles to pull the Medicare program back from the brink of insolvency, it is clear that the huge costs of the preventable illnesses caused by tobacco need to be addressed. We have a clear choice: attack the problem of preventable disease, or place a greater burden on our already financially strapped health care system.

The Supreme Court did not argue the scientific evidence: nicotine is a drug and cigarettes are drug delivery devices. Nicotine is addictive, it lures children, kills adults, and drives up our nation's health care costs. In fact, the Court's majority opinion admitted that tobacco use was ''perhaps the single most significant threat to public health in the United States.''

The only thing the FDA lacks, they said, was explicit authority to regulate tobacco products. Fine! Today, we propose to give them that authority. This bipartisan measure will abide by the intent of the Court's ruling by granting the FDA explicit authority to regulate these deadly and addictive products as it does for all other drugs.

Congress cannot afford to wait. The three thousand children who get hooked on tobacco each day cannot afford to wait. Our overburdened health care system cannot afford to wait. I hope my colleagues in both Houses of Congress will come together in a bipartisan spirit to grant the FDA authority to stop the spread of the tobacco contagion.

Mr. GRAHAM. Mr. President, for far too long, the health and welfare of America's children have been jeopardized by a relatively unregulated tobacco industry.

''The Food and Drug Administration (FDA) has amply demonstrated that tobacco use, particularly among children and adolescents, poses perhaps the single most serious threat to public health in the United States.''

These words aren't mine. They are Justice Sandra Day O'Connor's, the author of the majority opinion in Food and Drug Administration v. Brown and Williamson—the recent case which prevents the FDA from effectively regulating tobacco.

We have worked hard to protect our children from the perils of tobacco, but we clearly have not done enough.

A study recently released by the Substance Abuse and Mental Health Services Administration (SAMHSA) shows that over 18 percent of youth between the ages of 12 and 17 are smokers.

That translates into 4.1 million kids. And, every day, another 3,000 children join the ranks of their smoking peers.

Not only are these children exposing themselves to the long-term health risks that we know tobacco to pose, they are increasing the likeliness that they will develop other harmful addictions.

SAMHSA's study has revealed that children who smoke are over 11 times more likely to use illicit drugs and 16 times more likely to drink heavily than are their nonsmoking peers. Specifically, children who smoke are 100 times more likely to also smoke marijuana and 32 times more likely to use cocaine than nonsmoking children.

Today, of the 4.1 million children who currently smoke, approximately: 35% smoke marijuana; 8% take hallucinogenic drugs; 5% use cocaine; and 4% sniff inhalants.

The Supreme Court has placed the burden of protecting not only these children, but all children from tobacco squarely on the shoulders of the Congress. This is indeed a heavy weight to bear, but it is one from which we cannot afford to shy away.

We are here today to announce that we have accepted this charge, and are introducing legislation that will provide America's children with real protections from tobacco.

Currently, the FDA has the authority to regulate virtually all products which we consume or apply to our skin—food, drugs, cosmetics and medical devices—protecting Americans by ensuring that these products meet certain health standards.

Yet, today, FDA authority—and thus, FDA protection—does not apply to tobacco.

Congress can extend these protections by giving the FDA the authority to truly regulate tobacco products.

Our legislation would do just that. It would give the FDA authority to: (1) reduce harmful components—such as nicotine—in tobacco products; (2) impose appropriate advertising and marketing restrictions to reduce teenage tobacco use; (3) require manufacturers to submit information about the health effects of their product to the FDA; (4) require strong warning labels; and (5) regulate health claims and ''Reduced Risk'' products.

Mr. President, we are all in agreement that it is our responsibility to promote a healthier America. This legislation will help us achieve that collective goal, by giving the FDA the authority to regulate the tobacco industry. I urge my colleagues to support this important measure.

By Mr. LAUTENBERG (for himself, Ms. SNOWE, Mrs. BOXER, and Mrs. MURRAY):

S. 2380. A bill to provide for international family planning funding for the fiscal year 2001, and for other purposes; to the Committee on Foreign Relations.

SAVING WOMEN'S LIVES THROUGH INTERNATIONAL FAMILY PLANNING ACT OF 2000

• Mr. LAUTENBERG. Mr. President, I rise today to introduce the Saving Women's Lives through International Family Planning Act of 2000. I would like to thank Senator SNOWE, Senator BOXER, and Senator MURRAY for joining me as cosponsors and I invite others to join us. Congresswoman MALONEY introduced this legislation in the House in February, and it has gained the support of 94 cosponsors on both sides of the aisle in that body.

Mr. President, while global population growth has slowed, the world's population reached 6 billion in 1999 and is expected to rise to 8.9 billion by 2050. Nearly all of this growth is occurring in developing nations. High population density puts tremendous strain on water and other resources and takes an increasing toll on the quality and length of human life.

Each year, more than 585,000 women die from complications related to pregnancy and childbirth. And millions of women suffer serious health problems following childbirth.

International family planning programs are our best hope to slow population growth and decrease mortality rates, and that's why the legislation I'm introducing today is so important.

Tomorrow is World Health Day, an appropriate occasion to remember that international family planning programs save the lives of millions of women all over the world. Providing reproductive health care and health education results in safer pregnancies and safer motherhood.

Yet this country is paying hundreds of millions of dollars less on international family planning programs today than it did five years ago. We need to restore this country's commitment to helping those in developing countries raise their standards of living, and family planning must be an important part of that assistance. Without this renewed commitment, high fertility rates and rapid population growth will prevent people in the poorest countries from rising out of poverty.

The Saving Women's Lives through International Family Planning Act of 2000 authorizes $541.6 million—the funding level requested by President Clinton—for bilateral family planning programs and related assistance abroad. It also provides $35 million for the United Nations Population Fund, known as UNFPA. This would return our level of international family planning assistance to where it was in fiscal 1995. This is a sound investment that will bring returns for decades to come.

This bill would also reverse the so-called ''gag rule'' that restricts USAID grants to non-governmental organizations abroad that use their own funds to advocate a woman's right to choose or to perform legal medical procedures. Under this bill, the requirements we apply to NGOs would not be more restrictive that the requirements on foreign governments that receive similar assistance.

I have fought for years, as a member of the Foreign Operations Appropriations subcommittee, for adequate funding for international family planning programs without restrictions which would limit the reach or effectiveness of our aid.

Last year, we were forced to accept the gag rule in exchange for congressional agreement to pay U.S. arrears to the United Nations. It was a bitter pill to swallow and we must eliminate this provision now. It's unfair and undemocratic. By restricting the freedom of organizations to engage in public policy debates, the gag rule undermines a central goal of U.S. foreign policy, the promotion of democracy—which has at its core the principles of free and open debate and citizen involvement in government decisions. And this restriction is a serious impediment to our efforts to bring global population levels under control and to protect the lives of millions of women by letting them choose to have only as many children as they can care for responsibly.

Mr. President, family planning is even more critical to the health of people in developing countries than it is here in America. Many developing countries lack the hospitals and clinics and doctors and other health-care professionals to provide women with the advice and care they need to have a safe pregnancy. Many lack the facilities and expertise to provide obstetrical and prenatal care women need to deliver healthy babies.

Sometimes, a pregnancy can be dangerous, especially if the woman is too young or too old to bear a child. In many poor societies, families have many children because so many die before they reach adulthood and children provide the only support in their parents' later years. As a result, families too often have more children than they can realistically support and face malnutrition or even starvation. Finally, there are those who do not properly consider the potential transmission of deadly diseases such as AIDS or who do not have access to contraceptive devices.

For many poor women abroad, family planning clinics offer the only general health care available. Without the critical funding provided in this bill, many of these women will unnecessarily suffer and even die. With this assistance, women and children will have a better chance of living longer, healthier lives.

We need this legislation to reduce mortality rates, to combat the spread of HIV/AIDS and other diseases, and to give the poorest nations an opportunity to meet their social, environmental, and economic needs by making family planning available worldwide.

Mr. President, I urge my colleagues to join in support of the Saving Women's Lives through International Family Planning Act of 2000. We all have a stake in helping people in the worlds poorer nations plan their families and helping control the impact of population growth on the planet we share.●

By Mr. KENNEDY (for himself, Mr. REID, Mr. STEVENS, Mr. KERRY, Mr. AKAKA, Ms. LANDRIEU, Mr. DURBIN, Mr. BINGAMAN, Mr. ASHCROFT, Mr. BIDEN, Mr. COCHRAN, Mr. INOUYE, Mr. FEINGOLD, Mr. LEVIN, Mr. GRAHAM, Mr. DEWINE, Mr. THURMOND, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. SANTORUM, Mr. WARNER, Mrs. MURRAY, Mr. ROBB, Mr. BURNS, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. CONRAD, Mr. SESSIONS, and Mrs. FEINSTEIN):

S.J. Res. 44. A joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II; to the Committee on the Judiciary.

MAY 25—''DAY OF HONOR 2000''

Mr. KENNEDY. Mr. President, today Senator DANIEL AKAKA, Senator DANIEL INOUYE, Senator TED STEVENS, and I, along with 24 other Senators, are introducing a Senate Joint Resolution to designate May 25, 2000, as a national Day of Honor for minority veterans of World War II. Representative SHEILA JACKSON-LEE of Texas is introducing an identical resolution in the House of Representatives.

Forty-five years ago, the bloodiest war in our history came to an end and millions of American service men and women returned to the United States to rebuild their lives after fighting so courageously and successfully to defend our country.

These brave veterans included large numbers of minorities. More than 1.2 million African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans risked their lives to preserve our democracy.

On land, sea and air, far from their homes, they fought brilliantly to defeat fascism and protect our freedom. And large numbers of them did so in spite of the racism and injustice they had suffered in our society, and even in their military service.

Too often, when they returned to America and raised the question of freedom and equal justice here at home, the answer came back, ''no.'' Too often, when fundamental issues of equality and respect of their service in the war arose, Jim Crow and racial discrimination replied with a resounding ''no.''

Even during the war itself, these brave men and women in uniform had faced racial discrimination and violent and cruel treatment from their fellow citizens—and often from their fellow American service men and women. Even here on American soil during the war, German prisoners of war were allowed to go to places in the United States where black Americans were not allowed to go.

Last December, President Clinton dealt at long last with one example of these injustices when he pardoned Freddie Meeks, one of 50 African-American sailors who were convicted of mutiny and sentenced to prison and hard labor in 1944 for refusing to continue loading ammunition after a deadly explosion at the Port Chicago naval facility new San Francisco. That explosion of 10,000 tons of ammunition at the loading dock resulted in the deaths of 320 persons, two-thirds of whom were black.

As President Clinton noted, Meeks had participated in the ''extraordinarily difficult job of picking up human remains'' following the blast. White sailors were given 30-day leaves after the blast, but black sailors were ordered back to work. Meeks and 257 others were court-martialed after they refused to continue loading the ammunitions, because the order was so blatantly racist and the danger was so great. The pardon, granted by the President, was eminently justified. The Navy had agreed in a 1994 review of the case that the sailors had been victims of racial discrimination, but it had not overturned their convictions.

Historians feel that the Port Chicago case was a major factor in convincing President Harry Truman to issue his famous Executive order in 1948, banning segregation in the armed forces.

Japanese Americans were also subjected to shameful discrimination during the war. The Supreme Court upheld the internment of tens of thousands of U.S. citizens of Japanese ancestry during the war, because the government was fearful that their allegiance might to be to Japan. In recent years, reparations have been paid as amends for these shameful deeds against Japanese Americans, but no reparations can ever fully compensate for such gross violations of human liberties.

As a nation, we have long since recognized the unfair treatment of minorities as a travesty of justice. The landmark decisions of the Supreme Court and the enactment of fundamental civil rights laws by Congress over the past half century have remedied the worst of these injustices and made our nation a freer and fairer land. But we have yet to give adequate recognition to the service, struggles and sacrifices of these brave Americans who fought so valiantly in World War II for our future.

Veterans of that war are now dying at a rate of more than 1,000 a day. It is especially important, therefore, for Congress and the Administration to do their part now to pay tribute to these men and women who served so valiantly in that conflict. This Day of Honor Resolution is part of The Day of Honor Celebration being planned for communities across the country, which is being organized by the Massachusetts-based Day of Honor 2000 Project. Our goal is that the nation will have an opportunity to pause on that day to express our gratitude to the veterans of all minority groups who served the nation so well.

Included in that group of honored veterans are two of our outstanding colleagues in the Senate, Senator AKAKA of Hawaii and Senator INOUYE of Hawaii, and my former colleague from

Massachusetts, Senator Edward W. Brooke. Senator INOUYE and Senator Brooke both speak eloquently and passionately of their World War II experiences in the film, ''The Invisible Soldiers: Unheard Voices,'' which is a part of the Day of Honor events in local communities.

By recognizing May 25th as a national Day of Honor in tribute to these extraordinary men and women, we can help to remedy the many wrongs inflicted on them in years gone by, and we can take another step toward true justice in this country. These men and women are part of what has been called America's greatest generation. In a very real sense, we owe them our liberty today and we shall never ever forget them.

I urge all members of the Senate to join in sponsoring this resolution.

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. BREAUX, the name of the Senator from Oklahoma (Mr. INHOFE) 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. 514

At the request of Mr. COCHRAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 1006

At the request of Mr. TORRICELLI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1006, a bill to end the use of conventional steel-jawed leghold traps on animals in the United States.

S. 1017

At the request of Mr. MACK, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1163

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

S. 1345

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1345, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1822

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1939

At the request of Mr. HELMS, the names of the Senator from North Carolina (Mr. EDWARDS), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1939, a bill to amend the internal revenue code of 1986 to allow a credit against income tax for dry cleaning equipment which uses reduced amounts of hazardous substances.

S. 1941

At the request of Mr. DODD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 1988

At the request of Mr. DASCHLE, the names of the Senator from Kansas (Mr. ROBERTS), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 1993

At the request of Mr. THOMPSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1993, a bill to reform Government information security by strengthening information security practices throughout the Federal Government.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2073

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2073, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2231

At the request of Mr. COVERDELL, the names of the Senator from Kansas (Mr.

BROWNBACK), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2231, a bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2293

At the request of Mr. SANTORUM, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Nebraska (Mr. HAGEL), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2293, a bill to amend the Federal Deposit Insurance Act and the Federal Home Loan Bank Act to provide for the payment of Financing Corporation interest obligations from balances in the deposit insurance funds in excess of an established ratio and, after such obligations are satisfied, to provide for rebates to insured depository institutions of such excess reserves.

S. 2307

At the request of Mr. DORGAN, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2314

At the request of Mr. SMITH of New Hampshire the names of the Senator from Arizona (Mr. KYL), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2314, a bill for the relief of Elian Gonzalez and other family members.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2323

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Ms. COLLINS), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2323, a bill to amend the Fair Labor Standards Act of 1938 to clarify the treatment of stock options under the Act.

S. 2336

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2336, a bill to authorize funding for networking and information technology research and development at the Department of Energy for fiscal years 2001 through 2005, and for other purposes.

S. 2344

At the request of Mr. BROWNBACK, the names of the Senator from Iowa (Mr. HARKIN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2353

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2353, a bill to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

S. 2363

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. ENZI), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2366

At the request of Mr. FRIST, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2366, a bill to amend the Public Health Service Act to revise and extend provisions relating to the Organ Procurement Transplantation Network.

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), the Senator from Alabama (Mr. SHELBY), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.Res. 248, A resolution to designate the week of May 7, 2000, as ''National Correctional Officers and Employees Week.''

S. RES. 260

At the request of Mr. BOND, the names of the Senator from Georgia (Mr. CLELAND), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 260, A resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years.

S. RES. 268

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. Res. 268, A resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

AMENDMENT NO. 2911

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2911 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2924

At the request of Mr. JEFFORDS, the names of the Senator from Ohio (Mr. DEWINE), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 2924 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2931

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 2931 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2931 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. GRAMM, his name was added as a cosponsor of amendment No. 2931 proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2933

At the request of Mr. BAYH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2933 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2934

At the request of Mr. JOHNSON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 2934 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001

through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2940

At the request of Mr. ASHCROFT, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 2940 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2944

At the request of Mr. L. CHAFEE, the names of the Senator from California (Mrs. FEINSTEIN), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2944 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 2944 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 2944 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2947

At the request of Mr. SANTORUM, the names of the Senator from Idaho (Mr. CRAIG), and the Senator from Washington (Mr. GORTON) were added as cosponsors of amendment No. 2947 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2951

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Rhode Island (Mr. REED), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2951 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2954

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 2954 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2958

At the request of Mr. FITZGERALD, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of amendment No. 2958 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENT NO. 2961

At the request of Mr. FITZGERALD, the names of the Senator from Georgia (Mr. COVERDELL), the Senator from Oklahoma (Mr. NICKLES), the Senator from New Hampshire (Mr. GREGG), the Senator from Ohio (Mr. VOINOVICH), the Senator from New Hampshire (Mr. SMITH), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), the Senator from Michigan (Mr. ABRAHAM), the Senator from Florida (Mr. MACK), the Senator from Texas (Mr. GRAMM), the Senator from Idaho (Mr. CRAPO), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 2961 intended to be proposed to S. Con. Res. 101, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2001

GRAHAM (AND OTHERS) AMENDMENT NO. 2966

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. BAYH, Mrs. LANDRIEU, Mrs. LINCOLN, Mr. BREAUX, Mr. ROBB, and Mr. EDWARDS) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 101) setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000; as follows:

At the appropriate place, insert the following:

SEC. ____. RESERVE FUND FOR ADDITIONAL ESEA FUNDING IN THE SENATE.

(a) IN GENERAL.—In the Senate, upon reporting of a bill, the offering of an amendment thereto, or the submission of a conference report thereon that allows local educational agencies to use appropriated funds to carry out activities under a reauthorized Elementary and Secondary Education Act that complies with subsection (b), the Chairman of the Committee on the Budget of the Senate may increase the functional totals and outlay aggregates and allocations—

(1) for fiscal year 2001 by not more than $3,000,000,000; and

(2) for the period of fiscal years 2001 through 2005 by not more than $15,000,000,000.

(b) CONDITION.—Legislation complies with this subsection if it provides—

(1) increased accountability;

(2) encouragement of State educational agencies (SEAs) and local educational agencies (LEAs) to establish high student performance standards;

(3) a concentration of resources around central education goals, including compensatory education for disadvantaged children and youth, teacher quality and professional development, innovative education strategies, programs for limited English proficiency students, student safety, and educational technology; and

(4) an allocation of funds that targets the most impoverished areas and schools most likely to be in distress.

GRAHAM AMENDMENT NO. 2967

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 8, increase the amount by $42,000,000,000.

On page 4, line 17, decrease the amount by $42,000,000,000

On page 5, line 1, increase the amount by $42,000,000,000.

On page 5, line 11, increase the amount by $42,000,000,000.

On page 6, line 10, decrease the amount by $43,033,000,000.

On page 22, line 23, increase the amount by $42,000,000,000.

On page 22, line 24, increase the amount by $42,000,000,000.

On page 29, line 4, decrease the amount by $42,000,000,000.

INHOFE (AND OTHERS) AMENDMENT NO. 2968

(Ordered to lie on the table.)

Mr. INHOFE (for himself, Mr. SESSIONS, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) local educational agencies are obligated to provide a free public education to all children even though Federal activity may deprive the local educational agencies of the ability to collect sufficient property or sales taxes to support the education of the children;

(2) the Impact Aid program is designed to compensate local educational agencies for the substantial and continuing financial burden resulting from tax revenue lost as a result of Federal activities;

(3) the Impact Aid program has not been fully funded since 1980 and this shortfall has caused local educational agencies to forego needed infrastructure repairs, delay the purchase of educational materials, delay the purchase of properly equipped buses for disabled children, and delay other pressing needs; and

(4) both Congress and the Administration have committed to making education a top priority.

(b) SENSE OF THE SENSE.—It is the sense of the Senate that the levels in this resolution assume that the Impact Aid Program strive to reach the goal that Section 8003(b) of the program is funded at 64% in fiscal year 2001 appropriation cycle; 76% in fiscal year 2002 appropriation cycle; 88% in fiscal year 2003 appropriation cycle; and 100% in fiscal year 2004 appropriation cycle.

DORGAN AMENDMENT NO. 2969

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS TO RURAL PROVIDERS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Nearly 1 in 4 medicare beneficiaries live in rural areas.

(2) Rural medicare beneficiaries pay into the medicare program under title XVIII of the Social Security Act at the same rate as their urban counterparts, but they receive fewer benefits.

(3) Currently, 50 percent (2,525 hospitals) of the Nation's 5,070 hospitals have fewer than 100 beds, and 56 percent of the Nation's hospitals are located in rural areas.

(4) For some rural hospitals, medicare payments account for as much as 87 percent of the total revenues of the hospital.

(5) A 1999 study of the impact of Balanced Budget Act of 1997 (in this section referred to as the ''BBA'') on hospital profit margins found that hospitals with less than 100 beds, which are predominately rural hospitals, are financially hardest hit by the BBA.

(6) Left unchecked, the BBA would cause the profit margins of these predominantly rural hospitals to decrease from positive 4.2 percent in fiscal year 1998 to negative 5.6 percent in fiscal year 2002, a drop of 233 percent.

(7) On average, reimbursement for items and services under the medicare program provided in rural areas is substantially lower than in urban areas, and this inequity cannot be explained by current differences in the costs associated with providing items and services in rural and urban areas.

(8) Currently, increasing numbers of rural communities face critical losses of local health professionals through retirement or the emigration of these professionals to larger communities offering opportunities for better income.

(9) Similarly, a lack of opportunity occurs for each Medicare+Choice organization that offers a Medicare+Choice plan in a rural county because the annual Medicare+Choice capitation rate for a beneficiary enrolled in such a plan is less than ½ of the rate paid to such an organization under the medicare program on behalf of a beneficiary enrolled in a Medicare+Choice plan in an urban county.

(10) Congress took a step forward in confronting and addressing the funding crisis for medicare beneficiaries requiring hospital care, home health care, skilled nursing care, and other basic care in rural communities through the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that, during deliberations on structural reforms to the medicare program under title XVIII of the Social Security Act—

(1) Congress should ensure the viability of all health services to medicare beneficiaries residing in rural communities, including inpatient hospital care, outpatient care, skilled nursing facility and therapy services, home health care, and services provided under a Medicare+Choice plan; and

(2) the President and Congress should address the continuing inequities between payments under the medicare program to providers for items and services furnished to medicare beneficiaries residing in urban communities versus payments for such items and services furnished to medicare beneficiaries residing in rural communities, as such inequities result in a chronic shortage of providers of care for rural beneficiaries, who pay into the medicare program at the same rate as beneficiaries in urban areas.

DORGAN (AND ROBB) AMENDMENT NO. 2970

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING THE NEED FOR ADDITIONAL FEDERAL FUNDING AND TAX INCENTIVES FOR EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES AUTHORIZED AND DESIGNATED PURSUANT TO 1997 AND 1998 LAWS.

(a) FINDINGS.—The Senate finds that—

(1) providing Federal tax incentives and other incentives to distressed communities across the Nation to help them rebuild and grow was one of the important goals of the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999;

(2) to help reach that goal, the Taxpayer Relief Act of 1997 authorized 20 additional empowerment zones, 15 urban and 5 rural, followed by 20 new rural enterprise communities authorized in 1998;

(3) the 1997 law authorizing this second round of empowerment zones (EZs) was also significant and important because it broadened empowerment zone eligibility, for the first time, to Indian tribes and rural regions suffering from massive out-migration;

(4) many of our urban and rural communities are not sharing in the benefits of the prolonged economic expansion now enjoyed by many other parts of our country;

(5) a total of more than 250 economically distressed urban and rural communities competed for the 20 new empowerment zones and 20 new rural enterprise communities, and those areas designated as zones and communities should be provided with the Federal incentives and encouragement they need to attract new businesses, and the jobs they provide, in order to stimulate economic growth and improvement;

(6) unfortunately, those areas that are designated EZs or ECs under the 1997 and 1998 laws or rural economic area partnerships (REAPs) by the Department of Agriculture, are not given the full advantage of Social Services Block Grant funds, tax credits, and some other Federal incentives that Congress provided to the first round of empowerment zones and enterprise communities authorized pursuant to 1993 budget legislation;

(7) Congress should act swiftly to provide such designated areas an equal share of tax incentives, grant benefits, and other Federal support at aggregate levels of at least that provided by Congress to distressed urban and rural empowerment zones and enterprise communities pursuant to the 1993 omnibus budget reconciliation bill; and

(8) a fully funded second round of EZs and ECs is estimated to create and retain about 90,000 jobs and stimulate $10,000,000,000 in private and public investments over the next decade.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that—

(1) if Congress and the President agree to a substantial tax relief measure, such measure should include full funding for the second round of empowerment zones and enterprise communities authorized in 1997 and 1998 as well as those areas currently designated rural economic area partnerships (REAPs) by the Department of Agriculture; and

(2) all such designated distressed areas, rural and urban, should equally share at least the same aggregate level of funding, tax incentives, and other Federal support that Congress provided to urban and rural empowerment zones and enterprise communities authorized by the 1993 omnibus budget reconciliation bill.

DORGAN AMENDMENT NO. 2971

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him

to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE ENFORCEMENT OF TRADE AGREEMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Trade Representative's 2000 National Trade Estimate Report on Foreign Trade Barriers documents numerous foreign barriers to United States exports that are not consistent with international trade rules and which are actionable under United States trade law and the World Trade Organization.

(2) Foreign barriers that impede United States exports contribute substantially to the United States merchandise trade deficit which has been expanding at an alarming rate, and which soared to $347,000,000,000 in 1999.

(3) Huge chronic trade imbalances are not in the national interest of the United States, and cannot be sustained indefinitely without harming the economic prosperity of the United States.

(4) United States lives and communities are being injured by a flood of foreign goods coming across United States borders. Many goods are being dumped unfairly below their true value.

(5) It is important to United States workers, farmers, ranchers, and businesses that the United States have sufficient tools and resources to enforce the commitments made by its trading partners.

(6) The United States merchandise trade deficit with the People's Republic of China surged to nearly $70,000,000,000 in 1999, and the burden on those who enforce our trade agreements will increase enormously under the proposed United States-China World Trade Organization accession agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should fully fund the trade enforcement initiative contained in the budget submitted by the President for fiscal year 2001 pursuant to section 1105 of title 31, United States Code, so the United States can begin to dedicate sufficient manpower and resources to matters and transactions dealing with trade monitoring and enforcement, and negotiation of trade agreements that benefit United States producers, businesses, and communities;

(2) the President and the executive branch of the Government should aggressively enforce United States trade agreements with the full range of United States trade laws, including sections 310, 201, and 301 of the Trade Act of 1974, and United States antidumping laws; and

(3) the President and executive branch of the Government should give high priority to reducing the United States trade deficit.

DORGAN (AND WELLSTONE) AMENDMENT NO. 2972

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 48, strike lines 1 through 15 and insert the following:

SEC. 212. SENSE OF THE SENATE REGARDING BUREAU OF INDIAN AFFAIRS SCHOOL CONSTRUCTION TRUST FUND.

It is the sense of the Senate that the levels in this resolution assume that Congress should enact legislation this year that contains the following provision:

"SEC. ___. SCHOOL CONSTRUCTION TRUST FUND.

''(a) SHORT TITLE.—This section may be cited as the 'School Construction Trust Fund Act of 2000'.

''(b) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund, to be known as the School Construction Trust Fund (in this section referred to as the 'Trust Fund'). The Trust Fund shall be administered by the Secretary of the Treasury.

''(c) DEPOSITS.—Funds made available under section 7(a)(3) of the Federal Reserve Act (12 U.S.C. 289(3)), as added by this section, shall be deposited in the Trust Fund in accordance with that section.

''(d) EXPENDITURE OF TRUST FUNDS.—The Secretary of the Treasury shall make the amount in the Trust Fund available to the Bureau of Indian Affairs, annually, to remain available until expended, for the construction, expansion, improvement, or repair of Bureau funded schools (as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)).

''(e) SOURCE OF FUNDS.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289) is amended by adding at the end the following:

'''(3) TRANSFER OF FUNDS TO SCHOOL CONSTRUCTION TRUST FUND.—From any amount in the surplus fund of any Federal reserve bank, there shall be transferred to the School Construction Trust Fund established under the School Construction Trust Fund Act of 2000—

'''(A) a total of $300,000,000 in fiscal year 2001; and

'''(B) a total of $200,000,000 in each of fiscal years 2002 through 2005.' ''.

GRAMM AMENDMENT NO. 2973

Mr. GRAMM proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $1.

On page 4, line 5, decrease the amount by $1.

On page 4, line 6, decrease the amount by $1.

On page 4, line 7, decrease the amount by $1.

On page 4, line 8, decrease the amount by $1.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $1.

On page 26, line 11, increase the amount by $1.

On page 26, line 15, increase the amount by $1.

On page 26, line 19, increase the amount by $1.

On page 26, line 23, increase the amount by $1.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $1.

On page 26, line 12, increase the amount by $1.

On page 26, line 16, increase the amount by $1.

On page 26, line 20, increase the amount by $1.

On page 26, line 24, increase the amount by $1.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 23, increase the amount by $1.

On page 5, line 24, increase the amount by $1.

On page 5, line 25, increase the amount by $1.

On page 6, line 1, increase the amount by $1.

On page 6, line 2, increase the amount by $1.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $1.

On page 6, line 7, increase the amount by $1.

On page 6, line 8, increase the amount by $1.

On page 6, line 9, increase the amount by $1.

On page 6, line 10, increase the amount by $1.

TAX CUT

On page 29, line 3, increase the amount by $1.

On page 29, line 4, increase the amount by $1.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $1.

On page 5, line 16, increase the amount by $1.

On page 5, line 17, increase the amount by $1.

On page 5, line 18, increase the amount by $1.

On page 5, line 19, increase the amount by $1;

and insert the following:

SEC. . SENSE OF THE SENATE ON THE INTERNAL COMBUSTION ENGINE.

It is the sense of the Senate that the levels in this resolution assume that the Senate will not, on behalf of Vice President Al Gore,

increase gasoline and diesel fuel taxes by $1.50 per gallon effective July 1, 2000, and by an additional $1.50 per gallon effective fiscal year 2005, as part of ''a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a twenty-five year period'' since ''their cumulative impact on the global environment is posing a mortal threat to the security of every nation that is more deadly than that of any military enemy we are ever again likely to confront.''

BIDEN (AND OTHERS) AMENDMENT NO. 2974

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. HATCH, and Mr. CLELAND) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND.

(a) FINDINGS.—The Senate finds the following:

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of Federal assistance such as the Local Law Enforcement Block Grant program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant program, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the years since the fund was established.

(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation.

(3) Through a comprehensive effort by State and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women.

(4) Despite recent gains, the violent crime rate remains high by historical standards.

(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a national anticrime strategy, and should be maintained.

(6) The recent gains by Federal, State, and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains.

(7) The Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, such as the Local Law enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the Violent Offender Incarceration/Truth in Sentencing Incentive Grants program, the Violence Against Women Act, the COPS Program, and the Byrne Grant program, shall be maintained, and that funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2005.

BIDEN (AND OTHERS) AMENDMENT NO. 2975

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. HARKIN, Mr. ROBB, Mr. SCHUMER, and Mr. CLELAND) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE COPS PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety and, with the support of the Community Oriented Policing Service program (referred to in this section as the ''COPS program''), State and local law enforcement officers have succeeded in reducing the national scourge of violent crime.

(2) As a result of the assistance provided under the COPS program, our Nation's crime rate has reached its lowest level in more than a generation.

(3) As a result of the COPS program, State and local law enforcement agencies have received funds for more than 103,000 officers and more than 60,000 of those officers are on the beat, fighting crime, and improving the quality of life in our neighborhoods and schools.

(4) The COPS program has assisted in advancing community policing nationwide. Today, 87 percent of the Nation is served by a law enforcement agency that conducts community policing.

(5) All major national law enforcement and government organizations including the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the Fraternal Order of Police, the National Sheriffs' Association, the National Troopers Coalition, the International Union of Police Associations, the Federal Law Enforcement Officers Association, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the Police Executive Research Forum, the Police Foundation, the Major Cities Chiefs, the United States Conference of Mayors, and the County Executives of America support the continuation and full funding of the COPS program through fiscal year 2005.

(6) The implementation of community policing as a law enforcement strategy is an important factor in the recent reduction of crime in our streets and communities. The national crime rate has fallen for an unprecedented 7½ years. The COPS program and the crime fighting strategies developed by the initiative have demonstrated the Nation's commitment to help reduce the crime rate to levels unseen for the past 25 years.

(7) Despite recent gains, crime is still too high in the United States. A violent crime is committed every 21 seconds, a woman raped every 6 minutes, and a person murdered every 31 minutes in the United States. We must continue to fight this battle against crime and violence and reinvest in the gains made by the COPS program.

(8) The COPS program has been at the forefront of addressing violence in our schools. During the past year, the COPS program has funded over 2,200 school resource officers and estimates that an additional 1,500 officers will be funded by the end of fiscal year 2000.

(9) More than $31,000,000 has been awarded to law enforcement agencies and school districts through the School Based Partnership and School Based Partnership 1999 grant programs. These funds have assisted agencies in fostering problem-solving partnerships with local communities and schools to address the catastrophic youth violence and delinquency crisis that has plagued our Nation.

(10) Communities throughout the United States desperately need the expertise and assistance that the COPS program provides through grants as well as training and technical assistance.

(11) The COPS program has experienced much success during the past 6 years, but our Nation still has a struggle ahead. The crime rate is down, but it is still too high. We must strengthen our commitment to public safety and continue the support that the COPS program provides to the law enforcement community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume the commitment of the Federal Government to continue funding the COPS program, and that funding for the COPS program should continue at least through fiscal year 2005.

BAYH (AND OTHERS) AMENDMENT NO. 2976

(Ordered to lie on the table.)

Mr. BAYH (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. BREAUX, Mr. EDWARDS, Mr. SESSIONS, Mr. GRAHAM, Mr. CLELAND, Ms. LANDRIEU, Mr. JOHNSON, Mr. LIEBERMAN, Mr. LUGAR, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE PROMOTION OF RESPONSIBLE FATHERHOOD.

(a) FINDINGS.—The Senate finds that—

(1) 40 percent of children who live in households without a father have not seen their father in at least 1 year and 50 percent of such children have never visited their father's home;

(2) approximately 50 percent of all children born in the United States spend at least ½ of their childhood in a family without a father figure;

(3) nearly 20 percent of children in grades 6 through 12 report that they have not had a meaningful conversation with even 1 parent in over a month;

(4) 3 out of 4 adolescents report that ''they do not have adults in their lives that model positive behaviors'';

(5) many of the United States' leading experts on family and child development agree that it is in the best interest of both children and the United States to encourage more two-parent, father-involved families to form and endure;

(6) it is important to promote responsible fatherhood and encourage loving and healthy relationships between parents and their children in order to increase the chance that children will have two caring parents to help them grow up healthy and secure and not to—

(A) denigrate the standing or parenting efforts of single mothers, whose efforts are heroic;

(B) lessen the protection of children from abusive parents;

(C) cause women to remain in or enter into abusive relationships; or

(D) compromise the health or safety of a custodial parent;

(7) children who live apart from their biological father are, in comparison to other children—

(A) 5 times more likely to live in poverty;

(B) more likely to bring weapons and drugs into the classroom;

(C) twice as likely to commit crime;

(D) twice as likely to drop out of school;

(E) twice as likely to be abused;

(F) more likely to commit suicide;

(G) more than twice as likely to abuse alcohol or drugs; and

(H) more likely to become pregnant as teenagers;

(8) the Federal Government spends billions of dollars to address these social ills and very little to address the causes of such social ills;

(9) violent criminals are overwhelmingly males who grew up without fathers and the best predictor of crime in a community is the percentage of absent father households;

(10) compared with Great Britain, Canada, Australia, Germany, and Italy, the United States has the highest percentage of single parent households with dependent children;

(11) the number of children living with only a mother increased from just over 5,000,000 in 1960, to 17,000,000 in 1999, and between 1981 and 1991 the percentage of children living with only 1 parent increased from 19 percent to 25 percent;

(12) between 20 percent and 30 percent of families in poverty are headed by women who have suffered domestic violence during the past year and between 40 percent and 60 percent of women with children who receive welfare were abused at some time in their life;

(13) responsible fatherhood should always recognize and promote values of nonviolence;

(14) child support is an important means by which a parent can take financial responsibility for a child and emotional support is an important means by which a parent can take social responsibility for a child; and

(15) because children learn by example, community programs that help mold young men into positive role models for their children need to be encouraged.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the legislation implementing this concurrent resolution on the budget should include provisions that—

(1) encourage the Senate to take action to address the issue of fatherlessness by holding hearings and considering legislation on the Senate floor before June 18, 2000, Father's Day;

(2) encourage States in, not restrict them from, the implementation of programs that provide support for responsible fatherhood, strengthen fragile families, and promote married two-parent families; and

(3) implement programs that encourage media campaigns by States and community organizations that are targeted to promote responsible fatherhood, strengthen fragile families, and promote the maintenance of married two-parent families.

LANDRIEU AMENDMENTS NOS. 2977–2979

(Ordered to lie on the table.)

Ms. LANDRIEU submitted three amendments intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2977

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SPENDING FOR PROGRAMS RELATING TO CHILDREN.

(a) FINDINGS.—The Senate finds that—

(1) only 50 percent of the children in the United States who are eligible for assistance under the Head Start Act (42 U.S.C. 9831 et seq.) receive the assistance;

(2)(A) only 10 percent of the children from families eligible for Federal child care assistance receive the assistance; and

(B) no State serves all of the families eligible for Federal child care assistance, as determined under Federal guidelines;

(3) only 49 percent of children who live in poverty, and who are eligible for food stamp assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), receive the food stamps; and

(4) only 41 children out of every 100 children who live in poverty in the United States received assistance in 1998 under part A of title IV of the Social Security Act (42 U.S.C. 601), relating to temporary assistance for needy families, the lowest percent of such children receiving assistance under that part for any year since 1970.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the needs of the children in the United States are of paramount importance to the Nation's future; and

(2) programs that provide assistance for children, including assistance described in subsection (a), should be funded at their currently authorized levels.

AMENDMENT NO. 2978

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING MULTIYEAR PROCUREMENTS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

It is the sense of Congress that the levels in this resolution assume that—

(1) the Secretary of Defense should study the utility of shifting to a multiyear procurement system for procurements under major defense acquisition programs;

(2) the Secretary of Defense should identify a major defense acquisition program and carry out a pilot project for multiyear procurement under that program; and

(3) the results of the pilot project should be used to determine the advisability of shifting to multiyear procurements for all major defense acquisition programs.

AMENDMENT NO. 2979

At the end of title III, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING FUNDING FOR THE PARTICIPATION OF MEMBERS OF THE UNIFORMED SERVICES IN THE THRIFT SAVINGS PLAN.

It is the sense of Congress that the levels of funding for the defense category in this resolution—

(1) assume that members of the Armed Forces are to be authorized to participate in the Thrift Savings Plan; and

(2) provide the $980,000,000 necessary to offset the reduced tax revenue resulting from that participation through fiscal year 2009.

CLELAND (AND OTHERS) AMENDMENT NO. 2980

(Ordered to lie on the table.)

Mr. CLELAND (for himself, Mr. MIKULSKI, Mr. COVERDELL, Mr. KENNEDY, Mr. BINGMAN, Mrs. MURRAY, and Mr. DURBIN) submitted an amendment intended to be proposed by them to the concurrent reslution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) FINDINGS.—The Senate finds that—

(1) as the Nation's prevention agency, the Centers for Disease Control and Prevention leads the public health response to bioterrorist attacks, infectious diseases, foodborne pathogen outbreaks, and other public health threats against our citizens;

(2) the Centers for Disease Control and Prevention's environmental health laboratory is responsible for providing critical laboratory response to potential chemical weapon terrorist attacks as well as responding to emergencies involving large-scale exposures to toxic chemicals;

(3) research on the smallpox virus, which may be used as a bioterrorist agent, is consuming one-half of the Biosafety Level 4 ''Hot Lab'' space leaving little room for research on other deadly pathogens;

(4) the Centers for Disease Control and Prevention is constantly engaged in multiple overlapping epidemic investigations, such as the West Nile-like virus in the eastern United States, the Nipah virus in Malaysia, and the Ebola virus in Africa, which require the majority of the current infectious disease fighting capacity of the Centers; and

(5) the Centers for Disease Control and Prevention is facing a potential national security and public health crisis because of its current antiquated and dilapidated infrastructure.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the level in this resolution assume that—

(1) the critical role of the Centers for Disease Control and Prevention in detecting and preventing national security-related and other threats to public health emphasizes the need for Congress to increase the current construction funding level to $175,000,000; and

(2) without adequate and safe buildings and laboratories, the Centers for Disease Control and Prevention can not recruit or retain needed scientists, ensure the safety of employees and citizens, or be sure of its ability to fulfill its goals and mission.

CLELAND (AND OTHERS) AMENDMENT NO. 2981

(Ordered to lie on the table.)

Mr. CLELAND (for himself, Ms. MIKULSKI, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE FOR THE ESTABLISHMENT OF A LONG-TERM HEALTH CARE INSURANCE PROGRAM FOR FEDERAL EMPLOYEES, POSTAL WORKERS, MEMBERS OF THE FOREIGN SERVICE, UNIFORMED SERVICES AND RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) almost 6,000,000 Americans aged 65 years or older currently need long-term health care;

(2) the cost of nursing home care now exceeds $40,000 per year in many parts of the Nation, and home health visits for nursing care or physical therapy cost $100 per visit;

(3) 41 percent of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law;

(4) many Americans mistakenly believe that Medicare and their regular health insurance cover long-term health care and assistive living needs; and

(5) by providing a Federal employer-based long-term health care program to Federal employees, postal workers, members of the Foreign Service, uniformed services, Reserve and National Guard, retirees of applicable agencies, and the spouses, parents, and parents-in-law of such employees, members, and retirees, millions of Americans will have the opportunity to buy long-term health care insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that, during the 2d session of the 106th Congress, it is imperative to enact legislation to establish a Federal employer-based long-term health care program to address the long-term health care and assistive care needs of an aging America.

FEINSTEIN AMENDMENT NO. 2982

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE UNDER THE BASE CLOSURE LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense has a responsibility to ensure the timely and safe completion of environmental restoration at military installations approved for closure under the base closure laws.

(2) The goal of the environmental restoration process under the base closure laws is to facilitate economic reuse and development of the property at military installations approved for closure under such laws by the communities in the vicinity of such installations.

(3) The Department of Defense has identified 2,742 sites at military installations approved for closure under the base closure laws that require additional environmental restoration.

(4) The Department of Defense has spent $3,680,000,000 for environmental restoration at military installations approved for closure under the base closure laws.

(5) The Department of Defense estimates that an additional $3,100,000,000 will be necessary to complete environmental restoration at such installations.

(6) In fiscal year 2000, Congress appropriated only $346,400,000 for environmental restoration at military installations approved for closure under the base closure laws, an amount equal to half the amount appropriated for fiscal year 1999 for environmental restoration at such installations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should provide not less than $700,000,000 for fiscal year 2001 for environmental restoration at military installations approved for closure under the base closure laws.

HUTCHISON (AND OTHERS) AMENDMENT NO. 2983

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. SMITH of New Hampshire, Mr. BREAUX, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 191, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING MARGINAL WELL TAX CREDITS.

(a) FINDINGS.—The Senate finds the following:

(1) The United States now imports over 55 percent of its daily oil consumption from overseas.

(2) This level of foreign dependence represents a significant economic and strategic threat to the United States and contributes to the power of the Organization of Petroleum Exporting Countries (OPEC) and to the volatility of world oil prices and supply.

(3) The production of oil from marginal wells in the United States, those that produce less than 15 barrels of oil per day and an average of less than 3 barrels of oil per day, accounts for about 20 percent of the Nation's domestic, on-shore production, or about the same amount of oil the United States imports from Saudi Arabia.

(4) During the 1997 to 1999 oil price crash, when the price of oil fell below $10 a barrel, an estimated 150,000 marginal oil and gas wells were capped or permanently plugged because the largely small, independent producers who own these wells lost money on their operation and could no longer afford to keep the wells open.

(5) This loss of marginal well production caused a loss of between 300,000 and 400,000 barrels of daily United States oil production and significant natural gas production, caused an estimated 65,000 American jobs to be lost, and severely impacted numerous American communities in oil producing regions of the country.

(6) Despite the relatively high price of oil today, independent producers are still unable to re-activate these marginal wells because of the high cost of doing so and the lack of assurance that they will not again lose money if the price of oil again falls below the break-even range of $14 to $17 per barrel.

(7) Repeated ''boom-and-bust'' cycles like this have contributed to the continued decline of the ability of the United States to supply its own energy needs and to the resulting growing dependence on foreign oil.

(8) Supporting marginal well production during periods of low oil prices through counter-cyclical tax code policies makes sound economic sense and is a part of the long-term solution to the Nation's growing reliance on foreign oil and rapidly growing need for natural gas.

(9) Support for marginal well production does not raise significant environmental or public land use concerns since such support targets oil and gas production primarily where it already takes place.

(10) Supporting a marginal well tax credit like that proposed in S. 2265, the Marginal Well Preservation Act, represents a relatively low-cost way to support this key component of the Nation's domestic energy production and will help to preserve American jobs, schools, and communities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress provide for tax incentives to support the production of oil and natural gas from ''marginal'' wells that produce less than 15 barrels of oil per day (and a corresponding level of natural gas) by enacting a tax credit for a maximum of $3 per barrel for the first 3 barrels of daily production from an existing marginal oil well, to be fully effective when the price of oil reaches $14 per barrel (with a corresponding level and trigger for any existing marginal natural gas well).

JEFFORDS (AND OTHERS) AMENDMENT NO. 2984

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. DODD, Mr. STEVENS, Mr. KENNEDY, Ms. COLLINS, Mr. FEINGOLD, Mr. L. CHAFEE, Mr. HARKIN, Mr. LEAHY, Mr. KOHL, Ms. MIKULSKI, and Ms. SNOWE) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, decrease the amount by $2,000,000,000.

On page 4, line 5, decrease the amount by $4,000,000,000.

On page 4, line 6, decrease the amount by $6,000,000,000.

On page 4, line 7, decrease the amount by $8,000,000,000.

On page 4, line 8, decrease the amount by $11,000,000,000.

On page 4, line 13, increase the amount by $2,000,000,000.

On page 4, line 14, increase the amount by $4,000,000,000.

On page 4, line 15, increase the amount by $6,000,000,000.

On page 4, line 16, increase the amount by $8,000,000,000.

On page 4, line 17, increase the amount by $11,000,000,000.

On page 4, line 22, increase the amount by $2,000,000,000.

On page 4, line 23, increase the amount by $4,000,000,000.

On page 4, line 24, increase the amount by $6,000,000,000.

On page 4, line 25, increase the amount by $8,000,000,000.

On page 5, line 1, increase the amount by $11,000,000,000.

On page 5, line 7, increase the amount by $2,000,000,000.

On page 5, line 8, increase the amount by $4,000,000,000.

On page 5, line 9, increase the amount by $6,000,000,000.

On page 5, line 10, increase the amount by $8,000,000,000.

On page 5, line 11, increase the amount by $11,000,000,000.

On page 18, line 7, increase the amount by $2,000,000,000.

On page 18, line 8, increase the amount by $2,000,000,000.

On page 18, line 11, increase the amount by $4,000,000,000.

On page 18, line 12, increase the amount by $4,000,000,000.

On page 18, line 15, increase the amount by $6,000,000,000.

On page 18, line 16, increase the amount by $6,000,000,000.

On page 18, line 19, increase the amount by $8,000,000,000.

On page 18, line 20, increase the amount by $8,000,000,000.

On page 18, line 23, increase the amount by $11,000,000,000.

On page 18, line 24, increase the amount by $11,000,000,000.

On page 29, line 3, decrease the amount by $2,000,000,000.

On page 29, line 4, decrease the amount by $31,000,000,000.

REID (AND DURBIN) AMENDMENT NO. 2985

Mr. REID (for himself, and Mr. DURBIN) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this resolution the following numbers shall apply:

FEDERAL REVENUE TOTALS

On page 4, line 3, decrease the amount by $0.

On page 4, line 4, decrease the amount by $4,843,000,000.

On page 4, line 5, decrease the amount by $35,146,000,000.

On page 4, line 6, decrease the amount by $65,248,000,000.

On page 4, line 7, decrease the amount by $99,450,000,000.

On page 4, line 8, decrease the amount by $128,552,000,000.

FEDERAL REVENUE CHANGES

On page 4, line 12, increase the amount by $0.

On page 4, line 13, increase the amount by $4,843,000,000.

On page 4, line 14, increase the amount by $35,146,000,000.

On page 4, line 15, increase the amount by $65,248,000,000.

On page 4, line 16, increase the amount by $99,450,000,000.

On page 4, line 17, increase the amount by $128,552,000,000.

NEW BUDGET AUTHORITY

On page 4, line 21, increase the amount by $0.

On page 4, line 22, increase the amount by $136,000,000.

On page 4, line 23, increase the amount by $1,280,000,000.

On page 4, line 24, increase the amount by $4,186,000,000.

On page 4, line 25, increase the amount by $8,785,000,000.

On page 5, line 1, increase the amount by $15,334,000,000.

BUDGET OUTLAYS

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $136,000,000.

On page 5, line 8, increase the amount by $1,280,000,000.

On page 5, line 9, increase the amount by $4,186,000,000.

On page 5, line 10, increase the amount by $8,785,000,000.

On page 5, line 11, increase the amount by $15,334,000,000.

NET INTEREST BUDGET AUTHORITY

On page 26, line 3, increase the amount by $0.

On page 26, line 7, increase the amount by $136,000,000.

On page 26, line 11, increase the amount by $1,280,000,000.

On page 26, line 15, increase the amount by $4,186,000,000.

On page 26, line 19, increase the amount by $8,785,000,000.

On page 26, line 23, increase the amount by $15,334,000,000.

NET INTEREST OUTLAYS

On page 26, line 4, increase the amount by $0.

On page 26, line 8, increase the amount by $136,000,000.

On page 26, line 12, increase the amount by $1,280,000,000.

On page 26, line 16, increase the amount by $4,186,000,000.

On page 26, line 20, increase the amount by $8,785,000,000.

On page 26, line 24, increase the amount by $15,334,000,000.

PUBLIC DEBT

On page 5, line 22, increase the amount by $0.

On page 5, line 23, increase the amount by $4,979,000,000.

On page 5, line 24, increase the amount by $36,426,000,000.

On page 5, line 25, increase the amount by $69,434,000,000.

On page 6, line 1, increase the amount by $108,235,000,000.

On page 6, line 2, increase the amount by $143,886,000,000.

DEBT HELD BY THE PUBLIC

On page 6, line 5, increase the amount by $0.

On page 6, line 6, increase the amount by $4,979,000,000.

On page 6, line 7, increase the amount by $36,426,000,000.

On page 6, line 8, increase the amount by $69,434,000,000.

On page 6, line 9, increase the amount by $108,235,000,000.

On page 6, line 10, increase the amount by $143,886,000,000.

TAX CUT

On page 29, line 3, increase the amount by $4,843,000,000.

On page 29, line 4, increase the amount by $333,239,000,000.

DEFICIT INCREASE

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,979,000,000.

On page 5, line 16, increase the amount by $36,426,000,000.

On page 5, line 17, increase the amount by $89,434,000,000.

On page 5, line 18, increase the amount by $108,235,000,000.

On page 5, line 19, increase the amount by $143,886,000,000

WARNER (AND STEVENS) AMENDMENT NO. 2986

(Ordered to lie on the table.)

Mr. WARNER (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 22, strike ''$1,471,817,000,000'' and insert ''$1,475,817,000,000''.

On page 5, line 7, strike ''$1,447,795,000,000'' and insert ''$1,499,395,000,000''.

On page 5, line 15, strike ''$53,863,000,000'' and insert ''$52,263,000,000''.

On page 43, line 10, strike ''$306,819,000,000'' and insert ''$310,919,000,000''.

FEINSTEIN AMENDMENT NO. 2987

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS APPROVED FOR CLOSURE UNDER THE BASE CLOSURE LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense has a responsibility to ensure the timely and safe completion of environmental restoration at military installations approved for closure under the base closure laws.

(2) The goal of the environmental restoration process under the base closure laws is to facilitate economic reuse and development of the property at military installations approved for closure under such laws by the communities in the vicinity of such installations.

(3) The Department of Defense has identified 2,742 sites at military installations approved for closure under the base closure laws that require additional environmental restoration.

(4) The Department of Defense has spent $3,680,000,000 for environmental restoration at military installations approved for closure under the base closure laws.

(5) The Department of Defense estimates that an additional $3,100,000,000 will be necessary to complete environmental restoration at such installations.

(6) In fiscal year 2000, Congress appropriated only $346,400,000 for environmental restoration at military installations approved for closure under the base closure laws, an amount equal to half the amount appropriated for fiscal year 1999 for environmental restoration at such installations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should provide not less than $700,000,000 for fiscal year 2001 for environmental restoration at military installations approved for closure under the base closure laws.

MCCAIN (AND OTHERS) AMENDMENT NO. 2988

Mr. MCCAIN (for himself, Mr. ROBB, and Mr. KERRY) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 9, line 2, increase the amount by $2,500,000.

On page 9, line 3, increase the amount by $2,500,000.

On page 9, line 6, increase the amount by $10,000,000.

On page 9, line 7, increase the amount by $10,000,000.

On page 9, line 10, increase the amount by $6,000,000.

On page 9, line 11, increase the amount by $6,000,000.

On page 9, line 14, increase the amount by $4,200,000.

On page 9, line 15, increase the amount by $4,200,000.

On page 9, line 18, increase the amount by $2,800,000.

On page 9, line 19, increase the amount by $2,800,000.

On page 9, line 22, increase the amount by $2,000,000.

On page 9, line 23, increase the amount by $2,000,000.

On page 4, line 21, increase the amount by $2,500,000.

On page 4, line 22, increase the amount by $10,000,000.

On page 4, line 23, increase the amount by $6,000,000.

On page 4, line 24, increase the amount by $4,200,000.

On page 4, line 25, increase the amount by $2,800,000.

On page 5, line 1, increase the amount by $2,000,000.

On page 5, line 6, increase the amount by $2,500,000.

On page 5, line 7, increase the amount by $10,000,000.

On page 5, line 8, increase the amount by $6,000,000.

On page 5, line 9, increase the amount by $4,200,000.

On page 5, line 10, increase the amount by $2,800,000.

On page 5, line 11, increase the amount by $2,000,000.

On page 5, line 14, increase the amount by $2,500,000.

On page 5, line 15, increase the amount by $10,000,000.

On page 5, line 16, increase the amount by $6,000,000.

On page 5, line 17, increase the amount by $4,200,000.

On page 5, line 18, increase the amount by $2,800,000.

On page 5, line 19, increase the amount by $2,000,000.

COLLINS (AND DODD) AMENDMENT NO. 2989

(Ordered to lie on the table.)

Ms. COLLINS (for herself and Mr. DODD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE ON DISTRIBUTION OF EXCESS FEDERAL GASOLINE TAX REVENUES.

(a) FINDINGS.—The Senate finds that—

(1) on May 22, 1998—

(A) the Senate overwhelmingly approved the conference committee report on H.R. 2400, the Transportation Equity Act for the 21st Century, in a 88–5 roll call vote; and

(B) the House of Representatives approved the conference committee report on that bill in a 297–86 recorded vote;

(2) on June 9, 1998, the President signed that bill into law, thereby enacting Public Law 105–178;

(3) the Transportation Equity Act for the 21st Century (112 Stat. 107) is a comprehensive reauthorization of Federal highway and mass transit programs, authorizing approximately $216,000,000,000 in Federal transportation spending for fiscal years 1998 through 2003;

(4) the revenue aligned budget authority provision in section 110 of title 23, United States Code (as added by section 1105 of that Act (112 Stat. 130)) specifies that any excess Federal gasoline tax revenues shall be provided to the States in accordance with the formulas established by that Act and the amendments made by that Act; and

(5) the President's fiscal year 2001 budget request contains a proposal to distribute approximately $1,300,000,000 in excess Federal gasoline tax revenues in a manner that—

(A) is not consistent with section 110 of title 23, United States Code; and

(B) would deprive States of needed revenues.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, and any legislation enacted pursuant to this resolution, assume that the proposal in the President's fiscal year 2001 budget request to change the manner in which any excess Federal gasoline tax revenues are distributed to the States will not be implemented, but rather that those excess revenues will be distributed to the States in accordance with section 110 of title 23, United States Code.

COLLINS (AND OTHERS) AMENDMENT NO. 2990

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KENNEDY, Mr. SPECTER, Mr. JEFFORDS, Mr. LEAHY, Mr. HARKIN, Mr. BREAUX, Mr. GRAHAM, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. SENSE OF THE SENATE ON HUNGER RELIEF.

(a) FINDINGS.—The Senate finds that—

(1) a broad range of current studies by the General Accounting Office, the Department of Agriculture, numerous State agencies, churches and synagogues and other direct service providers, the United States Conference of Mayors, academics, and foundations consistently document unacceptably high rates of hunger and food insecurity within the United States;

(2) in spite of record economic expansion, hunger continues;

(3) 1,200 religious, civic, social service, and community-based organizations that are active in every State in the United States on the local, State, and national levels have urged Congress to respond to existing needs with hunger relief legislation;

(4) bipartisan coalitions have formed in both the Senate and the House of the 106th Congress to support the Hunger Relief Act, introduced in both the House and Senate (S. 1805 and H.R. 3192), and to affirm that Congress did not intend for working families and children to face hunger and food insecurity; and

(5) ensuring access to adequate nutrition is necessary as a means of protecting the public and private investments made throughout the United States in educating our children, improving health care, and maintaining a productive workforce.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, and any legislation enacted pursuant to this resolution, assume that—

(1) hunger relief is an urgent national priority that should be addressed in the levels and legislation; and

(2) Congress should enact legislation this year to enable low-income children and working families to have better access to—

(A) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including households that own a vehicle that would not disqualify the households for assistance in their State under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

(B) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

COLLINS (AND OTHERS) AMENDMENT NO. 2991

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. BOND, Mr. REED, Mr. JEFFORDS, Mr. SANTORUM, Mr. ABRAHAM, Mr. DEWINE, Mr. BAUCUS, Mrs. Hutchison, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PAYMENTS TO HOME HEALTH AGENCIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) America's home health agencies provide invaluable services that have enabled a growing number of our most frail and vulnerable beneficiaries under the medicare program under title XVIII of the Social Security Act to avoid hospitals and nursing homes and to remain in the comfort and security of their own homes.

(2) A sharp rise in home health spending under the medicare program from 1989 to 1996 prompted Congress and the President, as part of the Balanced Budget Act of 1997 (in this section referred to as the ''BBA''), to initiate changes intended to slow this growth.

(3) The cuts in home health spending under the medicare program made by the BBA have been deeper and have affected more home health agencies than Congress intended.

(4) From fiscal year 1997 to fiscal year 1999, medicare home health spending dropped by almost 50 percent, from $17,800,000,000 to $9,700,000,000, surpassing the savings goals set by Congress for home health services under the BBA by a large margin.

(5) The dramatic payment cuts made by the BBA, coupled with overly burdensome new regulatory requirements, have—

(A) placed home health agencies in financial peril; and

(B) restricted the ability of these agencies to deliver much-needed care to medicare beneficiaries, particularly to those beneficiaries that are chronically ill and have complex care needs.

(6) Over 2,500 agencies (about ¼ of all home health agencies nationwide) have either closed or stopped serving medicare beneficiaries.

(7) According to a study by the Lewin Group conducted for the American Hospital Association, the spending cutbacks resulting from the enactment of the BBA have resulted in a 30.5 percent reduction in hospital-based home health services.

(8) An additional 15 percent reduction in payments to home health agencies under the medicare program is scheduled to go into effect on October 1, 2001.

(9) Implementation of an additional 15 percent reduction—

(A) would ring the death knell for low-cost, efficient home health agencies currently struggling to remain in business, thus reducing the access of medicare beneficiaries to critical home health services; and

(B) is unnecessary because we have already surpassed the savings targets set forth under the BBA.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) the 15 percent reduction in payments to home health agencies under the medicare program under title XVIII of the Social Security Act should not go into effect, as scheduled, on October 1, 2001; and

(2) Congress and the President should work to provide sustainable payments to home health agencies under such program.

COLLINS (AND SCHUMER) AMENDMENT NO. 2992

(Ordered to lie on the table.)

Ms. COLLINS (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. USE OF THE STRATEGIC PETROLEUM RESERVE.

(a) FINDINGS.—The Senate finds that—

(1) as Congress found in section 151(a) of the Energy Policy and Conservation Act (42 U.S.C. 6231(a)), the storage of substantial quantities of petroleum products will diminish the vulnerability of the United States to the effects of a severe energy supply interruption and provide limited protection from the short-term consequences of interruptions in supplies of petroleum products;

(2) the Secretary of Energy has authority under existing law to fill the Strategic Petroleum Reserve through time exchanges (''swaps'') by releasing oil from the Strategic Petroleum Reserve in times of supply shortage in exchange for the infusion of more oil

into the Strategic Petroleum Reserve at a later date;

(3) the Organization of Petroleum Exporting Countries (''OPEC'') has created a worldwide supply shortage by choking off petroleum production by anticompetitive means; and

(4) at its meetings beginning on March 27, 2000, OPEC failed to increase petroleum production to a level sufficient to rebuild depleted inventories.

(b) SENSE OF THE SENATE CONCERNING USE OF THE STRATEGIC PETROLEUM RESERVE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) if the President determines that the supply of crude oil has been significantly diminished due to anticompetitive manipulation by foreign countries and a release of oil from the Strategic Petroleum Reserve under swapping arrangements would not jeopardize national security, the Secretary of Energy should, as soon as is practicable, use the authority under existing law to release oil from the Strategic Petroleum Reserve in an economically feasible way by means of swapping arrangements providing for future increases in Strategic Petroleum Reserve reserves;

(2) the Secretary of Energy should implement swapping arrangements at times when prices of fuel increase because of significant reductions in the production of crude oil and market conditions are favorable for swaps; and

(3) the President should immediately commission an interagency panel—

(A) to develop market data to increase the transparency of petroleum markets; and

(B) to determine—

(i) what quantities should be held in the Strategic Petroleum Reserve;

(ii) the appropriate uses of the Strategic Petroleum Reserve; and

(iii) whether the authority to release oil from the Strategic Petroleum Reserve should be modified to better address oil crisis like the one the U.S. faced during the winter of 1999 and 2000.

SPECTER AMENDMENTS NOS. 2993–2994

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 2993

On page 27, line 7, decrease the amount by $2,600,000,000.

On page 27, line 8, decrease the amount by $2,600,000,000.

On page 42, line 5, increase the amount by $2,600,000,000.

On page 43, line 14, increase the amount by $2,600,000,000.

AMENDMENT NO. 2994

On page 4, line 22, increase the amount by $1,600,000,000.

On page 5, line 7, increase the amount by $1,600,000,000.

On page 5, line 15, increase the amount by $1,600,000,000.

On page 19, line 7, increase the amount by $1,600,000,000.

On page 19, line 8, increase the amount by $1,600,000,000.

On page 27, line 7, decrease the amount by $1,600,000,000.

On page 27, line 8, decrease the amount by $1,600,000,000.

On page 42, line 5, increase the amount by $1,600,000,000.

On page 42, line 6, increase the amount by $1,600,000,000.

On page 43, line 14, increase the amount by $1,600,000,000.

On page 43, line 15, increase the amount by $1,600,000,000.

ASHCROFT (AND OTHERS) AMENDMENT NO. 2995

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. BAUCUS, Mr. CRAIG, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING THE ENFORCEMENT OF TRADE AGREEMENTS MADE BY THE PEOPLE'S REPUBLIC OF CHINA

(a) FINDINGS.—The Senate finds that—

(1) the budget resolution assumes enforcement of United States trade and tariff laws, and the successful negotiation of bilateral and multilateral trade agreements between the United States and other governments;

(2) Congress may soon consider legislation that grants permanent normal trade relations (PNTR) status for China in light of the fact that China is seeking accession to the World Trade Organization (WTO);

(3) individual Senators may have differing views on the specific concessions made in the bilateral U.S.-China agreement, but it is agreed that the United States must have adequate means to enforce the agreement;

(4) farmers, ranchers, workers, and businesses in the United States should receive the benefits promised to them in U.S. trade agreements;

(5) there is substantial dissatisfaction across America's heartland with the United States' inability to enforce some trade commitments on agriculture—specifically, the European Union has a long history of trying to block bananas, U.S. beef, and other farm products;

(6) China has a history of not readily complying with past trade agreements; and,

(7) the U.S. Congress (which must make the ultimate decision about U.S.-China trade relations) needs to demonstrate to the American people that trade agreements are enforceable, not only in agriculture, but also in manufactured goods, services, intellectual property, wood products, textiles and other sectors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that—

(1) Congress will take into account the concerns of those in the agricultural community and other industry sectors as it proceeds with consideration of permanent normal trade relations (PNTR) status for China;

(2) the President will demonstrate that the United States retains sufficient leverage to enforce the WTO commitments made by China in November 1999; and,

(3) the President will devote adequate resources to monitoring and enforcing Chinese compliance with the agreements made in connection with China's accession to the WTO.

BINGAMAN AMENDMENT NO. 2996

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ENHANCEMENT OF CAPACITY OF VETERANS BENEFITS ADMINISTRATION TO PROCESS BENEFITS CLAIMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Veterans benefits serve to recognize service to the Nation, and also serve to mitigate economic disadvantages imposed by sacrifices made while serving.

(2) The Nation has 3,300,000 veterans or families that share approximately $18,500,000,000 in veterans pension and disability benefits annually through the Department of Veterans Affairs.

(3) Benefits have been promised to the Nation's veterans, and those promises must be honored.

(4) To remain effective, veterans benefits programs must be updated to reflect changes in hardships encountered during military service as well as changes in the economic and social circumstances of the Nation.

(5) The accurate and reliable assessment of service-connected disabilities has become an increasingly complex process, particularly with regard to evaluating the incidence and effects of Agent Orange, Persian Gulf Syndrome, and Post Traumatic Stress Disorders.

(6) The veterans benefits appeal process often involves repeated remands requiring additional processing that can occur over an extended length of time.

(7) Veterans benefits claims processing is undergoing a major technological transition from manual to electronic data filing and processing.

(8) The number of full-time equivalent (FTE) employees assigned to process veterans benefits claims has decreased significantly from 13,249 in 1995 to 11,254 in 1998.

(9) The pending workload for veterans benefits claims has increased dramatically during the same period from 378,366 cases in 1995 to 445,012 cases in 1998.

(10) Nationwide, veterans must wait an average of 159 days for their benefits claims to be resolved, and the National Performance Review has a goal of handling such claims in an average of 92 days.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in order to ensure the efficient and timely processing of claims for veterans benefits by the Veterans Benefits Administration, the amounts made available to the Department of Veterans Affairs for fiscal year 2001 should be increased over amounts made available to the Department for fiscal year 2000—

(1) by $139,000,000, in order to permit the hiring by the Veterans Benefits Administration of an additional 287 full-time equivalent employees to perform duties relating to claims processing; and

(2) by $2,500,000, in order to implement the Systematic Technical Accuracy Review (STAR) Program to ensure the accuracy of work performed at Veterans Benefits Administration field stations.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2997

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DODD, Mr. KENNEDY, Mr. HARKIN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $360,000,000.

On page 4, line 5, increase the amount by $5,680,000,000.

On page 4, line 6, increase the amount by $6,960,000,000.

On page 4, line 7, increase the amount by $7,100,000,000.

On page 4, line 8, increase the amount by $7,100,000,000.
On page 4, line 13, increase the amount by $360,000,000.
On page 4, line 14, increase the amount by $5,680,000,000.
On page 4, line 15, increase the amount by $6,960,000,000.
On page 4, line 16, increase the amount by $7,100,000,000.
On page 4, line 17, increase the amount by $7,100,000,000.
On page 4, line 22, increase the amount by $7,100,000,000.
On page 4, line 23, increase the amount by $7,100,000,000.
On page 4, line 24, increase the amount by $7,100,000,000.
On page 4, line 25, increase the amount by $7,100,000,000.
On page 5, line 1, increase the amount by $7,100,000,000.
On page 5, line 7, increase the amount by $360,000,000.
On page 5, line 8, increase the amount by $5,680,000,000.
On page 5, line 9, increase the amount by $6,960,000,000.
On page 5, line 10, increase the amount by $7,100,000,000.
On page 5, line 11, increase the amount by $7,100,000,000.
On page 18, line 7, increase the amount by $7,100,000,000.
On page 18, line 8, increase the amount by $360,000,000.
On page 18, line 11, increase the amount by $7,100,000,000.
On page 18, line 12, increase the amount by $5,680,000,000.
On page 18, line 15, increase the amount by $7,100,000,000.
On page 18, line 16, increase the amount by $6,960,000,000.
On page 18, line 19, increase the amount by $7,100,000,000.
On page 18, line 20, increase the amount by $7,100,000,000.
On page 18, line 23, increase the amount by $7,100,000,000.
On page 18, line 24, increase the amount by $7,100,000,000.
On page 29, line 3, decrease the amount by $360,000,000.
On page 29, line 4, decrease the amount by $27,200,000,000.

BINGAMAN (AND OTHERS) AMENDMENT NO. 2998

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. JOHNSON, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $5,000,000.
On page 4, line 5, increase the amount by $18,500,000.
On page 4, line 6, increase the amount by $43,000,000.
On page 4, line 7, increase the amount by $50,000,000.
On page 4, line 8, increase the amount by $50,000,000.
On page 4, line 13, increase the amount by $5,000,000.
On page 4, line 14, increase the amount by $18,500,000.
On page 4, line 15, increase the amount by $43,000,000.
On page 4, line 16, increase the amount by $50,000,000.
On page 4, line 17, increase the amount by $50,000,000.
On page 4, line 22, increase the amount by $50,000,000.
On page 4, line 23, increase the amount by $50,000,000.
On page 4, line 24, increase the amount by $50,000,000.
On page 4, line 25, increase the amount by $50,000,000.
On page 5, line 1, increase the amount by $50,000,000.
On page 5, line 7, increase the amount by $5,000,000.
On page 5, line 8, increase the amount by $18,500,000.
On page 5, line 9, increase the amount by $43,000,000.
On page 5, line 10, increase the amount by $50,000,000.
On page 5, line 11, increase the amount by $50,000,000.
On page 18, line 7, increase the amount by $50,000,000.
On page 18, line 8, increase the amount by $5,000,000.
On page 18, line 11, increase the amount by $50,000,000.
On page 18, line 12, increase the amount by $18,500,000.
On page 18, line 15, increase the amount by $50,000,000.
On page 18, line 16, increase the amount by $43,000,000.
On page 18, line 19, increase the amount by $50,000,000.
On page 18, line 20, increase the amount by $50,000,000.
On page 18, line 23, increase the amount by $50,000,000.
On page 18, line 24, increase the amount by $50,000,000.
On page 29, line 3, decrease the amount by $5,000,000.
On page 29, line 4, decrease the amount by $166,500,000.

BURNS (AND OTHERS) AMENDMENT NO. 2999

(Ordered to lie on the table.)

Mr. BURNS (for himself, Mr. FRIST, Mr. GRAMS, Mr. HELMS, Mr. ENZI, Mr. CRAIG, Mr. ABRAHAM, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE REPEAL OF THE MODIFICATION OF INSTALLMENT METHOD.

(a) FINDINGS.—The Senate finds that—

(1) on December 17, 1999, President Clinton signed into law the Ticket to Work and Work Incentives Improvement Act of 1999, which contained a provision that prohibits accrual method taxpayers from using the installment method when they sell an asset;

(2) the new law is having, and will continue to have, a dramatic negative impact on small business owners; and

(3) According to the National Federation of Independent Businesses, roughly 260,000 businesses a year are likely to be affected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that—

(1) the Senate should consider modifying or repealing section 536(a) of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to the repeal of the installment method for accrual method taxpayers) to ensure that the provision does not deny the ability of small businesses to use the installment method with respect to sales and other dispositions occurring on or after the date of enactment of such Act.

TORRICELLI (AND ASHCROFT) AMENDMENT NO. 3000

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. ASHCROFT) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE ON AID FOR INDEPENDENT TRUCK DRIVERS.

(a) FINDINGS.—The Senate finds that—

(1) The price of diesel fuel in the United States is exorbitantly high, topping $2 per gallon in February, 2000;

(2) there are more than 250,000 independent truck drivers operating in the United States;

(3) independent truck drivers averaged less than $250 to fill their fuel tanks a year ago, but are paying an average of over $500 now;

(4) high diesel fuel prices are extremely harmful to independent truck drivers, who pay for their own fuel;

(5) many independent truck drivers are forced to dip into family savings to pay for fuel, and some are being forced out of business, because they can't fill their tanks;

(6) the United States is reliant upon these independent truck drivers to deliver goods to the marketplace.

(7) independent truckers who are forced to park their rigs are unable to deliver goods to marketplace;

(8) high prices are forcing independent truck drivers off the road, and have the potential to harm our economy, not to mention, cripple the trucking industry, which is responsible for the transportation of commodities across the country;

(9) despite OPEC's recent announcement that it would raise oil production by 1.7 million barrels per day, which may stabilize prices by the end of the year, independent truck drivers have felt the effects of high diesel fuel prices for months, and stabilizing prices will not allow them to recover lost income;

(10) providing direct cash grants to independent truck drivers will prevent further damage to the trucking industry, and ensure the continued transportation of goods to the marketplace.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that significant funds will be made available to the Small Business Administration (SBA) in order to enable the SBA to meet the needs of independent truck drivers through emergency loans and grant programs.

On page 4, line 4, increase the amount by $52,000,000.
On page 4, line 5, increase the amount by $63,000,000.
On page 4, line 6, increase the amount by $74,000,000.
On page 4, line 7, increase the amount by $35,000,000.
On page 4, line 8, increase the amount by $18,000,000.
On page 4, line 13, increase the amount by $52,000,000.
On page 4, line 14, increase the amount by $63,000,000.
On page 4, line 15, increase the amount by $74,000,000.
On page 4, line 16, increase the amount by $35,000,000.
On page 4, line 17, increase the amount by $18,000,000.
On page 4, line 22, increase the amount by $250,000,000.
On page 5, line 7, increase the amount by $52,000,000.
On page 5, line 8, increase the amount by $63,000,000.

On page 5, line 9, increase the amount by $74,000,000.
On page 5, line 10, increase the amount by $35,000,000.
On page 5, line 11 increase the amount by $18,000,000.
On page 17, line 6, increase the amount by $250,000,000.
On page 17, line 7, increase the amount by $52,000,000.
On page 17, line 11, increase the amount by $63,000,000.
On page 17, line 15, increase the amount by $74,000,000.
On page 17, line 19, increase the amount by $35,000,000.
On page 17, line 23, increase the amount by $18,000,000.
On page 29, line 3, decrease the amount by $52,000,000.
On page 29, line 4, decrease the amount by $242,000,000.

MURRAY (AND OTHERS) AMENDMENT NO. 3002

(Ordered to lie on the table.)

Mrs. MURRAY (for herself, Mr. DORGAN, Mr. JEFFORDS, Mr. LEVIN, Mr. CONRAD, Mr. BURNS, Mr. MOYNIHAN, and Mr. SCHUMER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

The Senate finds that the number of trucks and planes bringing commercial goods across the Northern Border has increased by 25% between 1998 and 1999. No new Custom Inspector positions have been authorized for the Northern Border since 1996 and only 26 percent of Immigration Inspectors are on the Northern Border;

The Senate finds that our Northern Border (excluding Alaska) extends almost 4,000 miles. But last year, this border only had about 300 agents—about one agent for every thirteen miles of border. In comparison, the Southwest Border is 2,000 miles and had 8,000 agents—four agents for every mile;

The Senate finds that many ports on the Northern Border can barely cover core operations and regular shifts without resorting to significant amounts of overtime for all inspectors. Many additional enforcement efforts aimed at specific anti-drug initiatives and outbound programs have been abandoned;

The Senate finds that border agents in Washington state apprehended a potentially dangerous terrorist entering the country from Canada this past December with bomb making equipment and explosive materials that could have caused enormous devastation;

The Senate finds that this incident led to a heightened state of alert on the Northern Border throughout the 1999/2000 holiday season requiring the redeployment of over 700 inspectors from other areas of the country; and

The Senate finds that the lack of adequate frontline Customs Inspectors and Immigration and Naturalization personnel at our ports of entry greatly increases the risk of terrorist products, illicit drugs and other dangerous contraband coming into our country and hinders legitimate trade.

1. It is the sense of the Senate that the functional totals in this resolution assume that the Senate should provide additional funding to increase U.S. Customs Service and U.S. Immigration and Naturalization Service personnel at the Northern Border.

STEVENS (AND OTHERS) AMENDMENT NO. 3003

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. BOND, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Mr. DODD, Mr. L. CHAFEE, Mr. REED, Mr. WARNER, Mr. DURBIN, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res 101, supra; as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR EARLY LEARNING AND PARENT SUPPORT PROGRAMS.

(a) ADJUSTMENT.—When the Committee on Education and Workforce of the House of Representatives or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill, an amendment is offered in the House of Representatives or the Senate, or a conference report is filed that improves opportunities at the local level or early learning, brain development, and school readiness for young children from birth to age 6 and offers support programs for such families, particularly those with special needs such as mental health issues and behavorial disorders, the relevant chairman of the Committee on the Budget may increase the allocation aggregates, functions, totals, and other budgetary totals in the resolution by the amount of budget authority (and the outlays resulting thereform) provided by the legislation for such purpose in accordance with subsection (b) if the legislation does not cause an on-budget deficit.

(b) LIMITATIONS.—The adjustments to the aggregates and totals pursuant to subsection (a) shall not exceed $8,500,000,000 on budget authority (and the outlays resulting thereform) for the period fiscal year 2001 and 2005.

KENNEDY AMENDMENTS NOS. 3004–3005

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments, intended to be proposed by him to the concurrent resolution, S. Con. Res 101, supra; as follows:

AMENDMENT NO. 3004

At the appropriate place, insert:

SEC. . RESERVE FUND FOR MEDICARE AND MEDICAID.

(a) IN GENERAL.—In the Senate, aggregates, allocations functional totals, and other budgetary levels and limits may be revised in an amount up to $20 billion for fiscal years 2001 through 20 for legislation to assure adequate payments to community hospitals, teaching hospitals, nursing homes, health centers, home health agencies and others who provide quality health care services to Medicare and Medicaid beneficiaries, provided that the enactment of that legislation will not cause an on-budget deficit for—

(1) fiscal year 2001; or

(2) the period of fiscal years 2001 through 2005.

(b) REVISED LEVELS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregations shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

AMENDMENT NO. 3005

On page 4, line 4, increase the amount by $5,500,000,000.
On page 4, line 5, increase the amount by $4,500,000,000.
On page 4, line 6, increase the amount by $4,000,000,000.
On page 4, line 7, increase the amount by $3,000,000,000.
On page 4, line 8, increase the amount by $3,000,000,000.
On page 4, line 13, increase the amount by $5,500,000,000.
On Page 4, line 14, increase the amount by $4,500,000,000.
On page 4, line 15, increase the amount by $4,000,000,000.
On page 4, line 16, increase the amount by $3,000,000,000.
On page 4, line 17, increase the amount by $3,000,000,000.
On page 4, line 22, increase the amount by $5,500,000,000.
On page 4, line 23, increase the amount by $4,500,000,000.
On page 4, line 24, increase the amount by $4,000,000,000.
On page 4, line 25, increase the amount by $3,000,000,000.
On page 5, line 1, increase the amount by $3,000,000,000.
On page 5, line 7, increase the amount by $5,500,000,000.
On page 5, line 8, increase the amount by $4,500,000,000.
On page 5, line 9, increase the amount by $4,000,000,000.
On page 5, line 10, increase the amount by $3,000,000,000.
On page 5, line 11, increase the amount by $3,000,000,000.
On page 20, line 7, increase the amount by $5,500,000,000.
On page 20, line 8, increase the amount by $5,500,000,000.
On page 20, line 11, increase the amount by $4,500,000,000.
On page 20, line 12, increase the amount by $4,500,000,000.
On page 20, line 15, increase the amount by $4,000,000,000.
On page 20, line 16, increase the amount by $4,000,000,000.
On page 20, line 19, increase the amount by $3,000,000,000.
On page 20, line 20, increase the amount by $3,000,000,000.
On page 20, line 23, increase the amount by $.
On page 20, line 24, increase the amount by $.
On page 29, line 3, decrease the amount by $.
On page 29, line 4, decrease the amount by $.

CLELAND (AND OTHERS) AMENDMENT NO. 3006

(Ordered to lie on the table.)

Mr. CLELAND (for himself, Mr. ENZI, Mr. HOLLINGS, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE TO SUPPORT THE INTEGRITY OF STATE TAX LAWS AND A LEVEL PLAYING FIELD FOR BUSINESSES.

(a) FINDINGS.—The Senate finds that—

(1) the Constitution reserves for the States the right to collect and impose taxes;

(2) 45 States and the District of Columbia collect over 40 percent of overall revenue from sales taxes to fund vital public services, such as education, social services, emergency services, infrastructure development, and local healthcare;

(3) Internet sales are estimated to grow into the hundreds of billions of dollars in the next few years;

(4) businesses who choose not to go on-line should not be at a competitive tax disadvantage to on-line businesses; and

(5) the Advisory Commission on Electronic Commerce was unable to reach an agreement by the statutorily required minimum of two-thirds of the Commissioners for valid recommendations and findings on the treatment of retail sales transactions conducted over the Internet.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this resolution assume that the Federal Government respects the sovereignty of States to determine their taxes and tax structures, including the taxation of goods and services sold by all businesses and the establishment of a level playing field between traditional ''brick-and-mortar'' retailers and new Internet ''e-tailers.''

KYL AMENDMENT NO. 3007

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE BENEFICIARIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Beneficiaries under the medicare program under title XVIII of the Social Security Act do not have the same right to obtain health care from the provider of their choice as do Members of Congress and virtually all other Americans.

(2) As a result of the 2-year opt-out provision of the Balanced Budget Act of 1997, medicare beneficiaries must decide between the right to choose their own doctor and the right to protect their medical records.

(3) Legislation protecting health care choice is timely for the following 2 reasons:

(A) In the Health Care Financing Administration's January 1998 ''Carriers Program Memorandum'', the agency carves out a circumstance under which a physician or practitioner who has not opted-out of medicare for 2 years may not file a claim where ''the beneficiary, for reasons of his or her own, declines to authorize the physician or practitioner to submit a claim or to furnish confidential medical information to the medicare program that is needed to submit a proper claim.''.

(B) In the July 20, 1999, testimony on its current medicare report to Congress, the Comptroller General of the United States, David Walker, concluded that the Health Care Financing Administration lacks the ability to properly guard medicare beneficiaries' medical records, ''continues to have vulnerabilities in its information management systems'', and ''lacks the ability to readily provide beneficiaries with an accounting of disclosures or misuse in violation of the Privacy Act of 1974.''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Congress and the President should enact legislation that—

(1) codifies the Health Care Financing Administration's directive to provide beneficiaries under the medicare program under title XVIII of the Social Security Act permanent and unambiguous choice of their treatments, doctors, and reimbursement arrangements;

(2) goes beyond the Health Care Financing Administration's directive by specifying that, in order to prevent abuses, such an arrangement can only be entered into ''if the beneficiary and the physician or practitioner enter into a written contract that includes a statement of the beneficiary's desire to withhold such authorization.'';

(3) provides this protection for medicare beneficiaries now, whether or not the Health Care Financing Administration is able to implement the recommendations of the General Accounting Office, and also whether or not Congress enacts comprehensive medical records reform legislation;

(4) provides that medicare beneficiaries have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to provide medicare beneficiaries with this choice; and

(5) ensures medicare beneficiaries the right of health care choice.

KYL (AND KERREY) AMENDMENT NO. 3008

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. KERREY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING ESTATE TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Code allows a taxpayer to defer the recognition of capital gains earned from the involuntary conversion of property relating to theft, destruction, seizure, requisition, or condemnation, so that no tax is imposed until the property is sold;

(2) gains earned on property that is transferred by virtue of the owner's death are not eligible for such deferral as allowed for property that is involuntarily converted, and the entire value of the property is subject instead to an estate tax rate as high as 55 percent; and

(3) in order to prepare for and pay the estate tax, numerous small businesses must liquidate all or part of their assets, while others are drained of the capital they need to invest in the research and development, new equipment, and new workers that would otherwise keep them competitive in the marketplace.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should pass legislation providing estate tax relief, and should consider replacing the Federal estate tax with a tax on the gain attributable to inherited assets due when those assets are sold;

(2) that the tax basis in such property used to determine tax liability should be the decedent's basis; and

(3) that a limited step-up in basis should be preserved for small estates so that they are not subject to a new tax burden as a result of these changes.

STEVENS (AND OTHERS) AMENDMENT NO. 3009

Mr. STEVENS (for himself, Mr. INOUYE, and Mr. COCHRAN) proposed an amendment to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 45, line 7 strike ''$14,200,000,000'' and all that follows through page 47, line 25 and insert in lieu thereof:

''$23,000,000,000.

''(c) SUNSET.—This section shall expire effective October 1, 2002.''

COVERDELL AMENDMENT NO. 3010

Mr. COVERDELL proposed an amendment to amendment No. 2965 proposed by Mr. ROBB to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 4, line 4, increase the amount by $1.

On page 4, line 5, increase the amount by $1.

On page 4, line 6, increase the amount by $1.

On page 4, line 7, increase the amount by $1.

On page 4, line 8, increase the amount by $1.

On page 4, line 13, increase the amount by $1.

On page 4, line 14, increase the amount by $1.

On page 4, line 15, increase the amount by $1.

On page 4, line 16, increase the amount by $1.

On page 4, line 17, increase the amount by $1.

On page 4, line 22, increase the amount by $1.

On page 4, line 23, increase the amount by $1.

On page 4, line 24, increase the amount by $1.

On page 4, line 25, increase the amount by $1.

On page 5, line 1, increase the amount by $1.

On page 5, line 7, increase the amount by $1.

On page 5, line 8, increase the amount by $1.

On page 5, line 9, increase the amount by $1.

On page 5, line 10, increase the amount by $1.

On page 5, line 11, increase the amount by $1.

On page 18, line 7, increase the amount by $1.

On page 18, line 8, increase the amount by $1.

On page 18, line 11, increase the amount by $1.

On page 18, line 12, increase the amount by $1.

On page 18, line 15, increase the amount by $1.

On page 18, line 16, increase the amount by $1.

On page 18, line 19, increase the amount by $1.

On page 18, line 20, increase the amount by $1.

On page 18, line 23, increase the amount by $1.

On page 18, line 24, increase the amount by $1.

On page 29, line 3, decrease the amount by $1.

On page 29, line 4, decrease the amount by $1.

On page 29, after line 5, insert the following:

In lieu of the language proposed to be inserted, insert the following:

SEC. . (a) The Senate finds that on March 2, 2000, the Senate passed S. 1134, by a vote of 61–37, the Affordable Education Act of 2000, which—

(a) authorizes up to 2.5 billion dollars a year in new bond authority to allow public-private partnerships to build new schools;

(2) allows small school districts to build more schools by providing them greater flexibility in dealing with complex IRS regulations;

(3) allows 14,000,000 families or 20,000,000 children to benefit from Education Savings Accounts, which would generate $12,000,000,000 in new resources for kindergarten through college education;

(4) allows 1,000,000 college students in State pre-paid tuition plans to receive tax relief to make college more affordable;

(5) allows 1,000,000 workers studying part-time to receive education assistance through their employers;

(6) guarantees that every college student and recent college graduate in America will receive a tax break on the interest on their student loans;

(7) gives all of our Nation's elementary and secondary school teachers needed tax relief for their professional development expenses;

(8) gives America's teachers needed tax relief by providing them a deduction for their out-of-pocket classroom expenses;

(9) allows America's classrooms to benefit from new technology by encouraging the charitable donation of computers to the classroom;

(b) Therefore, it is the Sense of the Senate that this budget resolution assumes that Congress should pass, and the President should sign significant education tax relief legislation for America's teachers and students.

GORTON (AND JEFFORDS) AMENDMENT NO. 3011

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE PRICE OF PRESCRIPTION DRUGS IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today, two-thirds of senior citizens in the United States have access to prescription drugs through health insurance coverage.

(2) However, it is difficult for many Americans, including senior citizens, to afford the prescription drugs that they need to stay healthy.

(3) Many senior citizens in the United States leave the country and go to Canada or Mexico to buy prescription drugs that are developed, manufactured, and approved in the United States in order to buy such drugs at lower prices than such drugs are sold for in the United States.

(4) According to the General Accounting Office, a consumer in the United States pays on average ⅓ more for a prescription drug than a consumer pays for the same drug in another country.

(5) The United States has made a strong commitment to supporting the research and development of new drugs through taxpayer-supported funding of the National Institutes of Health, through the research and development tax credit, and through other means.

(6) The development of new drugs is important because the use of such drugs enables people to live longer and lead healthier, more productive lives.

(7) Citizens of other countries should pay a portion of the research and development costs for new drugs, or their fair share of such costs, rather than just reap the benefits of such drugs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the cost disparity between identical prescription drugs sold in the United States, Canada, and Mexico should be reduced or eliminated.

SANTORUM (AND OTHERS) AMENDMENT NO. 3012

(Ordered to lie on the table.)

Mr. SANTORUM (for himself, Mr. ALLARD, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON DEBT REDUCTION BY SENATE OFFICES.

It is the sense of the Senate that the levels in this resolution assume that—

(1) any amount appropriated for Senators' official personnel and office expenses for a fiscal year shall only be available for that fiscal year; and

(2) any amounts remaining after all payments are made for the expenses described in paragraph (1) shall be deposited in the Treasury to reduce the Federal debt held by the public.

REED (AND OTHERS) AMENDMENT NO. 3013

Mr. REID (for Mr. REED for himself, Mr. DASCHLE, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. KOHL, Mr. TORRICELLI, Mr. LEVIN, Mrs. BOXER, Mr. ROBB, Mr. KENNEDY, Mr. BIDEN, Mr. BYRD, Mr. KERRY, Mr. REID, Mr. INOUYE, Mr. BRYAN, Mr. HARKIN, Mr. WYDEN, Ms. MIKULSKI, and Mr. L. CHAFEE) proposed an amendment to amendment No. 2965 proposed by Mr. ROBB to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of the amendment add the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE NEED TO REDUCE GUN VIOLENCE IN AMERICA.

(a) FINDINGS.—The Senate finds the following:

(1) On average, 12 children die from gun fire everyday in America.

(2) On May 20, 1999, the Senate passed the Violent and Repeat Offender Accountability and Rehabilitation Act, by a vote of 73 to 25, in part, to stem gun-related violence in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in function 750 of this resolution assume that Congress should—

(1) pass the conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, including Senate-passed provisions, with the purpose of limiting access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms; and

(2) consider H.R. 1501 not later than April 20, 2000.

BAUCUS AMENDMENT NO. 3014

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING FUNDING FOR WILDFIRE MANAGEMENT BY THE SECRETARY OF THE INTERIOR.

(a) FINDINGS.—The Senate finds that—

(1) fire prevention in the western States is of imminent concern;

(2) more and more houses are being built on the forest interface throughout the West;

(3) more houses in those areas increase the risk of danger to lives and property from catastrophic disasters such as wildfires;

(4) local fire departments often rely on volunteers, but in many places fire departments do not exist, leaving communities dependent on Federal funding;

(5) the Federal Government should do its share in preventing losses of life and property as a result of rampant wildfires;

(6) snow pack has been below normal throughout the West increasing the chances of widespread fires;

(7) some experts point to the existence of a 6-year fire cycle that States should be prepared for; and

(8) in 1988, devastating fires raged throughout the West, and 2000 has the potential to be just as devastating.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that the wildlife management program delivered by the Department of the Interior should be funded above the levels in this resolution for fiscal year 2001 to ensure protection of lives and property to individuals residing in forest interface areas.

GREGG (AND OTHERS) AMENDMENT NO. 3015

(Ordered to lie on the table.)

Mr. GREGG (for himself, Ms. COLLINS, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1975, the Federal Government made a commitment in the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) (referred to in this resolution as the ''Act'') to pay 40 percent of the programs described in part B of such Act.

(2) The Act guarantees that all children with disabilities receive a free and appropriate public education.

(3) In 1997, 1998, and 1999, Congress increased funding for such programs by 113 percent, but was unable to affect such increases without the help or support of the Administration.

(4) Despite such increases in funding, Federal funding for such programs is still far short of the nearly $15,000,000,000 required to receive the originally promised funding.

(5) The Federal Government currently pays only 12.6 percent of such funding for the programs, which represents a great disparity from the 40 percent that was originally promised under the Act.

(6) Honoring the obligation to fund such programs at the originally promised level will allow State and local governments, some of which spend up to 19 percent of the State or local budget on special education costs, to have more flexibility to spend the local resources to meet the unique educational needs of all students in the locality.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in

this resolution assume that Congress; first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40% before Federal funds are appropriated for new education programs.

CONRAD AMENDMENT NO. 3016

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SAVE SOCIAL SECURITY AND MEDICARE LOCKBOX.

(a) DEFINITION.—In this section, the term ''Social Security and Medicare lockbox'' includes—

(1) the amount of the Social Security surplus (as defined in section 311(b)(1) of the Congressional Budget Act of 1974), with respect to any fiscal year; and

(2) the amount of the ''Medicare surplus reserve'' defined as a minimum of one-third of the on-budget surplus as estimated by the Congressional Budget Office for each of the 3 applicable time periods, which are—

(A) the budget year;

(B) the budget year plus the subsequent 4 years; and

(C) the budget year plus the subsequent 9 years.

(b) BUDGET RESOLUTION POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the on-budget surplus below the levels of the Medicare surplus reserve, except for legislation that reforms the Medicare program and provides coverage for prescription drugs.

(c) SUBSEQUENT LEGISLATION POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that together with associated interest costs would decrease the on-budget surplus below the level of the Medicare surplus reserve, except for legislation that reforms the Medicare program and provides coverage for prescription drugs.

(d) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate section 13301 of the Budget Enforcement Act of 1990.

(e) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would—

(1) decrease Social Security surpluses in any year covered by this resolution below the levels established in this resolution; or

(2) amend section 301(i) or 311(a)(3) of the Congressional Budget Act of 1974 to allow Social Security surpluses to be decreased below the levels established in this resolution.

(f) SUPERMAJORITY WAIVER.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised pursuant to this section.

(g) SENATE PAY-AS-YOU-GO RULE EXTENDED THROUGH 2010.—Section 207(g) of H. Con. Res. 68 (the Concurrent Resolution on the Budget for fiscal year 2000) is amended by striking ''2002'' and inserting ''2010''.

On page 4, line 4, increase the amount by $2,026,000,000.

On page 4, line 5, increase the amount by $0.

On page 4, line 6, increase the amount by $5,067,000,000.

On page 4, line 7, increase the amount by $7,230,000,000.

On page 4, line 8, increase the amount by $6,620,000,000.

On page 4, line 13, increase the amount by $2,026,000,000.

On page 4, line 14, increase the amount by $0.

On page 4, line 15, increase the amount by $5,067,000,000.

On page 4, line 16, increase the amount by $7,230,000,000.

On page 4, line 17, increase the amount by $6,620,000,000.

On page 5, line 15, increase the amount by $2,026,000,000.

On page 5, line 16, increase the amount by $0.

On page 5, line 17, increase the amount by $5,067,000,000.

On page 5, line 18, increase the amount by $7,230,000,000.

On page 5, line 19, increase the amount by $6,620,000,000.

On page 5, line 23, decrease the amount by $2,026,000,000.

On page 5, line 24, decrease the amount by $0.

On page 5, line 25, decrease the amount by $5,067,000,000.

On page 6, line 1, decrease the amount by $7,230,000,000.

On page 6, line 2, decrease the amount by $6,620,000,000.

On page 6, line 6, decrease the amount by $2,026,000,000.

On page 6, line 7, decrease the amount by $0.

On page 6, line 8, decrease the amount by $5,067,000,000.

On page 6, line 9, decrease the amount by $7,230,000,000.

On page 6, line 10, decrease the amount by $6,620,000,000.

On page 29, line 3, decrease the amount by $2,026,000,000.

On page 29, line 4, decrease the amount by $20,943,000,000.

BREAUX (AND OTHERS) AMENDMENT NO. 3017

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Ms. SNOWE, and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title II, insert the following:

SEC. ___. POINT OF ORDER AGAINST CONSIDERATION OF OMNIBUS APPROPRIATIONS CONFERENCE REPORTS IF NOT AVAILABLE FOR 2 DAYS.

It shall not be in order in the Senate to consider a conference report on an Omnibus Appropriations bill (an appropriations bill containing 2 or more of the 13 regular appropriations Acts) unless that conference report has been available at least 2 days prior to consideration.

BOND (AND OTHERS) AMENDMENT NO. 3018

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. DEWINE, Mr. STEVENS, Mr. BREAUX, Mrs. MURRAY, Mr. JOHNSON, Mr. FEINGOLD, Mrs. LINCOLN, Mr. WELLSTONE, Mr. DODD, Mr. INOUYE, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. EDWARDS, Mr. LUGAR, Mr. CLELAND, Mr. BINGAMAN, Mr. BAUCUS, Mr. KOHL, and Ms. COLLINS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) FINDINGS.—The Senate finds that—

(1) the uninsured population in the United States continues to grow at over 100,000 individuals per month, and is estimated to reach over 53,000,000 people by 2007;

(2) the growth in the uninsured population continues despite public and private efforts to increase health insurance coverage;

(3) nearly 80 percent of the uninsured population are members of working families who cannot afford health insurance or cannot access employer-provided health insurance plans;

(4) minority populations, rural residents, and single-parent families represent a disproportionate number of the uninsured population;

(5) the problem of health care access for the uninsured population is compounded in many urban and rural communities by a lack of providers who are available to serve both insured and uninsured populations;

(6) community, migrant, homeless, and public housing health centers have proven uniquely qualified to address the lack of adequate health care services for uninsured populations, serving over 4,500,000 uninsured patients in 1999, including over 1,000,000 new uninsured patients who have sought care from such centers in the last 3 years;

(7) health centers care for nearly 7,000,000 minorities, nearly 600,000 farmworkers, and more than 500,000 homeless individuals each year;

(8) health centers provide cost-effective comprehensive primary and preventive care to uninsured individuals for less than $1.00 per day, or $350 annually, and help to reduce the inappropriate use of costly emergency rooms and inpatient hospital care;

(9) current resources only allow health centers to serve 10 percent of the Nation's 44,000,000 uninsured individuals;

(10) past investments to increase health center access have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures; and

(11) Congress can act now to increase access to health care services for uninsured and low-income people together with or in advance of health care coverage proposals by expanding the availability of services at community, migrant, homeless, and public housing health centers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers; and

(2) appropriations for consolidated health centers should be increased by $150,000,000 in fiscal year 2001 over the amount appropriated for such centers in fiscal year 2000.

GREGG (AND KERREY) AMENDMENT NO. 3019

(Ordered to lie on the table.)

Mr. GREGG (for himself and Mr. KERREY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON PUBLIC EDUCATION ON THE SOCIAL SECURITY PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Today and in the future, Social Security is the foundation of retirement income for most Americans. Preserving and protecting Social Security for the long-term is a vital national priority and essential for the retirement security of today's working Americans, current and future retirees, and their families.

(2) Under current assumptions, Social Security would enter into cash-flow deficits in 2015. Under those same assumptions, the Social Security Trust Funds have sufficient financing to pay full current-law benefits through 2037. According to separate analyses by the Congressional Budget Office (CBO) and the Office of Management and Budget (OMB), the existence of positive balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in periods of program cash deficits would in and of itself have no direct effect upon the Federal Government's ability to pay benefits, with the result that levels of either benefits, tax revenues, or Federal borrowing would need to be changed in order to finance benefit payments, carrying important consequences for beneficiaries and wage-earners alike.

(3) There appears to be a lack of confidence about the future of Social Security among the general public. Congress and the Social Security Administration should work together to restore confidence in the Social Security system. For example, although Americans of all ages indicate in polls that they strongly support Social Security, many younger Americans believe that they will receive either no benefits or sharply reduced benefits at retirement, although Social Security would have sufficient annual revenues to pay on average (under current assumptions) 72 percent of benefits even after reserves of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are exhausted in 2037.

(4) Proper understanding both of how Social Security is financed and the challenges facing the Social Security program, as well as the impact of Social Security on the Federal Budget and on the economy, is essential to proper evaluation by the American people and Congress of the options to achieve long-term program sustainability.

(5) Many statistics currently used to explain Social Security finances are highly technical and not accessible to the average American, such as actuarial balance as a percent of payroll. Simpler measures could provide a clearer picture of Social Security's future finances and of the options for improving those finances.

(6) As the Nation enters the 21st Century, the United States is experiencing unprecedented changes in business, employment, and the economy; in demographics and in science. Such changes should be considered in understanding the issues facing Social Security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution on the budget assume the following:

(1) PUBLIC EDUCATION.—Education of the general public regarding Social Security needs to be improved. Toward that end, the Social Security Administration should examine all material that is distributed in print or online for public review, including the Summary of the Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund and social security account statements, to ensure that Americans can clearly understand how Social Security works and the challenges facing Social Security.

(2) ECONOMIC AND BUDGET ESTIMATES.—Public and congressional understanding of the relationship between Social Security, the economic well-being of seniors, the Federal Budget, and the economy is essential to protecting and preserving Social Security for the long term. Toward that end, the Senate commends the Congressional Budget Office (CBO) for its investment in providing long-term estimates, and expresses the desire for periodic reports from the CBO regarding Social Security payments and revenues, including implicit general revenue commitments, the economic well-being of seniors, national savings, and other important economic outcomes.

(3) IMPROVEMENTS TO THE REPORTS OF THE BOARD OF TRUSTEES.—The Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund should carefully continue to consider recent recommendations by the 1999 Technical Panel on Assumptions and Methods of the Social Security Advisory Board and recommendations of other such groups regarding additional information that should be presented to the public.

DOMENICI (AND OTHERS) AMENDMENT NO. 3020

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. CLELAND, and Mr. DODD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the tragic acts of school violence in Arkansas, Colorado, Georgia, Kentucky, Michigan, and other areas across the Nation have prompted a national dialogue on how best to ensure the safety and security of our Nation's children;

(2) an increasing number of parents, teachers, and community and business leaders across the Nation believe that schools must reinforce efforts to foster good character in children;

(3) 23 States have enacted character education legislation and others are considering such legislation;

(4) strengthening students' sense of community in school has lasting effects on students' overall development, including improving conduct in school and reducing violent behavior outside of school;

(5) the more character education is inculcated in the teaching of academics, the more teachers and other adults in a school apply core values like caring, citizenship, fairness, respect, responsibility, and trustworthiness to their relationships among themselves and with their students; and

(6) providing children the opportunity to reflect and act on core values increases their awareness of the impact of their actions, with positive results reported in many schools that offer character education, such as antisocial behavior being reduced, attendance improving, attentiveness in class going up, substance abuse declining, schools becoming safer places, and even academics improving.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should—

(1) allocate sufficient resources for character educations programs in schools; and

(2) take all other appropriate steps to encourage and support character education, including continued support of National Character Counts Week.

GRASSLEY (AND OTHERS) AMENDMENT NO. 3021

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Mr. HATCH, Mr. ABRAHAM, Mr. DEWINE, and Mr. COVERDELL) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON COUNTER-NARCOTICS FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) The drug crisis facing the United States is a top national security threat.

(2) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(3) Effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(4) The armed conflict and resulting lawlessness in Colombia present a clear and present danger to the security of the front line states, to law enforcement efforts intended to impede the flow of cocaine and heroin, and, therefore, to the well-being of the people of the United States.

(5) The conflict in Colombia is creating instability along its borders with neighboring countries, Ecuador, Panama, Peru, and Venezuela, several of which have deployed forces to their border with Colombia.

(6) Coca production has increased 28 percent in Colombia since 1998, and already 75 percent of the world's cocaine and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(7) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(8) The U.S. Customs Service and the U.S. coast Guard are critical front line agencies in stopping the flow of illegal drugs into the United States.

(9) The Department of Defense is a lead agency for the detection and monitoring of aerial and maritime transit of illegal drug into the United States.

(10) The Department of State, through INL, is a lead agency in protecting the United States from the foreign drug and crime threat.

(b) SENSE OF THE SENATE.—It is the sense of the Senate, the functional totals included in this resolution assume the following:

(1) All counter-narcotics agencies will be given the highest priority for fully funding their counter-narcotics mission.

(2) That front line drug fighting agencies are dedicating more resources for international efforts to continue restoring a balanced drug control strategy.

(3) Congress should re-authorize the modernization of the U.S. Customs service and ensure it has adequate resources and authority not only to facilitate the movement of

internationally traded goods but to ensure it can aggressively pursue its law enforcement activities to stop the flow of drugs into the United States.

(4) Congress should adequately fund U.S. Coast Guard and ensure that it has adequate resources to aggressively pursue its maritime law enforcement activities.

(5) By pursuing a balanced effort which requires investment in three key areas: demand reduction (such as education and treatment); domestic law enforcement; and international supply reduction. Congress believes we can reduce the number of children who are exposed to and addicted to illegal drugs.

(6) Congress should adequately fund the Department of Defense to ensure it has sufficient personnel, equipment, and facilities to support drug interdiction efforts and other counter-drug activities.

(7) Congress should adequately fund the Department of State to ensure that INL has the resources necessary to aggressively and effectively pursue protection of U.S. borders.

HATCH (AND OTHERS) AMENDMENT NO. 3022

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING COMBATING DRUG TRAFFICKING OVER THE INTERNET.

(a) FINDINGS.—The Senate finds that—

(1) Millions of Americans use the Internet daily for educational and informational purposes. It contains a vast universe of products and services and offers legitimate business owners and consumers a private venue to conduct transactions.

(2) The Internet is also being utilized by criminals and drug dealers to conduct illegal sales in violation of federal drug laws.

(3) 21 U.S.C. 863 makes it a crime to sell or offer for sale drug paraphernalia. Yet, on the Internet, anyone can purchase illegal drug paraphernalia from one of the numerous pro-drug sites. Web sites also advertise for sale marijuana and poppy seeds in violation of federal law.

(4) The Drug Enforcement Administration is the lead federal agency charged with investigating domestic drug trafficking. In order to combat and prevent drug dealers from using the Internet to conduct their illegal operations, it is imperative that Congress provide sufficient funding to the Drug Enforcement Administration for investigating these illegal activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in the resolution assume that—

(1) the Drug Enforcement Administration requires a program enhancement of $5 million in FY 2001 to combat, prevent, and deter the illegal use of electronic communications, including the Internet, to violate federal drug laws; and

(2) the Drug Enforcement Administration will study the extent to which these violations are occurring and report the findings of such study to the Committees on the Judiciary of the Senate and House of Representatives.

HATCH (AND OTHERS) AMENDMENT NO. 3023

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. GRASSLEY, Mr. HUTCHINSON, Mr. HELMS, Mr. INHOFE, Mr. FRIST, Mr. SMITH of Oregon, Mr. BOND, and Mr. THOMAS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. SENSE OF THE SENATE REGARDING PROVIDING ADEQUATE FUNDING FOR METHAMPHETAMINE LABORATORY CLEANUP.

(a) FINDINGS:—The Senate finds that—

(1) The number of methamphetamine laboratory seizures the Drug Enforcement Administration (DEA) participates in annually has increased drastically since 1994. In 1994, the DEA participated in the seizures of only 306 clandestine laboratories, 86% of which were methamphetamine laboratories. Last year, a total of 6,325 methamphetamine and amphetamine laboratories were seized in the United States, and the DEA participated in 1,948 of those seizures. The DEA and State and local law enforcement agencies spend millions of dollars every year cleaning up the pollutants and toxins created and left behind by operators of these laboratories.

Methamphetamine manufacturing poses serious dangers to human life and the environment. The chemicals and substances used in the methamphetamine manufacturing process are unstable, volatile, and highly combustible. The smallest amounts of these chemicals, when mixed improperly, can cause explosions and fires, and the fact that most of these laboratories are situated in residences, motels, trailers, and vans makes the problem even more dangerous. Additionally, for every one pound of methamphetamine that is produced, over five pounds of toxic waste is produced and left behind.

(3) The DEA has been assisting State and local law enforcement agencies in cleaning up methamphetamine laboratory sites. State and local agencies lack the financial ability, equipment, and training to cleanup these toxic sites, and thus, they rely predominantly, if not entirely, on the DEA to cleanup methamphetamine laboratories.

(4) By March 2000, the DEA has exhausted the funds set aside in its FY 2000 budget for State and local methamphetamine laboratory cleanup. The DEA projects that methamphetamine laboratory seizures will continue to rise in FY 2001.

(5) It is imperative that Congress provide sufficient funding to the DEA for methamphetamine laboratory cleanup.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in the resolution assume that—

(1) the Drug Enforcement Administration requires a program enhancement of $21 million in FY 2001 to assist State and local law enforcement agencies in cleaning up toxic waste sites created by illegal operators of methamphetamine laboratories; and

(2) the funding for methamphetamine laboratories cleanup should supplement and not supplant funding for other law enforcement activities of the Drug Enforcement Administration.

COVERDELL (AND LINCOLN) AMENDMENT NO. 3024

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING AGING FLOOD CONTROL STRUCTURES.

(a) FINDINGS.—The Senate finds that—

(1) since 1948, communities and the Natural Resources Conservation Service of the Department of Agriculture have constructed over 10,400 flood control structures in 47 States, at an estimated infrastructure investment of $14,000,000,000;

(2) many of those structures are now reaching the end of their design life; and

(3) unless those aging structures are rehabilitated, the structures may—

(A) pose significant threats to human health, public safety, property, and the environment; and

(B) pose risks of potential hardship to the communities in the vicinities of the structures, including through potential loss of flood control, community water supplies, ability to conserve natural resources, and economic benefits, that were brought about as a result of those flood control structures.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution, assume that the Federal Government will offer technical assistance and cost-shared financial assistance to communities to ensure that the flood control structures constructed by the communities and the Natural Resources Conservation Service of the Department of Agriculture are rehabilitated and continue to serve the protective purposes for which they were constructed.

SMITH (AND OTHERS) AMENDMENT NO. 3025

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. CRAIG, Mr. CRAPO, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING RENTAL RATES FOR RIGHTS-OF-WAY FOR FIBER OPTIC CABLES ON FEDERAL LAND.

It is the sense of the Senate that the levels in this resolution assume that the Bureau of Land Management will continue to apply the existing linear rent schedule (in section 2803.1–2(c) of title 43, Code of Federal Regulations) for each fiber optic cable that is subject to rent, regardless of the number of optical fibers contained in the cable.

BREAUX (AND OTHERS) AMENDMENT NO. 3026

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Ms. SNOWE, and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title II, insert the following:

SEC. ___. POINT OF ORDER AGAINST CONSIDERATION OF OMNIBUS APPROPRIATIONS CONFERENCE REPORTS IF NOT AVAILABLE FOR 2 DAYS.

It shall not be in order in the Senate to consider a conference report on an Omnibus Appropriations bill (an appropriations bill containing 2 or more of the 13 regular appropriations Acts) unless that conference report has been available at least 2 days prior to consideration.

SMITH AMENDMENTS NOS. 3027–3028

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted two amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3027

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING A PERMANENT MORATORIUM ON THE IMPOSITION OF TAXES ON THE INTERNET.

It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there should be a permanent moratorium on the imposition of taxes on the Internet.

AMENDMENT NO. 3028

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE CENSUS.

It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that no American will be prosecuted, fined or in anyway harassed by the Federal government or its agents for failure to respond to any census questions which refer to an individual's race, national origin, living conditions, personal habits or mental and/or physical condition.

HATCH AMENDMENT NO. 3029

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ENFORCEMENT OF FEDERAL FIREARMS LAWS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Clinton Administration has failed to adequately enforce Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions—prosecutions of defendants who use a firearm in the commission of a felony—dropped nearly 50 percent, from 7,045 to approximately 3,800.

(2) The decline in Federal firearms prosecutions was not due to a lack of adequate resources. During the period when Federal firearms prosecutions decreased nearly 50 percent, the overall budget of the Department of Justice increased 54 percent.

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997.

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997.

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997.

(6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental institution" to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this Federal law, mental health adjudications are not placed on the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm under section 922(a)(6) of title 18, United States Code. It is also a Federal crime for convicted felons to possess or purchase a firearm under section 922(g) of title 18, United States Code.

(8) More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they violated section 922(a)(6) of title 18, United States Code, by making a false statement under oath that they were not disqualified from purchasing a firearm. Nonetheless, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution.

(9) Notwithstanding this poor record of enforcement, the Clinton Administration continues to push for new Federal firearms laws instead of enforcing existing Federal firearms laws.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Federal funds will be used for an effective law enforcement strategy requiring a commitment to enforcing existing Federal firearms laws by—

(1) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(2) hiring additional Bureau of Alcohol, Tobacco, and Firearms agents and Assistant United States Attorneys to investigate and prosecute Federal firearms violations;

(3) upgrading the national instant criminal background system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(4) providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses based on section 924(c) of title 18, United States Code, and to prosecute those offenses in State court.

SMITH (AND OTHERS) AMENDMENT NO. 3030

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself, Mr. CONRAD, Mr. DOMENICI, Mr. CRAIG, Mr. CRAPO, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING RENTAL RATES FOR RIGHTS-OF-WAY FOR FIBER OPTIC CABLES ON FEDERAL LAND.

It is the sense of the Senate that the levels in this resolution assume that the Bureau of Land Management will continue to apply the existing linear rent schedule (in section 2803.1–2(c) of title 43, Code of Federal Regulations) for each fiber optic cable that is subject to rent, regardless of the number of optical fibers contained in the cable.

SMITH (AND OTHERS) AMENDMENT NO. 3031

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Mr. ALLARD, and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON MEDICARE PRESCRIPTION DRUGS.

It is the sense of the Senate that the levels in this budget resolution assume that among its reform options, Congress should explore a medicare prescription drug proposal that—

(1) is voluntary;

(2) increases accessl for all medicare beneficiaries;

(3) is designed to provide meaningful protection and bargaining power for medicare beneficiaries in obtaining prescription drugs;

(4) is affordable for all medicare beneficiaries and for the medicare program;

(5) is administered using private sector entities and competitive purchasing techniques;

(6) is consistent with broader medicare reform;

(7) preserves and protects the financial integrity of the medicare trust funds;

(8) does not increase medicare beneficiary premiums; and

(9) provides a prescription drug benefit as soon as possible.

ASHCROFT (AND OTHERS) AMENDMENT NO. 3032

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. VOINOVICH, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title II, insert the following:

SEC. 211. PROTECTION OF MEDICARE SURPLUSES.

(a) FINDINGS.—Congress finds that—

(1) the fiscal year 2001 budget submitted by the President, instead of protecting Medicare, reduces payments to Medicare providers by $53 billion over 10 years;

(2) the fiscal year 2001 budget submitted by the President calls for an increase in spending for fiscal year 2001 of $58 billion and would increase taxes collected next year by $12 billion;

(3) the fiscal year 2001 budget submitted by the President continues to use the Medicare, Part A surplus to mask the President's proposed increases in spending; and

(4) in contrast to the President's budget, this budget resolution protects Medicare, rejects the President's Medicare cuts and provides $40 billion for prescription drug coverage for needy seniors.

(b) MEDICARE SURPLUSES OFF-BUDGET.—The net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of the congressional budget.

(c) POINTS OF ORDER TO PROTECT MEDICARE SURPLUSES.—

(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives

or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

(A) the enactment of that bill or resolution as reported;

(B) the adoption and enactment of that amendment; or

(C) the enactment of that bill or resolution in the form recommended in that conference report; would cause or increase an on-budget deficit for any fiscal year.

(3) DEFINTIION.—For purposes of this section, the term ''on-budget deficit'', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) of the Congressional Budget Act of 1974 for that fiscal year.

(d) MEDICARE LOOK-BACK SEQUESTER.—If in any fiscal year, the Medicare, Part A surplus has been used to finance general operations of the Federal government, an amount equal to the amount used shall be sequestered for available discretionary spending for the following fiscal year for purposes of any concurrent resolution on the budget.

(e) SUPER MAJORITY REQUIREMENT.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

GRASSLEY AMENDMENT NO. 3033

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE DEVELOPMENT OF AN AGENDA FOR A NEW ROUND OF MULTILATERAL TRADE NEGOTIATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The 8 rounds of multilateral trade negotiations since 1947 have resulted in the reduction or elimination of thousands of tariff and nontariff trade barriers, increasing the prosperity of the United States, and complementing and promoting many areas of economic activity in the United States.

(2) Trade accounts for one-fourth of the Gross Domestic Product of the United States.

(3) The economic activity generated by United States trade and investment contributes substantially to Federal revenues.

(4) The failure of the Seattle Ministerial Conference to launch a new round of multilateral trade negotiations will slow further trade liberalization.

(5) The slowdown in trade liberalization will result in the United States economy generating lower levels of economic activity and thus less Federal revenues.

(6) The process of trade liberalization in the World Trade Organization will not go forward without strong and consistent United States leadership.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the President and other appropriate officials in the executive branch of the Government should, without delay, seek to resume negotiations on developing an agenda for a new round of multilateral trade negotiations in the World Trade Organization.

GRASSLEY (AND GRAHAM) AMENDMENT NO. 3034

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING LONG-TERM CARE TAX RELIEF.

(a) FINDINGS.—The Senate finds the following:

(1) In 2020, one of six Americans will be age 65 or older, for a total of 20,000,000 more senior citizens than there are now.

(2) By 2040, the number of Americans aged 85 and older, the group most likely to require long-term care, will more than triple to over 12,000,000.

(3) The Nation's current arrangements for providing and paying for long-term care to the Nation's senior citizens are inadequate in the face of the looming burdens that will be placed upon such arrangements by the inevitable growth in the population of senior citizens.

(4) Millions of older Americans who need long-term care are able to maintain a degree of independence and avoid institutionalization by relying on family caregivers, typically wives and daughters, for assistance. Caregivers often sacrifice their own wages, benefits, or even jobs in order to provide care to loved ones.

(5) Even modest financial assistance would help offset long-term care costs and augment access to additional long-term care services.

(6) If an older individual requires long-term care in a nursing facility, the cost of that care, an average of more than $46,000 a year and rising, is out of the reach of most households. Such expenses can wipe out a lifetime of savings before a spouse, parent, or grandparent becomes eligible for long-term care assistance through medicaid.

(7) Stronger tax incentives for the purchase of private long-term care insurance coverage, coupled with strong consumer protection standards, would help individuals and families protect themselves against the financial risk of long-term care and give consumers much better long-term care choices.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should enact Federal tax relief for those with current long-term care needs and for those seeking to protect themselves with comprehensive private long-term care insurance coverage, including—

(1) a $3,000 long-term care Federal income tax credit for individuals with current long-term care needs or for their caregivers; and

(2) the allowance of full Federal income tax deductibility for long-term care insurance premiums and the allowance of long-term care coverage under employee benefits ''cafeteria plans'' and flexible spending arrangements in order to encourage the purchase of private long-term care insurance issued under strong consumer protection standards.

GRASSLEY (AND OTHERS) AMENDMENT NO. 3035

(Ordered to lie on the table.)

Mr. GRASSLEY (for himself, Ms. LANDRIEU, Mr. DEWINE, and Mr. ROCKFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ACCOUNTABILITY WITHIN OUR NATION'S CHILD WELFARE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the Department of Health and Human Services, more than 547,000 children currently reside in foster care, up from 270,000 in 1985.

(2) Approximately 20,000 adolescents leave the Nation's foster care system each year because they are no longer eligible to receive assistance as a ward of the State and are expected to support themselves.

(3) According to the Department of Health and Human Services, there were 117,000 children waiting for adoption as of March 31, 1999.

(4) Of those waiting children, the median time each child had been in continuous foster care was 38 months.

(5) Of those waiting children, the median age at time of the child's removal from home was 3.2 years and the median age of those children on March 31, 1999, was 7.7 years. Based upon those statistics, the median child waited 4.5 years for permanency.

(6) According to the House Ways and Means Committee Green Book for 1998, the incidence of all children in the United States who are in foster care has increased from 3.9 per 1,000 in 1962 to an estimated 6.9 per 1,000 in 1996.

(7) According to the Department of Health and Human Services, the Federal Government will make $4,400,000,000 in foster care payments in fiscal year 2000 to cover the Federal share of providing for children in foster care. Conservatively estimated, the State share of providing foster care services for fiscal year 2000 will cost over $8,800,000,000. In fiscal year 1990, the Federal Government share equaled only $1,500,000,000.

(8) In addition to financial savings to the United States Treasury and State treasuries, finding permanent and loving homes for children and youth contributes to the emotional, mental, and physical well-being of the child and therefore benefits the child, the family, and society.

(9) The Adoption and Safe Families Act of 1997 establishes that safety, permanency, and well-being are paramount when planning for children in foster care.

(10) Under the Adoption and Safe Families Act of 1997, States are required to make reasonable efforts to locate permanent families for all children, including older children and teens, for whom reunification with their biological families is not in the best interests of the children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that—

(1) the Senate should reaffirm its commitment, as stated in the Adoption and Safe Families Act of 1997, to improving outcomes and seeking permanency for our Nation's most vulnerable children and youth;

(2) the Senate, when considering legislation impacting the child welfare system, should maintain vigilance in seeking accountability measures that benefit children and youth in foster care; and

(3) the Secretary of Health and Human Services should use all the resources at the Secretary's disposal to ensure the shortest possible stay in foster care for each child.

BOXER (AND OTHERS) AMENDMENT NO. 3036

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. TORRICELLI) submitted an

amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PREFERENCE IN FIREARMS PROCUREMENT.

(a) FINDINGS.—The Senate finds that—

(1) On March 17, 2000, Smith & Wesson entered into an agreement with the Administration in which the company consented to make changes in the way it manufactures and distributes firearms.

(2) Among other things, Smith & Wesson agreed to—

(A) provide child safety devices with all handguns immediately and to have internal locks on all handguns within 2 years;

(B) design all handguns with a second, hidden serial number;

(C) subject handguns to a safety performance test;

(D) do business only with those dealers who engage in responsible and safe sales and distribution practices, including—

(i) refusing to participate in a gun show unless that gun show conducts criminal background checks on all gun sales;

(ii) refusing to traffic in semiautomatic assault weapons and high-capacity ammunition clips; and

(iii) requiring individuals who purchase firearms to take a certified firearms safety course or pass a safety exam;

(E) stop doing business with dealers and distributors who sell a disproportionate number of guns that are used in crimes; and

(F) devote 2 percent of its revenues to the development of ''smart'' guns and to incorporate that technology on all new models within 3 years.

(3) These steps represent a set of reasonable, commonsense measures to keep guns out of the hands of criminals and children, and are important steps to help close the loopholes in and enhance enforcement of existing federal law.

(b) SENSE OF THE SENATE.—

(1) IN GENERAL.—It is the sense of the Senate that the levels in this resolution assume that law enforcement agencies that purchase firearms give preference to those firearm manufacturers that agree to—

(A) manufacture handguns that meet appropriate safety design standards;

(B) sell only to authorized dealers and distributors who engage in responsible and safe sales and distribution practices;

(C) not market guns in any way that is intended to appeal to juveniles or criminals; and

(D) terminate or suspend sales to authorized dealers and distributors who have a disproportionate number of guns used in crimes traced to them within 3 years of sale.

(2) EXCEPTIONS.—It is the sense of the Senate that the levels in this resolution assume that preference in the purchase of firearms by law enforcement agencies will not be given if—

(A) a preference would in any way jeopardize the safety of law enforcement officers;

(B) a preference would in any way hinder law enforcement operations; or

(C) firearms necessary for law enforcement operations are not obtainable from preferred manufacturers.

REED (AND OTHERS) AMENDMENT NO. 3037

(Ordered to lie on the table.)

Mr. REED (for himself, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. DURBIN, Mr. L. CHAFFEE, Mr. WYDEN, Mr. WELLSTONE, Mr. HARKIN, Mrs. MURRAY, Mr. GRAHAM, and Mr. DODD) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. REGULATION OF TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Cigarette smoking and tobacco use is the single most preventable cause of death and disability in the United States.

(2) Cigarette smoking and tobacco use cause approximately 400,000 deaths each year in the United States.

(3) Health care costs associated with treating tobacco-related diseases are $80,000,000,000 per year, and almost half of such costs are paid for by taxpayer-financed government health care programs.

(4) In spite of the well established dangers of cigarette smoking and tobacco use, there is no Federal agency that has authority to regulate the manufacture, sale, distribution, and use of tobacco products.

(5) Major tobacco companies spend over $5,600,000,000 each year ($15,000,000 each day) to promote the use of tobacco products.

(6) Ninety percent of adult smokers first started smoking before the age of 18.

(7) Each day 3,000 children become regular smokers and ⅓ of such children will die of diseases associated with the use of tobacco products.

(8) The Food and Drug Administration regulates the manufacture, sale, distribution, and use of nicotine-containing products used as substitutes for cigarette smoking and tobacco use and should be granted the authority to regulate tobacco products.

(9) Congress should restrict youth access to tobacco products and ensure that tobacco products meet minimum safety standards.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Food and Drug Administration is the most qualified Federal agency to regulate tobacco products; and

(2) Congress should enact legislation in the year 2000 that grants the Food and Drug Administration the authority to regulate tobacco products.

BUNNING (AND MCCONNELL) AMENDMNT NO. 3038

(Ordered to lie on the table.)

Mr. BUNNING (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING USE OF THE ABANDONED MINE RECLAMATION FUND.

(a) FINDINGS.—Congress finds that—

(1) in 1977, Congress passed the Surface Mine and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), and set Federal standards for environmental protection at surface coal mining operations, while establishing an Abandoned Mine Reclamation Fund to pay for reclamation of abandoned coal mines;

(2) the Abandoned Mine Reclamation Fund is funded by levies on coal production and currently has an unappropriated balance of approximately $1,200,000,000;

(3) spending from the Abandoned Mine Reclamation Fund is limited by the curbs on annual discretionary funding;

(4) the Environmental Protection Agency has stated that the most pressing environmental problem in Appalachia is the acid drainage in water runoff caused by abandoned and unreclaimed mine sites;

(5) abandoned mines constitute an environmental and safety hazard for residents of Appalachia and other mining areas;

(6) Congress has estimated the cost of abandoned mine reclamation to be as high as $33,000,000,000;

(7) Congress has also seen fit to dedicate interest from money invested in the Abandoned Mine Reclamation Fund to help ensure the availability of health care benefits to retired miners and their families; and

(8) because of upheaval and difficulties in the coal mining industry, many retired miners and their families would not, without the Abandoned Mine Reclamation Fund, receive the benefits that the miners have been contractually promised from their employers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that Congress will enact legislation to spend the money in the Abandoned Mine Reclamation Fund to—

(1) reclaim abandoned coal mine sites as soon as possible; and

(2) take whatever steps are necessary to ensure that the health care needs of retired coal miners and their families are met.

SMITH (AND OTHERS) AMENDMENT NO. 3039

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire (for himself, Mr. MACK, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, add the following:

''It is the sense of the Senate that the levels in this budget resolution assume that Congress should pass a bill granting permanent resident alien status to Elian Gonzalez, Juan Miguel Gonzalez, Nelsy Carmenate, Jianny Gonzalez, Mariela Gonzalez, Raquel Rodriguez, and Juan Gonzalez.''.

HUTCHISON (AND OTHERS) AMENDMENT NO. 3040

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. ABRAHAM, Mr. TORRICELLI, Mr. LUGAR, and Mr. HELMS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE REVISION OF THE PAYMENT UPDATE FOR PPS HOSPITALS UNDER THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to the Medicare Payment Advisory Commission (MedPAC), the overall financial performance of hospitals has dropped to the lowest point in decades.

(2) Total hospital margins, a measure of financial strength, dropped from 6.3 percent in 1997, to 4.3 percent in 1998, to 2.7 percent in 1999.

(3) Confidence by lenders regarding the financial strength of hospitals is on the decline, which not only inhibits hospitals from keeping pace with improvements in health care delivery and technology, but forces many institutions to reduce important services to the community.

(4) Downgrades in bond ratings for hospitals were the most ever in 1999, outpacing upgrades by 5 to 1.

(5) The costs of providing services to medicare beneficiaries by hospitals rose by a total of more than 8 percent during fiscal years 1998 through 2000, while inflation payment updates under the medicare program totaled only 1.6 percent during such years.

(6) The rise in costs of providing services to medicare beneficiaries by hospitals is due primarily to labor shortages, technology improvements, and pharmaceutical improvements, as well as burdensome and excessive regulatory mandates imposed by the Health Care Financing Administration.

(7) According to the Congressional Budget Office, the provisions of the Balanced Budget Act of 1997 will result in savings of $227,000,000,000 to the medicare program, which exceeds by more than $100,000,000,000 the amount of savings to such program by reason of such provisions that was estimated at the time of the enactment of such Act .

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that Congress and the President should enact legislation that eliminates the scheduled reductions in the update factor under section 1886(b)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)) that is used in making payments to prospective payment system hospitals under part A of the medicare program.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 3041

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. ABRAHAM, Mr. SANTORUM, Mr. BAYH, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERREY, and Mr. ROBB) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—The Senate finds that—

(1) 33 percent of all American households and 60 percent of African American households have either no financial assets or negative financial assets;

(2) 46.9 percent of children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children;

(3) in order to provide low-income families with more tools for empowerment, incentives, including individual development accounts, are demonstrating success at empowering low-income workers;

(5) middle and upper income Americans currently benefit from tax incentives for building assets; and

(6) the Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress should modify the Federal tax law to include individual development account provisions in order to encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

KOHL (AND OTHERS) AMENDMENT NO. 3042

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. DORGAN, Mr. BINGAMAN, Mr. FEINGOLD, Mr. GRASSLEY, Mr. JOHNSON, Mr. KERRY, Mr. SMITH of Oregon, Mr. HARKIN, Mr. CONRAD, Mrs. LINCOLN, Mr. WELLSTONE, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MEDICARE EQUITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) All medicare beneficiaries deserve access to high quality health care, regardless of where they live.

(2) The promise of the Medicare+Choice program, including options for benefits such as prescription drugs, eyeglasses, and hearing aids, should be available and affordable for all medicare beneficiaries, including beneficiaries living in rural areas.

(3) Current reimbursement policy for the traditional medicare fee-for-service program results in different medicare payments depending upon where beneficiaries live, particularly affecting beneficiaries and health care providers in rural areas.

(4) The Balanced Budget Act of 1997 included provisions to expand choices for medicare beneficiaries through the Medicare+Choice program, but lack of funding has prevented the full implementation of the improvement to payment rates.

(5) Congress took a step forward in confronting and addressing the funding crisis for medicare beneficiaries needing hospital care, home health care, skilled nursing care, and other basic care in rural communities through the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) Congress should ensure the viability of health care services to all medicare beneficiaries, regardless of where they live; and

(2) the President and Congress should address regional and rural inequities in medicare payments to providers of services for medicare beneficiaries.

GRAMS (AND SANTORUM) AMENDMENTS NOS. 3043–3044

(Ordered to lie on the table.)

Mr. GRAMS (for himself and Mr. SANTORUM) submitted two amendments intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3043

At the appropriate place in the resolution, insert the following new section:

SECTION. . SENSE OF THE SENATE TO GUARANTEE AMERICANS FULL SOCIAL SECURITY BENEFITS.

SENSE OF THE SENATE.—It is the sense of the Senate that the federal government should guarantee a legal right of all eligible Americans to receive Social Security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment.

AMENDMENT NO. 3044

At the appropriate place in the resolution, insert the following new section:

SECTION. . SENSE OF THE SENATE TO GUARANTEE AMERICANS FULL SOCIAL SECURITY BENEFITS.

SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that the federal government should guarantee a legal right of all eligible Americans who are entitled to receive Social Security benefits under title II of the Social Security Act to receive those benefits in full with an accurate annual cost-of-living adjustment.

MURRAY AMENDMENT NO. 3045

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 101, supra; as follows:

On page 34, line 21, after ''specialty crops'', insert the following: '', which may include modifications to market development and access programs''.

BINGAMAN AMENDMENT NO. 3046

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ENHANCEMENT OF CAPACITY OF VETERANS BENEFITS ADMINISTRATION TO PROCESS BENEFITS CLAIMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Veterans benefits serve to recognize service to the Nation, and also serve to mitigate economic disadvantages imposed by sacrifices made while serving.

(2) The Nation has 3,300,000 veterans or families that share approximately $18,500,000,000 in veterans pension and disability benefits annually through the Department of Veterans Affairs.

(3) Benefits have been promised to the Nation's veterans, and those promises must be honored.

(4) To remain effective, veterans benefits programs must be updated to reflect changes in hardships encountered during military service as well as changes in the economic and social circumstances of the Nation.

(5) The accurate and reliable assessment of service-connected disabilities has become an increasingly complex process, particularly with regard to evaluating the incidence and effects of Agent Orange, Persian Gulf Syndrome, and Post Traumatic Stress Disorders.

(6) The veterans benefits appeal process often involves repeated remands requiring additional processing that can occur over an extended length of time.

(7) Veterans benefits claims processing is undergoing a major technological transition from manual to electronic data filing and processing.

(8) The number of full-time equivalent (FTE) employees assigned to process veterans benefits claims has decreased significantly from 13,249 in 1995 to 11,254 in 1998.

(9) The pending workload for veterans benefits claims has increased dramatically during the same period from 378,366 cases in 1995 to 445,012 cases in 1998.

(10) Nationwide, veterans must wait an average of 159 days for their benefits claims to be resolved, and the National Performance Review has a goal of handling such claims in an average of 92 days.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, in order to ensure the efficient and timely processing of claims for veterans benefits by the Veterans Benefits Administration, the amounts made available to the Department of Veterans Affairs for fiscal year 2001 should be increased over

amounts made available to the Department for fiscal year 2000—

(1) by $139,000,000, in order to permit the hiring by the Veterans Benefits Administration of an additional full-time equivalent employees to perform duties relating to claims processing.

MURKOWSKI AMENDMENT NO. 3047

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF SENATE ON REDUCING AMERICAN DEPENDENCE ON IMPORTED OIL.

(a) FINDINGS.—The Senate finds that:

(1) The United States' imports of crude oil have risen from 43 percent of domestic consumption in 1992 to 56 percent in 2000.

(2) Since 1992, United States crude oil production has declined by 17 percent, while U.S. crude oil consumption has increased 14 percent.

(3) The President has determined, pursuant to Section 232 of the Trade Expansion Act, that reliance on imports of crude oil threaten to impair the national security;

(4) The Department of Energy predicts that U.S. dependence on foreign sources of oil will rise to 65 percent of domestic consumption by 2015;

(5) The United Nations maintains extensive economic sanctions on Iraq for that nation's refusal to comply with inspection programs to ensure that Iraq is not producing weapons of mass destruction;

(6) The United States has spent more than $10 billion since the end of the Gulf War to ensure that the government of Iraq does not engage in aggregate actions within and outside of its borders;

(7) The United States currently has 8,500 sailors, 5,700 airmen and 2,300 soldiers in the Middle East with the sole purpose of preventing aggressive actions by the government of Iraq;

(8) The fastest growing single source of crude oil imports into the United States is Iraq—imports having risen from 300,000 barrels a day in 1998 to 700,000 barrels a day today;

(9) Continued reliance on Iraq for imported crude oil is in direct conflict with the national interests of the United States and poses a threat to the national security;

(10) Continued reliance on Iraq for imported crude oil has undermined U.S. foreign policy objectives and forced the United States to sponsor a resolution in the United Nations allowing Iraq to purchase equipment and spare parts for its oil industry.

(11) The only sure means to reduce such threats to national security is to limit the dependence of the United States on foreign sources of crude oil.

It is the Sense of the Senate that the level in this budget resolution assumes that:

(1) The United States should develop a national energy strategy whose primary goal is to reduce the dependence of the United States on imports of crude oil, especially crude oil imported from Iraq;

(2) To reduce dependence on imports of crude oil, the United States government should:

(A) encourage exploration and development of all domestic sources of energy;

(B) encourage the development of alternative energy technologies;

(C) encourage energy conservation measures.

DEWINE (AND OTHERS) AMENDMENT NO. 3048

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ASHCROFT, Mr. ABRAHAM, Mr. SANTORUM, Mr. GRAMS, Mr. COVERDELL, Mr. GRASSLEY, and Mr. HATCH) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING RESOURCES TO REDUCE YOUTH DRUG USE.

(a) FINDINGS.—The Senate finds that—

(1) from 1985 to 1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13 percent reduction in overall drug use from 1988 to 1991;

(2) between 1993 and 1998, the Federal investment in reducing the flow of drugs outside the borders of the United States declined both in real dollars and as a proportion of the Federal drug control budget, even though the Federal Government is the only United States entity that can seize and destroy drugs outside the borders of the United States;

(3) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent;

(4) cocaine production from Colombia rose from 230 metric tons in 1995 to 520 metric tons in 1999;

(5) cocaine use among 10th graders increased 133 percent from 1992 to 1999;

(6) crack use among 10th graders increased 167 percent from 1992 to 1999;

(7) heroin use among 12th graders increased 67 percent from 1992 to 1999;

(8) despite the increase in youth drug use, the Department of Education cut more than $5,700,000 of the Federal investment in school-based antidrug prevention and education programs, placing our investment in these programs in fiscal year 2000 below the amounts provided for fiscal year 1999; and

(9) effectively reducing youth drug use requires a balanced and comprehensive Federal investment in eradication, interdiction, education, treatment, and law enforcement programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) funding for Federal drug control activities should be at a higher priority than that proposed in the President's budget request for fiscal year 2001; and

(2) investments in Federal drug control activities should include—

(A) the programs and activities authorized in the Western Hemisphere Drug Elimination Act;

(B) programs and activities to secure the United States borders from illegal drug smuggling;

(C) the programs and activities authorized in the proposed Drug-Free Century Act (S. 5 as introduced in the Senate on January 19, 1999);

(D) programs and activities to eliminate methamphetamine laboratories in the United States;

(E) the programs and activities authorized in the proposed reauthorization of the Safe and Drug-Free Schools and Communities Program; and

(F) the programs and activities authorized in the proposed Youth Drug and Mental Health Services Act (S. 976 as passed in the Senate on November 4, 1999).

DEWINE (AND OTHERS) AMENDMENT NO. 3049

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM, Mr. BREAUX, Mr. COVERDELL, Mr. FEINGOLD, Mr. GRASSLEY, Mr. GRAHAM, Mr. KOHL, Ms. LANDRIEU, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. FISCAL YEAR 2001 FUNDING FOR THE UNITED STATES COAST GUARD.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Coast Guard in 1999 saved approximately 3,800 lives in providing the essential service of maritime safety.

(2) The United States Coast Guard in 1999 prevented 111,689 pounds of cocaine and 28,872 pounds of marijuana from entering the United States in providing the essential service of maritime security.

(3) The United States Coast Guard in 1999 boarded more than 14,000 fishing vessels to check for compliance with safety and environmental laws in providing the essential service of the protection of natural resources.

(4) The United States Coast Guard in 1999 ensured the safe passage of nearly 1,000,000 commercial vessel transits through congested harbors with vessel traffic services in providing the essential service of maritime mobility.

(5) The United States Coast Guard in 1999 sent international training teams to help more than 50 countries develop their maritime services in providing the essential service national defense.

(6) Each year, the United States Coast Guard ensures the safe passage of more than 200,000,000 tons of cargo cross the Great Lakes including iron ore, coal, and limestone. Shipping on the Great Lakes faces a unique challenge because the shipping season begins and ends in ice anywhere from 3 to 15 feet thick. The ice-breaking vessel MACKINAW has allowed commerce to continue under these conditions. However, the productive life of the MACKINAW is nearing an end. The Coast Guard has committed to keeping the vessel in service until 2006 when a replacement vessel is projected to be in service, but to meet that deadline, funds must be provided for the Coast Guard in fiscal year 2001 to provide for the procurement of a multipurpose-design heavy icebreaker.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(b) ADJUSTMENT IN BUDGET LEVELS.—

(1) INCREASE IN FUNDING FOR TRANSPORTATION.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(8) of this resolution for budget authority and outlays for Transportation (budget function 400) for fiscal year 2001 shall be increased as follows:

(A) The amount of budget authority for that fiscal year, by $700,000,000.

(B) The amount of outlays for that fiscal year, by $700,000,000.

(2) OFFSETTING DECREASE IN FUNDING FOR GENERAL GOVERNMENT.—Notwithstanding any other provision of this resolution, the amounts specified in section 103(17) of this resolution for budget authority and outlays for Allowances (budget function 920) for fiscal year 2001 shall be decreased as follows:

(A) The amount of budget authority for that fiscal year, by $700,000,000.

(B) The amount of outlays for that fiscal year, by $700,000,000.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution, as modified by subsection (b), should provide additional budget authority and outlay authority for the United States Coast Guard for fiscal year 2001 such that the amount of such authority in fiscal year 2001 exceeds the amount of such authority for fiscal year 2000 by $700,000,000; and

(2) any level of such authority in fiscal year 2001 below the level described in paragraph (1) would require the Coast Guard to—

(A) close numerous stations and utilize remaining assets only for emergency situations;

(B) reduce the number of personnel of an already streamlined workforce;

(C) curtail its capacity to carry out emergency search and rescue; and

(D) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

DEWINE (AND OTHERS) AMENDMENT NO. 3050

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. MCCAIN, Mr. ALLARD, Mr. CLELAND, Mrs. HUTCHISON, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

SEC. ___. TROOPS TO TEACHERS PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) the Troops-to-Teachers program was created in 1994 to assist former military personnel who served in programs that were being downsized, to enable the personnel to enter public education as teachers;

(2) since 1994, 3,670 service members have made the transition from the military to classrooms;

(3) the program has been successful in bringing dedicated, mature, and experienced individuals into the classroom;

(4) when school administrators were asked to rate Troops-to-Teachers program participants who were teaching in their schools, the administrators said that 26 percent were among the best teachers in their schools, 28 percent were well above average, and 17 percent were above average;

(5) a 1999 study, ''Alternative Teacher Certification'' by C. Emily Feistritzer reported that—

(A) Troops-to-Teachers program participants have qualities needed in today's teachers; and

(B) for example—

(i) 30 percent of the participants are minorities, compared to 10 percent of all teachers;

(ii) 30 percent of the participants are teaching mathematics, compared to 13 percent of all teachers;

(iii) 25 percent of the participants teach in urban schools; and

(iv) 90 percent of the participants are male, compared to 26 percent of all teachers;

(6) the Troops-to-Teachers program is clearly a teacher recruitment program that should be funded through the Department of Education but is most effectively administered by the Department of Defense;

(7) title XVII of the National Defense Authorization Act for fiscal year 2000 authorizes appropriations for the Troops-to-Teachers program only through September 30,2000, and transfers the Troops-to-Teachers program to the Department of Education;

(8) without clear indication that the program will be continued, Troops-to-Teachers program employees may begin to pursue other employment before the September 30, 2000 date and the loss of critical employees could be detrimental to the program; and

(9) without authorization to continue funding beyond September 30, 2000, the Troops-to-Teachers program will discontinue operations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Troops to Teachers program has been highly successful in recruiting qualified teachers for the Nation's classrooms;

(2) before October 1, 2000 Congress will pass legislation that—

(A) extends the authorization of appropriations for the program;

(B) provides funding for the program through the Department of Education; and

(C) notwithstanding the National Defense Authorization Act for Fiscal Year 2000, provides for the administration of the program by the Defense Activity for Non-Traditional Education Support of the Department of Defense, through a transfer of funds to the Defense Activity; and

(3) Congress will authorize and appropriate $30,000,000 for fiscal year 2001 to continue and expand that successful program through the Department of Education.

ENZI AMENDMENT NO. 3051

(Ordered to lie on the table.)

Mr. ENZI submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.

(a) FINDINGS.—The Senate finds that—

(1) The President has requested an increase of $44.4 million for the budget of the Occupational Safety and Health Administration (OSHA).

(2) This requested increase is over half the amount of the increases received by OSHA over the last four years combined.

(3) OSHA's budget materials demonstrate that OSHA intends to dedicate by far the largest portion of its fiscal year 2001 budget to enforcement activities. Statistics indicate that there is no connection between these enforcement activities and a decrease in workplace injuries and illnesses.

(4) Helping employers comply with the Occupational Safety and Health Act by providing assistance to prevent accidents and illnesses before they occur is more likely to decrease injuries and illnesses than after-the-fact punishment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that before any budget increase for OSHA is granted, OSHA must demonstrate how these increases will result in a reduction in workplace injuries and illnesses and why such a large portion of its budget should be directed at enforcement activities rather than compliance assistance.

EDWARDS AMENDMENT NO. 3052

(Ordered to lie on the table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON MAKING EDUCATION A NATIONAL PRIORITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Investment in education will establish that the Congress is dedicated to preparing our schools and our students for the 21st Century.

(2) Investment in education will be a significant down payment on the future of our children and the future of our Nation.

(3) The need for investment in education has never been greater.

(4) Overcrowded and crumbling schools are damaging students' safety and ability to learn. Student enrollment is higher than ever and is expected to continue increasing. Many students are crammed into buildings and trailers with leaking roofs and crumbling walls.

(5) Nearly ¾ of the Nation's schools are more than 30 years old and are ill-equipped to handle modern enrollment and technological needs.

(6) School construction and modernization are necessary to improve learning conditions, end overcrowding, and make smaller classes possible.

(7) The lack of qualified teachers limits student achievement by bloating student/teacher ratios and keeping students from receiving the closer attention that makes learning more efficient and the classroom more orderly.

(8) Rising costs of a college education are prohibiting deserving students from seeking degrees that will enable them to advance in a rapidly changing world. These rising costs impact not only the students, but the growing economy that requires well-educated and well-trained individuals.

(9) The purchasing power of Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 is declining rapidly, further eroding the ability of young adults to seek the education that will benefit them, their families, and the Nation.

(10) Underfunding of Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 that provide outreach and support services to high school, college, and university students is causing a severe crisis in the ability of these programs to meet the needs of thousands of students.

(11) Dedicating 10 percent of the non-Social Security budget surplus to investment in education still leaves 90 percent of that surplus for use to pay down the debt, shore up the social security and medicare programs, or pay for tax cuts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that Function 500 (education) spending shall, at a minimum, be held constant for inflation, and that 10 percent of any non-Social Security budget surplus shall be dedicated to education initiatives and school construction in addition to that spending level.

ENZI (AND JEFFORDS) AMENDMENT NO. 3053

(Ordered to lie on the table.)

Mr. ENZI (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res., 101, supra; as follows:

At the appropriate place, insert:

SEC. 316 . SENSE OF THE SENATE ON FUNDING EXISTING, EFFECTIVE PUBLIC HEALTH PROGRAMS BEFORE CREATING NEW PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) The establishment of new categorical funding programs has led to cuts in the Preventive Health and Health Services Block Grant to states for broad, public health missions;

(2) Preventive Health and Health Services Block Grant dollars fill gaps in the otherwise-categorical funding states and localities receive, funding such major public health threats as cardiovascular disease, injuries, emergency medical services and poor diet, for which there is often no other source of funding;

(3) In 1981, Congress consolidated a number of programs; including certain public health programs, into block grants for the purpose of best advancing the health, economics and well-being of communities across the country;

(4) The Preventive Health and Health Services Block Grant can be used for programs for screening, outreach, health education and laboratory services;

(5) The Preventive Health and Health Services Block Grant gives states the flexibility to determine how funding available for this purpose can best be used to meet each state's preventive health priorities;

(6) The establishment of new public health programs that compete for funding with the Preventive Health and Health Services Block Grant could result in the elimination of effective, localized public health programs in every state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels of this resolution and legislation enacted pursuant to this resolution assume that there shall be funding at the fiscal year 1999 level or higher for the Preventive Health and Health Services Block Grant, prior to the funding of new public health programs.

ENZI (AND BOND) AMENDMENT NO. 3054

(Ordered to lie on the table.)

Mr. ENZI (for himself and Mr. BOND) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON PREVENTING ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT IN HOME OFFICES.

(a) FINDINGS.— The Senate finds that—

(1)Giving employees the ability to work from home offices and telecommute helps employees balance the many demands of work and family, helps employers use an important tool to recruit and retain valuable employees and helps society by reducing highway congestion, pollution and accidents;

(2) The Occupational Safety and Health Administration (OSHA) earlier this year jeopardized telecommuting by indicating that it would extend its jurisdiction into home offices;

(3) OSHA has since stated in a compliance directive that it will not inspect home offices and will not issue fines or penalties based on telecommuting;

(4) In order to encourage telecommuting, OSHA should not be permitted to interfere with telecommuting arrangements between employers and employees.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that Congress should ensure that OSHA does not inspect home offices or issue fines or penalties related to telecommuting.

LAUTENBERG AMENDMENT NO. 3055

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert:

(a) FINDINGS.—The Senate finds that—

(1) in P.L. 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(2) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency.

(3) Capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(4) Investment in passenger rail creates jobs directly in the construction, engineering, manufacturing, and service industries, and indirectly in the local economies where increased commerce takes place because of the existence of improved transportation options;

(5) Underutilized rail infrastructure and high tech advances in train equipment and communications systems offer us the opportunity to revitalize our communities through investment in passenger rail and its resulting downtown redevelopment, job creation, mobility improvements, and air quality improvements.

(6) Existing rail corridors can provide the critical transportation right-of-way through clogged areas. In fact, investing in the capacity of our rail system could free up our highways and airports to better fulfill their potential roles.

(7) As congestion increases and air quality worsens, the quality of life in both urban and suburban communities suffers. Rail provides a solution for transporting people AND improving air quality.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume capital funding for the development of high-speed rail corridors must be funded either through the appropriations process or through the leveraging of private investment through tax incentives. As stated by the DOT Inspector General, and unanimously by the Nation's Governors, the development of high-speed rail corridors is an essential component of a balanced transportation system and an economically smart and environmentally friendly way to help ease the increasing levels of traffic congestion on our roads and aviation delays at our airports.

GREGG (AND OTHERS) AMENDMENT NO. 3056

(Ordered to lie on the table.)

Mr. GREGG (for himself, Mr. VOINOVICH, and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

In lieu of the matter to be proposed, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 1975, the Federal Government made a commitment in the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) (referred to in this resolution as the "Act") to pay 40 percent of the programs described in part B of such Act.

(2) The Act guarantees that all children with disabilities receive a free and appropriate public education.

(3) In 1997, 1998, and 1999, Congress increased funding for such programs by 113 percent, but was unable to affect such increases without the help or support of the Administration.

(4) Despite such increases in funding, Federal funding for such programs is still far short of the nearly $15,000,000,000 required to receive the originally promised funding.

(5) The Federal Government currently pays only 12.6 percent of such funding for the programs, which represents a great disparity from the 40 percent that was originally promised under the Act.

(6) Honoring the obligation to fund such programs at the originally promised level will allow State and local governments, some of which spend up to 19 percent of the State or local budget on special education costs, to have more flexibility to spend the local resources to meet the unique educational needs of all students in the locality.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress' first priority should be to fully fund the programs described under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) at the originally promised level of 40% before Federal funds are appropriated for new education programs.

SANTORUM AMENDMENTS NOS. 3057–3061

(Ordered to lie on the table.)

Mr. SANTORUM submitted five amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3057

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON DEBT REDUCTION BY SENATE OFFICES.

It is the sense of the Senate that the levels in this resolution assume that—

(1) any amount appropriated for Senators' official personnel and office expenses for a fiscal year shall only be available for that fiscal year; and

(2) any amounts remaining after all payments are made for the expenses described in paragraph (1) shall be deposited in the Treasury to reduce the Federal debt held by the public.

AMENDMENT NO. 3058

On page 23, line 7, strike "47,568,000,000". and insert "48,068,000,000".

On page 23, line 8, strike "47,141,000,000". and insert "47,641,000,000".

On page 27, line 7, strike "−59,931,000,000". and insert "−60,431,000,000".

On page 27, line 8, strike "−48,031,000,000". and insert "−48,531,000,000".

At the appropriate place insert the following:

"(A) It is the sense of the Senate that the provisions in this resolution assume that if CBO determines there is an on-budget surplus for FY 2001, $500 million of that surplus will be restored to the programs cut in this amendment.

"(B) It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of these offsets will come from defense or veterans, and to the extent possible should come from administrative functions."

AMENDMENT NO. 3059

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) FINDINGS.—Congress makes the following findings:

(1) All children deserve a quality education, including children with disabilities.

(2) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) provides that the Federal Government and State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to provide funds to assist with the excess expenses of educating children with disabilities.

(3) While Congress committed to contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities, the Federal Government has failed to meet this commitment to assist States and localities.

(4) To date, the Federal Government has never contributed more than 12.8 percent of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act.

(5) Failing to meet the Federal Government's commitment to assist with the excess expense of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that Congress should more than double the funding provided for programs under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) to more closely fulfill the commitment to provided 40 percent funding for such programs under such Act.

AMENDMENT NO. 3060

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON THE VALUE OF CHARITABLE CHOICE AND SUPPORT FOR EXPANSION OF CHARITABLE CHOICE TO OTHER FEDERALLY FUNDED PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) charitable choice encourages public officials to obtain services from nongovernmental community-based organizations, and community-based solutions are critical to successful efforts to fight poverty and dependency;

(2) charitable choice protects the rights of recipients to receive services without religious coercion by requiring that the recipients have the option to choose to receive the services through an alternative provider, rather than a religious provider;

(3) charitable choice prevents discrimination against religious providers by requiring the government not to discriminate against churches, synagogues, and other faith-based nonprofit organizations when awarding contracts or deciding which groups can accept vouchers to provide services; and

(4) charitable choice provisions have empowered faith-based and other charitable organizations to compete for contracts or participate in voucher programs on an equal basis with other private providers whenever a State uses nongovernmental providers, improving the effectiveness of welfare-to-work and other federally funded initiatives in those States that have actively implemented those provisions.

(b) SENSE OF CONGRESS.—It is the sense of Congress, that the budgetary levels in this resolution assume that—

(1) the charitable choice provisions, such as section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) and section 679 of the Community Services Block Grant Act (42 U.S.C. 9920), which currently apply to certain federally funded programs, should be expanded to apply to other federally funded programs;

(2) the expansion of those provisions will encourage innovation and to enable the Nation to profit more fully from the many effective faith-based programs that are transforming lives and restoring neighborhoods and communities around the Nation.

AMENDMENT NO. 3061

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING INCREASING ACCESS TO HEALTH INSURANCE.

(a) FINDINGS.—The Senate finds that—

(1) 44,400,000 Americans are currently without health insurance—an increase of more than 5,000,000 since 1993—and this number is expected to increase to nearly 60,000,000 people in the next 10 years;

(2) the cost of health insurance continues to rise, a key factor in the increasing number of uninsured;

(3) more than half of these uninsured Americans are the working poor or near poor;

(4) the uninsured are much more likely not to receive needed medical care and much more likely to need hospitalization for avoidable conditions and to rely on emergency room care, trends which significantly contribute to the rising costs of uncompensated care by health care providers and the costs of health care delivery in general; and

(5) there is a consensus that working Americans and their families will suffer from reduced access to health insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that increasing access to affordable health care coverage for all Americans, in a manner which maximizes individual choice and control of health care dollars, should be a legislative priority of Congress.

SANTORUM (AND OTHERS) AMENDMENT NO. 3062

(Ordered to lie on the table.)

Mr. SANTORUM (for himself, Mr. LEAHY, Mr. DEWINE) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 106TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) The Farmland Protection Program has provided cost-sharing for nineteen states and dozens of localities to protect over 127,000 acres on 460 farms since 1996;

(2) For every federal dollar that is used to protect farmland, an additional three dollars is leveraged by states, localities, and nongovernmental organizations;

(3) The Farmland Protection Program is a completely voluntary program in which the federal government does not acquire the land or the easement;

(4) Funds from the original authorization for the Farmland Protection Program were expended at the end of Fiscal Year 1998, and no funds were appropriated in Fiscal Year 1999 and Fiscal Year 2000;

(5) Demand for Farmland Protection Program funding has outstripped available dollars by 600%;

(6) Through the Farmland Protection Program, new interest has been generated in communities across the country to help save valuable farmland;

(7) In 1999 alone, the issue of how to protect farmland was considered on twenty-five ballot initiatives;

(8) The United States is losing 3.2 million acres of our best farmland each year which is double the rate of the previous five years;

(9) These lands produce three-quarters of the fruits and vegetables, and over half of the dairy in the United States;

(10) The President's Budget for Fiscal Year 2001 includes $65 million to protect prime farmland through the Farmland Protection Program;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the Farmland Protection Program will be reauthorized in the 106th Congress, 2nd Session at a level consistent with the President's budget request.

ABRAHAM (AND OTHERS) AMENDMENT NO. 3063

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. ASHCROFT, Mr. SANTORUM, Mr. GRAMS, Mr. CRAIG, Mr. COVERDELL, and Mr. CRAPO) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

"SEC. . PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Senate finds that—

(1) Congress balanced the budget excluding the surpluses generated by the Social Security trust funds in 1999, and should do so in 2000 and every future fiscal year;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction ''is a very important element in sustaining economic growth'';

(3) according to even the most profligate spending projection by the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will totally eliminate the net debt held by the public by 2010;

(4) the Senate adopted a Sense of the Senate amendment to last year's budget resolution by a vote of 99–0 that called for a legislative mandate that the Social Security surpluses only be used for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and that a Senate super-majority Point of Order lie against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public;

(5) the House adopted on a vote of 416–12, H.R. 1259, a bill to provide a legislative lockbox to protect the Social Security surpluses;

(6) the Senate has failed to hold a vote on passage of any Social Security lock box legislation having failed five times to overcome filibusters against both Senate and the House of Representatives' legislative proposals; and

(7) the Senate Committee on the Budget unanimously adopted an amendment to this Concurrent Resolution that provided a permanent Senate super-majority Point of Order against any budget resolution that would produce an on-budget deficit.

(b) It is the Sense of the Senate that the functional totals in this concurrent resolution on the budget assume that during this session of Congress the Senate shall pass legislation which—

(1) reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section;

(2) mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and not spent on non-social security programs or used to offset tax cuts;

(3) provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public;

(5) Ensures that all Social Security benefits are paid on time; and

(6) Accommodates Social Security reform legislation.

ABRAHAM (AND CRAPO) AMENDMENT NO. 3064

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . TAXATION OF PROFESSIONAL ASSOCIATIONS.

(a) FINDINGS.—The Senate finds that—

(1) the President's fiscal year 2001 Federal budget proposal to impose a tax on the interest, dividends, capital gains, rents, and royalties in excess of $10,000 of trade associations and professional societies exempt under section 501(c)(6) of the Internal Revenue Code of 1986;

(2) such taxation represents an unjust and unnecessary penalty on legitimate association activities;

(3) while this budget resolution projects on-budget surpluses of $42,500,000,000 over the next five years, the President proposes to increase the tax burden on trade and professional associations by $1,550,000,000 over that same period;

(4) the President's association tax increase proposal will impose a tremendous burden on thousands of small and mid-sized trade associations and professional societies;

(5) with the President's associations tax increase proposal, most associations with annual operating budgets of as low as $200,000 will be taxed on investment income and as many as 70,000 associations nationwide could be affected by this proposal;

(6) associations rely on this targeted investment income to carry out exempt-status-related activities, such as training individuals to adapt to the changing workplace, improving industry safety, providing statistical data and community services;

(7) keeping investment income free from tax encourages associations to maintain modest surplus funds that cushion against economic and fiscal downturns; and

(8) although corporations can increase prices to cover increased costs, small and medium-sized local, regional, and State-based associations do not have such an option, and thus the increased costs imposed by the President's associations tax increase would reduce resources available for the importation standard-setting, educational training, and professionalism training performed by associations.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the functional totals in this concurrent resolution on the budget assume that Congress shall reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

ABRAHAM AMENDMENTS NOS. 3065–3066

(Ordered to lie on the table.)

Mr. ABRAHAM submitted two amendments intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3065

Strike page 32, line 23, after the word ''care'', through page 33, line 4, and insert the following: ''which provides adequate reimbursements for Medicare providers, and excluding the cost of extending and modifying the prescription drug benefit crafted pursuant to section (a) or (b), then the chairman of the Committee on the Budget may change committee allocations and spending aggregates by no more than $20,000,000,000 total for fiscal years 2001 through 2005 to fund the prescription drug benefit if such legislation will not cause an on-budget deficit in any of these 5 fiscal years.''

AMENDMENT NO. 3065

Strike from page 33, line 5 through line 9, and insert the following:

(d) ADJUSTMENT.—If legislation is reported by the Senate Committee on Finance that improves reimbursements for Medicare providers, without decreasing beneficiaries' access to health care, then the Chairman of the Committee on the Budget may change committee allocations and spending aggregates for fiscal years 2001, 2002, 2003, 2004 and 2005 to fund this legislation if it will not cause an on-budget deficit in any of these 5 fiscal years.

(e) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.''

HATCH AMENDMENT NO. 3067

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES PATENT AND TRADEMARK OFFICE'S RETENTION OF USER FEE FUNDED RESOURCES.

(a) FINDINGS.—The Senate finds that—

(1) Technology and innovation are key to American competitiveness and the present and future growth of the American economy in the 21st Century;

(2) As recognized by the Founding Fathers, intellectual property, and patents in particular, are fundamental to promoting American innovation and the progress of science and useful arts;

(3) As American inventors and companies have discovered that patents and trademarks can be used to improve financial performance and enhance their overall competitiveness, the importance of and demand for intellectual property protection has increased exponentially;

(4) The United States Patent and Trademark Office was established by Congress to promote innovation through the granting and issuing of patents and the registration of trademarks;

(5) Fees collected by the Patent and Trademark Office represent payments by American inventors and businesses for services to be performed by the Patent and Trademark Office, including the examination, granting, and issuing of patents, and the registration of trademarks, as well as related products and services;

(6) In 1981, Congress increased patent and trademark fees by nearly 400 percent in order to reduce patent pendency and place the Office on a course of achieving self-sufficiency;

(7) Congress later enacted the Omnibus Budget Reconciliation Act of 1990, which totally eliminated general taxpayer support for the Patent and Trademark Office beginning in fiscal year 1991 in favor of the current fee-funded agency model under which the entire costs of services are recouped by fees paid for those services;

(8) Since fiscal year 1991, Congress has diverted or withheld authorization for the Patent and Trademark Office to spend more than $564 million in user fee revenues paid by inventors and trademark owners, directing this money instead to other government programs totally unrelated to supporting America's inventors and high technology industries.

(9) As a result of the diversion and withholding of fees, patent pendency has risen from 20.8 months to 26.2 months, costing American inventors on average six months of return on their investments in technology and innovation, and delaying the availability of innovative products to the American people for the same period;

(10) Continued withholding of patent and trademark fees is projected to lead to an increase in average patent pendency of an additional six months, totaling nearly three years, by fiscal year 2005;

(11) Moreover, the Patent and Trademark Office faces a host of new and significant challenges, including those related to dramatic increases in workloads and new and more complex fields of innovation;

(12) In order to meet these challenges, the Patent and Trademark Office must be able to hire, train, and retain adequate numbers of technologically qualified examiners and make available for their use adequate tools and search files, including a comprehensive prior art database for the examination of Internet-related business method patent applications.

(13) The Patent and Trademark Office's ability to provide these services in a manner that assures the highest quality and efficiency, and that meets these new challenges, is compromised by the withholding and diversion of patent and trademark fees to other Federal functions.

(14) The dedication of Patent and Trademark Office resources to serving American innovators is an investment in the nation's economy which will help to preserve the United States' status as the world's leader in technology and innovation and is necessary to keep faith with the American innovators who pay these fees and build the American economy.

(b) SENSE OF THE SENATE.—For all of the foregoing, it is the sense of the Senate that—

(1) As a fully fee-funded agency charged with promoting innovation and fostering the

growth of technology that drives the American economy, the Patent and Trademark Office must be allowed to retain the fees it collects from American inventors and trademark owners in order to provide the technology-related services for which they were paid in a manner that meets the highest standards of quality and timeliness, rather than having these fees diverted to other government uses;

(2) The levels in the resolution assume that the offsetting fee collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 shall be made fully available in the fiscal year in which they are collected for necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Director of Patents and Trademarks, and shall remain available until expended;

(3) The assumptions of the resolution should be maintained and implemented through the budget and appropriations processes to safeguard the integrity of the Patent and Trademark Office's fee-funded agency model and continued American innovation.

SHELBY AMENDMENT NO. 3068

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Our Nation's children have become the ever increasing targets of marketing activity.

(2) Such marketing activity, which includes Internet sales pitches, commercials broadcast via in-classroom television programming, product placements, contests, and giveaways, is taking place every day during class time in our Nation's public schools.

(3) Many State and local entities enter into arrangements allowing marketing activity in schools in an effort to make up budgetary shortfalls or to gain access to expensive technology or equipment.

(4) These marketing efforts take advantage of the time and captive audiences provided by taxpayer-funded schools.

(5) These marketing efforts involve activities that compromise the privacy of our Nation's children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) in-school marketing and information-gathering activities—

(A) are a waste of student class time and taxpayer money;

(B) exploit captive student audiences for commercial gain; and

(C) compromise the privacy rights of our Nation's school children and are a violation of the public trust Americans place in the public education system;

(2) State and local educators should remove commercial distractions from our Nation's public schools and should protect the privacy of school-aged children in our Nation's classrooms;

(3) Federal funds should not be used in any way to support the commercialization of our Nation's classrooms or the exploitation of student privacy, nor to purchase advertisements from entities that market to school children or violate student privacy during the school day; and

(4) Federal funds should be made available to State and local entities in order to provide the entities with the financial flexibility to avoid the necessity of having to enter into relationships with third parties that involve violations of student privacy or the introduction of commercialization into our Nation's classrooms.

HARKIN AMENDMENTS NOS. 3069–3072

(Ordered to lie on the table.)

Mr. HARKIN submitted four amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 101, supra; as follows:

AMENDMENT NO. 3069

At the appropriate place, insert:

(a) FINDINGS.—The Senate finds that—

(1) Tax relief provided as a result of this resolution should be targeted and distributed equitably to modest and middle income Americans;

(2) Those with young children and those who are taking care of other relatives requiring special care have significant needs that are difficult for many modest and middle income taxpayers;

(3) The Congress should reduce the higher taxes paid by those who are married with two incomes who are penalized under the existing tax code, a burden not significantly felt by those with the highest incomes paying the highest rate of tax since that rate does not differentiate between married and single taxpayers;

(4) While a significant portion of income taxes is paid by those with the highest one percent of income, their share of payroll and excise taxes which make up almost half of all federal revenue is far lower;

(5) The amount of tax relief provided to those with the highest income levels reduces tax relief available to the great majority of taxpayers; and

(6) It has been estimated that the those in the top one percent of income have incomes in excess of no less than $319,000 per year and have an average income of $915,000.

(b) SENSE OF THE SENATE.—It is sense of the Senate that the budget levels in this resolution assume that not more than one percent of the tax reduction provided for under this resolution shall go, in the aggregate, to the one percent of taxpayers with the highest one percent of income.

AMENDMENT NO. 3070

At the appropriate place, insert:

(a) FINDINGS.—The Senate finds that—

(1) Tax relief provided as a result of this resolution should be targeted and distributed fairly to modest and middle income Americans:

(2) Those with young children and those who are taking care of other relatives requiring special care have significant needs that are difficult for many modest and middle income taxpayers;

(3) The Congress should reduce the higher taxes paid by those who are married with two incomes who are penalized under the existing tax code, a burden not significantly felt by those with the highest incomes paying the highest rate of tax since that rate does not differentiate between married and single taxpayers;

(4) While a significant portion of income taxes is paid by those with the highest one percent of income, their share of payroll and excise taxes which make up almost half of all federal revenue is far lower;

(5) The amount of tax relief provided to those with the highest income levels reduces tax relief available to the great majority of taxpayers; and

(6) It has been estimated that the those in the top one percent of income have incomes in excess of no less than $319,000 per year and have an average income of $915,000.

(b) SENSE OF THE SENATE.—It is sense of the Senate that the budget levels in this resolution assume that not more than one percent of the tax reduction provided for under this resolution shall go, in the aggregate, to the one percent of taxpayers with the highest one percent of income.

AMENDMENT NO. 3071

On page 35, line 4, after the period insert ''Legislation complies with this section if it specifies that no individual directly or indirectly may receive more than $250,000 in any fiscal year in total contract or other payments described in paragraphs (1) through (4) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and any similar or additional market loss or income support payments.''.

AMENDMENT NO. 3092

On page 35, line 4, after the period insert ''It is the sense of the Senate that any legislation enacted under this section should specify that no individual directly or indirectly may receive more than $250,000 in any fiscal year in total contract or other payments described in paragraphs (1) through (4) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) and any similar or additional market loss or income support payments.''.

HARKIN (AND OTHERS) AMENDMENT NO. 3073

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 101, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF SENATE REGARDING CASH BALANCE PENSION PLAN CONVERSIONS.

(a) FINDINGS.—The Senate finds the following:

(1) Defined benefit pension plans are guaranteed by the Pension Benefit Guaranty Corporation and provide a lifetime benefit for a beneficiary and spouse.

(2) Defined benefit pension plans provide meaningful retirement benefits to rank and file workers, since such plans are generally funded by employer contributions.

(3) Employers should be encouraged to establish and maintain defined benefit pension plans.

(4) An increasing number of major employers have been converting their traditional defined benefit plans to ''cash balance'' or other hybrid defined benefit plans.

(5) Under current law, employers are not required to provide plan participants with meaningful disclosure of the impact of converting a traditional defined benefit plan to a ''cash balance'' or other hybrid formula.

(6) For a number of years after a conversion, the cash balance or other hybrid benefit formula may result in a period of ''wear away'' during which older and longer service participants earn no additional benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that pension plan participants whose plans are changed to cause older or longer service workers to earn less retirement income, including conversions to ''cash balance plans,'' should receive additional protection than what is currently provided, and Congress should act this year to address this important issue. In particular, at a minimum—

(1) all pension plan participants should receive adequate, accurate, and timely notice of any change to a plan that will cause participants to earn less retirement income in the future;

(2) pension plans that are changed to a cash balance or other hybrid formula should not be permitted to ''wear away'' participants' benefits in such a manner that older and longer service participants earn no additional pension benefits for a period of time after the change; and

(3) Federal law should continue to prohibit pension plan participants from being discriminated against on the basis of age in the provision of pension benefits.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families, will be held on Tuesday, April 11, 2000, 9:30 A.M., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''Early Childhood Programs for Low Income Families: Availability and Impact''. For further information, please call the committee, 202/224–5375.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, April 12, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on compelled political speech.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4–6352.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Committee on Health, Education, Labor, and Pensions will be held on Wednesday, April 12, 2000, 11:00 a.m., in SD–430 of the Senate Dirksen Building. The following is the committee's agenda.

AGENDA

S. 2311, The Ryan White CARE Act.

S. , Organ Procurement and Transplantation Network Act Amendments of 2000.

Presidential Nominations.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, April 13, 2000, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Protecting Pension Assets. For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, April 13, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service's proposed revisions to the regulations governing National Forest Planning. This hearing will be in lieu of the previously scheduled hearing for S. 2034, a bill to establish the Canyons of the Ancients National Conservation Area.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey or Bill Eby at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, April 6, 2000. The purpose of this meeting will be to discuss interstate shipment of State inspected meat.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 9:30 a.m., in open session to receive testimony on procedures and standards for the granting of security clearances at the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 6, 2000, for hearings on China's Accession to the World Trade Organization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 12, 2000, at 9:30 a.m., to conduct a hearing on the Report of the National Academy of Public Administration titled ''A Study of Management and Administration: The Bureau of Indian Affairs.'' The hearing will be held in the Committee room, 485 Russell Senate Building. A business meeting to mark up pending legislation will precede the hearing. Those wishing additional information may contact the Committee at 202/224–2251.

The PRESIDING OFFICER. Without objection, if is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 2:15 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 6, 2000 at 9:30 a.m. for a closed briefing on aviation security and at 10 a.m. hearing on aviation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet on Thursday, April 6, 2000 at 2:30 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION AND SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion and Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 10:00 a.m. to hold a joint hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 6, 2000 at 9:30 a.m. to conduct an oversight hearing. The subcommittee will receive testimony on the proposed five-year strategic plan of the U.S. Forest Service in compliance with the Government Results and Performance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DOMENICI. Mr. President, on behalf of Senator McCAIN, I ask unanimous consent that his legislative fellow, Navy Commander Douglas Denneny, be granted floor privileges during consideration of S. Con. Res. 101.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Dr. Lisa Spurlock, congressional fellow with the Senate Finance Committee, be granted floor privileges throughout the duration of the debate on S. Con. Res. 101.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask consent that Gary Tomasulo, a Coast Guard fellow in Senator MIKE DEWINE's office, be granted privilege of the floor during consideration of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges for the period of consideration of Senate Concurrent Resolution 101.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, APRIL 7, 2000

Mr. SESSIONS. Mr. President, if there are no Senators seeking to speak in morning business, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9 a.m. on Friday, April 7. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. Con. Res. 101, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will begin the vote-arama at 9 a.m. tomorrow morning. To make this process as smooth as possible, on behalf of the leader, I ask all Senators to remain in the Chamber between votes. As a reminder, there will be 2 minutes, equally divided, between each vote for explanation of the amendments. The majority leader asks all Senators for their cooperation.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:43 p.m., adjourned until Friday, April 7, 2000, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 6, 2000:

FARM CREDIT ADMINISTRATION

MICHAEL V. DUNN, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 13, 2000, VICE MARSHA P. MARTIN.

MICHAEL V. DUNN, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING OCTOBER 13, 2006. (REAPPOINTMENT)

THE JUDICIARY

KENT J. DAWSON, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–113, APPROVED NOVEMBER 29, 1999.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. DALLAGER, 0000

EXTENSIONS OF REMARKS

WEST POINT HONORS GENERAL ROSCOE ROBINSON, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. CLAY. Mr. Speaker, I am happy to advise my colleagues that West Point will dedicate its first permanent memorial in memory of a distinguished African-American graduate, on April 7, 2000. The life of the late General Roscoe Robinson, Jr., a St. Louis native, will be honored as his name is placed on the most prominent lecture facility at the United States Military Academy located in historic Thayer Hall.

A member of the USMA Class of 1951, General Roscoe Robinson, Jr. was the first African-American graduate of West Point to achieve four-star rank in the Army. The Academy presented him the Association of Graduates Distinguished Graduate Award shortly before his death in 1993. He is interred at Arlington National Cemetery.

During his distinguished career as an Infantry officer, General Robinson was noted for his outstanding leadership and his love for the American soldier. He served in the 7th Infantry Division in Korea and commanded 2nd Battalion, 7th Cavalry Regiment in Vietnam. His major commands include US Army Garrison, Okinawa (The Ryukus), 82nd Airborne Division, and United States Army Japan/IX Corps. After earning his fourth star, General Robinson served as the United States Representative to the North Atlantic Treaty Organization Military Committee. He retired from the Army in 1983.

This highly visible memorial will commemorate one of America's most respected soldiers. General Robinson's widow, Mrs. Mildred Robinson, and other family members will participate in the ceremony. Other attendees will include political leaders, senior retired and active duty military officers, as well as USMA staff, faculty and cadets.

The Dedication Project Officer, responsible for the organization and successful execution of this momentous occasion is LTC Charles Dunn III. He is the Executive Officer of the Department of Electrical Engineering and Computer Science. I send my best wishes to all who will participate in this historic ceremony celebrating the memory of General Roscoe Robinson, Jr., a truly outstanding African-American leader.

CONGRATULATING THE PEOPLE OF SRI LANKA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mrs. MORELLA. Mr. Speaker, today I am introducing a resolution congratulating the people of Sri Lanka for their commitment to democracy in the face of on-going terrorism. I am pleased to be joined in this effort by Congressman PALLONE of New Jersey, who with me co-chairs the Congressional Caucus on Sri Lanka.

In December's presidential elections, the incumbent, Chandrika Kumaratunga, was reelected to a second six-year term with 51 percent of the vote. Her nearest rival got 43 percent. The final days of the campaign were marred by a terrorist attack in which the President was injured. A total of 22 people were killed and more than 100 others injured in that attack and in another terrorist incident. These attacks have been blamed on the Liberation Tigers of Tamil Eelam (LTTE), an organization that has been waging a violent campaign against the Sri Lanka Government for more than 25 years. The LTTE has been designated a terrorist organization by the U.S. State Department.

Yet, despite this shadow of violence, 8.6 million of the nation's 11.8 million registered voters cast ballots, for an impressive voter turn-out of 73 percent. This demonstrates the strong commitment of the Sri Lankan people to democracy and their refusal to be intimidated by terrorism. International observers, invited by the Sri Lankan government, were on hand to monitor the election. U.S. State Department spokeman James P. Rubin stated on November 30th that the U.S. Government applauded Sri Lanka's decision to invite the international observers.

Mrs. Kumaratunga, who was elected as the nation's first woman President in 1994, was sworn in to her second term on the day after the elections. In her address to the nation, the President pledged to combat terrorism and urged her compatriots to join her in establishing peace. She reached out to her main rival in the presidential race to join her in building a consensus to achieve these goals.

I hope that Members will join me in support of this resolution recognizing the commitment of the people of Sri Lanka and their government to democracy and to achieving peace.

SUPPORT THE COMMON SENSE CENSUS ENFORCEMENT ACT OF 2000

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. COLLINS. Mr. Speaker, I rise today on behalf of the many Georgians who have contacted me to complain that this year's census questionnaire is too intrusive. Today, I am introducing legislation that will address these serious concerns—The Common Sense Census Enforcement Act of 2000.

As every Member of the House of Representatives is acutely aware, the census is constitutionally mandated for the purpose of apportioning federal legislative districts, and the population information gathered is also used in drawing state legislative district lines. The Constitution requires the federal government to conduct the census, and federal law (13 U.S.C. § 221) also requires that residents answer the census completely and truthfully. Failure to answer any questions can result in fines of up to $100. Furthermore, if one intentionally provides inaccurate information in response to the census, the law provides for fines up to $500. These penalties are understandable with regard to questions directly related to apportionment, in light of its central importance to our constitutional system. I do, however, question the appropriateness of imposing such penalties for refusal to answer questions unrelated to apportionment, and I am introducing legislation to remedy this situation.

Today, I am introducing The Common Sense Census Enforcement Act of 2000, which would eliminate the fine for failure to answer Census 2000 questions unrelated to apportionment. By taking this action, Congress can limit the intrusive nature of the census while still providing the government with the basic information necessary to administer our republic.

This legislation reflects the concerns many of my constituents have expressed with regard to the length and the content of this year's census. Most of the questions on the long form of the census clearly are not asked for purposes of apportionment, but rather to collect information necessary for the administration of any number of federal programs. Information gathered in the census is currently used for federal and state planning and funding of education and health care programs, transportation projects, etc. While it is true that federal law requires much of this information for program administration, the law does not require that this information be collected via the census or under any penalty at law. A great deal of information that was once collected through the census is already being gathered through surveys that do not bear the census' strict legal requirements.

In closing, I share the belief of many Georgians who find it inappropriate for the federal government to coerce citizens to provide personal information by packaging non-apportionment-related questions with the constitutionally required and legally enforceable apportionment census questions. In the future, either the information should be collected separately, or it should be made clear that no penalty will be applied to those who refuse to answer questions unrelated to apportionment. I urge my colleagues to join me in support of The Common Sense Census Enforcement Act of 2000.

A TRIBUTE TO ENTREPRENEUR OF THE YEAR YOLANDA COLLAZOS KIZER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to an outstanding fellow Arizonan, Yolanda Collazos Kizer. Yolanda is a well-respected business and community leader in Arizona and Phoenix, and someone I'm proud to call my friend.

Yolanda was recently awarded the prestigious Entrepreneur of the Year award by the Arizona Hispanic Chamber of Commerce for the year 2000. This award was established to honor extraordinary individuals that have not only been successful in the business world, but who have contributed to the community on a broader scale. The award recognizes Ms. Kizer for her influence as a role model among small business owners and in the Hispanic community.

Yolanda is the owner and president of three Phoenix-based businesses: CASA Fenix Merchandising owns and operates retail concessions at Phoenix Sky Harbor International Airport; Builder's Book Depot is a retail, mail order and electronic commerce bookstore that specializes in construction, architecture, interior design and engineering books; and Builders' Book Publishing Company produces speciality business management texts for the construction industry.

Yolanda is an active community leader and has served on a multitude of boards and commissions. Currently she sits on the Executive Committee of the City of Phoenix Sister Cities Commission and on the Governor's Diversity Council. She has professional affiliations that include memberships in the National Association of Women Business Owners, the Arizona Hispanic Chamber of Commerce, the Arizona Chamber of Commerce, the Association of Minority Owned Airport Concessions, and the American Booksellers Association. She has previously served on the City of Phoenix Commission on the Economy, First Interstate Bank Community Advisory Board, Arizona Veterans Memorial Coliseum and Exposition Center Board of Directors, and the Governor's Strategic Plan for Economic Development. She is also the former President and Board member of the Arizona Hispanic Chamber of Commerce.

Not only is Yolanda a tireless worker in the business community, she also spends many hours giving back and facilitating the success of others. Yolanda has served as a mentor to many young women, and she is a founding member of MUJER, a Hispanic women's organization in Arizona. Yolanda has given freely of her experience and expertise by giving seminars and lectures throughout the Valley of the Sun. As a policy maker, through her various civic roles, she has made important contributions to and helped to shape today's business environment.

Mr. Speaker, as you can surmise, Yolanda Kizer is an exemplary community leader and a true role model for young entrepreneurs across the nation. Therefore, I am pleased to pay tribute to my friend Yolanda, congratulate her on this most recent accomplishment, and wish her continued success.

CONCERNING ORGAN PROCUREMENT AREA IN KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. WHITFIELD. Mr. Speaker, April 4, Mr. DINGELL referenced the different waiting times for liver transplants between the two Kentucky transplant centers. As you might know, both centers are in the same organ procurement area (OPA). The different waiting times are the result of the different status levels of the individuals on the waiting list. It is not a reflection of geographic unfairness. Seriousness of condition, not time on the waiting list, is the determining factor for who gets a liver transplant. As the Institute of Medicine report stated, aggregated waiting time is a poor measure of equity in the transplant field.

At the request of both Kentucky organ transplant centers, I was pleased to cosponsor H.R. 2418, the Organ Procurement and Transplantation Network Amendments Act. Let's keep important transplant decisions with the physicians and transplant centers who actually save lives. Let's keep the Washington, bureaucrats out of this issue.

END THE BERMUDA TAX DODGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, the Hartford Courant recent ran an editorial endorsing an effort to ''end the Bermuda tax dodge.'' I agree with this editorial, which is why I am joining my colleague Representative NANCY JOHNSON in introducing legislation to put an end to this loophole.

During the past year, several Bermuda-based companies have either acquired a U.S. property-casualty insurer, or U.S. reinsurers have relocated to Bermuda. A major reason for these actions was to allow insurers to avoid U.S. income tax on investment income by reinsuring their U.S. owned subsidiaries' reserves to a parent located in a tax haven such as Bermuda, which has no income tax. It works like this: the company pays a one-time 1 percent federal excise tax to reinsure offshore, and in return, the foreign reinsurer earns tax-free investment income on the transferred reserves for as long as they are held offshore. By escaping all U.S. income tax, these companies can have up to ten percent pricing advantage over U.S. taxpaying companies in the U.S. marketplace.

Mr. Speaker, such an advantage to foreign companies over U.S. owned companies is patently unfair and should be eliminated immediately. Our legislation solves the problem by imputing investment income to the U.S. subsidiary of the foreign reinsurer or business sent offshore to a tax haven. This language is intended to affect only reinsurance transactions with foreign reinsurers domiciled in tax haven countries such as Bermuda, and it only impacts business ceded between related parties.

This is not a trade issue, as some would like to make it. The purpose of insurance is to enable property-casualty companies to spread risk among several companies. The practice of reinsurance allows greater access to insurance for consumers, promotes solvency in the marketplace, and helps ensure claims are paid to customers. But this is not the true purpose of the transactions affected by this bill. In these cases, reinsurance is written between related parties—a U.S. subsidiary cedes U.S. business to its foreign based parent—simply to obtain a tax benefit. No risk has been spread in this transaction, the company is simply moving money from one pocket to another pocket within the same corporate entity. The primary purpose is to escape U.S. income tax.

Mr. Speaker, we welcome any comments or suggestions on this legislation from the Treasury Department, the Joint Committee on Taxation, any party affected by this bill, or anyone concerned that they might be. This is clearly a very technical issue, but that should not stop Congress from moving quickly to shut down this loophole. If we do not stop this practice, then other U.S. companies will be forced to relocate to Bermuda, or be bought by a Bermuda based parent, in order to stay competitive. This, in turn, will result in a significant reduction in U.S. corporate tax payments, and has implications not only for the property casualty business but also for affiliated corporations, especially life insurance companies, who could in theory benefit from this loophole.

Now is the time to take action, and hopefully Congress will act now.

STATEMENT BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. KUCINICH. Mr. Speaker, I recently testified before the Appropriations Subcommittee on Foreign Operations on FY 2001 Budget Request on March 30, 2000. I submit my statement for the RECORD.

CONGRESSMAN DENNIS J. KUCINICH'S STATEMENT BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON FOREIGN OPERATIONS ON FY 2001 BUDGET REQUEST

Thank you Chairman Callahan and Ranking Member Pelosi for offering me an opportunity to relate my thoughts on the President's budget request for foreign operations to you and other Committee members.

I would like to begin by reminding my colleagues that it has been a full year since the start of the NATO air campaign on Yugoslavia. My comments will focus on United States and NATO efforts since this bombing campaign and the costs associated with these efforts, specifically with regard to peacekeeping operations and funding democracy activities in the region.

To start, the peacekeeping mission in Kosovo has only compounded our failures in the Balkans. A year later we are witnessing reversed ethnic cleansing of Serbs and Gypsies by Albanians. Since June of last year, more than 240,000 Serbs, Roma and Muslim Slav Gurani have fled the province of Kosovo. The composition of Kosovo is now almost completely Albanian as Serbs and other non-Albanians continue to flee for fear of their lives. Moreover, an Amnesty International report issued last month concluded that six months of peacekeeping efforts in

the region that ''human rights abuses and crimes continue to be committed at an alarming rate, particularly against members of minority communities.'' It goes on to say that U.N. police and KFOR troops have been ''unable to prevent violent attacks, including human rights abuses, often motivated by a desire of retribution, against non-Albanians.'' Many refugees are forced to live in nearby enclaves under heavy NATO protection. The U.N.'s goals of maintaining a multi-ethnic Kosovo has failed. For example, an attempt to reintegrate Serb and Kosovar children in school in the village of Plementina recently failed. In response, the U.N. Kosovo Mission (UNMIK) decided to build a separate school several kilometers away for security reasons. These failures have forced the head of the U.N. Kosovo Mission, Bernard Kouchner, to concede that ''the most one can hope for is that they [Serbs and Albanians] can live side-by-side.'' So, it would seem that UNMIK's mission to Kosovo has drastically changed from maintaining a multi-ethnic society to one that must learn to co-exist side-by-side, but not together. Indeed, that is not even a representative picture. In fact, Kosovo's Serbian and other minority enclaves are being emptied of population. Kosovo will soon be ethnically cleansed during our peacekeeping operation, and NATO, KFOR and the U.S. will have to accept some responsibility for it.

One of the goals of the peackeeping mission was to disarm and disband the armed militia groups. However, many members of these groups remain as active as ever under KFOR occupation. For example in the villages of Presovo, Medvedja and Bujanovac (UCPMB), which line the south Western border of Serbia where both ethnic Albanians and Serbs still live, an extremist group called the Liberation Army for Presovo is now active, though it did not exist before the peacekeeping mission began. Many members of this group are said to have been former militia members. The group has been blamed for a killing of a Serb police officer and attacks on UN staff.

Indeed, armed conflict could well get worse in the future under UN peacekeeping forces. Recently, American soldiers raided a radical group's command post seizing hundreds of stashed weapons. This region seems to be indicative of what seems to be a broader expansionist goal of creating a greater Albania. There are reports that violent clashes may spill into Macedonia and Montenegro. According to a Reuters news report last week, ''The Yugoslav army and Montenegro policy agreed on Saturday to set up a joint checkpoint between the coastal republic and Kosovo in a bid to stop smuggling and terrorism spilling over from the province.''

Moreover, I am concerned that continued peacekeeping operations may actually facilitate an escalation in violence in the region. It is my understanding that part of the mission of KFOR is not only to ''keep the peace'' in the region, but to also train local residents into a civilian police force. My concern is that UN troops are legitimizing and institutionalizing extremist or radical elements of society there by training them to be a police force. If that's true, then our forces and our funds are propping up extremist elements in Kosovo and consolidating their power.

If, indeed, UN troops are training rogue elements to become part of the civilian police force, Kosovo, then thus funding will not merely have been wasted, but will have contributed to instability in the region. I would like to put an American perspective on the proposed spending of $29 million for continued peace keeping operations in the region. You might be interested in knowing that we have a program in the United States called the Troops to COPS program, which provides law enforcement incentives to hire veterans who have served in our armed forces to serve as police officers. Funds are used to reimburse law enforcement agencies for training costs of qualified veterans. Since 1996, funding for this program has reached only $2.3 million-in 4 years. Why should we spend $29 million dollars in one year on peacekeeping operations that could put extremist elements in charge of Kosovo and that so far has provided inadequate? Maybe we should be using these funds to train law abiding US veterans to become community police officers here in America.

Now, I would like to touch upon the funding request for the Support Eastern European Democracy (SEED) program—a program which, among other things, supports democratic movements in the region. The funding request has increased from $77 million in 1999 to $175 million in Kosovo and from $6 million to over $41 million in Serbia, Yugoslavia. It indicates increased and intensified US involvement in the internal politics of the area. Here, too, our efforts have backfired. Democratic opposition groups in Serbia are weaker today than they were a year ago. Milosevic is stronger. It should concern Congress that funds for promoting democracy can result in weakening the popular appeal of democracy advocates. Congress needs to place limitations on this funding to restore its integrity. Specifically, Congress should place the following limitations:

No funds should be appropriated for use by any armed group or advocates of violence.

No funds should be appropriated for use by any group that advocates the violent overthrow of the Serbian government.

I conclude by saying that you should be skeptical of the budget request for peacekeeping operations and the SEED program in Kosovo and Serbia based on the past year's failure. I support the reduction of funding for peacekeeping forces in the Balkans.I support the advancement of peace and democracy in the Balkans. To achieve these goals, Congress will have to place limitations on spending in the Balkans. Otherwise, we will be adding to the problem of instability and a lack of democracy in the Balkans region.

Thank you.

POLITICAL INSTITUTIONS IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Ms. KAPTUR. Mr. Speaker, functioning democracy in the newly emerging independent states of the former Soviet Union requires setting up new political institutions and developing the means of conducting the people's business. As we have seen in many of these countries, this is proving to be a challenge beyond the patience and political will of their leaders, particularly given the harsh economic conditions throughout the region. More often than not, responsible economic policies represent, in the short term, even greater hardships for the people whose support is essential if democracy and market economy are to be sustained in these countries.

In Ukraine this challenge was put to test earlier this year when the Verkhovna Rada, Ukraine's parliament, was confronted with a serious political crisis over the selection of the Speaker and other leadership positions. The Leftist forces, though in the minority, have managed to control the parliament for the past 18 months, thwarting the majority's efforts to implement President Kuchma's legislative agenda.

A vivid description of how the leftist speaker, Oleksandr Tkachenko, thwarted the majority and the subsequent developments that lead to his ouster are provided in a report by the U.S.-Ukraine Foundation. In Update on Ukraine, February 24, 2000, Markian Bilynskj writes. ''Until January 21, the final day of the fourth parliamentary session, the Rada was presided over by a chairman whose political ambitions and sense of indispensability were matched only by his limitations. Oleksandr Tkachenko had been elected essentially by default 18 months earlier as elements within the Rada and beyond fought to prevent the chairmanship from falling into the hands of anyone harboring presidential ambitions. His eventual, somewhat surprise decision to run brought about a further politicization of the legislative process and was the principal reason behind the Rada's growing ineffectiveness. Tkanchenko's final unabashed identification with the communist candidate—a fitting conclusion to what can only be described as a parody of an election campaign—represented an abandonment of any pretense as impartiality and irreversibly undermined his credibility as Rada chairman. At the same time, President Leonid Kuchma's re-election altered the broader political context within which the Rada had to operate to such an extent that Tkachenko was transformed from a largely compromise figure into an anachronism''.

After the December election, President Kuchma's administration joined with the pro-reform majority to challenge Speaker Oleksandr Tkachenko and his Communist-Left forces and succeeded in electing a new Speaker and many of the leadership positions in the Rada. The result is a newly constituted parliament with a majority now occupying key positions that is capable of responding to President Kuchma and Prime Minister Yuschenko's reform agendas.

I would like to submit for the record and bring to the attention of my colleagues an interview with Grigority Surkis, a prominent, businessman and member of the Rada.

IT'S TIME FOR TRANSPARENCY

(By Grigoriy Surkis)

It would be desirable if our Parliament did not have deep divisions between the majority and minority factions; however this is not possible due to deep-rooted ideological divisions in the country.

Former Speaker Tkachenko, leader of the Communists in the Rada, demonstrated his inability to work out a compromise even when the majority announced a willingness to work cooperatively with Communist leaders on a legislative program.

By the way, leaders of the Ukraine Communists should learn a lesson from their Russian counterparts, who recently made a deal with the pro-government factions in organizing the Duma and distributing assignments among party leaders. They have a difficult time understanding that Communist authoritarianism does not exist in post-Soviet societies, nor is it as strong after eight years of democracy.

However, it remains to be seen how the pro-government bloc in Russia will get the Communist Speaker of the Duma to act on

progressive legislation and actually achieve results. I sincerely wish that this arrangement will work so that the people of Russia benefit from progressive changes that will improve living standards that make for a better society.

In my opinion, Ukraine has chosen the right path. In parliament, we formed a majority bloc by uniting the ''healthy'' forces who were committed to reform legislation. This is necessary to ensure speedy action on a range of progressive proposals to deal with the problems of our pension system, taxes, and the criminal and civil code. This will help us to clean house in the Rada and institute badly needed changes that, in the past, impeded our efforts to confront these needs.

Is compromise possible? Let's think about it. We want our people to live in a new environment but there are some who want to pull us back to the old Soviet system. To go back is to lose hope and confidence in our ability to improve our situation. The reformers want a government that will enable people to own property while the Communists want people to be the property of the state. We believe that the Constitution is the basic law, but they still believe the ''Party'' is the supreme authority.

Finally, in a democracy it is acceptable to have a compromise, which is how people work out their differences. But the old guard distrusts working with what they see as the ''bourgeois'' and reject efforts to resolve differences amicably. So we are not talking about compromise in terms of confronting the issues and resolving differences, but the Communists see any negotiations with reformers as selling out or imposing a kompromat on us. I am reminded of the words of the great Golda Meir, who was born in Kiev, who once said: ''We want to live. Our neighbors want to see us dead. I am afraid that this does not leave any space for compromise''.

The problem would not be so serious if we were talking only about Parliament. However, we are talking about society as a whole. The Leftists seem committed to destroying the Rada, the one institution that ensures representation of the people in government decision-making. Perhaps they do not know about Abraham Lincoln's statement that a house divided cannot succeed and that their intransigence will prevent democracy from taking root in Ukraine. Everyone knows what happens to the person if his right leg makes two steps forward and the left remains rooted in the same spot.

I want to stress again that after the 1999 presidential election, it became obvious that a divided parliament with a Communist as Speaker would prove unacceptable and only serve to obstruct the reform agenda of the government. Had the Communists prevailed, they would have taken the country down the back road of political fatalism. Yet there are some who worry that the unfairness of winners hides the guilt of losers. I can only say that if the Leftists had won the election, we would not be asking these questions.

I am afraid that if the majority had allowed a Communist to remain as Speaker, it would have proved to be a temporary solution, similar to what will happen with the Duma. In the United States, it is possible for the Republicans to control the Congress and the other party to have the Presidency. This is possible because America has 200 years of experience working within a democratic system.

Our country does not have time to wait. For us, every day without enacting and implementing laws is a huge setback for a country that must accomplish so much in a critically short time. The majority knows that it is impossible to form a parliament without the opposition, and it is our intention to treat proposals from the opposition seriously. We have assumed political responsibility that gives us an opportunity to cooperate with the newly re-elected president who bears the main responsibility for society as a whole.

We recognize that it is the president who must provide the leadership and direct the institutions of government. Throughout the years of Ukraine's independence, there is not a single case when the three branches of power simultaneously worked together on behalf of Ukrainian citizens. Today we must take responsibility and are ready to be accountable for our actions.

Once again, we do not have time. The majority of Ukrainian citizens spoke very clearly in the recent election by giving President Kuchma a new four-year term. By this vote, they rejected the Communist Party and the idea of turning back to the old system where freedom and human rights did not exist.

The Communists, of course, feel threatened by the new democratic forces and their reform agenda. They do not want to relinquish power and recognize that a new generation of intelligent and resourceful leaders is taking charge. That is the promise of democracy and, if given a chance to succeed, the future of Ukraine in the new millennium.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

April 3, 2000:

Rollcall vote 96, on the motion to suspend the rules and pass H.R. 1089, the Mutual Fund Tax Awareness Act, I would have voted ''yea.''

Rollcall vote 97, on the motion to suspend the rules and pass H.R. 3591, providing the gold medal to former President Ronald Reagan and his wife Nancy Reagan, I would have voted ''yea.''

April 4, 2000:

Rollcall vote 98, on agreeing to the LaHood amendment to H.R. 2418, I would have voted ''nay.''

Rollcall vote 99, on agreeing to the DeGette amendment to H.R. 2418, I would have voted ''yea.''

Rollcall vote 100, on agreeing to the Luther amendment to H.R. 2418, I would have voted ''nay.''

Rollcall vote 101, on passage of H.R. 2418, the Organ Procurement and Transplantation Network Amendments, I would have voted ''yea.''

THE TWO-HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF EASTON, MASSACHUSETTS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. MOAKLEY. Mr. Speaker, as we celebrate the beginning of a New Millennium, we are reminded of the history and accomplishments of our forebears in past centuries who ''brought forth'' as President Lincoln said, ''on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.'' This year, 2000, also marks the Two-hundred and Seventy-fifth Anniversary of the Founding of Easton, Massachusetts, which shares a unique role in the Colonial and Civil War history of this great country. I acknowledge the monumental spirit of the citizens of Easton, and to recognize their many contributions to the growth and development of the United States, and the Commonwealth of Massachusetts.

THE CONFEDERATE FLAG

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, there are a million reasons why the Confederate Flag should not be flying over any state capitol, comprise a part of any state flag, or be displayed in any place of honor or distinction. From its racist past to its polemic present, the one thing that can be stated unequivocally, is that today, the flag has become shrouded in an over-simplified, revisionist version of American history.''

''Claims that the flag represents a benign segment of Southern history, ruled by some sort of gentile charm and virtuous code of conduct, are patently offensive to every American whose ancestors were brutalized by the stinging pains of slavery or ostracized by its illegitimate progency, Jim Crow.''

''This legislation is intended to set the record straight. The Leaders of the Confederate States of America were traitors. Had they been allowed to succeed in their ultimate act of betrayal, they would have destroyed all of the principles and freedoms we hold dear as Americans. It is impossible to celebrate the Confederate Flag and simultaneously profess one's love of democracy. It is self-delusional to attribute equality, freedom and opportunity to the Confederacy when its treasonous acts would have destroyed all of these values—these American values.''

''As our nation tries to deal with rise in conspicuous acts of racial violence and hate, the one glaring fact with which we are frequently confronted is that we have not adequately and honestly dealt with our past. Once again, this resolution will be a constructive first step in starting that dialogue. I challenge one person who presently supports the flying of the Confederate flag to read the words contained in this legislation and say that the beliefs of the Confederacy, articulated in this bill, do not stand direct conflict with the principles we enjoy as one nation united and indivisible under God.''

''At the end of the day, this bill is about the true history of the flag flying over the Capitol building in South Carolina. It clarifies the symbolism connected with the battle flag contained in the Mississippi and Georgia state flags. At the end of the day, this legislation begs the question, 'Will we, as Americans, united and God-fearing, allow ourselves to posthumously give the Confederacy the divided nation they so desperately fought to create, or will we embrace the fundamental principles which presently govern the moral conscience of our nation and work toward a day

when the actions of our shared, Americans heroes overshadow the treasonous acts of a group of traitors whose actions would have destroyed our nation.''

RECOGNIZING 25 SAN MATEO COUNTY HIGH SCHOOL SENIORS FOR OVERCOMING OBSTACLES AND SERVING AS ROLE MODELS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. LANTOS. Mr. Speaker, this morning at a breakfast in Redwood Shores, California, the Family Service Agency of San Mateo County honored 25 high school students at a ''Winners Breakfast,'' an annual recognition of high school seniors who have overcome great odds and are role models for their peers. Some six hundred people joined in celebrating the achievements of these outstanding students.

The Family Service Agency of San Mateo County is a private, non-profit social service organization which has established and supported programs throughout the County for children, seniors and families, and the Agency started the Winners Breakfast five years ago together with local businesses, the San Mateo County Office of Education and community leaders.

Mr. Speaker, this year the Family Service Agency is recognizing students who have faced a wide range of challenges, from homelessness, poverty and family and gang violence to chronic illness, personal tragedy, substance abuse and single parenthood. The students were chosen by personnel at the schools which they attend, and each honored student received a scholarship of $500 paid for by sponsors of the program.

Heather Angney of the San Mateo County Times has written a series of excellent articles which appear in today's issue of the newspaper paying tribute to those students being honored today, and the Times is one of the supporters of the effort to provide funds for these students.

Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to these outstanding students who were honored today for their perseverence in overcoming the tremendous difficulties they faced. These students are as follows:

Alexandra Chiles of Atherton was diagnosed with cancer at age 12 and endured endless rounds of chemotherapy and radiation treatments. Many years, she was too sick to enjoy Christmas. When she was able to go to school, she often went with thin hair and her face swollen by drugs. Through all this, Alex achieved more than most students, qualifying for the National Honor Society, gentling a nervous horse and volunteering in soup kitchens. In Alex's case, the recognition is bittersweet. She died March 22. Her parents, Anita and Robert Chiles of Atherton, will attend the breakfast and join in recognizing other students who are succeeding in spite of great challenges. As Alexandra's mother said, ''She was a wonderful model of how we should all confront our problems in life.''

Maria Ruth Alvarado of Woodside High School prevailed over abuse, homelessness and poverty to become an activist at school and in her East Palo Alto neighborhood, tutoring at community centers and starting a support group for gay and HIV-positive people.

Albert Balbutin of Oceana High School faced his father's death, his mother's depression and financial hardship and decided to turn his life in a positive direction. He raised his grades from Ds and Fs to As and Bs, became co-president of his class and started Unity 2000, a campus organization dedicated to stopping teen violence.

Sarah Carr of Pescadero High School was considered a discipline problem with a bad attitude who wouldn't graduate. But she turned herself around with the encouragement of school staff and has improved her grades, stopped using bad language and started smiling. She plans to attend college next year.

Karen Cerri of Westmoor High School was abused by her biological and foster families until she was adopted into a loving home at age 10. She now coaches a swim team and serves as a peer counselor, and she hopes to become a paramedic or firefighter and adopt a foster child.

Rosalyn Curincita of Redwood High School and Sequoia High School was distracted from her school work while caring for relatives and marrying at an early age. She entered Redwood and made up two-and-a-half years of work in just one year. Although she works to support her family, she maintains excellent grades, enabling her to return to Sequoia to finish her senior year.

Jared Frias of Carlmont High School was in an automobile accident in which he lost a leg and two people died, including a friend who was like a brother to him. While in the hospital, Jared organized a Holiday Toy Drive for children in the hospital. And last fall, with the aid of a prosthetic limb, he returned to his favorite sport — football.

Renee Frost of Aragon High School has worked hard despite lifelong family disruptions and financial disadvantages. She attends the Regional Occupational Program, where she is described as ''best in her class'' in a Travel and Hospitality Careers course. As the school's receptionist, she greets the public, organizes the career center bulletin board and helps students enroll in classes.

Robert Gomez of Mills High School has been in a wheelchair since childhood because of cerebral palsy. With divorced parents, he has relied on himself to achieve his academic goals. Despite physical limitations, Robert participates in school activities, attends ball games and supports other students. He hopes to attend college and become a lawyer.

Diana Gonzalez of Community School North lived the life of a gang member from age 11 to 16. She attributes her transformation to the help of God, her best friend and her boyfriend. She graduated from the Gateway Center program with straight A's and enrolled in Community School North. She is on schedule to graduate with a GED by June and will attend Bryman College in San Francisco.

Robert ''Tito'' Gonzalez of Terra Nova High School is deaf in one ear, which affects his school performance. He was placed in special education in fourth-grade but worked so hard he switched to mainstream classes by sixth-grade. Robert has a 3.2 gpa, was voted ''best artist'' by his senior class and is considering a career in microbiology and genetics.

Emily Jaime gives credit for her achievement to a fourth grade tutor who encouraged her to read, and that moves her to volunteer at an elementary school twice a week, and now 12 years after failing first grade, she's heading to Temple University in Philadelphia, Pennsylvania. Emily's father left the family when she was four, and she hasn't seen him much since, but her mother and grandmother encouraged her to make the most of opportunities, gap and told her to get a college diploma, something neither of them was able to do.

Lauren Kass of Pilarcitos High School had struggled in school starting in junior high. But after transferring to the Cabrillo district's independent study program, she thrived academically and personally. She received her diploma in February and now works at a preschool and rides and trains horses. She hopes to eventually open her own preschool.

Linda Khiev of Sequoia High School has held her family together since her mother's illness last year, working part-time and handling household duties. Despite the stress, she remains at the top one percent of her class academically. Linda hopes to become a physician.

Victor Lopez of Aragon High School has been largely independent since his mother returned to Mexico to care for his grandmother when Victor was 14. Victor has been a Peer Helper for three years and is a member of student government. He doesn't let negative peer influences deter him, and his dream is to become a pediatrician.

Wendy Maravilla of Thornton High School had a baby in her junior year and had to work part-time and enroll in an independent study program. She is training to become a certified nurse's assistant and working part-time at Marshall's. Wendy firmly believes she can accomplish her dreams, including her goal to become a registered nurse.

Osvaldo Munoz of El Camino High School faced his father's long illness and death this past October. Throughout this difficult time, he has remained a strong, mature and constant support to his mother and family and volunteered at Family Service Agency's Club Leo J. Ryan after-school program. Osvaldo plans to attend Skyline College and study computer science.

Daniel ''Dan'' Nawahine of Hillsdale High School has a ''can do'' attitude despite the challenges of having speech and language delays and various learning and motor challenges. He is a student in the Disorders of Language Program and plans on working at San Francisco International Airport in the Ramp Service after he completes the ROP Airport Training Program.

Sulia Pale of Capuchino High School was in an extremely traumatic car accident in 10th-grade, leaving her with deficits in learning, memory, attention and problem solving, along with emotional and personality changes. In June, Sulia will be the first in her family to graduate from high school. She plans to attend community college and have a career in the air and travel industry.

Amanda Peacock of South San Francisco High School has dealt with tragedy twice in her life. When she was seven, her baby sister died of leukemia. In March of this year, she lost her 8-year-old sister to leukemia. Despite this, Amanda completed ROP's Hotel and Hospitality Services Class and plans to attend a junior college after graduation.

Jason Shaughnessy of Hillsdale High School was abandoned by his father when he

was two years old. His mother disappeared when he was in fifth-grade. The support of his grandfather, aunt, uncle and cousins has enabled Jason to have a sense of belonging, to build confidence and to have maturity beyond his years. He plans on attending a four-year college and majoring in psychology.

Amelia Tauataina of Peninsula High School was chronically truant and her parents day laborers who spoke little English, had difficulty providing the academic support she needed. Through an interpreter, her parents connected with her teachers and counselors, and Amelia is now a star student. She completed a 125-hour internship at Alaska Airlines and was hired there. She plans to enroll in San Francisco City College.

Meghan Walsh of El Camino High School has had to bear more responsibility than usual for a person her age. When she was four, her mother was diagnosed with multiple sclerosis and must use a wheelchair. Her father became her mother's full-time caretaker, putting financial strain on the family. Meghan maintained a positive attitude and is a peer tutor, maintains a 3.7 gpa and is on the yearbook staff.

Ricky Whitfield of Sacred Heart Preparatory Academy was one of only eight students of color enrolled in Sacred Heart Preparatory Academy. Learning difficulties made school challenging. Then, on Dec. 26, 1999, his mother died after a battle with cancer. Ricky maintained his academic goals and stayed active in school drama and choral activities. He is considering becoming a minister or educator and wants to make a difference in his East Palo Alto community.

Tiffany Williams of South San Francisco High School moved to California during the summer of her sophomore year with hopes of attending a college in the University of California system. Without her parents and friends, she was homesick, scared and lonely, but she joined school clubs, tutored after school and became copy editor of the yearbook. She hopes to major in biology in college and later attend medical school.

IN RECOGNITION OF FRED LIPPMAN AND WILL TROWER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Fred Lippman and Will Trower, soon to be awarded the Tree of Life Award given annually by the Jewish National Fund in recognition of outstanding community involvement and dedication to the cause of American-Israeli friendship. The extraordinary vision that these men share make them exemplary citizens, and I congratulate them both on this well deserved award.

The State of Florida as a whole has greatly benefitted from Fred Lippman's vision and leadership: Fred represented much of South Broward County in the Florida House of Representatives 1978 to 1998. A fervent supporter of the preservation of Jewish history, Fred received an award in 1997 for his efforts in creating and adopting Holocaust education curricula in Florida. He is also known as the ''father'' of the State of Florida's Area Health Education Center (AHEC) Program, a joint federal and state program that seeks to improve the supply and distribution of primary care health providers in medically under served areas.

A 30 year veteran of the healthcare industry, Will Trower is currently President/CEO of the fourth largest public hospital system in the nation, the North Broward Hospital District. He has tirelessly worked to fulfill the North Broward Hospital District's mission of providing healthcare to Broward County residents through an integrated system, emphasizing community-based health programs. By advocating the expansion of services for primary care, mental health, and care for the chronically ill, Will has demonstrated his intense desire to better the lives of those around him in the South Florida community.

Mr. Speaker, I wish to convey Fred Lippman and Will Trower a heartfelt congratulations for this wonderful honor. Indeed, we owe both of these distinguished individuals a tremendous debt of gratitude, and I would like to thank both Fred and Will for their efforts on behalf of the entire South Florida community.

CONGRATULATIONS TO THE UNIVERSITY OF WISCONSIN WOMEN'S BASKETBALL TEAM ON THEIR WNIT CHAMPIONSHIP

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. BALDWIN. Mr. Speaker, today I congratulate the University of Wisconsin women's basketball team for their outstanding season which recently culminated in their WNIT Championship victory.

The Badgers, led by Coach Jane Albright, advanced to the WNIT Championship for the second year in a row. However, this time their persistence was rewarded when they defeated Florida by a score of 75–74 and won the Championship!

The Badgers started the tournament by defeating both Fairfield and DePaul. They then went on to the third round and easily handled rival Michigan State. With three solid victories in hand, the Badgers could see the WNIT Championship in sight and did not look back. The team then advanced to the semifinals and dominated Colorado State through the entire game. In the Final, the Badgers were in championship form and pushed through to beat Florida and take home the WNIT Championship Title!

The Badgers are a role model for teamwork. The challenges they overcame would be difficult in the best of circumstances, but they overcame those challenges and achieved their goals in the high pressure atmosphere of the WNIT Tournament! I commend Coach Albright and the entire team for their exemplary performance. They represent well both the University of Wisconsin and the city of Madison. I would like to thank them for a very exciting season and congratulate them on their victory.

HONORING STATE REPRESENTATIVE RICHARD LEE ''DICK'' LIVINGSTON

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. PICKERING. Mr. Speaker, today I recognize and pay tribute to a remarkable man, State Representative Richard Lee ''Dick'' Livingston, who passed away on Tuesday, March 28, 2000, following a six week battle with cancer. ''Dick,'' as he was affectionately called, was a lifelong resident of Scott County, and a Democrat who served in the Mississippi Legislature for more than 29 years. He represented parts of Rankin, Scott, and Smith Counties. He followed in the footsteps of his father, the late Elwin Livingston, who also served in the Mississippi House of Representatives.

''Dick'' was a native of Morton, MS. He was a graduate of Morton High School, East Central Community College, and Millsaps College. At Morton High School and Millsaps College he was a star athlete in football and baseball. In 1998, he was named Alumnus of the Year for East Central Community College. He was a former teacher and coach in the Scott County School System and owned and operated Dick Livingston Real Estate Company. He was a member of the National Guard, the Mississippi Wildlife Federation, the Morton Lions Club, the Morton Chamber of Commerce, and the Independence United Methodist Church, where he served as Church Lay Leader, Chairman of the Administrative Board, and taught in the Adult Sunday School.

In the Mississippi Legislature, ''Dick'' served as Chairman of the Game and Fish Committee, and was a member of the Appropriations Committee, the Public Buildings and Library Committee, and the Education Committee. As Chairman of the Game and Fish Committee, he strongly believed in promoting scenic streams legislation, developing a strong state park system, and providing the necessary leadership on all hunting and fishing matters. ''Dick'' was a firm believer in leading by example. He was an avid outdoors man, and in 1999, he received the Wildlife Federation's ''Conservation Legislator of the Year'' Award.

''Dick'' Livingston had a passion for God's creation, and nothing thrilled him more than being in the outdoors and enjoying the beauty of the trees, streams, and woods. He was extremely dedicated to his family, which included his wife, Martha W. Livingston, his daughters Lee Ann Palmer, Jennifer Miles, Marsha Barnes, Rori Bridges, his son David, and his grandchildren, Blake and Bethany.

The legacy Richard Lee ''Dick'' Livingston leaves behind is one of service to his God, his country, his state and his community. I extend my deepest sympathy to his family, and at the same time, express my appreciation, and that of all citizens of the Third District, for his life of service to his fellow man.

INTRODUCTION OF LEGISLATION FOR OLIVE CROPS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. THOMAS. Mr. Speaker, I am introducing legislation today which will allow the U.S. Department of Agriculture to continue publishing information on the American olive industry. The industry, composed of 1,000 olive growers and the olive processors in California, heartily supports this proposal and urges that we act upon it as soon as possible.

Under federal law, the Department has allowed publication of information on olive crops and inventory for years. These statistics have given farmers, processors and food buyers critical information about the state of the industry. The statistics cover crop outlook, including expected production, inventories and carryover stocks, sales and other matters.

These statistics are important for a variety of reasons. Farmers use them when they bargain collectively with processors to sell a crop. The crop information also helps set assessments growers will pay to support research, marketing and inspection in the industry. The inventory and quality information made available to potential buyers helps create a more efficient market for sales of processed olives.

These figures are important because olives are an ''alternate bearing'' crop—every other year, crop size varies substantially. In some years, the crop will be double what was produced in the year before. When you consider that olive farmers may see crops vary by as much as 100,000 tons, you can see why farmers, processors and food companies would want accurate information about stocks and future supplies.

We need to pass legislation to allow the statistics to be issued because California has seen the number of olive processors fall during the past decade. With only two processors left in the foreseeable future, the Department of Agriculture is unable to publish information as the law is written today. My bill will give the Department the authority to continue releasing information on the industry.

The bill I am introducing offers a simple, targeted solution to the industry's trouble. The bill will permit the Department to release information if both the remaining processors (called ''handlers'' under the law) agree in writing that statistics on their operations may be released. The amendment would apply only to olives.

The bill has the strong support of California and national industry groups. It has been endorsed by the Olive Growers Council, The California Olive Association, the California League of Food Processors and the National Food Processors Association. They hope as do I that Congress will complete action on the bill in the near future.

THE MOST MEMORABLE FLIGHT OF 1999

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BARR of Georgia. Mr. Speaker, in March 1999 a flight crew from Lockheed Martin's Marietta, Georgia plant flew a C–130J into the record books. Aboard this flight was Lyle Schaefer, then Chief Experimental Test Pilot for Lockheed Martin, Pilot Arlen Rens, and Loadmaster Tim Gomez. They flew an unmodified C–130J with a payload of 22,500 pounds, and set 16 new world aviation records. Included in these was a record set in the Short Takeoff and Landing Category, where the crew took off and landed in less than the required 1,640 feet. For this and the many other records, the National Aeronautic Association dubbed this the ''Most Memorable Flight of 1999,'' during a March 27, 2000 ceremony at the National Air and Space Museum.

The C–130J currently holds 54 world records and is the indisputable world leader in air-lifting capabilities. This is due in no small part to the men and women who build this fantastic aircraft, but especially the crew from Marietta, Georgia who piloted the ''Most Memorable Flight of 1999.''

TRIBUTE TO JUDY WHITBRED

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. DUNCAN. Mr. Speaker, a woman who has performed more than 30 years of service to this Nation is retiring, and I feel like I am losing my right arm.

Judy Whitbred has been my Chief of Staff the entire time I have been in Congress, and I am now in my 12th year in the House.

I have relied on Judy for thousands of things, big and small, day in and day out for all these years.

She has served with great dedication to the people of the Second District of Tennessee for almost 20 years, working first for my father and then for me.

She worked for more than a decade for Congressman John Hunt of New Jersey and Congressman Bill Young of Florida before starting to work for the people of Tennessee.

I have heard Judy Whitbred described by several people as ''the best on Capitol Hill.'' I believe this to be true.

No one could have worked for the citizens of the Second District with more kindness and compassion than Judy. I know that no one would have worked harder.

Almost every night and most weekends, she took work home. I do not know how she was ever able to do nearly as much as she did.

Perhaps more importantly than simply working hard and putting in long hours, she produced results. She got the job done.

Many projects for the Second District and many problems that were solved for individuals, and for which I sometimes received credit, were really the result of Judy's hard work.

Judy unfortunately for me is taking early retirement to be able to spend more time with her husband, Andy, and help in the family business.

Judy's retirement is a great loss for me and my constituents, but it is very well deserved. I wish her the very best in the years ahead in every way.

To sum up, Mr. Speaker, Judy Whitbred is a young woman from the old school—dedicated to the Congress and to the American people.

She is a truly great American, and this Country would be a much better place if we had more people like my friend, my boss, my pal, Judy Whitbred.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. DEMINT. Mr. Speaker, during the great debates between Senator Stephen Douglas and Abraham Lincoln in 1858, Lincoln stood before thousands of hostile spectators to contest the moral issue of slavery in America. He warned of a nation that treaded upon the principles of equality and freedom, ''Let us,'' Lincoln said, ''united as one people throughout this land, until we shall once more stand up declaring that all men are created equal.'' His words, and dreams, renewed the heart of the nation to fulfill our promise to all people no matter their color, creed, or class.

Today, we too stand at a moment of decision. The debate on banning partial birth abortion provides us an opportunity of a lifetime—to protect the most innocent lives among us. This debate strikes at the very heart of who we are as a people—the core of our conscience and the character of our nation. It is our time, just as Lincoln answered the call of his convictions, to defend the defenseless and speak for those without voices.

What a privilege it is to make the right decision today.

Some in this House have cheapened this debate through distortions and distractions—not willing to unveil the reality that only seconds and inches separate thousands of children from life and death every year.

In Lincoln's time, our nation deemed slaves sixty-percent human. We shackled their legs and beat their backs. We disposed of them as mere chattel, auctioning them like cattle and demanded they give their life and labor for our prosperity. Are we much different today? We deem innocent babies—with kicking feet and beating hearts—less than human. We dispose of them as useless, in pretentious compassion discarding them as ''unwanted.''

Abortion is the civil rights issue of our time. This partial-birth abortion ban rescues our children from the slavery of choice.

I ask this body to make the right choice. Join Lincoln in the hallmarks of history as people who shall once more stand up declaring that all men are created equal. Mr. Speaker, I rise in strong support of the ban on partial birth abortions.

DESIGNATION OF APRIL 9, 2000 AS WILLIE AND BERNICE RUCKER DAY IN THIRTIETH CONGRESSIONAL DISTRICT OF TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. EDDIE BERNICE JOHNSON. Mr. Speaker, I proclaim April 9, 2000 as ''Willie

and Bernice Rucker Day'', in the Thirtieth Congressional District of Texas. This distinction marks the fiftieth wedding anniversary of Mr. and Mrs. Rucker.

Mr. and Mrs. Rucker grew up, met and married in New Orleans, LA. Mr. Willie Rucker retired from the United States Army in 1971 after serving over 21 years. He worked for the Regional Transportation District in Denver CO, taught ROTC for Denver Public Schools, and, upon moving to Dallas, worked for Dallas Area Rapid Transit, retiring in 1996. Mr. Rucker can attribute much of his successful career to the support of his wife. Mrs. Bernice Rucker has been a constant companion, friend and mother. Mr. and Mrs. Rucker are the parents of six wonderful children, Vernon, Rodney, Clyde, Candace, Debra, and Patrick, who have become productive members of society.

Mr. Speaker, The Ruckers are a prime example of true family values. They are a testament to the virtue of marriage and an asset to Texas. I ask the citizens of the Thirtieth Congressional District of Texas to unite with me in paying tribute to these great Americans. Please join me in celebrating ''Willie and Bernice Rucker Day'' on April 9, 2000.

RECOGNIZING THE WESTERN MASSACHUSETTS CHAMPION LUDLOW HIGH SCHOOL GIRLS SOCCER TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, today I recognize the accomplishments of the 1999 Ludlow High School girls soccer team. The Ludlow girls soccer team won the program's third Western Massachusetts title last year by defeating defending State champion Cathedral High School. The Lions defeated Central Massachusetts Champion Shrewsbury en route to the State final match, where they fell just short of their goal.

The Ludlow girls soccer team finished the year with a record 19–2–1. Ludlow was able to dominate a tough league in Western Massachusetts in 1999 by employing a highly skillful style of play. A team that was tough when it needed to be, Ludlow was capable of outclassing most of its opponents. As a result of their high class style, the Lions enjoyed the fervent support of the residents of the Town of Ludlow throughout the season.

Head Coach Jim Calheno has built a very successful program at Ludlow High School. Coach Calheno is well-respected in the teaching community and his team is duly feared. The Ludlow talent pool runs very deep, and the Lions are certain to be the team to beat in 2000. A group of talented Juniors, including All-American selection Liz Dyjak and All-New England selection Stephanie Santos, will be looking to claim the State title next season.

Mr. Speaker, allow me to recognize here the players, coaches, and managers of the 1999 Ludlow High School girls soccer team. The Seniors are: Melissa Dominique, Sandy Salvador, Angela Goncalves, Jen Crespo, Marcy Bousquet, Lynsey Calheno, Jenn Genovevo, and Leana Alves. The Juniors are: Nicole Gebo, Lindsay Robillard, Lindsay Haluch, Kara Williamson, Sarah Davis, Liz Dyjak, Stephanie Santos, Tina Santos, and Jessica Vital. The Sophomores are: Michele Goncalves, Lindsey Palatino, and Kristine Goncalves. The Freshmen are: Natalie Gebo, Lauren Pereira, Beth Cochenour, Darcie Rickson, and Amy Rodrigues. The Head Coach is Jim Calheno, and he is assisted by Saul Chelo, Nuno Pereira, Melanie Pszeniczny, and Mario Monsalve. The managers are Melissa Santos and Elizabeth Barrow.

Mr. Speaker, once again, allow me to congratulate the Ludlow High School girls soccer team on a season well played. I wish them the best of luck for the 2000 season.

TRIBUTE TO MONSIGNOR SCANIAN HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. SERRANO. Mr. Speaker, I pay tribute to and congratulate the Monsignor Scanlan High School Girls Varsity Basketball Team for a very successful year. This group of 13 young women finished their season with a record of 29 wins and 1 loss.

With this record they have demonstrated that they have the ability and the desire to be assets and role models in our community. We are proud of their accomplishments and I hope they will continue to be successful both on and off the basketball court. They are terrific examples for young women throughout our communities.

Again, I congratulate them and wish them the best of luck in their future enterprises.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and congratulating Monsignor Scanlan High School Girls Varsity Basketball Team.

HONORING DEYOSSIE HARRIS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. LAMPSON. Mr. Speaker, today I honor Deyossie Harris, Vice President of the Galveston County AFL–CIO and former Galveston County Democratic Precinct Chairperson. I unfortunately will not be able to be with him when he receives the award this Saturday, but I want to congratulate him as he is recognized by the AFL–CIO for his many year of loyal service.

Deyossie is not only a great Galvestonian, but is a great American. He meets the description of a leader, and has been involved with every aspect of the community. Deyossie has contributed so much to the community of Galveston and the people who live here. He believes in Galveston and its residents, and has unfalteringly placed his time and energy into their well being.

He is a champion of the American worker, and has truly lived up to the mission of the AFL–CIO: to improve the lives of working families by bringing economic justice to the workplace and social justice to the nation. As an officer with the NAACP, Deyossie has unfalteringly put his energy into creating a better America for all people.

A proud veteran, Deyossie served this country during World War II and was part of the forces that invaded Italy. He continued his service as a letter carrier, and upon retirement went to the University of Houston at Clear Lake and received both his bachelors and masters degrees. After graduation he taught history at the College of the Mainland. He is truly an inspiration to all, and is an example that education is something that can touch anybody, at any age. He epitomizes the phrase ''education is for a lifetime.''

Deyossie is a man who has committed his life not to himself, but to the people of Southeast Texas. He is a true believer in the democratic process and the idea that every body has a voice, and fought to make sure the working family's voice was strong. As an officer of the Central Labor Council, he created a tie between the community and local workers.

Mr. Speaker, it is my honor to speak on behalf of Mr. Deyossie Harris and all of his accomplishments. He is a man that I look to for inspiration as I continue to work for the communities and neighborhoods of Texas. While I can not be with him when he receives his award, I am proud to recognize him now.

RECOGNIZING BRADLEY FAY'S CRUSADE TO CURE DIABETES

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. SWEENEY. Mr. Speaker, today I recognize Mr. Bradley Fay, a nine year old hero, who inspires residents from my district through is tireless efforts in support of increased funding for diabetes research. Bradley, from Chatham, New York, was diagnosed with Type I Diabetes four and one half years ago. Since that time, Bradley has led a local crusade to educate citizens about the disease and raise additional funds to find a cure for diabetes.

Bradley fights to live a normal life in his upstate New York home—as normal as possible around the daily ritual of finger prick blood sugar tests, five insulin shots, and a strictly regimented diet. He actively participates in soccer, swimming, track, and the Boy Scouts. He also sings and plays the drums and bass.

Bradley recently visited my Washington, DC office in his role as Diabetes Ambassador for the American Diabetes Association. He won the trip by collecting 2,500 signatures on a petition in support of finding a cure for the disease. Bradley spent countless hours speaking to local citizens enroute to achieving his goal. I thank Bradley for educating the citizens of my district, as well as bringing his enthusiastic message to Capitol Hill.

Bradley's determination and desire to cure diabetes is commendable. I join Bradley in advocating a $1 billion budget increase for diabetes research at the National Institutes of Health. Diabetes is a serious, debilitating, and deadly disease that must be cured.

Mr. Speaker, please join me in recognizing the accomplishments of Bradley Fay and his Herculean efforts to increase funding for diabetes research. Also, please join me in advocating a budget increase to find a cure for this disease.

A TRIBUTE IN HONOR OF MR. GLENN J. WILLIAMS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BARCIA. Mr. Speaker, today I honor a good friend of mine and a loyal champion of Second Amendment rights, Mr. Glenn J. Williams of Greenbush, Michigan. Glenn is the Founder and Executive Director of the Michigan Big Game Hunters Association, an organization which is widely recognized as the proud voice of the many hunters in the great state of Michigan. In fact, Mr. Speaker, I believe it would be fair to say that Glenn's strong commitment to big game hunting and the outdoors is only overshadowed by the many admirers and friends he has in Michigan and throughout the United States.

Glenn was born in Detroit, Michigan and graduated from Dearborn High School, where he lettered in baseball and track and was Captain of the cross country team. He later graduated from Henry Ford Community College and attended the University of Kentucky and University of Michigan. When Glenn was asked to serve his country, he did so without hesitation and served admirably in the United States Army. He later went on to a very successful career as a financial analyst with Ford Motor Company.

As long as I have known Glenn, I have known him to be a dedicated husband and a committed family man. In 1967, Glenn married Grace A. Dansbury, an exemplary role model and devoted mother to their daughter, Marcy. They recently fulfilled their lifelong dream of building a beautiful home on Cedar Lake in Greenbush, Michigan. There, Grace and Glenn enjoy their other hobbies, fishing and golf. And of course, they enjoy watching their two favorite teams, the Detroit Pistons and the Detroit Tigers, with their family and numerous friends.

Not only is Glenn a dedicated family man, but his formidable hunting skills have earned him many awards, and he holds a number of hunting records across our country. In the Safari Club International Record Book, he holds six records for whitetail deer, and two state records in Ohio. Glenn won the 1992 and 1993 Commemorative Bucks of Michigan Scoring Awards, and he received the ''Don Bonafield Memorial Award'', named after one of the founders of the Commemorative Bucks of Michigan.

Glenn's formidable hunting skills have earned him the respect of hunters everywhere, but it is his leadership and work in protecting the rights of the hunting community which have earned him the admiration of all those who enjoy the outdoors. Some years ago, Glenn asked for my support, which I was pleased to give, in founding the Coalition of Michigan Sportsmen. With Glenn's typical energetic style and relentless perseverance, he has made this organization a strong advocate for hunters' rights and wildlife conservation efforts, and I, along with hunters everywhere, appreciate his tireless efforts.

Mr. Speaker, I invite you and our colleagues to join with me in commending Glenn Williams for his work on behalf of our many hunters in Michigan and in our country. I can state without reservation that Glenn has been a powerful advocate on behalf of sportsmen everywhere, and those of us who seek to protect all Americans' Second Amendment rights.

INTRODUCTION OF H. RES. 464 CALLING FOR THE MAGEN DAVID ADOM SOCIETY'S ADMITTANCE INTO THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND RED CRESCENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. GILMAN. Mr. Speaker, on behalf of a distinguished group of co-sponsors, I am introducing today a resolution calling for a reaffirmation of congressional support for the admittance of the Magen David Adom Society as a full member into the International Red Cross and Red Crescent Movement.

The Magen David Adom Society, an Israeli relief agency that is equivalent to the American Red Cross, has served countless people in need from many nations for over seventy years. The Magen David Adom Society has given this aid to individuals regardless of race, religion or nationality. In the last year alone, Magen David Adom Society members were directly involved in relief work in Kosovo, Greece, Turkey and Indonesia. They were also invaluable in helping American relief agencies in the wake of the tragic bombings of our embassies in Kenya and Tanzania in 1998.

It might come as a shock then that, while the national organizations of countries such as Iraq, Libya, and North Korea are all full members of the International Conference of the Red Cross and Red Crescent, the Magen David Adom Society is not. Why has the Magen David Adom Society been denied membership in the International Red Cross and Red Crescent Movement sine 1949? The answer to this question is simple, and sadly enough, political. The Magen David Adom Society has fulfilled the criteria for full membership, but has requested recognition of the Shield of David as its symbol. Out of respect for the sensibilities of Egypt, Turkey and other Islamic member nations, the International Movement has accepted the Red Crescent as a joint symbol, but has been unwilling to do the same for the Israel's Shield of David.

Israel's opponents have politicized the International Conference of the Red Cross and Red Crescent against her, a practice the American Red Cross describes as ''an injustice of the highest order.'' The American Red Cross has repeatedly sought to have the Magen David Adom Society admitted as part of the International Movement, but has been thwarted by the political prejudices of a small number of nations.

In 1987, Congress affirmed its support for the Magen David Adom Society by requesting that they be admitted to the International Movement as full members. After 13 years, the International Committee of the Red Cross (ICRC) is still dragging its feet on the issue, and the Israeli relief agency remains the victim of politics. We must reinforce our support for this praiseworthy organization by adopting this resolution and letting the other members of the International Movement know that we do not look favorably on political bias in international humanitarian organizations.

The following is an excerpt from the International Statutes of the Movement. ''The International Conference of the Red Cross and Red Crescent makes no discrimination as to nationality, race, religious beliefs, class or political opinions. The Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.''

Along with my colleagues, I believe in the ideals expressed in the Statutes. We call on all members of the Movement to live up to its high standards of providing relief to people in need around the world in an effective and impartial fashion, by admitting the Magen David Adom Society of Israel and according it all the appropriate protections under international law.

I submit the full text of this measure to be printed in the RECORD:

H. RES. 464

Whereas Israel's Magen David Adom Society has provided emergency relief to people in many countries in times of need, pain, and suffering since 1930, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable services in Kosovo, Indonesia, and Kenya following the bombing of the United States Embassy in Kenya, and in the wake of the earthquakes that devastated Greece and Turkey;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Committee of the Red Cross and Red Crescent Movement ''an injustice of the highest order'';

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protected symbols under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it ''makes no discrimination as to nationality, race, religious beliefs, class or political opinions'' and it ''may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature'';

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949; and

Whereas in fiscal year 1999 the United States Government provided $119,400,000 to the International Committee of the Red Cross and $7,300,000 to the Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

Resolved, That—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society and the Magen

David Adom Society should be granted full membership in the International Committee of the Red Cross and Red Crescent Movement;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross; and

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent.

ASSISTANT SECRETARY OF STATE JULIA TAFT DISCUSSES HUMAN RIGHTS CONDITIONS IN TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. LANTOS. Mr. Speaker, today the House International Relations Committee held a hearing focusing on the status of the negotiations between China and Tibet. The principal witness representing the Administration was the Honorable Julia V. Taft, Special Coordinator for Tibetan Refugee Issues and also the Assistant Secretary of State for Population, Refugees, and Migration.

Assistant Secretary Taft gave a particularly insightful analysis of the current situation in Tibet. She noted that ''tight controls on religion and other fundamental freedoms continued and intensified'' during the past year. She further noted that there were ''instances of arbitrary arrests, detention without public trial, and torture in prison'' as well as ''intensification of controls over Tibetan monasteries and on monks and nuns. Religious activities were severely disrupted through the continuation of the government's patriotic education campaign.''

Mr. Speaker, we have a number of important upcoming matters involving China and its human rights record. At the United Nations Commission on Human Rights, the United States has tabled a resolution calling for an investigation of human rights abuses in China. The Administration and many of us in the Congress are now engaged in a major effort to win international support of members of the Human Rights Commission for the full consideration of the resolution that our government has presented in Geneva.

Later next month, the House of Representatives will consider the Administration's proposal to grant Permanent Normal Trade Relations status for our trade with China. Many of us in the Congress have extremely serious concerns about the advisability of extending this status to China because of Beijing's human rights record.

Because the printed transcript of today's hearing of the International Relations Committee will not be available to member of the Congress for several months, Mr. Speaker, I ask that the outstanding testimony of Assistant Secretary Taft be placed in The RECORD. I urge my colleagues to give careful and thoughtful consideration to her statement as we consider the issues that will be before the Congress in the next few months.

STATEMENT OF JULIA V. TAFT, SPECIAL COORDINATOR FOR TIBETAN ISSUES, HOUSE INTERNATIONAL RELATIONS COMMITTEE APRIL 6, 2000

Mr. Chairman and members of the Committee, it is a great honor to appear before you today to testify on the current situation in Tibet.

I was appointed a little over a year ago to serve as Special Coordinator for Tibetan Issues. My policy goals are two-fold: first to promote a substantive dialogue between the Chinese government and the Dalai Lama or his representatives, and second, to help sustain Tibet's unique religious, linguistic, and cultural heritage.

Mr. Chairman as you and your colleagues know, disputes over Tibet's relations with the Chinese government have a long, complex history. Recognizing that this is your third hearing on Tibet, I do not propose to summarize it again today. Instead, I would like to describe the current circumstances in Tibet, talk a little about developments over the past year, and what I've been doing since my appointment.

CURRENT SITUATION IN TIBET

As our human rights report on China for 1999 makes clear, tight controls on religion and other fundamental freedoms continued and intensified during a year in which there were several sensitive anniversaries and events. This year's report documents in detail widespread human rights and religious freedom abuses. Besides instances of arbitrary arrests, detention without public trial, and torture in prison, there was also an intensification of controls over Tibetan monasteries and on monks and nuns. Religious activities were severely disrupted through the continuation of the government's patriotic education campaign that aims to expel supporters of the Dalai Lama from monasteries and views the monasteries as a focus of ''anti-China'' separatist activity. UNHCR reported that 2905 Tibetans left Tibet during the year, and Tibet Information Network reported that approximately ⅓ of those left to escape campaigns and pursue religious teaching in India. In fact, two of Tibet's most prominent religious figures have left Tibet during the past 18 months reportedly for these reasons. The 14-year-old Karmapa, leader of Kagyu sect, and the third most revered leader in Tibetan Buddhism, left Tibet in late December to pursue religious teachings in India. Agya Rinpoche, former abbot of Kumbum Monastery, a senior Tibetan religious figure and an official at the Deputy Minister level, left China in November 1998. Among reported reasons for his departure were increased government pressure on Kumbum Monastery including the stationing of 45 government officials, the imposition of patriotic re-education, and a heightened role demanded of him by the Government in its campaign to legitimize Gyaltsen Norbu, the boy recognized by the Chinese leadership as the 11th Panchen Lama.

Although China has devoted substantial economic resources to Tibet over the past 20 years, it remains China's poorest region. Language problems severely limit educational opportunities for Tibetan students, and illiteracy rates are said to be rising sharply. The average life span of Tibetans is reportedly dropping, infant mortality is climbing, and most non-urban children are chronically undernourished.

Recent reports suggest that privatization of health care, increased emphasis on Chinese language curriculum, and continuing Han migration into Tibet are all weakening the social and economic position of Tibet's indigenous population. Lacking the skills to compete with Han laborers, ethnic Tibetans are not participating in the region's economic boom. In fact, rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs, causing environmental problems and threatening traditional Tibetan culture.

In Lhasa (the capital of Tibetan Autonomous Region) Chinese cultural presence is obvious and widespread. Buildings are of Chinese architectural style, the Chinese language is widely spoken, and Chinese characters are used in most commercial and official communications. Drawn by economic incentives to the region, ethnic Han Chinese are estimated to comprise more than half the population of Lhasa; some observers estimate the non-Tibetan population of the city (mostly Han and Hui) to be roughly 90 percent. Chinese officials estimate that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remaining 5 percent. These numbers reportedly do not include the large number of ''temporary'' Han residents, including military and paramilitary troops and their dependents, many of whom have lived in Tibet for years. The Dalai Lama, Tibetan experts, and others have expressed concern that development projects and other central Government policies encourage massive influxes of Han Chinese, which have the effect of overwhelming Tibet's traditional culture and diluting Tibetan identity.

Reports indicate that increased economic development combined with the influx of migrants, has contributed to an increase of prostitution in the region. Experts who work in the region report that hundreds of brothels operate openly in Lhasa; up to 10,000 commercial sex workers, mostly ethnic Han, may be employed in Lhasa alone. Much of the prostitution reportedly occurs in sites owned by the Party or the Government, under military protection. The incidence of HIV among prostitutes in Tibet is unknown, but is believed to be relatively high.

Because of the deterioration of the Chinese Government's human rights record the U.S. Government announced on January 12 its intention to introduce a resolution focusing international attention on China's human rights record at this year's session of the United Nations Commission on Human Rights (UNCHR) in Geneva. We are working hard with other nations to defeat China's anticipated no-action motion and to pass the resolution.

Our criticism of China's human rights practices reflects core values of the American people and widely-shared international norms—freedom of religion, conscience, expression, association, and assembly. These rights are enshrined in international human rights instruments, including the International Covenant on Civil and Political Rights, which China has signed but not yet ratified or implemented.

OTHER DEVELOPMENTS

In addition to utilizing multilateral human rights fora, the President and Secretary Albright have continued to use every available opportunity to urge the Chinese leadership to enter into a substantive dialogue with the Dalai Lama or his representatives. President Jiang Zemin indicated to President Clinton during their June 1998 summit in Beijing that he would be willing to engage in such dialogue if the Dalai Lama affirmed that Tibet and Taiwan are part of China. Despite our repeated efforts throughout the year to foster such dialogue and the willingness expressed by the Dalai Lama, the Chinese leadership has not followed up on Jiang's remarks to the President. Nevertheless, the Administration remains committed to implementing an approach to human

rights that combines rigorous external focus on abuses while simultaneously working to promote positive trends within China including, in the case of Tibet, Chinese willingness to engage with the Dalai Lama to resolve Tibet issues. I am convinced that this principled, purposeful engagement will produce results over the long-term.

We have also continued to raise individual cases of concern. Most notable is the issue of the welfare and whereabouts of Gendhun Cheokyi Nyima the boy recognized by the Dalai Lama as the Panchen Lama and his parents, who have been held incommunicado now for nearly 5 years. When we received disturbing, unconfirmed reports the boy had died in Gansu province and was cremated in secrecy, our Embassy made formal representations expressing concern about his whereabouts and welfare. Although the reports of his death were unsubstantiated and thought to be untrue by the Tibetan exile community, the Administration publicly urged the Chinese Government to address continuing concerns of the international community about the safety and well-being of the child by allowing the boy and his family to receive credible international visitors, and to return home freely. The Chinese government has continued to refuse to allow direct confirmation of his well-being.

In response to an inquiry from the Congress, the Chinese Government acknowledged the whereabouts and earlier ill-health of Ngawang Choephel, the Tibetan ethnomusicologist and former Middlebury College Fulbright Scholar who was incarcerated in 1996 and is now serving an 18-year sentence on charges of subversion. We have repeatedly urged the Chinese government to allow his mother to visit him while incarcerated, as is her right under the Chinese Prison Law. However, her repeated requests to be allowed to visit him have not been granted. We have also urged China to release Ngawang Choephel on medical grounds as a humanitarian gesture.

WHAT I'VE BEEN DOING OVER THE LAST YEAR?

Over the past year I have made it a point to learn all that I can about Tibetan issues so that I am able to ensure the effective presentation of these issues in our U.S.-China bilateral discussions. I have maintained close contact with the Dalai Lama's Special Envoy to Washington, Lodi Gyari. Throughout the year, I requested meetings with the Chinese Ambassador, however, such meetings have not been granted. I am hopeful that this year I will be able to sit down with the Ambassador and discuss the Chinese government's views on social, political, and economic issues related to Tibet, as well as explore ways we can help get the dialogue back on track.

I've met with scores of people from like-minded countries, government officials, people from foundations and academia, experts in U.S.-China relations and NGO officials. Each meeting has produced ideas on how to improve the situation inside Tibet, as well as substantive thoughts about how to restart dialogue. Despite the fact that I am the only Special Coordinator for Tibetan Issues world wide, my appointment has prompted other nations to identify counterparts to discuss this issue. I realize now that there is a wealth of knowledge and talent around the world interested in helping to improve the situation in Tibet. In fact, I just returned from Brussels where the European Parliament held an all-Party Parliamentarian Session on Tibet to discuss multilateral efforts and how we can best coordinate future strategies.

In January I visited Dharmasala, India in my capacity as Assistant Secretary for Population, Refugees and Migration. The purpose of my trip was to evaluate and review the $2 million in assistance programs the United States provides for Tibetan refugees.

After receiving a very warm welcome, I had the opportunity to meet with many members of the Central Tibetan Administration (CTA) to discuss the grant. I was overwhelmed by the tremendous sense of good will and community, especially among the younger generation despite the fact that this generation has never even seen Tibet. I learned on my visit that nearly the entire Central Tibetan Administration is made up of Fulbright Scholars. These bright, young adults undoubtedly had much more lucrative opportunities in the United States, Europe or India, yet a remarkable 96% have returned to Tibetan settlements to make their talents available to the CTA. Equally impressive is how traditional Tibetan culture is integrated into nearly every facet of daily life.

However, having just been to Nepal in October where I met with new arrivals who were traumatized and had endured great hardship while crossing the Himalayas, I was anxious to visit the transit center in Dharmasala where all new arrivals spend some time before being placed in settlements throughout India. During my visit the center was teeming with refugees. The new arrivals were quiet, but far more animated than the refugees I had seen in Kathmandu just three months earlier. The rooms were crowded, but clean and orderly. Many were wearing the new shoes and dark pants they received after arriving at the Kathmandu reception center. Attached to the transit center was a small, three-room medical clinic for routine medical care.

Although the USG grant makes a very positive impact on the lives of these refugees by providing support for the reception centers, preventive health care, basic food, clothing, clean water and income-generating projects, I am looking into funding repatriation for Tibetans that return to Tibet from the PRM budget as well as exploring ways that IO's, NGO's, and private industry might be helpful in developmental assistance.

Additionally, I met with the Dalai Lama twice over the past year and I look forward to seeing him this summer when he is in Washington for the Smithsonian Folk Life Festival. During the meetings I have had with him, he reiterated his concern about the marginalization of the Tibetan people living in Tibet and requested that I devote some attention to finding ways to improve the lives of those still in Tibet through culturally sustainable enterprises. As I began to narrow down options on ways to be helpful, Congress appropriated $1 million to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibet. The responsibility of the earmark was assigned to the Bureau of East Asia and Pacific Affairs and my office will have an important role in managing the money and monitoring the performance of these new programs over the course of the year.

A Congressional Notification is before Congress which would allocate $750,000 to the Bridge Fund for several agricultural and micro credit initiatives in Tibet. The remaining $250,000 will be made available through a competitive process for NGO's who qualify for project funding.

CONCLUSION

The treatment of Tibetans by the Chinese government over the past 50 years has been inconsistent with international norms and standards of respect for fundamental human rights. The Dalai Lama has shown enormous courage in accepting the impracticality of insisting on independence and calling for ''genuine autonomy'' within Chinese sovereignty. Chinese spokesmen have responded by stating their willingness to engage in a dialogue with the Dalai Lama if he renounces independence and pro-independence activities. The problem appears to be solvable. Ultimately it comes down to a question of will, especially on Beijing's side. There are significant Chinese interests that could be advanced in moving forward on Tibetan autonomy. The Dalai Lama is still active and healthy; his prestige will be crucial in carrying the opinion of the Diaspora and most Tibetans in the autonomous regions. Only he can ensure the successful implementation of a negotiated settlement.

Conversely, maintaining order over an unhappy population is a drain on the resources of a still developing country. Widespread knowledge of China's human rights offenses in Tibet has brought about pressure on China's leadership to explain its Tibet policy to the international community. My impression is that the situation in Tibet deeply troubles China's international partners and foreign leaders and that this is affecting their diplomatic engagement in Western countries.

Since China's number one priority is the stability and the unity of the PRC, Chinese leaders may find that a more enlightened policy toward Tibet would be an important step toward enhancing the respect they have earned from the economic transformation of their country. It is my sincere hope that parties will resume dialogue that looked so promising in 1998. Preservation of Tibet's unique cultural and religious traditions depends on it.

In closing, I would like to thank you for this opportunity to testify today. I look forward to working with you another year on this extremely important issue.

TRIBUTE TO BASTROP HIGH SCHOOL ENERGY AND ENVIRONMENT COMMITTEE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. PAUL. Mr. Speaker, today I pay tribute to the Student Council Energy and Environment Committee of Bastrop High School in Bastrop, Texas. This dedicated group of students has been working diligently on projects to increase awareness about energy conservation and the environment.

Some of their projects include trash pick-up, recycling, efficient driving and car maintenance training, and coordination of Earth Day festivities in Bastrop on the third weekend of April. They have also spread information by way of books, pamphlets and posters around their community. Not only has their work improved the safety and appearance of the campus and surrounding area, but it has also increased feelings of school unity and pride among the students.

Their local focus is an example to all of us that local involvement is key to solving most problems faced by Americans today. I am proud to represent such a responsible and dedicated group of young people.

Mr. Speaker, I urge my colleagues to join me in saluting the Student Council of Bastrop High School. This is an excellent way to show sincere appreciation for those who take the time and energy to improve their communities for themselves and others.

HONORING THE WAKE FOREST UNIVERSITY MEN'S BASKETBALL TEAM

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BURR of North Carolina. Mr. Speaker, although yesterday was the day for the Michigan State men's and University of Connecticut women's basketball teams to shine, I wanted to take this opportunity to recognize the winners of the other national championship that took place during the month of March. While North Carolina and Duke both performed admirably during the NCAA Men's Basketball Tournament, only one team from Tobacco Road returned home this past weekend with the champion's hardware and only one team from the ACC will begin next year's season on a winning streak—my hometown Wake Forest Demon Deacons—the past Thursday evening in Madison Square Garden the Deacons easily disposed of Notre Dame to win its first national invitational tournament. Now the critics of this tournament will be quick to call Wake Forest the ''65th best team in the Nation''—a reference to not making the NCAA field of 64. And several Wake fans, in midst of a 3–9 midseason slump, might have taken a 65th place finish, but the Deacons, led by Coach Dave Odom and his staff chose to turn this season around, winning 8 of its last 9 games, salvaging a 22–14 record and a national championship. Credit for this victory goes to all the Deacon players, from leading scorer Darius Songalia and NIT Tournament MVP Robert O'Kelley to strong bench support from Craig Dawson and Josh Shoemaker. The Deacons losing only two players from this year's team, look to carry the momentum of this late season success into next year's season, when they hope to readily hand over the NIT championship trophy as they make their way to the ultimate goal—the NCAA Torunament.

Once again—congratulations to Wake Forest.

H. RES. 458, AUTISM AWARENESS

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. BAKER. Mr. Speaker, I rise to acknowledge the importance of autism awareness, as well as to offer my support and to express my admiration for my constituents, Shelly and Aiden Reynolds, for their hard work and dedication in co-founding Unlocking Autism.

Unlocking Autism is an organization dedicated to raising public awareness about autism as well as raising money for biomedical research. This organization has launched a national awareness project called Open Your Eyes, and is striving to collect 58,000 pictures of persons with autism from across the United States. This collection will debut in Washington, DC from April 5th thru 9th of this year.

The Hear-Their-Silence Rally is a response to the fact that autism and related conditions have been estimated to occur in as many as 1 in 500 individuals (Centers for Disease Control and Prevention 1997). This statistic is higher than the incidences of Multiple Sclerosis, Downs Syndrome, or Cystic Fibrosis. At least 400,000 people in the United States are affected, and yet little is known about this disease.

When people become aware of a disease, they will begin to strive for, and demand action to further the understanding and prevention of that disease.

To this end, I am pleased to be sponsoring legislation that will express the sense of the House of Representatives. I urge the Citizens' Stamp Advisory Committee to recommend to the Postmaster General a commemorative postage stamp which would further the cause of autism awareness and place autism before the American people.

Shelly and Aiden Reynolds have used the reality of their son Liam's diagnosis of autism to fuel their fight to bring this disease to the fore front of national awareness. Countless others have joined their efforts. A commemorative stamp would give a face to those individuals afflicted with autism. Let us give them a voice

CHRISTINE BELL—A GOOD CITIZEN

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. MORAN of Kansas. Mr. Speaker, it is my pleasure to submit this outstanding essay on ''good citizenship'' for the CONGRESSIONAL RECORD. It was written by one of my constituents, Christine Bell, a high school student in Morland, KS who won first place in an essay contest sponsored by the National Society of the Daughters of the American Revolution in Hays, Kansas. Christine's essay reminds us all that it is an honor to be a citizen of the United States and that the key to maintaining our freedoms and liberties is to exercise them. She pays tribute to our founding fathers, the veterans, and active military who put their lives on the line for our country and reminds us all what has been risked to protect the red, white and blue. Christine also points out that there are numerous ways to serve our country in addition to the military. Voting in elections and removing your hat during the Star Spangled Banner are to small ways that Christine mentions people can show good citizenship.

I was extremely impressed with Christine Bell's essay and her belief in the need for good citizenship. I hope she will continue her efforts on behalf of the merits of good citizenship. Treating others with respect is the most basic concept of maintaining freedom, and Christine has already discovered this early in her life. I congratulate Christine on her insight and her efforts in promoting good citizenship and respect for those who have made this country so great.

OUR AMERICAN HERITAGE AND OUR RESPONSIBILITY TO PRESERVE IT

''I pledge allegiance to the flag of the United States of America.'' Students of this nation once stood in their classrooms with their right hand over their heart in allegiance to the flag which symbolizes their freedom. Students across the country no longer stand to pledge allegiance to their flag every morning and many could not correctly recite the pledge if asked to do so.

When I attend ball games and watch the parents' example. I begin to see why respect for the flag has been lost. Many adults do not remove ball caps, and the majority fail to put their right hand on their heart or even look at the flag when the ''Star Spangled Banner'' is sung.

Have Americans forgotten how fortunate they are to live in a free country? The fathers of this country fought to break free from the bondage of Great Britain. Many lives were lost as blood and tears were shed for the freedom of every single person who lives in the United States. On July 4, 1776, we declared independence and then won, in battle, the right to that independence.

When I talk to soldiers in our United States Army, I find that these people truly desire to preserve a nation so well-founded. Our soldiers are very honorable and deserve respect for volunteering their lives to serve this country. Our veterans deserve even more recognition for fighting for our country.

Why then, do United States soldiers have to put up with mocking civilians who implicitly spit on and shame them? These ignorant civilians do not realize that the tax money they are so fervently worried about is spent to serve them in times of crisis. The money our government invests in armed forces is to protect and preserve this country that serves its citizens. The lack of respect for the flag and for our soldiers, however, is not the only downfall in the American public.

With every presidential election of the twentieth century, the number of those who vote has systematically lowered. If that trend continues at the rate it has, after only a few more elections, the number of votes will be so low that we, as voters, may lose our right to vote for the President of the United States. In a country where the people have such an opportunity to make their voices heard, it is said to see less than half of the eligible voters cast a vote. The people of America need to take more interest in their country and strive to preserve their rights. If we do not exercise them, we very well may lose them.

The individuals in our government also need to earn respect and become the honorable leaders they should be. Honesty would be a very good first step. Americans have lost respect for President Clinton because of his occasional inability to tell the truth. The Clinton sex scandals are not far in the back of our minds, and the events at Waco, Texas have brought controversy also.

A combination of honesty, respect, and remembrance may just be the key to preserving our American heritage.

NATIONAL INSTITUTE OF NURSING RESEARCH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mrs. CAPPS. Mr. Speaker, I stand today as a former nurse and strong supporter of the National Institute of Nursing Research, to draw your attention to the tremendous challenges faced by women suffering from chronic health conditions that affect their productivity and quality of life. I urge my colleagues to join me in making the advancement of women's health a national priority.

Because of my nursing background, I know first-hand that it is imperative to assure access to quality healthcare. And as a woman, I know that we have special health needs. Studies show that women suffer from a variety of ailments such as heart disease, breast cancer,

and depression at alarming rates. Women experience more chronic illness and are prescribed more medications by their physicians than men. Depression, for example, most often strikes women between the ages of 25 and 44. Because of the devastating impact of depression on women during these prime productive years, depression now ranks as the number one cause of disability in women.

I was proud to co-sponsor a recent congressional briefing with the Friends of the National Institute of Nursing Research entitled, ''Reaching Gender Equity in the 21st Century: A Renewed Focus on Women's Health.'' The briefing featured nurse researchers who presented compelling data on different chronic, debilitating conditions that affect women three times more often than men.

The National Institute for Nursing Research (NINR) appreciates the affects of chronic diseases on a woman's productivity and has merely touched the tip of the iceberg relative to women's health needs and concerns. I am proud to be a member of the nursing community and support the continued work at the NINR. I am circulating a letter to the Appropriations Committee, calling for a significant increase in funding for NINR. NINR is currently undertaking important research to help Americans most efficiently manage their health care problems, so that they will not have to seek hospital care. The purpose of NINR is to support and conduct research and research training to reduce the burden of illness and disability, to improve health-related quality of life, and to promote health and prevent disease, including research on the best methods to help people choose health-promoting behaviors and lifestyles. Research programs supported by the NINR address a number of critical public health and patient care questions, including women's health issues.

Here in Congress, we need to support efforts to empower more women to understand and effectively manage chronic illnesses and live more productive and happier lives. We also need to reaffirm our commitment to advancing the understanding of women's health in this country and to assure that scientific knowledge is quickly put into medical practice. I am proud to support NINR and its research, and to have co-sponsored their recent event focusing on women's health. We have made major accomplishments in this area, but we in Congress must keep supporting these efforts. There is still so much to be done.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. MOORE. Mr. Speaker, many fingers have been pointed today and much has been said about what this side believes and what that side believes. I am here to tell you what I believe.

I am a cosponsor of H.R. 2149, the Late-term Abortion Restriction Act. Roe v. Wade and successor decisions are the law of the land and this bill is consistent with the law.

The bill would ban all late-term abortions, regardless of the type of procedure used, with exceptions only to protect the life of the mother and to avert serious adverse health consequences. Because it bans abortions based upon viability of the fetus rather than the type of procedure used, it will prevent late-term abortions in a morally and constitutionally sound manner.

I considered many factors in deciding to cosponsor H.R. 2149. I am a believer in the Constitution. The Supreme Court has repeatedly confirmed that our rights include the right to make our own medical decisions.

No one can say ending a pregnancy is an easy decision, nor can anyone claim the idea of late term abortions for only convenience is anything but ethically wrong. This bill strikes a balance and adheres to the Court's requirement that any law protect the life and health of the pregnant woman. H.R. 2149 meets all these constitutional requirements.

This bill should be law because it addresses what the American people truly want to stop—the termination of a viable fetus during late stages of pregnancy, unless there is a serious threat to life or health of the mother.

The President has said he would sign H.R. 2149 into law. If opponents of abortion truly want to stop late-term abortions, this is the bill that will do it.

Today, I will vote against H.R. 3660, the Partial Birth Abortion Ban Act. I urge my colleagues to consider H.R. 2149 as an effective and constitutionally sound solution to this deeply personal issue.

TRIBUTE TO ALABAMA A&M UNIVERSITY IN NORMAL, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to an outstanding academic institution in my district, Alabama A&M University on the occasion of their 125th anniversary. Since its founding by Dr. William Hooper Councill, Alabama A&M has flourished and brought accolades and honors galore back to North Alabama.

On May 1, 1875, Alabama A&M opened with a state appropriation of 1000 dollars, 61 students and 2 teachers. Today it is a thriving university boasting a wide variety of degree programs ranging from the associate to the Ph.D. degree. Their commitment to academic excellence and individual student need are almost unparalleled.

This is a fitting tribute for an institution that has instilled knowledge and character in so many young people for over a century. I am proud of Alabama A&M and their under-graduate and graduate school offerings. Alabama A&M is North Alabama's only source for an accredited master's degree in social work. For the past three consecutive years, they have had five students listed on the USA Today Academic Team and they are listed among the Top 50 Black Enterprise/DayStar Schools.

On behalf of the U.S. Congress, I pay homage to Alabama A&M and thank them for the countless contributions they have made to our community. I congratulate the university on their 125th anniversary and look forward to many more years of success and growth.

PARTIAL-BIRTH ABORTION BAN ACT OF 2000

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2000

Mr. BLUMENAUER. Mr. Speaker, today, I will vote against HR 3660. For the third time in five years, the House of Representatives is considering a bill to ban so-called ''partial birth'' abortions. For the third time since I came to Congress we will be voting on a bill that is almost certainly unconstitutional and will be vetoed by the President.

The advocates of the bill suggest that this version has been changed to address some of the constitutional concerns. This bill does recognize that the lives of mothers have a claim to protection, but it remains silent when there is a threat to a woman's health.

During the previous consideration of this type of legislation, Congress and the President heard from many women for whom this type of legislation would have dire consequences. These women and their families were all confronted with tragic situations and, with the qualified medical direction of their doctors, made the incredibly personal and difficult decision to terminate their pregnancy. Congress has no place in that decision. This legislation would have a catastrophic effect on the lives of families like these.

HR 3660 is more about politics than good policy. If the Congress were serious about preventing abortion, it would not be fighting efforts to make family planning more widely available. If it were serious about protecting children, it would do much more to ensure available child care and quality schools.

Proponents of this bill show gruesome pictures of objectionable procedures and ignore the pictures of the many real families who have had to make difficult decisions in the face of tragic circumstances. We cannot continue to ignore those pictures and the wrenching reality they represent.

My position on this most sensitive of personal decisions is very simple: Congress should not interfere. I will oppose this legislation.

C.B. KING UNITED STATES COURTHOUSE

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 3, 2000

Mr. BISHOP. Mr. Speaker, the late C.B. King of Albany, Georgia was born on October 12, 1923, one of eight children of Clennon W. and Margaret Slater King, who raised a truly extraordinary family. Following graduation from high school, he served in the Navy and then earned his bachelor's degree from Fisk University in Nashville, Tennessee and his law degree from Case Western Reserve University in Cleveland, Ohio. Although other promising opportunities were available to him, he decided to return home and become the only black attorney practicing in his community, and one of only three practicing in Georgia outside of Atlanta.

As an attorney, a civil rights leader, and a pioneering political candidate, C.B. King spent the remainder of his life making contributions to the cause of justice, opportunity, and dignity for all Americans. Although he remained Albany-based throughout his career, limiting his activities primarily to the areas of southwest Georgia where he was raised, he became a nationally-known figure whose impact was felt throughout our state and the nation at-large.

He was a courageous leader of the Albany Movement, suffering a severe beating and facing many threats to his life during a campaign described by Dr. Martin Luther King, Jr. as one of the crucial battles of the civil rights struggle. He ran political races for President, Congress and as the first black gubernatorial candidate in Georgia since Reconstruction, not because he thought he would win, but because his candidacy provided a forum for the causes he represented and helped pave the way for future minority candidates. He was a compassionate citizen, devoting much of his time to pro bono law work for the poor and volunteering his time and talent in community projects for the needy. He was a Navy veteran, a faithful member of his church, and a loving husband and father. Perhaps he is remembered most of all as the lead attorney in a series of landmark law suits that broke down old walls of discrimination and opened new doors of opportunity.

It is therefore fitting, Mr. Speaker, for this Congress to name the new federal courthouse in Albany, Georgia for the late Chevene Bowers King, and I want to thank all of my colleagues on both sides of the aisle for their wholehearted support of this legislation.

The list of breakthrough cases that he won is extensive. Among them are:

Gaines v. Dougherty County Board of Education; Lockett v. Board of Education of Muscogee County; Harrington v. Colquitt County Board of Education. These cases, involving multiple appeals over a period of years, led to full compliance with Brown v. Board of Education in those communities, accelerating the pace of desegregation in other areas.

Anderson v. City of Albany; Kelly v. Page. These cases reaffirmed the right of citizens to peaceably assemble.

Bell v. Southwell. This case ended the use of segregated polling booths, voiding an election where separate booths were used.

Brown v. Culpepper; Foster v. Sparks; Thompson v. Sheppard; Pullum v. Greene; Broadway v. Culpepper; Rabinowitz v. United States. These cases prohibited the use of jury selection lists on which blacks were under represented and ended the exclusion of blacks on juries on the basis of race.

Johnson v. City of Albany. This case led to the end of discriminatory practices in local government employment.

C.B. King possessed many extraordinary qualities. Courage was certainly one. There are countless examples of how he stood his ground in the face of danger. Although he acknowledged there were times when he was frightened, he never once backed down when he believed he was in the right. His tenacity was legendary. Once he entered the fray, you knew he would be in the thick of the battle until the end. He never gave up. His skills certainly were awesome, as his record as an attorney confirms. Through it all, he was a man who cared deeply for his community, state, and country and for people of all races, creeds, and backgrounds.

I wonder what our state and country would be like had C.B. King not challenged the status quo in federal court and forced desegregation of the public schools in many communities, raising the quality of education for many children. Would we ever have seen the talent of a Hershel Walker, a Charlie Ward, or Judge Herbert Phipps?

Had C.B. King not gone into Albany's Federal Court to force compliance with laws prohibiting discrimination in employment based on race, creed, religion, or gender, how many local governments would have been deprived of the talent of countless African-American public-sector employees? This was a milestone in the history of the South and southwest Georgia.

What kind of justice system would we have if C.B. King had not gone into federal court to end the age-old practice of excluding blacks and women from serving on juries? What if C.B. King had not been there to have our federal courts protect the rights of citizens of all colors to peaceably assemble, have equal access to public facilities, and to be free of discrimination in voter registration, in the voting booth and in running for office? Indeed, I nor any other African-American would be able to hold public office, regardless of our qualifications or abilities, had it not been for C.B. King's work.

On March 15, 1988, this great leader passed away following a long illness.

Mr. Speaker, it's not the two dates on our tombstone that are important. It's what happens in-between. What happened in the life of C.B. King changed the course of our history.

CONGRATULATIONS TO THE UNIVERSITY OF WISCONSIN BADGERS MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. BALDWIN. Mr. Speaker, today I congratulate the University of Wisconsin men's basketball team for their outstanding season and their advancement last weekend to the NCAA Final Four.

The Badgers demonstrated outstanding teamwork and sportsmanship at the Final Four. Not since 1941 have the Badgers advanced so far in the NCAA tournament. While they may not have scored more points than Michigan State, they played with heart and spirit. In doing so, they proved to everyone that they have what it takes to win a National Championship in the future. I applaud Dick Bennett and this exemplary team for an amazing season and a truly monumental tournament.

The Badgers are a clear illustration that perseverance, determination, and hard work can take you to great places. The games over the past season have brought together the University of Wisconsin, evoked strong school spirit, and shown to everyone how thrilling it is to be a Badger! It has been an outstanding year for the Badgers and as an alumna it is exciting to be a part of something so special. I commend the basketball team and look forward to many exciting seasons to come!

IN HONOR OF THE NORTH OLMSTED HIGH SCHOOL MARCHING BAND AND EAGLETS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the North Olmsted High School Marching Band and Eaglets, of North Olmsted, Ohio.

This 194 member marching band deserves praise for their hard work and dedication. These committed young people, most having played an instrument since 5th grade, have been practicing every morning and Wednesday evening since the beginning of the year. Because of this devotion, the band had the opportunity to play in the annual St. Patrick's Day Parade, in Cleveland, winning both the best band and best unit categories. Under the direction of John Kepperley, Martin Witczak, and William Ciabattari, the North Olmsted Marching Band and Eaglets will have the honor of playing in this years Cherry Blossom Festival in D.C. on April 8, 2000.

It takes a special individual to participate in marching band. You must be a team player, sacrificing the needs of the individual for the collective interests of the unit. You must be diligent, precise, dedicated, and focused. The many hours of practice can tax even the most patient of souls. The North Olmsted marching band has made a special mark on the North Olmsted community and their experience will serve them well, as both fond memories of their trip and in knowing that their efforts have brought pleasure to their audiences.

I ask you fellow colleagues to join me in honoring The North Olmsted High School Marching Band and Eaglets for their hard work and dedication.

HONORING THE 100TH ANNIVERSARY OF CLARENCE GRANGE NO. 892

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. REYNOLDS. Mr. Speaker, I rise today to mark the 100th Anniversary of Clarence Grange No. 892.

More than 250 years ago, George Washington wrote ''I know of no pursuit in which more real and important services can be rendered to any country than by improving its agriculture.'' Despite the passing of the centuries between our generation and that of our Founding Fathers, their wisdom is eternal.

Since its conception as an agricultural organization, the Grange has grown to be much more than that. It reflects and embraces the spirit of fellowship, community, faith and family.

For the past 100 years, Clarence members have embodied the purposes and the principles of the Grange—''meeting together, talking together, working together,'' striving to ''secure harmony, good will and brotherhood.''

As a longtime member of the Grange myself, I've seen the great work they do, their commitment to community, and devotion to faith and family.

Mr. Speaker, I ask that this Congress join me in extending both our heartiest congratulations on the 100th birthday of Clarence Grange No. 892, and our sincerest best wishes for continued success as they begin another century of service to the community.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Ms. VELAZQUEZ. Mr. Speaker, due to an error by the House Tally Clerk, I was incorrectly shown as voting ''no'' on rollcall No. 103, and ''not voting'' on rollcall No. 104. I was present during both rollcall votes and during voting for rollcall No. 103, I voted ''yes'', and during rollcall No. 104, I voted ''no.''

HONORING DR. SAMI REPISHTI ON HIS SEVENTY-FIFTH BIRTHDAY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. KING. Mr. Speaker, today I honor and congratulate an exemplary constituent of mine, Dr. Sami Repishti, on his seventy-fifth birthday. Throughout his life, Dr. Repishti has been dedicated to fighting human rights violations to which he has been long exposed.

Dr. Repishti was born in Shkoder, Albania in 1925. He and his family were victims of Italian fascist and Nazi terrorism. Despite being arrested and jailed for ''pro-American'' activities, Dr. Repishti immigrated to the United States in 1962. He continued his college education and eventually received a Doctorate in French in 1977 from the City University of New York and the University of Paris, France. From 1966 to 1991, he taught French and Italian in the Malverne Public School System, serving as District Chairman of the Department of Foreign Languages from 1976 to 1991, and from 1976 to 1991 was an adjunct professor at Adelphi University. He retired in 1991 after a dedicated and fruitful teaching career.

After his retirement, Dr. Repishti founded the National Albanian American Council in 1996 and served as its president until 1998. This organization is dedicated to fighting for freedom and human rights for all Albanians. He has testified before the United States Congress several times, and nobly represented the Albanian American community at the White House and Department of State. He has long been a leader of cultural and political activities and is a well-respected member of his community.

Dr. Repishti currently resides in Baldwin, New York with his wife Diane. They have two children: Daron, a physician, and Ava, a lawyer.

Mr. Speaker, I am truly honored to represent such a respectable man, Dr. Repishti's life should serve as an example for all Americans. It is my pleasure and honor, to congratulate Dr. Sami Repishti on his birthday and to sincerely offer him my best wishes.

TRIBUTE TO SISTER EDMUNETTE PACZESNY, HILBERT COLLEGE PRESIDENT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today to pay tribute to my longtime friend and colleague, Sister Edmunette Paczesny, who this evening will be formally recognized and honored for her 25 years of service as president of Hilbert College.

I've had the true pleasure of working closely with Sister Edmunette as a Councilman and Supervisor for the Town of Hamburg where Hilbert is located, and during these past 8 years as a Member of this Honorable Body.

Throughout the past 25 years, Sister Edmunette's tenure as president has been distinguished through the expansion from a 2-year to a 4-year institution. She has seen the college grow, with the completion of Franciscan Hall. A year ago, she added an economic crime investigation degree program, which is one of only two such degree programs nationwide.

Sister Edmunette's long-standing affiliation with Hilbert began in 1962, when she served as an instructor in psychology and philosophy and later served as Academic Dean.

In addition to her outstanding commitment to Hilbert, Sister Edmunette has been widely recognized for her tireless efforts and dedicated service to our community. She has received the Liberty Bell Award for the Erie County Bar Association, the Community Service Award from the Southtowns Coalition of Community Service, and was recently named the 1999 Citizen of the Year by the Hamburg Independent Citizens Club.

For the past 44 years, Sister Edmunette has maintained an active membership with the Franciscan Sisters of St. Joseph. In addition to her religious service, Sister Edmunette is a member and past secretary of the Western New York Consortium of Higher Education and the Rotary Club of Hamburg/Sunrise, a member of the Mirror Board of Mercy/Our Lady of Victory hospitals and on the board of directors of Hopevale, Inc.

Mr. Speaker, today I would like to join the faculty, staff, and administration of Hilbert College, the countless students who have studied at Hilbert, and indeed, all of Western New York in tribute to Sister Edmunette Paczesny. Best wishes to her in her next quarter century at Hilbert.

IN HONOR OF AL GUZMAN, RESPECTED POLICE CHIEF AND LEADER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. STARK. Mr. Speaker, I would like to take a moment in order to express my gratitude and thanks to the Union City, California Chief of Police Al Guzman, who unfortunately will be retiring at the end of June.

Al Guzman came to Union City so that he could fish along the shoreline. Later, as a college student, Guzman volunteered his time to ride along with the newly founded Union City Police Department. Soon after, he was invited to join the police force as a reserve officer.

In March of 1968, Al Guzman was hired by the Union City Police Department as a full time officer and remained loyal to the force for 33 years. Moreover, he served as the Department's Chief of Police for 13 years. Chief Guzman is a leader in involving the community with police concerns so that conflicts and tensions within the city are solved more efficiently and quickly, ensuring a safe and healthy city.

Coupled with Guzman's loyal service to the police force, he worked closely with school officials and parents to address the needs of students. This resulted in his creation of the School Resource Officers program in Union City and the New Haven Unified School District.

Furthermore, through his leadership and vision, Union City initiated many innovative programs including the Head Start Child Care Center located in the Decoto Park Plaza. Additionally, another achievement of Chief Guzman's is the adoption of the graffiti abatement program and the creation of the Fred Castro Park. Chief Guzman also was a co-founder of the Police Activities League in Union City which is responsible for providing sports for young people as well as sponsoring the Community Health and Science Fair.

Despite all of Al Guzman's extraordinary accomplishments, he is also the first Police Chief in California to involve civilians in the creation of both a Community Oriented Policing and Problem Solving program as well as the COPPS officers program. In addition to their creation, under Chief Guzman's leadership, two resource centers were established that housed the COPPS program with community based organizations that provide services for Union City residents. Guzman's COPPS program was recognized by Chiefs Magazine as the model program for California.

Union City recently earned recognition by the National Civic League as an All-American City and also received the Helen Putnam Award for Excellence by the League of California Cities. And all of this was accomplished during the tenure of Chief Guzman.

I ask my colleagues to join me in paying tribute to this great community leader and visionary. Chief Al Guzman played an immense role in making Union City a safe and model city for others to follow and respect.

HONORING THE EXEMPLARY SERVICE OF SGT. CHARLES A. DAVIS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. HOLT. Mr. Speaker, I rise today to honor a true American role model. Sgt. Charles A. DaVis has faithfully served the residents of Eatontown and the State of New Jersey for 25 years. He has diligently performed his duties and has acted in such specialized positions including, Patrolman, Detective, Juvenile Officer, Patrol Sergeant and most recently as the Community Affairs Officer.

As a Juvenile Officer he utilized his college training in Social Sciences and began a Family Crisis Unit in Eatontown, where he spent

many hours with troubled teens and assisted them and their parents in ways to find common bridges over the ''generation gap''. He spent countless hours in our local public schools, explaining to children about the hazards of illegal drugs and alcohol abuse. He also spent time teaching younger children through such programs as ''Danger Stranger'' and Halloween Safety.

Most recently he has served as our Community Affairs Officer and has acted as an intermediary to help neighbors resolve their differences before they escalate into courtroom battles. In addition he has initiated a new program entitled The Citizen Police Academy. This program indoctrinates interested citizens in many different aspects of police work and helps them to understand how a police department diversifies itself to address crime, traffic and public service in our town. As you can see, Sgt. DaVis has worked very hard at advancing the concept of ''Community Policing'' in Eatontown.

If this isn't enough, Sgt. DaVis initiated the Bicycle Patrol in Eatontown and he is presently regarded as one of the leading training officers in the state of New Jersey for Police Bicycle Patrol. Sgt. DaVis has been an instructor at the Monmouth County police Academy for nearly 20 years. He is a martial arts expert and he instructs police recruits as well as veteran officers in hand to hand defense tactics, use of the police baton, and in the use of martial arts.

All of his specialized efforts have been sandwiched around the normal duties of a uniformed police officer who began his career in 1973 and who has spent the last 12 years as a supervisor. Sgt. DaVis has spent his career serving the people of Central New Jersey and I rise today to honor this stellar career.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Monday, April 3, 2000, on official business and was unable to cast recorded votes on rollcalls 96 and 97.

Had I been present for rollcall 96, I would have voted ''yea'' on the motion to suspend the rules and pass H.R. 1089, the Mutual Fund Tax Awareness Act, as amended.

Had I been present for rollcall 97, I would have voted ''yea'' on the motion to suspend the rules and pass H.R. 3591, to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2269–S2382

Measures Introduced: Thirteen bills and one resolution were introduced, as follows: S. 2368–2380, and S.J. Res. 44. **Page S2347**

Measures Reported: Reports were made as follows:

S. 1936, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, with an amendment in the nature of a substitute. (S. Rept. No. 106–256) **Page S2345**

Congressional Budget Resolution: Senate continued consideration of S. Con. Res. 101, setting forth the congressional budget for the United States Government for fiscal years 2001 through 2005 and revising the budgetary levels for fiscal year 2000, taking action on the following amendments proposed thereto: **Pages S2270–S2339**

Adopted:

By 65 yeas to 35 nays (Vote No. 57), Byrd/Warner Amendment No. 2943, to express the sense of the Senate on the continued use of Federal fuel taxes for the construction and rehabilitation of our nation's highways, bridges, and transit systems.

Pages S2270, S2273–75

By a unanimous vote of 99 yeas (Vote No. 60), Gramm Amendment No. 2973 (to Amendment No. 2953), to express the sense of the Senate with regard to the elimination of the internal combustion engine.

Pages S2278–86, S2295

Durbin Amendment No. 2953, to provide for debt reduction and to protect the Social Security Trust Fund. **Pages S2270–73, S2277–86, S2295**

By a unanimous vote of 99 yeas (Vote No. 61), McCain Amendment No. 2988, to establish a special subsistence allowance for certain members of the uniformed services who are eligible to receive food stamp assistance. **Pages S2286–90, S2295–96**

Gorton (for Kohl) Amendment No. 2942, to express the sense of the Senate regarding the establishment of a national background check system for long-term care workers. **Page S2319**

Gorton (for Jeffords) Amendment No. 3011, to express the sense of the Senate concerning the price of prescription drugs. **Pages S2319–20**

Stevens Modified Amendment No. 2931, to strike certain provisions relating to emergency designation spending point of order.

Pages S2270, S2296, S2318, S2322–32

Bond Amendment No. 2913, to express the sense of the Senate against the Federal funding of smoke shops (discount tobacco stores). (By 19 yeas to 81 nays (Vote No. 63), Senate earlier failed to table the amendment.) **Pages S2333–34**

By 53 yeas to 47 nays (Vote No. 64), Reed Amendment No. 2964, to express the sense of the Senate regarding the need to reduce gun violence in America. **Pages S2334–35**

Rejected:

Roth Amendment No. 2955, to strike the revenue assumption for Arctic National Wildlife Refuge (ANWR) receipts in fiscal year 2005. (By 51 yeas to 49 nays (Vote No. 58), Senate tabled the amendment.) **Pages S2270, S2275–77**

Reid/Durbin Amendment No. 2985 (to Amendment No. 2953), of a perfecting nature. (By a unanimous vote of 99 yeas (Vote No. 59), Senate tabled the amendment.) **Pages S2285–86, S2294–95**

Robb Amendment No. 2965, to reduce revenue cuts by $5.9 billion over the next five years to help fund school modernization projects. (By 54 yeas to 45 nays (Vote No. 62), Senate tabled the amendment.) **Pages S2270, S2296–S2333**

Subsequently, Coverdell Amendment No. 3010 (to Amendment No. 2965), in the nature of a substitute, and Reid (for Reed) Amendment No. 3013 (to Amendment No. 2965), to express the sense of the Senate regarding the need to reduce gun violence in America, fell when Amendment No. 2965 (listed above) was tabled. **Pages S2297–S2318**

Withdrawn:

Stevens Amendment No. 3009, to modify provision relating to advance appropriations point of order and to strike language relating to delayed obligations. **Page S2331**

Stevens Amendment No. 2932, to strike certain provisions relating to Congressional firewall for defense and non-defense spending. **Pages S2270, S2331**

A unanimous-consent agreement was reached providing for further consideration of the resolution on Friday, April 7, 2000, and certain amendments to be proposed thereto, with votes to occur thereon.

Page S2382

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the annual report for fiscal year 1998 of the National Endowment for the Arts; to the Committee on Health, Education, Labor, and Pensions. (PM–100) Page S2345

Nominations Received: Senate received the following nominations:

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring October 13, 2000.

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring October 13, 2006. (Reappointment)

Kent J. Dawson, of Nevada, to be United States District Judge for the District of Nevada.

1 Air Force nomination in the rank of general.

Page S2382

Messages From the President: Page S2345

Messages From the House: Page S2345

Measures Referred: Page S2345

Communications: Page S2345

Executive Reports of Committees: Pages S2345–46

Statements on Introduced Bills: Pages S2347–53

Additional Cosponsors: Pages S2353–55

Amendments Submitted: Pages S2355–81

Notices of Hearings: Page S2381

Authority for Committees: Page S2381

Additional Statements: Pages S2341–44

Privileges of the Floor: Pages S2381–82

Record Votes: Eight record votes were taken today. (Total—64) Pages S2274, S2277, S2295–96, S2333–35

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:43 p.m., until 9 a.m., on Friday, April 7, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2382.)

Committee Meetings

(Committees not listed did not meet)

INTERSTATE SHIPMENT OF STATE-INSPECTED MEAT

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine certain issues relating to the interstate shipment of State-inspected meat and poultry, and S. 1988, to reform the State inspection of meat and poultry in the United States, after receiving testimony from Richard Rominger, Deputy Secretary of Agriculture; Fred L. Dailey, Ohio Department of Agriculture, Reynoldsburg, on behalf of the National Association of State Departments of Agriculture; Michael Eickman, Eickman's Processing Co., Inc., Seward, Illinois, on behalf of the American Association of Meat Processors and the Illinois Association of Meat Processors; Jolene Heikens, Triple T Country Meats, Wellsburg, Iowa, on behalf of the American Association of Meat Processors and the Iowa Meat Processors Association; Harry Pearson, Indiana Farm Bureau Federation, Indianapolis, on behalf of the American Farm Bureau Federation; Richard T. Nielson, Utah Cattlemen's Association, Salt Lake City, on behalf of the National Cattlemen's Beef Association; Carol Tucker Foreman, Consumer Federation of America, Washington, D.C.; and J. Patrick Boyle, American Meat Institute, Arlington, Virginia.

APPROPRIATIONS—INTERNATIONAL FINANCIAL INSTITUTIONS

Committee on Appropriations: Subcommittee on Foreign Operations concluded hearings on proposed budget estimates for fiscal year 2001 for the Department of the Treasury's international programs, after receiving testimony from Lawrence H. Summers, Secretary of the Treasury.

APPROPRIATIONS—OFFICE OF DRUG CONTROL POLICY

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings on proposed budget estimates for fiscal year 2001 for the Office of National Drug Control Policy, after receiving testimony from Barry R. McCaffrey, Director, Office of National Drug Control Policy.

APPROPRIATIONS—VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings

on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs, after receiving testimony from Togo D. West, Jr., Secretary of Veterans Affairs.

DOD SECURITY CLEARANCE PROCEDURE

Committee on Armed Services: Committee concluded hearings to examine procedures and standards for the granting of security clearances at the Department of Defense for military, civilian and contractor personnel, focusing on the General Accounting Office's October 1999 DOD Personnel report, the reinstatement of investigator David Kerno at the Defense Security Service, and the reinvestigation of Commander Jack Daly, after receiving testimony from Senator Harkin; Carol R. Schuster, Associate Director, National Security Preparedness Issues, National Security and International Affairs Division, General Accounting Office; and Donald Mancuso, Deputy Inspector General, Lt. Gen. Charles J. Cunningham, Jr., USAF (Ret.), Director, Defense Security Service, Harold J. Kwalwasser, Deputy General Counsel for Legal Counsel, and J. William Leonard, Acting Deputy Assistant Secretary for Security and Information Operations, all of the Department of Defense.

AVIATION SECURITY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation held oversight hearings to examine issues dealing with aviation security, focusing on the Federal Aviation Administration's efforts to implement and improve security in air traffic control computer systems and airport passenger screening checkpoints, receiving testimony from Cathal Flynn, Associate Administrator for Civil Aviation Security, Federal Aviation Administration, and Alexis M. Stefani, Assistant Inspector General for Auditing, both of the Department of Transportation; Gerald L. Dillingham, Associate Director, Transportation Issues, Resources, Community, and Economic Development Division, General Accounting Office; and Richard J. Doubrava, Air Transport Association of America, Washington, D.C.

Hearings recessed subject to call.

FOREST SERVICE

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded oversight hearings to examine the Forest Service fiscal year 2000 revision of its 1997 strategic plan to provide for cleaner water, better habitat, healthier forests, and community stability and development, after receiving testimony from Randle G. Phillips, Deputy Chief, Programs and Legislation, Forest Service, Department of Agriculture.

WTO CHINA ACCESSION

Committee on Finance: Committee concluded hearings to examine extending Permanent Normal Trade Relations status to China and its accession to the World Trade Organization, focusing on its impact on American employment, export prospects of American farmers, trade and investment opportunities, and the impact on reform in China, after receiving testimony from former Representative Sam M. Gibbons, Gibbons and Company, Nicholas R. Lardy, Brookings Institution, Ira S. Shapiro, Long, Aldridge and Norman, former U.S. Trade Representative/Ambassador and Chief Negotiator for Japan and Canada, and Douglas Lowenstein, Interactive Digital Software Association, all of Washington, D.C.; Robert D. Hormats, Goldman Sachs International, New York, New York; and Dermot J. Hayes, Iowa State University Departments of Economics and Finance, Ames.

U.S.-CHINA TRADE RELATIONS

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion and Subcommittee on East Asian and Pacific Affairs held joint hearings to examine issues relating to the granting of permanent normal trade relations to China, and its impact on the United States high technology sector, receiving testimony from Stuart E. Eizenstat, Deputy Secretary of the Treasury; Frank C. Carlucci, Nortel Networks, Washington, D.C.; and Richard Younts, Motorola, Inc., Austin, Texas.

Hearings recessed subject to call.

FEDERAL BUREAU OF PRISONS

Committee on the Judiciary: Subcommittee on Criminal Justice Oversight concluded oversight hearings to examine the operations of the Federal Bureau of Prisons, focusing on inmate population growth, after receiving testimony from Kathleen Hawk Sawyer, Director, Federal Bureau of Prisons, and Glenn A. Fine, Director, Special Investigations and Review Unit, Office of the Inspector General, both of the Department of Justice; and Richard M. Stana, Associate Director for Administration of Justice Issues, General Government Division, General Accounting Office.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 22 public bills, H.R. 4198–4219; and 7 resolutions, H.J. Res. 92–94, H. Con. Res. 300, and H. Res. 464–466, were introduced.

Pages H1956–58

Reports Filed: Reports were filed today as follows:

H.R. 371, to expedite the naturalization of aliens who served with special guerrilla units in Laos, amended (H. Rept. 106–563);

H.R. 3767, to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act, amended (H. Rept. 106–564),

H.R. 3615 to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006, amended (H. Rept. 106–508, Part II).

Page H1956

American Homeownership and Economic Opportunity Act: The House passed H.R. 1776, to expand homeownership in the United States by a recorded vote of 417 ayes to 8 noes, Roll No. 110.

Pages H1857–H1941

Agreed To:

Lazio manager's amendment, No. 1 printed in H. Rept. 106–562, that makes various revisions and technical changes that include law enforcement officers and firefighters in homeownership assistance provisions and expand Federal housing assistance eligibility to native Hawaiians by extending to them the same programs available to American Indians and Alaska natives; **Pages H1889–H1902**

Weygand amendment, No. 6 printed in H. Rept. 106–562, that increases the home improvement loan limit from $25,000 to $32,000; **Pages H1909–11**

Shays amendment, No. 8 printed in H. Rept. 106–562, as modified, that increases funding for the Housing Opportunities for Persons with Aids program by $15 million; **Pages H1914–17**

Paul amendment, No. 9 printed in H. Rept. 106–562, that prohibits the use of Community Development Block Grant funding for the acquisition of church property unless the consent of the governing body of the church is obtained; **Page H1917**

Traficant amendment, No. 10 printed in H. Rept. 106–562, that makes available $35 million for a grant to the City of Youngstown, Ohio for a convocation and community center (agreed to by a recorded vote of 225 ayes to 201 noes, Roll No. 108);

Pages H1917–19, H1939–40

Souder amendment, No. 11 printed in H. Rept. 106–562, as modified, that allows religious organizations to compete for grants on the same basis as other private organizations (agreed to by a recorded vote of 299 ayes to 124 noes, Roll No. 109); and

Pages H1909–35, H1940

Gary Miller of California amendment, No. 12 printed in H. Rept. 106–562, as modified, that makes available Public Housing Drug Elimination Program Grants to authorities that have already eliminated most drug and crime problems but need to maintain or expand police services to sustain the low incidence of problems. **Pages H1936–37**

Rejected:

Coburn amendment, No. 2 printed in H. Rept. 106–562, that sought to strike sections that allow the use of Community Development Block Grant and Home Investment Partnership Program funding for reduced downpayment requirements for loans for teachers and uniformed municipal employees and homeownership for municipal employees;

Pages H1902–05

Rush amendment, No. 3 printed in H. Rept. 106–562, that sought to include nurses as those eligible to receive homeownership assistance;

Pages H1905–07

Coburn amendment, No. 4 printed in H. Rept. 106–562, that sought to expand home ownership assistance to those employed by a tax exempt authority, Federal government, small business, those with a financial interest in a small business, individuals who qualify for a child care tax credit, and members of an organization under the jurisdiction of the NLRB (rejected by a recorded vote of 72 ayes to 355 noes, Roll No. 106); and **Pages H1907–08, H1938–39**

Waters amendment, No. 7 printed in H. Rept. 106–562, that sought to strike the increase to the median household income eligibility (rejected by a recorded vote of 60 ayes to 367 noes, Roll No. 107);

Pages H1911–14, H1939

Withdrawn:

Andrews amendment, No. 5 printed in H. Rept. 106–562 was offered but subsequently withdrawn that sought to require accredited home energy rating system providers for FHA energy efficiency certifications; **Pages H1908–09**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H1941**

H. Res. 460, the rule that provided for consideration of the bill was agreed to by a voice vote.

Pages H1855–57

Meeting Hour—Monday, April 10: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, April 10. **Page H1942**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of April 12.

Page H1942

Committee on Transportation and Infrastructure—Late Reports: Agreed that the Committee on Transportation and Infrastructure have until midnight tonight to file reports on H.R. 809, amended, H.R. 3069, amended, and H.R. 3171, amended.

Page H1942

Presidential Message—National Endowment for the Arts: Read a message from the President wherein he transmitted his annual report of the National Endowment for the Arts; referred to the Committee on Education and the Workforce. **Page H1942**

Quorum Calls—Votes: Five recorded votes developed during the proceedings of the House today and appear on pages H1938, H1939, H1939–40, H1940, and H1941. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 5:55 p.m.

Committee Meetings

EMERGENCY FOOD ASSISTANCE ENHANCEMENT ACT

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition, and Forestry held a hearing on H.R. 3453, Emergency Food Assistance Enhancement Act of 1999. Testimony was heard from Representative Hall of Ohio; Shirley Watkins, Under Secretary, Food, Nutrition and Consumer Services, USDA; Gary Gay, Director, Commodity Options, Department of Agriculture and Consumer Services, State of North Carolina; and public witnesses.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on the Bureau of the Census; and NOAA. Testimony was heard from the following officials of the Department of Commerce: Kenneth Prewitt, Director, Bureau of the Census; and D. James Baker, Under Secretary, Oceans and Atmosphere, and Administrator, NOAA.

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on the Under Secretary of Defense for Policy. Testimony was heard from James Bodner, Principal Deputy Under Secretary, Policy, Department of Defense; and John Holum, Senior Advisor, Arms Control and International Security, Department of State.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Natural Resources, Energy, and other programs. Testimony was heard from public witnesses.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the Armed Forces Retirement Home; National on Disability; Elementary and Secondary Education; and Bilingual Education and Minority Language Affairs. Testimony was heard from David F. Lacy, CEO/Chairman of the Board, Armed Forces Retirement Home; and the following officials of the Department of Education: Michael Cohen, Assistant Secretary, Elementary and Secondary Education; and Arthur Love, Acting Director, Bilingual Education and Minority Language Affairs.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on FEMA; and on NASA. Testimony was heard from James Lee Witt, Director, FEMA; and the following officials of NASA: Dan S. Goldin, Administrator; Malcom Peterson, Associate Chief Financial Officer; Joseph H. Rothenberg, Associate Administrator, Space Flight; Edward J. Weiler, Associate Administrator, Space Science; Ghassem Asrar, Associate Administrator, Earth Science; and Samuel L. Venneri, Associate Administrator, Aero-Space Technology.

THIRD PARTY BILLING COMPANY FRAUD: ASSESSING MEDICARE THREAT

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Third Party Billing Company Fraud: Assessing the Threat Posed to Medicare. Testimony was heard from the following officials of the GAO: Robert Hast, Acting Assistant Comptroller General, Office of Special Investigations; and Leslie Aronovitz, Associate Director, Health Financing and Public Health Issues; the

following officials of the Department of Health and Human Services: Lew Morris, Counsel, Office of the Inspector General; and Penny Thompson, Director, Medicare Program Integrity Group, Health Care Financing Administration; and a public witness.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE REPORT; WIRELESS TELECOMMUNICATIONS SOURCING AND PRIVACY ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing to receive the report of the Advisory Commission on Electronic Commerce. Testimony was heard from James S. Gilmore III, Governor, State of Virginia.

The Subcommittee also held a hearing on H.R. 3489, Wireless Telecommunications Sourcing and Privacy Act. Testimony was heard from public witnesses.

EDUCATION OPTIONS

Committee on Education and the Workforce: Continued markup of H.R. 4141, Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act.

AUTISM; PRESENT CHALLENGES, FUTURE NEEDS

Committee on Government Reform: Held a hearing on Autism: Present Challenges, Future Needs—Why the Increased Rates? Testimony was heard from the following officials of the Department of Health and Human Services: Coleen A. Boyle, Chief, Developmental Disability Branch Division of Birth Defects, Child Development, Disability and Health; Centers for Disease Control and Prevention; and Deborah Hirtz, M.D., National Institute of Neurological Disorders and Stroke, NIH; and public witnesses.

CHINA AND TIBET—STATUS OF NEGOTIATIONS

Committee on International Relations: Held a hearing on the Status of Negotiations Between China and Tibet. Testimony was heard from Julia Taft, U.S. Special Coordinator for Tibetan Issues, Assistant Secretary, Bureau of Population, Refugees and Migration, Department of State; and Lodi Gyari, Special Envoy, His Holiness The Dalai Lama.

NATIONAL DEFENSE AUTHORIZATION ACT AMENDMENTS

Committee on International Relations: Subcommittee on International Economic Policy and Trade approved for full Committee action H.R. 3680, to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to the adjustment of composite theoretical performance levels of high performance computers.

INTERNET GAMBLING PROHIBITION ACT

Committee on the Judiciary: Ordered reported, as amended, H.R. 3125, Internet Gambling Prohibition Act of 1999.

OVERSIGHT—FOURTH AMENDMENT AND THE INTERNET

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Fourth Amendment and the Internet. Testimony was heard from the following officials of the Department of Justice: Kevin V. DeGregory, Deputy Associate Attorney General; and David Green, Deputy Chief, Computer Crime and Intellectual Property Section; and public witnesses.

PROJECT EXILE: THE SAFE STREETS AND NEIGHBORHOODS ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 4051, Project Exile: The Safe Streets and Neighborhoods Act of 2000. Testimony was heard from Walter C. Holton, Jr., U.S. Attorney, Middle District of North Carolina, Department of Justice; the following officials of the State of Virginia: James S. Gilmore III, Governor; and Mark L. Earley, Attorney General; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action the following bills: H.R. 3176, to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii; and H.R. 3292, amended, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The Subcommittee held an oversight hearing on Section 118 of the Marine Mammal Protection. Testimony was heard from Andrew Rosenberg, Deputy Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; John E. Reynolds, Chairman, Marine Mammal Commission; and public witnesses.

The Subcommittee also held an oversight hearing on Section 119 of the Marine Mammal Protection Act. Penelope Dalton, Assistant Administrator, Fisheries, National Marine Fisheries Service, NOAA, Department of Commerce; David B. Allen, Regional Director, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

GENERAL AVIATION ACCESS ACT

Committee on Resources: Subcommittee on National Parks, and Public Lands, the Subcommittee on Forests and Forest Health and the Subcommittee on Aviation of the Committee on Transportation and Infrastructure held a joint hearing on H.R. 3661, General Aviation Access Act. Testimony was heard from Pat Shea, Deputy Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior; Barton W. Welsh, Aeronautics Administrator, Division of Aeronautics, Department of Transportation, State of Idaho; and public witnesses.

MISCELLANEOUS MEASURES; OVERSIGHT

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 1787, Deschutes Resources Conservancy Reauthorization Act of 1999; and H.R. 1113, Colusa Basin Watershed Integrated Resources Management Act. Testimony was heard from Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

The Subcommittee also held an oversight hearing on Bonneville Power Administrations' Subscription process. Testimony was heard from Paul Norman, Senior Vice President of Power Business Line, Bonneville Power Administration, Department of Energy; and public witnesses.

HUMAN GENOME PROJECT

Committee on Science: Subcommittee on Energy and Environment held a hearing on the Human Genome Project. Testimony was heard from Neal F. Lane, Assistant to the President for Science and Technology, Director, Office of Science and Technology Policy; and public witnesses.

PREPAREDNESS AGAINST TERRORIST ATTACKS

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Preparedness Against Terrorist Attacks Involving Weapons of Mass Destruction. Testimony was heard from Norman J. Rabkin, Director, National Security and Preparedness Issues, GAO; Brett Burdick, Director of Terrorism Preparedness Programs, Department of Emergency Services, State of Virginia; and public witnesses.

SOCIAL SECURITY TRUSTEES ANNUAL REPORT

Committee on Ways and Means: Subcommittee on Social Security held a hearing on the 2000 Social Security Trustees Annual Report. Testimony was heard from the following former public trustees of the Social Security Board of Trustees: Stephen G. Kellison; and Marilyn Moon.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 7, 2000

Senate

No meetings/hearings scheduled.

House

Committee on Government Reform, Subcommittee on Government Management, Information, and Technology, oversight hearing on ''The Office of Management and Budget: Is OMB Fulfilling its Mission?'', 10 a.m., 2154 Rayburn.

Committee on the Judiciary, to continue oversight hearings on Solutions to Competitive Problems in the Oil Industry: Part 2, 9:30 a.m., 2141 Rayburn.

Next Meeting of the SENATE

9 a.m., Friday, April 7

Senate Chamber

Program for Friday: Senate will continue consideration of S. Con. Res. 101, Congressional Budget.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, April 10

House Chamber

Program for Monday: To be announced.

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