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# House of Representatives

The House met at 9 a.m.

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

It is You, O God, who brought people out of darkness of repression and revolution into Your own wonderful light of freedom.

As You have blessed this Nation in its infancy, bless it now in its maturity.

Banish the darkness of doubt and confusion. Free us of fear and selfishness. Bring us into Your own wonderful light where we can be our very best selves, caring about others. Help us to see the unrest from our own soul as a Nation that we may be fit instruments of peace to others.

It is You, O God, who brought people out of darkness of slavery and immigration into Your own wonderful light of possibility.

As You have blessed this Nation in its early trials, bless it now in its present difficulties.

End the night of cynicism and violence. Bring us into Your own wonderful light where we can meet others and accept our differences. Help us to recognize the poverty of our own spirits that we may be real hope to others.

Once we were ''not a people'' but now we are God's people. Keep us bonded in this truth, 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.

Ms. PRYCE of Ohio. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

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

Mr. HAYWORTH 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 pro tempore (Mrs. BIGGERT). The Chair will entertain one-minutes at the end of legislative business.

## PROVIDING FOR CONSIDERATION OF H.R. 4635, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

Ms. PRYCE of Ohio. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 525 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 525

*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. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes. 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''except that'' on page 63, line 4, through ''drinking water contaminants'' on line 8; page 67, lines 4 through 14. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. 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. 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.



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The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the very distinguished ranking member of the Committee on Rules; pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 525 is an open rule that provides for the consideration of the fiscal year 2001 appropriations bill for the Departments of Veterans Affairs, Housing and Urban Development and independent agencies.

The rule provides for 1 hour of general debate to be equally divided between the chairman and ranking member of the Committee on Appropriations.

Under this open rule, the bill will be considered for amendment by paragraph, and Members will offer their amendments under the 5-minute rule. Priority recognition will be afforded to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI regarding unauthorized or legislative provisions of the bill, except as specified in the rule.

The rule also waives points of order against amendments for failure to comply with clause 2(e) of rule XXI since there is an emergency designation in the bill.

In an effort to provide for orderly and expedited consideration of the bill, the rule allows the chairman of the Committee of the Whole to postpone votes and reduce voting time to 5 minutes as long as the first vote in a series is 15 minutes.

Finally, the minority will have an additional opportunity to change the bill through the customary motion to recommit, with or without instructions.

Madam Speaker, the fiscal year 2001 VA–HUD appropriations bill provides another example of a carefully crafted bill that strikes a balance between fiscal discipline and social responsibility.

I want to commend the gentleman from New York (Chairman WALSH) and his subcommittee for setting priorities and making very tough decisions required to produce a thoughtful bill that meets our greatest needs. It was hard work, and it was done well.

The VA–HUD appropriations bill funds a variety of programs from veterans' benefits and housing for the poor to the space program and environmental protection. Overall, this year's bill provides $4.9 billion more than last year in discretionary spending.

Within the confines of a limited budget allocation, the subcommittee set priorities and decided to provide a significant portion of this year's increase to veterans medical care. An extra $1.3 billion is provided to veterans health care which will help the Federal Government repay the debt we owe to those Americans who were willing to trade their lives to protect the freedoms that we enjoy. It may be impossible to compensate these individuals for their contributions and their sacrifices, but this bill makes a good-faith effort.

Under this legislation, more than $20 billion will be available to provide medical care and treatment for veterans through VA medical centers, nursing homes, outpatient facilities, and other institutions that make up the largest Federal health care delivery system.

This bill does not just throw more money at the VA health system. It recognizes its shortcomings and makes recommendations for improvements. For example, the bill limits the amount of resources that may be used for maintenance and operations of buildings. A GAO report shows that one in four medical dollars is spent on upkeep of facilities which demonstrates poor planning that unnecessarily zaps resources from medical care.

In addition, the bill addresses a concern about the alarming incidents of hepatitis C among veterans and directs the GAO to examine the VA's response to this awful epidemic.

This legislation also directs the Department to review its drug formulary with a goal of ensuring veterans' access to necessary medications, medical supplies prescribed to them.

In addition to taking care of our veterans, the Federal government has a responsibility to the poor and the vulnerable in our society, especially those Americans who cannot provide the most basic necessities to themselves and their families, such as housing.

Low-income families will benefit through this bill's investment in the Housing Certificate Program which provides funding for Section 8 renewals and tenant protections. A $1.9 billion increase will allow for renewal of all expiring Section 8 contracts as well as provide relocation assistance at the level requested by the President.

Other housing programs that help our Nation's elderly, homeless, persons with AIDS, and Native Americans will receive level funding.

In addition to addressing today's societal needs, the Federal Government has a responsibility to look to the future and protect the interests of the next generation.

The VA–HUD bill fulfills that responsibility by funding environmental protection through the EPA. Specifically, this legislation puts an emphasis on the States, particularly in the areas of clean water, safe drinking water, and clean air.

The State Revolving Fund for safe drinking water will be increased by $5 million, the fund for clean water will be increased by $400 million above the President's request, and State air grants will receive an increase of $16 million over last year.

Along with our commitment to environmental protection, an investment in science and technology will secure our Nation's future strength.

The VA–HUD bill will provide an increase of $167 million for the National Science Foundation, bringing funding for this agency to $4.1 billion. This investment will help the agency continue its mission of developing a national policy on science and promoting basic research and education in the sciences. NASA will also see an increase of $112 million. That will bring total funding to more than $13.7 billion.

Through this legislation, the United States will have the resources to maintain its preeminence in space and aeronautical research and accomplishment.

Madam Speaker, despite these thoughtful investments in our Nation's priorities, we are likely to again hear our Democrat colleagues bemoan the lack of funding in this bill. But I would remind my colleagues and make clear to the American people that we are increasing funding over what we spent last year. In fact, total funding from this legislation is $8.2 billion above last year's level.

Does every program get an increase? No. But it is irresponsible to suggest that level funding or small cuts in some programs will lead to devastation. The truth is that this legislation takes a responsible path of governance by maintaining fiscal discipline and adhering to budget limits. These constraints require us to take a hard look at Federal programs, reduce waste and fraud where we can, and set priorities. That is exactly the kind of oversight Congress needs to exercise if we are to be responsible stewards of the taxpayers' hard-earned money.

We must reject the simplicity of arguments that say more spending is always better and, instead, look at spending bills in the context of where our Nation's needs lie and what priorities we can fulfill within our means.

I urge all of my colleagues to vote for this open rule and support the fiscal and social responsibility the underlying legislation embodies.

Madam Speaker, I reserve the balance of my time.

□ 0915

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

Madam Speaker, the bill for which this rule provides consideration funds two sets of programs, the veterans programs and the housing programs. While it does a relatively good job funding most veterans programs, and I really applaud the committee, that is just the good news. The bad news is that it just does not go far enough in funding veterans medical research and State veterans homes. The bill severely

underfunds housing programs to the tune of $2.5 billion less than the President's request.

Madam Speaker, I can tell my colleagues from firsthand experience on both counts, veteran and housing, that they are very vital. They save lives, they give people hope, and they should be adequately funded. That is why I just cannot understand why my Republican colleagues are so opposed to adding this additional money to help Americans find affordable housing.

Tuesday's Washington Post editorialized this bill, saying, and I quote, ''HUD reports that 5.4 million families are either paying more than half their income for housing or having to live in severely inadequate accommodations.'' The Post further explains that what might be an economic boom for the rich and middle classes is actually a problem for affordable housing. As the economy gets better, affordable housing gets harder and harder to obtain.

Yet my Republican colleagues are determined once again to use the budget surplus to give tax breaks for the very rich rather than to use it to help everyone else find some kind of housing. Specifically, Madam Speaker, this bill will freeze spending for low-income elderly and disabled people, it will cut home programs which help local governments expand low-income housing, it cuts capital grants for public housing, and it cuts Community Development Block Grants. In short, it does very little to improve the plight of millions of American families that are struggling to find housing in today's very, very tough market.

That is not all, Madam Speaker. In addition to ignoring the plight of the American families, this bill could do much more to make sure American veterans get the very best medical care that we can provide. Madam Speaker, veterans of World War II, the men who risked their lives for world peace, are dying at the rate of 1,000 people a day. For many in veterans health care, it just has not been all that it has been promised to be.

Madam Speaker, World War II veterans, all American veterans, deserve the best health care we can afford them. They need their country to keep its promise. And although this bill funds veterans medical care at the President's request, it still is really not enough to meet the need of the aging veterans population. For instance, this bill freezes funding for veterans medical research, the research that makes sure our veterans hospitals attract the very best doctors and provide the very best care. It also cuts money for the construction of State veterans homes.

Madam Speaker, listen to this fact. One-third of all the homeless people living in the streets are veterans of our military. This is absolutely wrong. Today, there are 5.9 million veterans of World War II. They make up one-fourth of all our American veterans. There are 8.1 million Vietnam era veterans, 4.1 million Korean conflict veterans, 2.2 million Gulf War veterans, 3,400 World War I veterans, not to mention 5.8 million peacetime veterans. Now, Madam Speaker, that is a lot of people expecting their country to make good on the promise of good health care, and this bill does not go far enough to honor that commitment.

It also fails to fund either AmeriCorps or an EPA cleanup of the Great Lakes. It underfunds NASA. It severely underfunds, by more than $2.5 billion, FEMA, the Federal Emergency Management Agency, our Nation's safety net in time of natural disasters. Madam Speaker, we should all cross our fingers and hope that there are no hurricanes, no floods, and no tornadoes next year, because we may not be able to pay for them. Madam Speaker, during this economic boom, during this unprecedented American prosperity, we should be looking to adequately fund these Federal programs and we have not.

In the Committee on Rules, my Republican colleagues rejected two amendments, one to increase funding for elderly housing, disabled housing, homeless housing and housing for people with AIDS, and another to restore funding for housing, NASA, and the National Science Foundation. Both amendments were defeated on a party vote. Madam Speaker, without these amendments, the bill simply does not go far enough to help the people who really need it. I urge my colleagues to oppose this bill and oppose this rule.

Madam Speaker, I yield 8 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Let me simply say that this is one of six appropriation bills that the President has indicated he would veto, because this is one of the bills that is scaled back by a huge amount from the President's request in order to make enough room in the budget for the Republican tax package which gives 73 percent of the benefits to people who are in the richest 1 percent category of all taxpayers. They give, for instance, $90 billion in one bill alone in tax relief to people who make over $300,000 a year. And so because they use the money for that, they have to invent ''let's pretend'' games on this bill.

Previous comment was just made that this is $4 billion over last year. Baloney. Last year's budget contained $45 billion of accounting tricks that made last year's budget look $45 billion smaller than it is, and $4.2 billion of the $4.9 billion alleged increase in this bill comes because of those budget gimmicks that hid last year's spending.

This bill is $6.5 billion below the President's request. On veterans, it includes a welcome increase for veterans medical care, but it fails to address adequately a number of other veterans programs. It freezes funding for veterans medical and prosthetic research, it cuts grants for construction of State veterans homes and a variety of other items.

In a politically pugnacious act that is bound to cause turmoil rather than pull people together, the committee has eliminated all funding for the President's top priority, the AmeriCorps program. On housing, it does virtually nothing to improve the housing situation in this country. It appropriates no funds for the 120,000 new housing units, the vouchers proposed by the administration.

It cuts the Community Development Block Grant by $276 million below current level. Assistance for the homeless is frozen, which will mean more homeless people will be frozen, too, come next winter. It provides $2.5 billion less than the President requests.

On EPA, in addition to some of the other reductions in the President's budget, it totally rejects the President's proposal for $50 million to begin a major cleanup of the Great Lakes.

The National Science Foundation. The President's request is cut by $500 million. I will return to that in a minute.

This bill ought to be called the Tobacco Company Protection Act of the Year 2000. There is a slippery scheme going on in this Congress. What is happening is that, first of all, the Justice Department is being denied funds in the bill that funds that agency in order to pursue suits against the tobacco companies for lying to this country for 50 years about the cancer-causing nature of tobacco. The Justice Department is provided no funds in their own bill, and then, in each of the appropriation bills coming through here, the Justice Department is forbidden from going to other agencies that would benefit from our suit to recover funds to help finance it. So the veterans department will lose millions of dollars in potential additional revenue, and Medicare will lose billions of dollars in additional potential revenue.

I never want to hear the other side prattle any more about their dedication to Medicare, because this ought to be called the Medicare Insolvency Act of 2000. The Republicans assure that the government cannot effectively proceed to sue the tobacco companies to get back some of the costs that Medicare and veterans programs have laid out because of the lying performance of the tobacco industry over the last 40 years.

What the Republicans ought to tell the tobacco companies is that they ought to go jump in the nearest lake. But this Congress does not have the guts to do that. These provisions are in these bills for one reason. Not because they are right, but because the tobacco companies are powerful, and they ought to be stripped out.

Now, I would like to return to the National Science Foundation. Every politician on this floor brags about what we are doing for the National Institutes of Health. Oh, yes, we want to

get their budgets up by 15 percent, so we raise the NIH budget by 15 percent. NIH does research on all health problems in the country. But then what happens is, the committee slips a little provision in the labor-health bill which says, ''Oh, yes, we have appropriated a $3.7 billion increase, but NIH can only spend $1 billion of it.'' Which means they will have fewer new research grants going out next year than this year.

And then take a look at the National Science Foundation. Economists tell us that in the past 50 years half of the United States economic productivity can be attributed to technological innovation and the science that has supported and developed it. The way science works is that organizations such as the National Science Foundation develop the basic science. And then, when they answer the key questions of nature, then that science is given to the National Institutes of Health and the National Institutes of Health do research which is more applied in nature, leading to specific cures for specific diseases. But the underlying foundation of all progress against human disease is the National Science Foundation, and the President's budget for it is being whacked by $500 billion.

Now, I know that the chairman of this subcommittee is a good man. And if he had enough dollars, he would put dollars in the National Science Foundation. It is not his fault that this bill is in a shambles like this. He has done the best he can, given the fact that he was given an impossible limit on what the committee could provide in the first place.

I would urge a vote against the bill, and I would also urge a vote against the rule, because the Committee on Rules made in order none of the amendments that we requested in order to try to correct this problem. They say, ''Oh, the amendments had no offsets.'' Our position is that virtually everything we are trying to do to increase funding for education, for health care, for science, can be financed by about a 20 to 30 percent reduction in the size of the tax gifts that the other side is planning to give to the wealthiest 2 percent of all Americans. That is the linkage. They resent it every time we raise it, but that is the truth.

Even the amendment that was offset, that would have provided tiny amounts of additional help for housing for the elderly, for the disabled, for the homeless, and for housing opportunities for people with AIDS, even that amendment, which would have provided an offset by using funding that was already approved in passage of the authorization bill that passed this House by only four dissenting votes, even that was denied.

□ 0930

So I urge rejection of this bill and I urge rejection of the rule. And, sooner or later, I urge the majority party to begin a process of working together so we can produce bipartisan appropriations bills rather than partisan political documents.

Ms. PRYCE of Ohio. Madam Speaker, I am very pleased to yield such time as he may consume to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Madam Speaker, I thank my colleague for recognizing me to work with my distinguished friend and colleague, the gentlewoman from Ohio (Judge PRYCE), who has guided this rule through the House now for 2 years in a row. She does it with aplomb and grace. We appreciate her help not only today but also in the full Committee on Rules.

I would like to thank the Committee on Rules for giving us a fair and honest rule, for giving us an opportunity to bring this bill to the floor with an open rule, and to protect what should be protected and not protect what should not be protected in the bill.

This is, as has been discussed, a very complex bill. It is always easier to bring a bill through the House with lots of extra money in it. Positive things seem to happen when we do that. But we do not have lots of extra money.

I would submit that, if we provided all the money that the President requested for this bill, our surplus would be far smaller than it is projected. And it says something about the way we have attempted to present this bill and the other bills.

We know that, no matter how much we spend, the White House will want to spend more. That is a fact. Everybody knows that. So when we get to the end of this process, if we are up here with the House bill or the conference report, the President will get us to here. So if we start here, then we maybe get a little bit higher because we know there is an unlimited thirst for more spending down there.

So do we have enough money in this bill to meet all of our needs? Barely. Will we probably spend more by the time we are finished? I suspect that we will. History would tell us that that is true.

What we tried to do was present an honest bill with honest numbers, and the House will make its judgment on this today.

What we did do, Madam Speaker, is we put in a fully funded Veterans Medical Care package, $1.355 billion. That is what the President requested. That is what the subcommittee presented.

Now, I would remind my colleagues, Madam Speaker, last year the President wanted to level fund the Veterans Medical Care. We put in over, I believe, $1.7 billion last year above the President's request. I think the President learned from that. Now he has realized that the veterans are a priority with the House; and he came back with, I think, an honest request, and we honored it.

So I think we have done well for veterans in this bill. I think that any Member who supports this bill, the main reason they will do so is because they want to keep our commitment to our veterans.

As my colleagues know, there are a number of other areas in this bill that we address. One of them is HUD. The President asked for a 20 percent increase in HUD funding, 20 percent equals a $6 billion increase in HUD.

Now, my colleagues can imagine what would happen if we did that with every bureau in the Federal budget. There would be no surplus. We would be back in deficit spending. So we tried to pare that request down to meet the absolute needs of the housing and economic development aspects of this bill.

We fully funded section 8 housing. There was a request on the part of the administration to put an additional 120,000 section 8 vouchers into this bill.

Madam Speaker, they did not even use $2 billion worth of section 8 money last year; 247,000 section 8 vouchers went begging last year.

Now, what kind of service is that to the American public? What kind of service is that to the people who deserve and need the help of their government to provide for their housing? 247,000 section 8 vouchers unused. And they are asking for another 120,000 this year.

We will be glad to discuss those at the end of this process, but HUD needs to do a lot better job of using these billions of dollars that we are appropriating to provide for housing for those among us who have the most need.

Within the Community Development Block Grant program there was a slight reduction of $20 million in the Block Grant program. So there will be a very tiny reduction in this Community Development Block Grant program for our cities and our entitlement communities.

EPA's operating programs have been funded, while the various State programs which assist the States in implementing Federal law have been more than fully funded.

The Clean Water SRF program that was gutted by the President's budget request has been restored to $1.2 billion, while State and local air grants and section 13 non-point source pollution grants have been significantly increased.

Perhaps most importantly, we proposed a $245 million expenditure, more than double last year's amount and $85 million more than the President requested, for section 106 pollution control grants. These grants offer the States maximum flexibility to deal with the difficult TMDL issues facing the States.

One of my distinguished colleagues on the other side said that FEMA was underfunded by over $2 billion. I would remind my colleague that there is $2

billion in the FEMA pipeline unspent, unobligated, authorized, and appropriated. Those funds are waiting for an emergency that we all know will come, and we are ready for it. And those $2 billion are waiting for that to happen. When it happens, FEMA will begin to pay out. And if $2 billion is not enough, we will do an emergency supplemental, which we do every single year, at least one.

So I think $2 billion waiting in the pipeline is sufficient to handle any emergency; and if it is not, we can provide the balance through the emergency supplemental.

Madam Speaker, there is one point regarding this bill which needs to be made. I stated at the outset that we face a tight allocation. Nevertheless, there is some talk circulating that we had a tremendously huge increase in our allocation, over $5 billion. I would like to try to clarify that.

The reality is that our allocation is $78 billion in new budget authority. The reality is that CBO reported our freeze level at $76.9 billion. We have, therefore, a net increase of just a little over $1 billion in actual budget authority over last year.

I hasten to add that that increase has been eaten up by the VA Medical Care increase of over $1.3 billion, and the section 8 housing vouchers, which we fully funded even though they are not spending it. We wanted to be fair; and hopefully, HUD will do a better job of getting that money out to the people who need it; and increases in National Science Foundation and NASA. NASA is increased by over $100 million and National Science Foundation by $167 million, very substantial increases.

Lastly, I would just like to make a point on this issue of tobacco in this bill. There has been a lot of rhetoric. We are going to hear a lot more today. I would just like to point out that this subcommittee has struggled mightily to make sure that we have the resources available to provide for our veterans' medical care, to meet the commitments that were made years and years and years ago to those men and women who put their lives on the line for their country.

Now the administration is shopping from one budget to the next to find the money to run this suit against the tobacco companies. If they want to do that, that is fine. All we are saying is do not use medical care money, do not use our veterans' medical care funds.

There is not one single veterans' organization that has come out and said, yes, it is okay to use our medical care money for this lawsuit. Not one. We are going to hear something possibly to the contrary. But listen closely. What the veterans are saying is, we have no objection to this lawsuit. Quite frankly, Madam Speaker, I do not, either. But do not use veterans' medical care, because those dollars are precious. And we can tell our colleagues in each and every area of health care what impact those losses of $4 million to $6 million per year as long as that suit goes on will mean to our veterans.

In conclusion, Madam Speaker, this is a good bill. Is it perfect? No. If it were, I would not have my name on it, because I do not think I have ever done anything perfect. But it is a good start. I would appreciate very much the support of both parties across the aisle. If we do not get that, I think we can pass this bill anyway. But I would like to have bipartisan support. I think we will by the time we are completed.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member, to respond to the previous speaker.

Mr. OBEY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, my distinguished friend has just indicated that we should not use veterans' money because that money is too precious and we should not use it in a tobacco suit. Well, if you do not let the Justice Department use its own money and if you do not let the agencies who are going to receive the money from that suit, you are not going to have a successful suit.

The fact is that this suit will bring in many times more dollars to the veterans' health care fund than it would ever cost to pursue that suit; and, in my judgment, if you vote against allowing that to happen, you are really voting to make the veterans' health care fund less sound than it is and to make Medicare less sound than it is.

Ms. PRYCE of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH), the subcommittee chairman.

Mr. WALSH. Madam Speaker, I will be very brief. I just wanted to respond.

The gentleman from Wisconsin (Mr. OBEY) is correct. I think the Justice Department should use their own funds, not veterans' medical care funds. I would remind the gentleman that there is absolutely no guarantee that any of those funds will come back to the veterans.

In fact, if the administration's policies are consistent, those funds will go into the Treasury, just like the funds that are available from the Veterans Millennium Health Care Fund that plows private insurance back into the Treasury. We want those funds to go into the Veterans' Administration.

Mr. MOAKLEY. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, let me point out that the amendment that we offered, the amendment that the Committee on Appropriations refused to make in order, specifically provided that the money would go in that veterans' account. If you do not believe it, ask the sponsor of the amendment. She is sitting right here.

Ms. PRYCE of Ohio. Madam Speaker, I am pleased to yield 4 minutes to my distinguished colleague, the gentleman from Michigan (Mr. EHLERS).

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

Mr. EHLERS. Madam Speaker, it is a pleasure to rise and comment on this bill. It is a pleasure, also, to recognize the efforts of our good friend, the gentleman from New York (Mr. WALSH), who faced a very difficult position in this particular subcommittee this year, because it simply was not given an allocation sufficient to do the job.

I have previously made an issue of this inadequate allocation on the floor. I have also generated a letter to the chairman of the Committee on Appropriations and to the Speaker pointing out the need to increase the allocation to this subcommittee so that it can meet its responsibilities in the various areas. I am referring particularly to one special area, and the rest of my comments will be regarding that.

Many times I have spoken to the House and to the Nation about the importance of continuing a strong research effort in science, engineering, technology, and mathematics. Very few people in this country realize that this marvelous economic boom that we now enjoy is due largely to advancements in science and technology.

One-third of our economic growth is due just to one factor. That factor is information technology. When we add to that the improvements and increases in technology in other areas, we find well over half of our economic growth is due just to advancements in science and technology. It is absolutely essential for our country to keep ahead of this research curve if we want our economic boom to continue.

Right now, relative to other nations, our investments in science, engineering, technology, and mathematics research have been decreasing. For example, Japan's research funds, as a percent of GDP, are greater than ours and increasing faster. Germany is above us. South Korea, believe it or not, is advancing rapidly and very shortly will be spending more for research, as a percent of GDP, than the United States.

Those countries recognize that they have to do this to remain economically viable and to catch up with us.

□ 0945

Our Nation has made improvements in the last several years. I am really delighted with the budget that the gentleman from New York (Mr. WALSH) and others developed last year in this area. I am also pleased with what he has been able to do this year within his allocation. Last year the funding in the House bill was so abysmal that I offered a floor amendment. This year I do not plan to do that, because the gentleman from New York has done yeoman's service in coming to the floor with an amount for science, mathematics, and engineering research that is appropriate, given his allocation. But the point is the allocation simply was not large enough.

I want to get on the record that my lack of offering an amendment this

year does not mean I am happy with this bill's scientific research budget or think it is great enough. Rather, I am convinced that given the gentleman from New York's good efforts and what he has done with the small allocation he has, I believe that, when we go to conference and deal with the Senate and negotiate with the President, the final result will be good for the Nation and good for the scientific research community. I wanted to get on the record that this is an extremely important area for our Nation and for our future, particularly our long-term future. I hope all of us in this Congress will unite in providing sufficient funding for scientific research.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. I thank the gentleman from Massachusetts for yielding me the time.

Madam Speaker, I want to recognize the gentleman from West Virginia (Mr. MOLLOHAN) who has called this measure ''a series of missed opportunities.'' I completely agree. These opportunities have been squandered because the priority of the Republican leadership has been to provide huge tax cuts to the wealthiest of all Americans. Dollars earmarked to tax cuts are not available to fund programs important to most Americans.

Among those opportunities squandered are $25 million less for medical research conducted by the VA. This is some of the best research in the whole United States going after Parkinson's disease and Alzheimer's disease. This money would be cut by $25 million. There is $80 million less funding for the construction of State homes to provide for the growing need of long-term care for our Nation's disabled, infirm, and aging veterans; $3 million less to maintain our national cemeteries; and $62 million less for other important construction projects.

My Republican colleagues will say that they were constrained to provide this needed funding. Do not be misled. Squandered opportunities and available shortfalls in funding for basic programs are the consequences of the priority of the Republican leadership of this House.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. I thank the gentlewoman for yielding me this time.

Madam Speaker, I have the greatest both professional and personal respect and admiration for the chairman of the housing appropriation subcommittee and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN). I think they have done the best job they possibly could. But by their own words, they said they were operating under a constraint, an overly tight allocation. The gentleman from Michigan (Mr. EHLERS) came up, I have the greatest respect for him, too, and he bemoaned the fact that we have to live under this unbelievable constraint. That constraint is grounds enough for voting against the bill because it is much, much too tight in virtually every area. When we look at real cuts, we have had real cuts over the past 6 years in housing program after housing program.

But now we are dealing with the rule. What could we do within those tight allocation constraints? We could change some programs that would make money for the government and then we could use them on programs such as housing for the elderly, for the disabled, for the homeless, for the afflicted. So we came up with some provisions that we offered to the Committee on Rules, provisions that have already passed the House of Representatives in the authorization bill, provisions that were praised by the chairman of the housing authorization subcommittee and by the chairman of the full banking and housing committee.

The gentleman from Wisconsin (Mr. OBEY), the gentleman from West Virginia (Mr. MOLLOHAN), and I said, Let's do more for the homeless, for the elderly, for the disabled, and we can pay for it within this bill with changes that are bipartisan in nature. We were rejected, maybe because we were Democrats, and that is one very, very good reason for as unanimous opposition to this rule as we can muster.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentlewoman for yielding me this time.

Madam Speaker, let me just say that the chairman of the subcommittee, the gentleman from New York, who is a friend but who yesterday missed an opportunity to vote to increase funding for veterans health care by allowing the Department of Justice to proceed with their suit against the tobacco companies which, in fact, would recover billions of dollars because the tobacco industry lied to the American people about the addictive quality of its product.

We would have been able to return that money to the Veterans' Administration in order to provide for health care for veterans in this country who are suffering. Yet, the chairman missed an opportunity to vote to increase funding for veterans health care, and those on the other side of the aisle voted against us being able to provide these needed funds. So it is disingenuous to talk this morning about how they want to try to preserve resources for veterans health care. Let the record show that the opportunity was there and he said no, as did others.

This bill, including the issue on veterans, includes the issue of housing. Unfortunately, this legislation takes us in an opposite direction from our promise for affordable and accessible housing in this Nation. It says to people who want to buy a home, the American dream, this robs thousands of Americans by cutting first-time home buyer assistance by $65 million.

It cuts 120,000 new rental assistance vouchers that would help hardworking, low-income Americans. It cuts community development block grants by $295 million, robbing cities large and small of the lifeblood of community projects. It has cutbacks for the most vulnerable, $180 million in funds for local programs for the homeless. This bill undermines hardworking low- and moderate-income Americans struggling to make ends meet and it does that in order that we may provide a tax cut for the wealthiest Americans.

Ms. PRYCE of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the chairman of the subcommittee.

Mr. WALSH. I thank the gentlewoman for yielding me this time.

Madam Speaker, this issue of tobacco which I suspect will dominate the debate today, unfortunately, because we are spending billions of dollars to meet our commitments to veterans, the focus will tend to be on the 4 or $5 million that the administration wants to take out of veterans medical care and spend on this lawsuit.

I have a letter here from the American Legion. I would just like to read excerpts from it.

It says:

''In the VA-HUD and independent agencies for fiscal year 2001 appropriations bill is language prohibiting the Secretary of Veterans Affairs from transferring Veterans Health Administration funds to the Department of Justice for the purpose of supporting tobacco litigation. Although we support tobacco litigation efforts as an alternative, the American Legion strongly supports the use of VHA funds for the provision of health care to veterans.

''The American Legion strongly encourages Congress to identify $4 million in the projected surplus to be earmarked in the Department of Justice appropriations bill to pay for the VA's share of any litigation. VA funding should be used for its intended purpose, 'to care for him who shall have borne the battle.' ''

Pretty clearly, the largest veterans organization in the country does not want veterans medical care funds used for a lawsuit to pay lawyers. That is another department's responsibility. These funds are precious. Let us keep them where they are.

Ms. SLAUGHTER. Madam Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, the letter that the gentleman conveniently cites was written by an organization that did not know that the DeLauro amendment yesterday would have put all of the funds recovered from that suit back into the agencies that we are talking about, Medicare and the Veterans Agency. So the gentleman can quote an irrelevant letter if he wants but the fact is that he cannot convince anyone that any veterans organization is going to oppose an action which

would bring many times more dollars into the veterans health care program than it would ever cost to bring the suit in the first place.

Mr. WALSH. Madam Speaker, will the gentleman yield?

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

Mr. WALSH. The date of this letter is today, June 15. It is today.

Mr. OBEY. Did the gentleman from New York tell them about the amendment he voted against yesterday? I bet he did not.

Mr. WALSH. That was not the point of the letter. The point of the letter was do not use veterans medical care.

Mr. OBEY. The point of the letter is to cover their tails over there. That is the point of the letter.

Ms. PRYCE of Ohio. Madam Speaker, I yield 4 minutes to the very distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentlewoman for yielding me this time.

Madam Speaker, I rise in support of this rule. I thank the gentlewoman from Ohio (Ms. PRYCE) and the work of her committee on the VA–HUD appropriations bill. I commend the gentleman from New York (Mr. WALSH) for all of his hard work.

This is an excellent bill for veterans, as is the rule, because it provides an increase of $1.3 billion for veterans medical care next year. It also matches the President's budget request for veterans medical research and for the program that funds construction of State nursing homes. And it makes sure that all veterans medical care dollars that are collected stay within the VA. The President's budget proposed returning, Madam Speaker, $350 million in third-party payments to the Treasury. Under our bill, every dollar collected stays within the VA system.

Contrary to what we may be hearing, there is no scheme in this bill to stop this tobacco lawsuit from going forward. This bill prevents the VA from diverting veterans medical care dollars from being used to pay for this lawsuit. Whatever the merits of the lawsuit, the money should not come from veterans medical care. The money can come from any other VA account, including general operating and administrative expenses. The Secretary should cut his own budget if he knew what was in it and reduce administrative overhead and not raid the veterans medical care accounts.

This is a good bill for housing as well, especially for individuals with disabilities which has been a particular concern of members on both sides of the aisle on the committee. In the past, Congress has created a section 8 disability set-aside to earmark funds within this larger account to help individuals with disabilities find suitable housing. This year the President finally recognized the importance of this set-aside. It took a while. This bill meets his request to provide $25 million specifically for that purpose.

Further, this bill again contains important language regarding section 811 housing for tenant-based rental assistance for individuals with disabilities. Since there is an insufficient supply of available, suitable housing, this bill requires HUD to spend 75 percent of its fiscal year 2001 funds to build new housing units for individuals with disabilities.

This is a good bill, also, for protecting the environment. This bill provides an increase in funding for the Superfund hazardous waste cleanup program. The $1.22 billion for the Superfund is an increase of $2.5 million over the previous year's level. The Superfund program was established in 1980 to help clean up emergency hazardous materials, spills and dangerous, uncontrolled and/or abandoned waste sites. Too much money has been spent on litigation, and now we are spending more on remediation.

Also, this bill provides $79 million for the leaking underground storage tank, or LUST program, to clean up hazardous wastes that have leaked from underground storage facilities.

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This is $9 million over last year's level, and $9 million is to be used to mitigate the problems with the underground storage tanks caused by the presence of NTBE in our fuel supplies, another disaster out of the Environmental Protection Agency.

Finally, this is a good bill for scientific research, specifically for the National Science Foundation, which marks its 50th anniversary this year. With a small portion of Federal spending, this agency has had a powerful impact on national science and engineering. Every dollar invested in NSF returns many fold its worth in economic growth.

The NSF traditionally receives high marks for efficiency; less than 4 percent of that agency's budget is spent on administration and management. To meet these goals in the NSF this year, the bill provides a record $4 billion for the National Science Foundation, a $152 million increase over last year. This is a good rule. It is a good bill. It deserves our support.

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

Ms. SCHAKOWSKY. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, we spend a lot of time on this floor extolling the unprecedented economic prosperity and patting ourselves on the back for this remarkable economy, but we ignore the reality of a housing crisis that we have here in the United States. In fact, the economic prosperity has worsened the housing crisis because fewer and fewer people are able to really afford to even stay in their neighborhoods, pay the real estate taxes, find affordable housing.

If we look at the shelters, we will find that they are bulging, emergency shelters are bulging, and these are people who are working. These are sometimes people who are making $20,000 and even more. And this piece of legislation does virtually nothing to address that problem.

We find that nationally 13.7 million households, that is a lot of people, are living in substandard housing or paying more than half of their income on housing. In Chicago, in my city, 35,000 families are on the waiting list for the Chicago Housing Authority, for public housing; and that will take 10 years to get through that list. Madam Speaker, 28,000 families plus are waiting for section 8 rental vouchers, and the rental voucher program is closed. It will take 5 to 6 years to get through that program.

The budget cuts from this year, not just under the President's, but $100 million from the President's requested for public housing. It cuts Hope 6, $10 million from last year. It cuts homeless assistance funding. It cuts help for people, homeless options for people with AIDS is even. And yet there are more people that need the service.

So we are going to serve even fewer people. This is a serious problem that we are facing. We need to address it in this legislation. We are far from achieving our goals. I would oppose the rule and support the President in his pledge to veto this legislation.

Mr. MOAKLEY. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MOAKLEY) has 7¾ minutes remaining, and the gentlewoman from Ohio (Ms. PRYCE) has 3½ minutes remaining.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

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

Madam Speaker, I have heard statements on the floor this morning that says this is a good bill for veterans. I defy any of you to go before any town meeting in this Nation and tell our veterans that this budget makes up for the contract that we made with them.

We are not, my colleagues, fulfilling our contract with our veterans. We have asked them to sacrifice during war. We asked them to sacrifice in this budget process when we had deficits, and now we continue to ask them to sacrifice when we have surpluses. That is not right.

This is not a good bill for our veterans. We are falling further and further behind each year that we have a surplus, and we do not make up for past injustices to our veterans.

This budget does represent the strongest request the administration has ever made; but serious deficiencies are in this budget. Whether we look at research, whether we look at our State homes, and whether we look at Montgomery GI bill benefits, we simply have not fulfilled our contract where our Nation's veterans.

Let me just tell everyone about research. Yes, we have fulfilled the administration's request, but if we consider inflation and salary increases, we have fallen behind another 10 percent in this vital account.

We are 10 years after the Persian Gulf War, and we do not have either a cause or a treatment for that affliction that is affecting hundreds of thousands of our veterans. We need the research. We have the money.

Let us put this in this budget. The biggest emergency we now face in our recruiting and in our retention of military is the lack of educational benefits for our veterans. Today's Montgomery GI benefit is $535 a month. It is not enough to pay for any bit of college that any veteran wants.

This is an emergency, I will tell my colleagues. And I have an amendment to deal with this later on in the discussion. And if we are going to make our all-volunteer force effective, we need educational assistance at a much higher level.

A whole coalition across this country agreed that this budget could afford a Montgomery GI bill increase that would basically allow the average commuter student to pay for three-fourths of his or her college education. That would mean a rise under today's prices to $975 a month for our GIs.

We can afford this amount of money. We must make that much money available. Our budget today makes $535 available per month for college education. This is not a recruitment tool. This is not an honor to our veterans.

Let us see this as an emergency. Let us raise the Montgomery GI bill benefit to at least the $975 a month that a broad array of organizations has requested. Let us reject this budget. Let us honor our veterans in the way they should.

Mr. MOAKLEY. Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I also want to compliment my chairman and my ranking member. I serve on the Subcommittee on VA, HUD and Independent Agencies. There are a few disappointments with this bill. I have expressed them before. I will express them again this morning.

I think because of the budgetary gymnastics that the majority party has instigated here, our chairman and the leadership of this House, they have had trouble adjusting to this. They have done a good job apparently for veterans and, particularly, for medical care for veterans. They have done some other good jobs, but I am concerned that of all the people, the needy people in this country, this particular bill does not address the empowerment zones. It is not funded at all.

This is the second year that this has happened. I want to know what is going on here where for each year we cannot fund the empowerment zone, which is supposed to be the one thing that is going to help us in these distressed communities. We did not fund, as we should have either, some of the other programs that are important in city communities.

Now, someone has to take notice of this. In this year of surpluses, we look back and we fail to try to empower people that are trying their very best to use the resources that are given to them both by government and the private sector. So it is very important that we look at community development. City CDBG plans, we did not receive the amount of money in CDBG that we should have in this day of fine monies and good surpluses.

The Community Development Block Grant Fund is being raided by so many other programs coming in; yet we did not fund it according to what was promised to us by the Speaker and some other people.

Let us look at this budget, and we know it has some very good points, but some of the flaws are very glaring; and I call our attention to them once again, and that is community development going out into the community, helping those people through the empowerment zones and through the Brownfields initiative and those kinds of things.

Mr. MOAKLEY. Madam Speaker, I yield the remaining 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Mr. OBEY. Madam Speaker, the problem with this bill is that it is a let's-pretend legislative document. It is the sixth time in a row that a bill was brought to the floor which is not in shape to be signed by the President.

Then it is said, ''Well, this is only the second step on the way; we will fix it down the line.'' I mean, what that really says is, ''We will not take the responsibility to produce a responsible bill; somebody else at some other time will do it.'' That is a ''great'' message for this Congress to send out to the American people, somebody else will fix our mistakes. That is a really big confidence builder. I think we ought to be able to do better.

Secondly, with respect to the comments about veterans. I have a letter from four veterans organizations, the AMVETS, the Disabled American Veterans, Paralyzed Veterans of America and the acting deputy executive director of the VFW; and what that letter says is on behalf of Members of AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars, we are fighting ''to oppose efforts to stymie amendments by the Department of Justice to advance the lawsuit seeking to recover health costs associated with tobacco-related diseases.''

It then goes on to cite the mistakes that the Congress has made in the past, the very actions which that side of the aisle are defending, and then says ''From that point forward, veterans have been denied compensation for these disabilities. We urge you not to make the same mistake again.'' And they recognize fully that you cannot run a lawsuit unless you pay money to run the lawsuit.

Now, regardless of what the other side says, the game they have played is they have said to the Justice Department, ''No, we are not going to appropriate money for you to use to pursue the tobacco suit,'' and you are denying them the opportunity to use money from any other agency to bring money back into those agencies. That hurts veterans beyond repair.

Madam Speaker, for the RECORD, I include the following letter:

THE INDEPENDENT BUDGET,
A BUDGET FOR VETERANS BY VETERANS,
*June 13, 2000.*

HON. DAVID R. OBEY,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE OBEY: On behalf of members of AMVETS, Disabled American Veterans, Paralyzed Veterans of America and Veterans of Foreign Wars of the United States, we are writing to oppose efforts to stymie attempts by the Department of Justice to advance a lawsuit seeking to recover health care costs associated with tobacco-related diseases. This matter is properly before the federal courts, where it will be decided on its merits. It is inappropriate for Congress to attempt to undermine this litigation by manipulating the resources needed to support this action.

Two years ago, much to the outrage of veterans across the country, Congress accepted a proposal by the Administration to terminate compensation for veterans with tobacco-related disabilities. This was done despite the fact that smoking had been sanctioned, subsidized, encouraged, and part of military life and culture for decades. Many in Congress refused to listen to the arguments we put forth to counter this proposal, in large part due to the temptation to use the totally unrealistic cost savings for other purposes unrelated to veterans' needs. The needs of sick and disabled veterans were cast aside as soon as potential paper savings of $15.5 billion were transferred to help fund pork barrel highway projects in that year's transportation bill. From that point forward, veterans were denied compensation for these disabilities. We urge you not to make the same mistake again.

We also believe it is important to note that the same statute that terminated compensation benefits for disabled veterans with tobacco-related diseases (the Transportation Equity Act for the 21st Century—PL 105–178) called on the Government to address this issue by proceeding with the lawsuit to recover costs of veterans' health care for tobacco-related diseases. Section 8209 of the law (copy attached) called on the ''Attorney General or the Secretary of Veterans Affairs, as appropriate, [to] take all steps necessary to recover from tobacco companies amounts corresponding to the costs which would be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans, if such treatment were authorized by law.'' The same section called on Congress to authorize the treatment of tobacco-related illnesses upon recovery of such amounts. Any attempt now to block the lawsuit is in direct contradiction of the sense of Congress expressed in a previously

approved statute to help cover the cost of, and, provide health care for these veterans.

While the outcome of this litigation is in doubt, it does provide a possible avenue to help defray the enormous health care costs, past, present, and future, associated with tobacco-related disabilities. We urge you to resist efforts to attempt to restrict funding for the Department of Justice to continue this important litigation.

Sincerely,

DAVID E. WOODBURY,
*Executive Director, AMVETS.*

GORDON H. MANSFIELD,
*Executive Director, Paralyzed Veterans of America.*

DAVID W. GOMAN,
*Executive Director, Disabled American Veterans.*

ROBERT E. WALLACE,
*Acting Deputy Executive Director, Veterans of Foreign Wars of the United States.*

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

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

Madam Speaker, this is an open rule, so any Member that wants to offer any amendment that complies with the rules of this House may do so under this process.

The VA/HUD bill which this rule makes in order provides an increase, an increase of $8.2 billion over last year and adds funding to a number of important programs, including veterans medical care, veterans compensation and pensions, section 8 housing, safe drinking water, clean water, state air grants, EPA research, pollution control grants, the National Science Foundation and NASA.

Those of us who do not care for the tobacco provisions can vote to strike them. That is the beauty of this wide open rule. That is the fairness of this wide open rule.

At the same time the bill funds these priorities, it lives within the parameters of the budget resolution. This balance of fiscal and social responsibility deserves our support. I urge a yes vote on the rule and the bill.

Mrs. MALONEY of New York. Madam Speaker, here we go again.

Every year the Majority party underfunds affordable housing in the appropriations process and every year the President and Secretary Cuomo are forced to negotiate for every last family in an omnibus bill.

Unfortunately, it looks like we are headed down this road again.

The VA-HUD bill before the House is cut $6.5 billion below the President's request and the President will rightfully veto this bill in its present form.

Madam Speaker, we are hearing a lot about ''Compassionate Conservatism'' in the press—but there is no compassion in this bill.

Programs under VA-HUD benefit some of our nations most needy citizens and this bill does them wrong.

This bill provides no new funds for elderly housing, for homeless assistance grants, for Housing Opportunity for People with AIDS, or for Native American block grants.

Madam Speaker, the people who benefit from these programs don't have high paying lobbyists representing them on Capitol Hill. They don't have 527 groups pushing their special interests. They are simply needy Americans who need housing assistance.

Furthermore, this bill cuts public housing anti-drug programs and capital and operating grants $120 million below last year's level.

Madam Speaker, this country spends far too many resources on putting drug offenders behind bars. Cutting drug prevention efforts in public housing just does not make sense.

Furthermore, this bill does damage to the enforcement of our nation's environmental laws by funding the EPA at $282 million less than last year.

Madam Speaker, I urge my colleagues to oppose this bill.

Ms. PELOSI. Madam Speaker, this bill is a bad bill because it fails to adequately fund housing assistance for impoverished working men and women and it ignores America's housing crisis. Despite the shortage of affordable housing that plagues many cities and rural communities, this bill fails to fund America's tremendous housing needs. Even worse, this bill cuts several billion dollars from last year's budget for many important affordable housing programs.

Why did the Republicans design a bill that cuts housing assistance for low-income working men and women? Why do Republicans ignore America's obvious shortage of affordable housing? Quite simply, they cut housing assistance to pay for tax breaks to the wealthiest Americans. In March, they voted $123 billion in tax breaks for the best-off one percent of all taxpayers—those with an annual salary exceeding $319,000. Just last week, the Republicans voted to repeal the Estate Tax—a giveaway of another $50 billion to the wealthiest 2 percent of Americans. This GOP plan would provide about $10 billion to America's wealthiest 400 families.

In sharp contrast, this bill denies housing assistance to Americans living in Section 8 housing and public housing, who on average earn an annual $7,800. It denies housing assistance for senior citizens on fixed incomes. It forces working men and women to choose between housing, health care, food, and other basic needs.

This GOP budget is unlivable for us in San Francisco. Compared to President Clinton's requested budget, HUD estimates it reduces housing assistance for San Francisco by $10.9 million and denies affordable Section 8 housing vouchers to 458 San Francisco families. It denies housing help to 234 San Francisco residents who are homeless or are living with HIV/AIDS.

This GOP budget is also unlivable around the country. At the full Appropriations Committee, the Ranking Democrat, Rep. MOLLOHAN, offered an amendment to invest an additional $1.8 billion that would provide assistance across the country. I voted for this amendment. The Committee Republicans rejected it. This amendment would have increased investments to build new affordable housing; provide new affordable housing vouchers; provide housing to the homeless; operate, build and modernize public housing; promote community economic development; provide housing and services to seniors, individuals with disabilities, and individuals with HIV/AIDS. Americans need this assistance and this bill falls short.

I oppose this Rule because it restricts our opportunities to improve the underlying bill. The GOP denied us a fair House floor vote on our amendments to increase housing assistance. Our amendments could have transferred this into a more bipartisan bill that President Clinton may have signed. Since Clinton has promised to veto the current bill, the GOP's decision ensures a veto and ensures we are wasting our time. I urge my colleagues to oppose the rule.

Ms. PRYCE of Ohio. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 182, not voting 20, as follows:

[Roll No. 278]

YEAS—232

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

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

NAYS—182

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

NOT VOTING—20

Abercrombie
Armey
Barrett (WI)
Campbell
Chenoweth-Hage
Cummings
Danner
Doolittle
Hinojosa
Houghton
Kaptur
Lofgren
McKinney
Nadler
Sawyer
Serrano
Thurman
Vento
Visclosky
Young (FL)

□ 1033

Ms. RIVERS and Mr. DEUTSCH changed their vote from ''yea'' to ''nay.''

Mr. HEFLEY changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VISCLOSKY. Madam Speaker, during the vote I was unavoidably detained with my staff concerning issues related to the FY 2001 Energy and Water Appropriations bill. Had I been present, I would have voted "aye" for rollcall vote 278.

## THE JOURNAL

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The Journal was approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4387. An act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

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

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

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

H.R. 2614. An act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes.

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4576) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. DORGAN, and Mr. DURBIN, to be the conferees on the part of the Senate.

## GENERAL LEAVE

Mr. REGULA. 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. 4578, and that I may include tabular and extraneous material.

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

There was no objection.

## TIME LIMITS ON AMENDMENTS OFFERED ON H.R. 4635

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

Mr. REGULA. Madam Speaker, I just want to say to all of the Members, the goal of the gentleman from Washington (Mr. DICKS) and myself is to get this bill finished in a timely manner today, by 6:00 or before, because I know that many of the Members have plane reservations. We can accomplish that if everybody will cooperate. We will have to get time limits on some of the amendments, and perhaps we can address some of them with a colloquy. We will work together to accomplish the goal to finish this bill in a timely fashion.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 524 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4578.

□ 1039

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 further consideration of the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday June 14, 2000, the amendment by the gentleman from Mississippi (Mr. TAYLOR) had been disposed of and the bill

was open for amendment from page 53 line 10 through page 53 line 22.

Pursuant to the order of the House of that day, the amendment by the gentleman from Washington (Mr. DICKS), adding a new section at the end of title I, if offered, shall begin with his initial 5-minute speech in support of the amendment. No further debate on that amendment shall be in order.

Amendments to that amendment offered by the gentleman from Washington (Mr. NETHERCUTT) or the gentleman from Utah (Mr. HANSEN), each shall be debatable for 1 hour, equally divided and controlled by the proponent and the gentleman from Washington (Mr. DICKS).

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the indulgence of both the chairman and the ranking member to allow me to speak out of turn.

The reason I would like to address the House this morning is with respect to the roadless forest initiative. My colleague and friend, the gentleman from Michigan (Mr. STUPAK), had originally looked at introducing some limitation amendments on the roadless forest initiative and as he will say shortly has decided not to introduce them. In some ways I regret that but I certainly respect his decision.

I rise in opposition to the roadless forest initiative. I represent a national forest that was once the Chequamegon and Nicolet National Forest. Like so many others, I have a concern over the effect of the roadless forest initiative on the economy of my district and the health and safety of our national forests.

I would like to make three brief quick points this morning to show the breadth of opposition in my home area to this roadless forest initiative.

First, local units of government in the State of Wisconsin in general, and in the Eighth Congressional District, oppose the roadless forest initiative. The Wisconsin Counties Association opposes it. The Counties of Vilas and Oneida and Oconto and others oppose it. They oppose it because they understand how dependent our communities and our economy is upon the national forest, recreation, and timber harvesting.

They also oppose it because they recognize that cutting off these forests to human access poses substantial fire and safety risks.

Point number two, the roadless forest initiative violates a historic compact between local units of government and the Federal Government. This national forest in northern Wisconsin was created in the 1920s. There were a series of transactions between local units of government, county forests, the private sector and the Federal Government.

On record, on the public record and in public documents, specifically these transactions were made with an understanding that access to the national forests would be maintained, in fact, explicitly that commercial access to the forests would be maintained. Yet, the roadless forest initiative, if it is implemented, would break that understanding, would break that agreement.

Very clearly, the Federal Government is on the verge of breaking its word with the people of northeastern Wisconsin and very clearly these local leaders would never, would never, have transferred county forest to the national forest if they knew that years down the line we would go back on our word.

Finally and most damning, the Forest Service employees of northern Wisconsin themselves oppose the roadless forest initiative. The very people being called upon to implement the roadless forest initiative oppose it. They have taken a formal position through Local 2165 of the National Federation of Federal Employees, they have taken a formal position against the roadless forest initiative. They understand the difficulties of enforcing it. They understand how it will do tremendous damage to our way of life and they understand how the roadless forest initiative has failed to take into account the local concerns in northern Wisconsin.

I will later place in the RECORD these resolutions demonstrating the clear opposition in northern Wisconsin to this initiative.

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

Mr. Chairman, as the gentleman from Wisconsin (Mr. GREEN) indicated, we were prepared to offer up to several amendments to block the roadless initiative and the road management rule. Instead, through conversations with the Chair and the ranking member, we have decided not to.

These policies and rules that are currently pending before the National Forest Service are still pending. We will have time in the months ahead to help fashion and mold hopefully something we can all live with.

Let me just take a few minutes here and explain what is going on with the roadless initiative and the road management policy.

□ 1045

These are new Forest Service policies. They are decisions affecting the national forests throughout the country. They are not found in any of the local-national forest management plans, and they are developed without a local input and without local forest officials' input.

Now, the roadless initiative on the face of it does not sound too bad, because it includes defined roadless areas. In my two national forests in Ottawa, that is 4,600 acres and in the Hiawatha National Forest, that is 7,600 acres.

We could probably agree that, in those areas that are identified, it makes some sense not to put roads; and we agree that could make some sense. But then it calls for other unroaded areas, other unroaded areas. We do not know the size of those areas. We do not know where they are located. It cannot be simply identified.

So if we cannot identify the other unroaded areas, why would we let a policy go through and we as Members of this Congress allow a policy to go through that we have no clue, no clue where these other areas are. Talk to Washington officials, they say one's local officials know. Talk to our local forest officials, and we have had hearings on this part, and they said we do not know because we do not have the guidelines. So they would let a policy go through.

Look, the proper role on roadless initiative, identify the areas; and if one wants it to be a wilderness area, that is a proper role of Congress. We should do it.

Proposals undetermine other roaded areas. It limits one's access. It limits one's use. It limits one's enjoyment of the forest.

If it was the roadless initiative, we could probably live with that, but look at what else is going on at the same time. At the exact time is this thing called road management rule. The only way one can build a road in the national forest if this road management rule goes through is if there is a compelling reason for a road.

Temporary roads that we use and rely on for fire fighting, for insect control, for harvesting timber are not recognized. No more temporary roads, none whatsoever.

Who has to agree to it? Not the local foresters, but the regional forester. In Milwaukee, they are going to decide for Michigan and Wisconsin whether or not there is going to be a road in northern Michigan regardless of what the local forestry officials say.

So it virtually bans road construction and reconstruction. So in other words, one cannot even fix up a forest road if this policy goes through, only essential classified roads, no feeder roads, no feeder roads. It does not recognize temporary roads for forest timbers.

So put the roadless initiative with this road management rule that no one knows anything about, put it together, and one has new policies, new rules that will supersede existing locally developed forest management plans in our national forest.

The results are one is going to have a national policy that says one size fits all. We lose our local control. There is no control input. Economic impact is not even recognized. For northern Wisconsin and northern Michigan and Minnesota, we rely upon our national forests, not just for timber sales, for recreation, no personal enjoyment, for hunting; but one has no input. Those economies are not even recognized as we develop these policies.

Last but not least, the new policies and rules change the established use of the forest, the access to the forest, and the activities that can be performed within the forest.

What we have here, as we have debated this bill many times in the past, legislative attempts to limit road building, to limit reconstruction of roads in our national forests. They cannot pass that. They cannot come before Congress and legislatively pass it. So they are doing this back-door approach through a rulemaking process on road management that there is no input.

One can write one's comments, but there is not a meeting anywhere in the United States where people from the local national forest did come and confront the local forest people and say here is what we need roads for. Why cannot one reconstruct this one road that goes to our lake? Because they are going to put through an administrative rule underneath the Administrative Procedures Act.

So I urge all Members to look at the roadless initiative. When one applies the road management on top of that roadless initiative, we have serious problems with what is going on in our national forests. I ask them to be vigilant and fight these policies by the National Forest Service. I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS), ranking member, for allowing the gentleman from Wisconsin (Mr. GREEN) and I to proceed outside of order.

NEW FOREST SERVICE POLICIES/RULES

(Decisions affecting National Forests; not found in Forest Management Plans; developed without local community & local forest officials input)

ROADLESS INITIATIVE

(Includes defined Roadless Areas and undefined ''other unroaded'' areas)

Wilderness Designation is proper role of Congress.

Proposes undetermined ''other unroaded areas''.

Limits access, use & enjoyment of forest.

ROAD MANAGEMENT RULE

(Only if compelling reason for a road; no ''temp'' roads; EIS signed by Regional Forester)

Virtually bans forest road construction & reconstruction.

Only essential classified roads (no feeder roads).

Does not recognize temporary roads for timber harvest.

NEW POLICIES/RULES THAT SUPERSEDE EXISTING LOCALLY DEVELOPED FOREST PLANS—RESULTS

National Policy—''one size-fits-all'' mentality, loss of local control.

Economic Impact—not recognized, local economies depend on National Forests.

New Policies/Rules—change established uses, access & activities.

AMENDMENT OFFERED BY MR. DICKS

The CHAIRMAN. The Clerk will report copy B of the Dicks amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS:

On page 52, after line 15, add the following new section:

SEC. . Any limitation imposed under this Act on funds made available by this Act related to planning and management of national monuments, or activities related to the Interior Columbia Basin Ecosystem Management Plan shall not apply to any activity which is otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House yesterday, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes in support of his amendment.

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

Mr. DICKS. Mr. Chairman, I offer an amendment which would overcome section 334 and 335 of the Interior Appropriations Act for fiscal year 2001.

My amendment seeks to overcome the funding limitation imposed in the bill under section 334 and 335 relating to the Interior-Columbia Basin Ecosystem Management Plan, known as ICBEMP, and the design, planning, and management of national monuments.

Both of these provisions are objectionable to the Clinton administration, and the committee has received a letter from the Office of Management and Budget director Jack Lew stating that the President's senior advisors would recommend a veto unless these riders are removed.

Section 334 of the bill would stop the Interior-Columbia Basin Ecosystem Management Project, ICBEMP, from going forward. The author of the provision included report language to the bill language stating concern that the Forest Service and the Bureau of Land Management are not in compliance with the Small Business Regulatory Enforcement Flexibility Act by completing a regulatory flexibility analysis. The administration, on the other hand, believes that such an analysis is not required. This is a major issue in this debate.

Now, I understand that the author of the amendment may have concerns about the agencies complying with all laws, but I have been assured by the administration that they are, in fact, in compliance with all existing Federal laws and, therefore, object to the inclusion of this provision which would basically stop their work on this particular project.

Further, I do not know whether the author of the amendment does or does not support the Columbia Basin Project's goals, but I think it is vitally important to articulate why it should go forward and not be stopped with a rider in this Interior appropriations bill.

The Columbia Basin Project was initiated by President Clinton in 1993 to respond to landscape-scale issues, including forest and rangeland health, the listing of Snake River salmon, bull trout protection, and treaty and trust responsibilities to the Tribes in the area. It also sought to bring more certainty and stability to the communities located in the Columbia River Basin, which were impacted by these events.

What we had before were literally dozens of smaller management plans that only addressed specific areas within the basin. The goal of ICBEMP was to better assemble each individual plan into a more coordinated watershed-based program. ICBEMP has several goals. Among them is to better protect the habitat important to threatened and endangered species and also to provide a long-term plan for mining, grazing, and timber harvest, all of which are still allowed under the project.

It is not a land grab, nor does it take decisions out of the hands of local communities and local management offices. It is an important step to better manage these critical lands, and it has had several years in development and has received extensive public comments and participation.

Section 335 prevents the Secretary of the Interior or the Secretary of Agriculture from using any funds for the purpose of designing, planning, or management of Federal lands as national monuments which were designated since 1999.

This provision attempts to restrict the designation of monuments by the President under the authority of the 1906 Antiquities Act by using a back-door method: funding limitation. A prohibition on spending funds for these monuments would not change their legal status, but it would prevent any ongoing spending within the monument areas as defined by law.

I would say to all of my colleagues who had monuments declared, that the author of the amendment chose not to cover his monument, but he is covering our colleagues' monuments.

The author of the amendment included language in the Interior Appropriations report to accompany the bill which states: ''Nothing in this language prevents either Secretary from managing these Federal lands under their previous management plans.'' But the bill language clearly states that no money shall be expended for the purpose of design, planning, or management of Federal lands as national monuments.

Once the President has acted to designate these lands, they are legally designated and would thus be subject to the spending limitation. All this provision would do is ensure that no Federal dollars by our land and resource management agencies could be spent in these areas.

A monument designation does not lock up these lands. Quite the contrary, monument status does not preclude such activities as grazing or mining.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

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

Mr. DICKS. Mr. Chairman, monument status also involves an extensive community involvement process so that programs can be established for all public uses. Hunting, fishing, hiking, canoeing are all allowed in these areas. But they would all be stopped if we could not do necessary wildlife surveys and environmental programs.

This provision would not allow any funds to be spent for law enforcement

and staffing in the monument. In the areas where there are visitors' centers, they would be closed because the provision would preclude any funds from being spent to operate, maintain, or staff them.

I understand that some of the President's recent designations have been controversial. But he has had, in each instance, the complete authority to act under the jurisdiction of the 1906 Antiquities Act. If the authorizing committees, and I note the presence of the chairman of the authorizing committee, if the authorizing committee of jurisdiction wishes to reexamine the Antiquities Act or wishes to pass legislation to cancel any specific monument designation, then they should do so. But the inclusion of this provision and the other provisions are ill-advised and ensure a veto by the President.

I urge support of my amendment and hope the House agrees that these provisions should not be included in this bill.

AMENDMENT NO. 46 OFFERED BY MR. NETHERCUTT TO THE AMENDMENT OFFERED BY MR. DICKS

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment No. 46 offered by Mr. NETHERCUTT to the amendment offered by Mr. DICKS:

Strike ''monuments,'' and insert ''monuments or''.

Strike '', or activities related to the Interior Columbia Basin Ecosystem Management Plan''.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 14, 2000, the gentleman from Washington (Mr. NETHERCUTT) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. NETHERCUTT).

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

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

Mr. NETHERCUTT. Mr. Chairman, my amendment to the Dicks amendment would strike the provision in the Dicks amendment concerning the Interior-Columbia Basin Ecosystem Management Project, called ICBEMP.

First and foremost, the linkage of the national monuments portion of the Dicks amendment with the Interior-Columbia Basin Management Project language in his amendment requires that they be separated. They are not the same. They are completely different. They have no relevance to each other. They have no relationship to each other. Therefore, on that point alone, my amendment should be adopted. My amendment seeks to strip the ICBEMP language from the Dicks amendments. So that is point number one, and that is the simplest way to look at this whole issue.

The second issue and the reason for removing it from the Dicks amendment is that this ICBEMP project was begun in 1993 as a scientific assessment of eastern Washington and eastern Oregon. Now, I want my colleagues and the chairman to keep this in mind, it started as a scientific assessment. We were going to take a look at the ecosystem condition of eastern Washington and eastern Oregon. The scientific findings were to be used as forest and Bureau of Land Management districts updated their land management plans.

Since 1993, this administration has grown this project to a size that encompasses Idaho, western Montana, parts of Nevada, Utah, and Wyoming.

□ 1100

Seven States, 144 million acres, are affected by what started out as an assessment informally.

Even more troubling is that it has grown to a scope that it has now become a decision-making document with standards, meaning that the recommendations of the project managers will automatically amend the land use plans in the region. The seven-State region; 144 million acres.

In 1998, the House had this issue before it. It voted to keep the Columbia Basin project advisory in nature. Not a rulemaking, not a decision-making document, but advisory. That language, which I sponsored and which was adopted by the House, rejected the idea that it should be more than advisory in nature. Unfortunately, in the negotiations on this whole issue at the last minute with respect to the omnibus appropriations, that language was sacrificed by the leadership and on the insistence of the President.

Section 334 of the bill, language which I put in, requires the Forest Service and the BLM to comply with existing law. That is the second broad but important point in this whole debate. It requires this administration to follow existing law, the Small Business Regulatory Enforcement Fairness Act, prior to finalizing any interior Columbia Basin ecosystem management project record of decision.

What is happening here, and those of us in the West understand this, is that this administration has time and time again tried to rush to judgment, to have a record of decision that will have the effect of law and that will affect dramatically the land use ability and land use of the western States, the seven western States which are part of this so-called study. The Small Business Regulatory Enforcement Fairness Act passed overwhelmingly in this House, signed into law in 1996, requires agencies to do this simple task: Examine and mitigate for the impact that a proposed rule will have on small entities.

This administration knows that the small entities, the small rural communities of eastern Washington and the seven western States that I mentioned, are impacted by this outside of the power that they have to stop it. So the only resource we have is to make sure that this administration complies with the law, and that is what this amendment does. It says before a record of decision is issued, Federal agencies must comply with the law that exists, that was signed into law by this President.

I heard my friend from Washington say that he has an assurance from the administration that they do not have to comply with the law in this case; that this act does not apply to them. Only this administration would urge that the Congress ignore the obligation that this administration has to comply with the law. Only this administration would do that. So I am not persuaded by the assurance that we have been given that this law, the Small Business Regulatory Enforcement Fairness Act does not apply. It applies, and there are court decisions that confirm that it applies. The General Accounting Office has issued a report confirming that it applies.

This plan, the ICBEMP plan, is going to amend 62 individual land use plans in the West. It is going to amend land use plans on 32 national Forest Service and BLM administrative units in this project area. It will replace three interim strategies. The project is clearly a rule, and there are court decisions that say so. Failure to comply with the Small Business Regulatory Enforcement Act is judicially reviewable by courts, and courts have invalidated agency rules on this basis, against Mr. Babbitt, Secretary of the Interior, in 1998.

Evidence is that the agencies have been wrong about this before. Over $56 million have been spent on this project. It is not authorized. This Congress has not authorized this project. The northwest industries have indicated to me that if a regulatory flexibility analysis is not completed, as required by law, and again that is all we are trying to do is have this administration comply with the law, they will pursue litigation which will throw this whole study into turmoil. Congress has the responsibility to ensure that the project does not leave itself open to litigation, if a record of decision is issued without having completed a regulatory flexibility analysis.

This is overreaching by the administrative agencies of this government, by this administration, by the Department of the Interior, the Forest Service, and the BLM. They are trying to go around the law, and that is wrong. That is wrong for rural America, it is wrong for the States that are represented in the West, and we should not let it happen.

So this should be separated out from this amendment because it does not apply to the national monuments issue. It applies to the fairness and the obligation to small businesses to be

true to the law, and this administration is lacking in that regard if it tries to go forward.

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

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume to respond to my good friend and colleague that 7 years is hardly a rush to judgment.

I want my colleagues to hear the language of this limitation in this appropriation bill. It says right here, ''None of the funds made available under this act may be used to issue a record of decision or any policy implementing the interior Columbia Basin Ecosystem Management Project not prepared pursuant to law, as set forth in chapter 6 of Title V of the United States Code.''

In all my years of being on the Subcommittee on Interior of the Committee on Appropriations, the relevance of the Small Business Regulatory Enforcement Fairness Act has been somewhat questionable. But let us talk about the analysis that is done in an Environmental Impact Statement. It looks at the socioeconomic impact of the EIS.

Now, either we can get serious and decide we want to really pass legislation, and this bill. Frankly, it is fatally flawed, but these limitations are objectionable to the administration every single year because they offend the process. We do not have hearings, we do not get into great detail on these things and, frankly, and the gentleman, of course, has been here for a number of years, but that is why we have authorizing committees and that is why in most instances we should let the authorizing committees deal with these substantive issues and not deal with them in the appropriations process. I think on both sides of the aisle there has been a consensus that we should not do these limitations unless there is just absolutely no other way to deal with the problem.

Mr. Chairman, I yield 10½ minutes to the gentleman from Oregon (Mr. BLUMENAUER) in opposition to the Nethercutt amendment.

Mr. BLUMENAUER. Mr. Chairman, I thank my colleague for yielding me this time to speak against the Nethercutt amendment and in favor of the Dicks amendment.

First, as it relates to what my friend from Spokane has advanced, I think it is important to allow the Columbia Basin Ecosystem plan to proceed. If adopted by this chamber, the Nethercutt amendment would retain the anti-environmental rider, which would block the implementation of this Pacific Northwest plan for forests, watersheds and endangered species.

It is true that it has grown somewhat in terms of scope and dimension. It has done so because that is what has been dictated as in the best interests of the region that we all care about and in terms of what will make the most difference. Careful long-term planning is a help, not an impediment, to the various challenges that we face in the Pacific Northwest.

I have heard my colleague more than once on this floor talk about the problems how this has stretched out over 7 years at a cost of $45 million. Well, adoption of this amendment, and subjecting yet another requirement to this plan, is only going to make the process more expensive and more time consuming. And, indeed, Congress itself is in no small measure a culprit. Every year that I have been here, since 1996, the Committee on Appropriations has been interfering with the orderly implementation of this review.

Now, as the gentleman from Washington (Mr. DICKS) pointed out, the extension of the Small Business Regulatory Enforcement Fairness Act to this study is something that has never before been required. It is vigorously disputed as to its applicability. But most important it opens up a very real possibility that we are going to block the potential Federal Government activity to improve the environmental and management activities in the Columbia River basin.

It is going to make it more likely, not less likely, that a court is going to intervene, possibly issuing a decree that could mandate management plan changes and entirely halting the production of goods and services on Federal lands in project areas throughout its deliberations, and the variety of little pieces that are involved there. It is wrong. We ought to get on with this business. It has the greatest potential of solving some very real problems that we in the Pacific Northwest face.

I would like to speak, if I could for a moment, to something that I consider even more insidious, and that is the underlying amendment that would include restrictions on the ability to have funding to implement the National Monuments Act.

This is a major policy adjustment, as has been suggested by my colleague from Washington, and it would have severe, I hope unintended, consequences. Some may applaud at the prospect of not having law enforcement on our public lands, but that is an extreme position that would not be approved by my constituents, nor I think by the constituents of at least most of us in this Chamber.

It is not going to do us any good to not be able to regulate off-road vehicles, law enforcement, mining, the grazing activities. This is categorically wrongheaded, and it is, in and of itself, why the administration will veto the bill. They would have no choice. But it is an example of the environmental extremism that we hear so often about on the other side of the aisle.

If my colleagues do not like the Antiquities Act, they should go ahead and repeal it. If they do not like what the President has done in any specific designation, they should have the courage to bring a specific bill to Congress and undo it. They do not because these are popular actions, they are things that would be supported by this Chamber, and the environmental extremists on the other side of the aisle would rather play havoc with our ability to manage public land in an orderly fashion.

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

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman's point is right on target, as far as I am concerned. The gentleman mentioned this Small Business Regulatory Enforcement Fairness Act. According to the Department of the Interior, the House requires, under this amendment, the Federal Government to prepare analysis, to their knowledge, that has never been prepared for any land use planned effort, no matter its scope.

As a result, the House action will unreasonably extend the duration of planning for this project, which, in part, due to requirements placed on the Federal Government by riders to every full year appropriation for Interior since 1996, has already taken 7 years to complete at considerable cost to the American taxpayer.

The thing that I worry about is that we are going to get ourselves into the same mess we did before the forest plan was put into place, and that is that a Federal judge is going to say that we have not done the right things in terms of watershed protection, that we are not protecting these fish under the Endangered Species Act. He will stop all the logging, all the mining, all the grazing, and an injunction issue. And that is the worst possible outcome.

So I am saying to the gentleman from Washington, who I do consider to be a friend and a thoughtful person, that it is time now to let this process go forward and finish this EIS and make the changes that are necessary to protect the bull trout, to protect the salmon runs on the Snake River, to make sure that we are doing the watershed protection so that we do not get the Endangered Species Act implemented in an adverse way in the gentleman's area.

But we cannot simply do nothing. We cannot just say we have no plan, no strategy. I have supported both gentlemen from Washington on the issue of the Snake River dams. But if we are not going to take out the Snake River dams, then we have to do other things to protect the habitat, to deal with hatchery problems, to deal with harvest. And protecting the habitat is a major part of this requirement in order to protect these fish.

I am going to let the gentlemen on the other side here have a chance, because I know the gentleman from Alabama is ready to go, but this amendment is offered in good constructive spirit. I think the strategy of trying to stop any change here is simply not going to work. It is going to wind up with the Endangered Species Act being applied by the Federal judges in a way none of us want, and so we have to make some hard decisions.

□ 1115

We cannot say no to everything. That is why I supported the protection of the Hanford Reach. Because if we are not going to take out the dams, at least we will protect these salmon in the Hanford Reach.

So I appreciate my colleague from Oregon (Mr. BLUMENAUER) yielding to me on this. This is something I feel very strongly about. I think the strategy here of continuing to delay this is a mistaken strategy, and that is why I offered this amendment. And I appreciate speaking on it.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, I would just conclude by expressing three things.

First, I would like to acknowledge the leadership of the gentleman from Washington (Mr. DICKS) in attempting to balance a very complex set of issues that we deal with in the Pacific Northwest. And oftentimes I know he must feel like he is the man in the middle. But I think he has addressed this in a direct and forthright manner.

I do not think there is anybody in the Pacific Northwest who has worked harder to reach out to try to find middle ground and to avoid the catastrophe, I think, on all sides of these controversies. If we are going to cede our ability to plan in a thoughtful and manageable fashion and have it done on a piecemeal basis via the courts, I think we ought to move forward in terms of supporting what the gentleman from Washington (Mr. DICKS) has proposed.

I want to make clear that, as far as the national monuments are concerned, my Republican colleagues have been in control here for the last 4 years, and they have been unable to fashion a compromise acceptable to the American public to go ahead and repeal this legislation. And we have been in fact left with, and I am pleased that we still have, an Antiquities Act that has been utilized by 14 Presidents over the course of the better part of this last century, since 1906, Republicans and Democrats alike.

I think it would be a tragedy for this House to use this back-door attempt to try and take away a power to have disastrous consequences on lands that belong to the American public, and they want us to exercise this sort of stewardship.

I would ask them to at least have the decency to bring forward legislation to repeal the Antiquities Act and do this in a straightforward fashion.

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

Mr. BLUMENAUER. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, the gentleman and everybody on that side voted for two pieces of legislation to not repeal it but to take care of it. And what the gentleman has said and the other gentleman has said about law enforcement and other areas is just not true.

What this does, if this gets through, all that ground will stay under the management plan it now has, which allows for law enforcement, which allows for cars. It does not make any changes whatsoever.

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

Mr. BLUMENAUER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, that is simply not what the Department of the Interior and the Forest Service say. They say that once it is designated as a monument, this amendment applies. They cannot do law enforcement, they cannot do planning, they cannot take care of the visitor. They legally changed the designation and thus would be impacted.

Mr. HANSEN. Mr. Chairman, if the gentleman will continue to yield, I would be happy if he would put in there to repeal that project. I would be very happy to have him do that. And when all else fails, read it and he will see he is wrong.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am going to say this slowly to my friends on the other side just so we keep our eye on the ball here. This requires that the agencies of the Federal Government to deal in land management comply with the law.

Talk about lawsuits. We are going to have big lawsuits if they do not comply with the law and adopt this amendment. That is what we are talking about here.

The means to do justify the end. That is what this administration seems to want to do is just say, we do not care about the law, we just want to get this done.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, it has been an interesting conversation. I will stay away from the monuments, but we will talk about that later. We did vote on them on this floor. If the gentleman did not vote for it, he was not doing his duty.

I am a little disappointed that the gentleman from Washington (Mr. DICKS) opposes the Nethercutt amendment. The Nethercutt amendment does exactly what he says it does, it follows the law.

I know the gentleman from Washington (Mr. DICKS) likes to follow the law. He goes to the State of Alaska and catches all my salmon. And the best thing I want to do is have the salmon reestablished on the Columbia River so he quits raiding my fish in Alaska. I mean, especially when he takes numerous amounts of those fish that I would like to take myself.

I would like to suggest one thing. The Nethercutt amendment does exactly what is correct, following the laws that this Congress passed. But this administration has a great tendency to not to follow the law in any way, shape, or form. This is their habit. This is their MO. They care little about this Congress. We are going to do what we think is right and forget the people of America.

Now, the gentleman from Washington (Mr. NETHERCUTT) said it exactly right, the Columbia initiative was in fact a designation and a study on the Columbia River concerning mostly Oregon and Washington, Montana, Idaho, State River, Columbia River, etc.; and it is all being done by the agencies.

And my colleagues want to have a decision that goes against the laws on the books today, a decision made by an administration that does not really follow the law? They want to include this Congress in that decision on how it will affect the local economy? They want to have a decision made now so we do not have further actions by the judicial branch?

I am going to suggest, respectfully, if the Nethercutt amendment is not adopted it will end up in court and nothing will occur and no solution will be reached.

So I am suggesting that the Nethercutt amendment is the right way to go. This is what should be done and will be done if we do what is right.

Mr. DICKS. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise in opposition to the Nethercutt amendment.

Mr. Chairman, I think this amendment is very poorly directed in a sense that if my colleagues are complaining about whether or not it is too expensive, I think this amendment only makes this process far more expensive. I think, also, the amendment is targeted at trying to declare the Basin Management Plan something that it is not, and that is that it is not a regulatory process, it is a management plan.

All of us have gone through this. We have gone through this in the Sierra Mountains, where we have known that we cannot deal with this on an individualized little watershed bill; we have got to look at the entire ecosystem.

In California we just completed with the governor and the Secretary of Interior the Cal Fed plan. Why? Because if we do not do that, it is very clear that all the pieces in and of themselves are deficient and they are deficient so we end up shutting down the water system in California, whether it is the irrigation system for our farmers, whether it is the drinking water for our cities, because the system cannot be operated in such a fashion.

In order to stave that off, we engaged in comprehensive basin management just as we are talking about on the Columbia River. Because the gentleman from Washington is right, if we stop this process, if we kill this process, then we go back to the status quo. And

the status quo, it is a no-brainer for a court to put them right back into the situation that they are in on the other side of the mountains, on the western side, where they had chaos, where they had just chaos ruling in terms of whether people lost their jobs or communities did not do well or whether the forests were harvested or not harvested.

This is a chance to get ahead of that curve. They spent $15 million trying to get ahead of that curve. They had endless meetings with local towns and communities and political subdivisions and all of that. And the question is, can they come up with a plan so they can continue to improve this, may continue the viability of the basin.

This is no different than what we are confronting all over the West. And we are doing it so that we can escape the chaos of individualized slapping down of endangered species problems and all the rest of that. Because that is why this plan came into being, because we know what we can front down the road.

So it is very easy that if they stop this, in fact, the evidence is so clear on its face that the judge simply decides that they cannot provide the level of management to provide the kinds of protections that are necessary to the habitat, to the watersheds, to the species; and, therefore, they are back into chaos.

And it is difficult. We have been at this a number of years in California with the Cal Fed process. As difficult as it is, all parts of the puzzle recognize that, with a comprehensive management plan, they in fact are in a better place than what they would be.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I do not disagree with the fact about how complicated and difficult these are to work through. I think we would all agree on that.

But what I keep hearing is how ICBEMP is going to resolve this issue just as the Northwest Forest Plan was resolved on the West side. Is the gentleman arguing that the Northwest Forest Plan is a success and has met its goals?

Mr. GEORGE MILLER of California. Mr. Chairman, reclaiming my time, I am arguing that what we have learned is that, absent comprehensive plans that address all facets of the various large basins, the large systems, whether it is the Sierra or the Columbia River or the California water system, absent that, what they get is they get back into chaos because the individual attempts are not sufficient to provide the level of protection. So they find themselves with the court running their systems as opposed to the political leadership and the local communities.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to say this. We have been through this. On the West side, we were enjoined by the Federal judge, no timber harvesting. Zero.

The new administration came in and held a summit in Portland, and nobody was entirely pleased with the outcome, but we got the injunctions lifted. We got some timber harvest restored. We got a $1.2 billion-a-year plan to help the communities deal with these problems. And we moved on.

What we are talking about here with the Nethercutt amendment is going back to the way we used to do business, and that way is going to lead us to the Federal Court's injunction. And, again, he is going to hurt his own people. That is why I do not understand why he is doing this.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Because, as my colleague knows, the court is back saying the plan that has been put forward after that has been done on the Northwest Forest Plan is still not in compliance. Because the survey and manage requirements that were shoved in in the dark of night by this administration says the Forest Service has been unable and may indeed be incapable of meeting. We still are not achieving the goals of that plan.

My point in this debate right here, right now, is that to use that as an example of success is not fair when it has been a failure. I agree we have got to have the science in place.

Mr. GEORGE MILLER of California. Mr. Chairman, reclaiming my time, I think that is the case. Listen, they are going to continue to challenge us on Cal Fed from either side, from the agricultural side and from the environmental side. They will continue to challenge us on the Sierra plan. But the fact that they have a plan in place allows the judge to look at that in a much different fashion than if they have nothing in place so the judge can then tinker with the plan, but they are not back into wholesale injuctions on an eco-wide system. So that plan is serious, serious insulation from going back to where they were.

I mean, maybe time has erased our memory what was going on in the Northwest. But take ourselves back to the late 1980s and 1990s, we had total chaos.

Mr. WALDEN of Oregon. Mr. Chairman, if the gentleman will continue to yield, so what he is arguing is that, if we are going to err at all, we need to err on the side of following the law. Right?

Mr. GEORGE MILLER of California. No. The gentleman can say whatever he wants to say.

Mr. WALDEN of Oregon. But the General Accounting Office, in 1997, says that this does constitute a rule in their opinion and, therefore, this small business would follow.

Mr. GEORGE MILLER of California. Mr. Chairman, and obviously, the Department of the Interior and the Department of Agriculture seriously disagree with that. Let us not pretend that they do not.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 15 seconds to just say to my friend from California, not from the Northwest, this is not killing the process at all. We are just requiring that the agencies of the Government comply with the law.

The means do not justify the end.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), a distinguished member of the Committee on Rules.

□ 1130

Mr. HASTINGS of Washington. I thank the gentleman from Washington for yielding me this time.

Mr. Chairman, I want to congratulate my friend from Eastern Washington for all the work that he has been doing on this issue. I do enjoy working with my friend from western Washington. We have worked on a lot of issues together that is obviously important to my district. I do appreciate that very much. But on this issue, obviously there is a basic difference as to how we should approach our economy and our resources in our given area. It is an honest difference of opinion, I think.

What I find very interesting in the arguments that I have heard heretofore from my friend from western Washington and my friend from Oregon, they were saying that if we do not like this process by going through the appropriation process, we ought to use the authorizing process. I have always been a proponent of that, but I would make this point very clear. ICBEMP was never authorized. It was done at a time in 1993 when that side of the aisle controlled both houses of the Congress and for some reason they felt that they did not need to authorize this project. It was put in an appropriations bill and now we are living with the consequences of something that has grown from $5 million now to $56 million. It has kind of grown like Topsy and it has grown in scope, too.

Let me make a couple of points that were made by those on the other side as far as their arguments. In his opening remarks, my friend from western Washington was saying that in the planning process, the ICBEMP provides more certainty and it does not take planning out of the local jurisdictions. I would just make this observation. This ICBEMP as it has been expanded in this time period covers some 105 counties in those seven States. Not one of those counties has passed a resolution in support of ICBEMP. In fact, to the contrary, 65 of those counties have passed resolutions in opposition to ICBEMP for the very reason opposite of what the gentleman said, they are concerned that this affects their planning process.

Again, this seems to be a pattern from this administration that we will have these meetings that has been mentioned a number of times, but at the end of the day we are not going to listen to the concerns of those at the local level. That seems to be a pattern over and over and over.

What are the reasons why? I can state one of my large counties in my district, why they are concerned about the Federal Government doing this planning and governing in one area, in the northern part of my district in Okanogan County. They are concerned about how the Forest Service is addressing the issue of noxious weeds. They are not addressing the issue of noxious weeds in the forest land. That is going over into the private lands and it is putting a burden on the taxpayers in that area to fund the noxious weed board. That is just one example why they have a concern about the Federal Government taking over this planning.

Finally, I would like to as far as the resource part of it make this observation, because the Endangered Species Act has been a threat, that if we do not do this, the Endangered Species Act is going to preempt everything, and we will end up in a bad situation. I would make this observation, that unless we listen to the local people that are affected, we are going to be in worse shape than we ever possibly think we could. Because it seems to me the implicit idea or thought process of this administration is to not trust those that are elected at the local level to make decisions. I find that, frankly, wrong.

There is another example in my district where local people have worked together trying to comply with the Endangered Species Act as it is written right now through the HCP process. That was signed a couple of years ago by the Chelan and Douglas County PUDs. It still has not gone through the whole NEPA process yet, but they are very confident that if they go through that process, they can live to the letter of the law with the Endangered Species Act. I for one, by the way, think that the Endangered Species Act ought to be changed, but in the letter of the law they can. Why? Because this is local people working together to come to a solution. But ICBEMP, the way it is structured and what we have seen does not allow for that to happen.

Finally, from the regulatory standpoint here with my friend from eastern Washington's amendment. This area that we are talking about is largely an agricultural area. There is no huge urban area like Portland, Oregon or like Tacoma or like the Bay Area in California. There is no large urban area like that. It is largely agriculture. If we do not know what the impact is going to be on the farm implement dealers or the farm chemical dealers or the food processors who are largely smaller businesses in that area, then we are not doing a service to those that are going to be affected. That is all that this amendment does, is to say, let us put everything into the mix and follow the law. After all, this is an unauthorized project. If the concern is that it goes for one more year, what is wrong with that, as long as we get it right? Because this will have a big impact on my constituents.

Finally, Mr. Chairman, I urge my colleagues to support my friend from eastern Washington's amendment. I think it is the right thing to do in order to clarify where ICBEMP is going.

Mr. NETHERCUTT. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

(Mr. HILL of Montana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Montana. I thank the gentleman for yielding me this time.

Mr. Chairman, my constituents are deeply concerned about this interior Columbia Basin management plan. They see this as kind of a classical bait and switch that occurred. Basically what happened is that the Clinton administration proposed this study as a scientific assessment so that we would have a regionwide science that could be applied to the individual forests for the development and the renewal of the individual forest management plans. In the process, the administration went to the local governments and solicited their input and their participation and invited them to participate in the process. As a consequence of that, there was pretty broad support for doing this scientific assessment, because, as the gentleman from California pointed out, it was necessary for us to be able to have local forest management plans, to have regionwide science in the development of those plans.

But along the way, things changed. The administration decided that it was going to shift this from a scientific assessment to a decision-making document. What does that mean? It means that the standards and the rules and regulations that would be determined in interior Columbia Basin would be imposed on the local forests. The consequence of that is that now the individual forests cannot make individual forest management decisions. They have to comply with an increasing number of standards and rules and regulations that are on a regionwide basis. We have heard some talk out here about the success of this in a narrow regional area west of the Cascades. But, Mr. Chairman, the forests and the BLM lands that are being impacted by interior Columbia Basin are diverse. The species of trees is diverse. The elevations are diverse. The amount of rainfall that occurs is diverse. There is little similarity in these forests except that they are all part of the Columbia River drainage.

In any event, the administration then determined that it was going to basically override the intent of Congress. Congress has said it wants forest management, land management decisions made locally by making an overriding regional decision document.

The problem today is that this Interior-Columbia Basin issue and the Reg Flex issue is kind of caught up in a bigger set of issues. Because right now we have the designation of national monuments going on, the roadless forest initiative going on, mineral and oil and gas withdrawals of the Clinton administration, proposals to breach the dams on the Snake River and ICBEMP all occurring at one time. It is no wonder that the people in this region feel like there is a war being declared on them with all these things happening.

What the gentleman from Washington's amendment is trying to do is deal with just one narrow area. That says that if ICBEMP is going to go through and it is going to be a decision-making document, then let us make sure that it complies with all the laws. If the goal of this device is to eliminate injunctions in court overriding local decisions, then it has to comply with all the law. That is what this amendment intends to do.

I urge the support of the amendment.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY) who is a valued member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, one of the more unfortunate aspects of the present majority's rule of this House over the last several years has been this propensity to attach antienvironmental riders to appropriations bills. Essentially that is what we have here today in this particular context. Seven years ago, the administration embarked upon a plan to improve environmental management in the Columbia River Basin. All of the land affected by this plan, by the way, and very importantly, is public land.

It is not private land. It is public land. It is land owned by all of the people of the country. So my constituents in New York as well as every constituent of every Member of this House has a stake in the development of this plan to manage important public resources in the Columbia River basin. That project has gone forward. It has gone forward very carefully, very intelligently, and in a very open way.

An environmental impact statement has been produced. A supplemental environmental impact statement has been produced. All of the activities here have been based on good, sound, responsible science. The intention is to improve habitat in the Columbia River, to improve habitat for bull trout, for salmon, to improve recreational resources, to improve timber resources, and to have a comprehensive plan which will stand and which will allow people all across the spectrum, from recreational uses all across the spectrum to extracted uses to be able to use this public land in the most effective and efficient way.

Now we have this amendment to the Dicks amendment which would block

implementation of this Pacific Northwest plan for forest watersheds and endangered species. It would do so by attempting to superimpose an aspect of the small business law onto the environmental law, to take one piece of a law and inappropriately attach it to a situation where it does not belong, has no standing, has no meaning and makes no sense.

Therefore alone, for that reason alone, just on the structural basis of it, the technical aspects of it, this amendment ought to be rejected. But it ought to be rejected on much more solid ground and much more important ground, and that is this, we are here discussing the future of a very important part of America. Again, I emphasize, a part owned by all of the citizens of this country, held in trust by the Federal Government, administered by the Bureau of Land Management and other agencies within the Department of the Interior.

Now, everybody has a responsibility to make sure that this works and this antienvironmental rider inappropriately attached to this bill ought to be very soundly and solidly rejected.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 10 seconds to say that just because someone says that it is an antienvironmental rider does not mean that it is. This is complying with the law.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN) who is from the region that is affected by this study, not from outside our region.

Mr. WALDEN of Oregon. Mr. Chairman, it is interesting to follow somebody from New York who has a district along the river much like the Columbia River, the Hudson River. There is a lot of similarity there. The difference is they do not have this kind of a planning process in place by the Federal Government, ICBEMP.

I want to talk for a moment, Mr. Chairman, about the relationship of this requirement for this rule. The GAO, the General Accounting Office general counsel wrote in July of 1997 a letter to Congress that a national forest land and resource management plan generally was considered a rule for the purposes of this Small Business Regulatory Act. Failure to comply with this act is judicially reviewable and courts have invalidated agency rules on this basis.

All we are asking here is for this administration to follow the law. And if there is a question about whether this is legal or not, would it not be time for this administration to err on the side of following the law if there is a question? Would that not be refreshing?

Mr. Chairman, let me talk for a moment about the monument issue, because we have heard a lot about the Antiquities Act. I have a copy of the relevant statute here. Let me read from it, that ''any person who shall appropriate, excavate, injure or destroy any historic or prehistoric ruin or monument or any object of an antiquity situated on the lands owned or controlled by the government of the United States.''

□ 1145

That is what we are talking about, these objects, these archeological fines. It goes on to say, that the Government may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

And then it goes on to talking about archeological sites, small little objects, and we are going to protect the land around it. Ladies and gentlemen, this is not the smallest area possible to protect an archeological find, is it?

These are the areas that have been approved already, and, in fact, I want to point out a factual error because the Hanford Reach National Monument declared a week or so ago is actually 202,000 acres, not 195,000 acres. These are monument proposals all in the works right now that people are talking about, could total 149 million acres, almost 150 million acres. Ladies and gentlemen, the ICBEMP proposal covers 144 million acres.

I want to share with my colleagues the fact that that is an area, if we took all of these national monuments that are being considered by different groups and perhaps this administration into account, this is an area more than all these States combined: West Virginia, Maryland, Vermont, New Hampshire, Massachusetts, New Jersey, Hawaii, Connecticut, Delaware, Indiana, Rhode Island, and the District of Columbia combined.

This administration can do this by fiat. This is not the way to manage public lands in this country. This is a violation of the Antiquities Act. The Antiquities Act is about objects and monuments and those sorts of things. Read it. It is right here; I will share it with my colleagues.

Mr. Chairman, I support the Nethercutt amendment. We can have this science in this planning, and we can have this administration follow the law as well.

Mr. DICKS. Mr. Chairman, I yield 3½ minutes to the gentleman from Washington (Mr. INSLEE), who formerly represented this part of the area, who is a distinguished member of the House and a very strong environmentalist.

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

Mr. INSLEE. Mr. Chairman, as a Member of the Washington delegation, I rise in very, very vigorous opposition to the Nethercutt amendment. And I would like to share with my fellow Members why I do.

I know this area very, very well, and the Interior-Columbia Basin. It is an area my colleagues should come see. It is an area where Lewis and Clark first encountered the salmon cultures of North America, where they first came down the Snake River and they ran into the Columbia River, and guess what they found? They found an entire people who lived on salmon.

Lewis and Clark in their journals in Undaunted Courage, Members should read it, it is a great book, said they could walk on the backs of salmon literally across the small areas of the Columbia River when the first European arrived.

Now, today, we have at least 12 runs of salmon that are endangered. They are on the verge of going to extinction forever at our hands, at our hands, at the hand of the Federal Government, who has not to date acted in their interests to make sure that we do not take natural-use land policies on Federal land that drive them to extinction.

I am here to ask that my colleagues from across the country to come to the aid of the State of Washington to save the salmon that Lewis and Clark first discovered in the Columbia River. And I want to tell my colleagues that if this amendment were to pass, it would gut the most meaningful effort we have to date to make sure that we the Federal Government plays its role in saving these salmon.

Now what would this do, what would the study simply do? It would do what I think is common sense. It would try to have some coordination between the 62 land-use plans, the 32 forest plans that are now independently running off in their separate directions like chickens with their heads cut off. This would send us right back to those old days of agencies not acting in coordination.

I want to address specifically those. I want to address those who are very concerned about the potential of dam breaching on the Snake River, and those are legitimate concerns.

I want to tell my colleagues that the single most effective way we could send us all down this dam breaching road, is to ignore the common sense things we need to do that we hope the Forest Service and BLM will do to help restore habitat. Because I can tell my colleagues this, if we fail in our obligation to restore salmon habitat, if we fail in our obligation to change hatchery processes, if we fail in these obligations, in these responsibilities, then the potential exists that we do get into a dam breaching scenario.

Those who want to speak about dam breaching, the last thing we should do is to try to stop the Federal Government from taking common sense measures to do something about salmon.

Mr. HASTINGS of Washington. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I just simply want to make this point, because the basis of the argument of the gentleman from Washington (Mr. INSLEE) has been on the salmon, and the implication of his argument is such that only the Federal Government can make the right plans.

My question to the gentleman, since the gentleman used to represent that district that I now represent, is the gentleman aware of the Vernita Bar agreement, which is a local agreement between the local State and Federal Government that has enhanced the salmon runs? In fact, we are now seeing the benefits of that. Because I think the gentleman probably is aware that the spring chinook run coming back to the Columbia River is higher than it has ever been since they started keeping records in the mid-1950s.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 10 seconds to just say this does not gut anything. The Nethercutt amendment simply says comply with the law, so we do not have huge lawsuits later.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I think this is a good debate.

Mr. Chairman, one of the gentlemen says that if we have a plan that gives a judge a better opportunity to look, well, look at the tuna dolphin bill, that passed the House, that passed the Senate, over 300 votes here. It was signed by the President, environmental groups supported it, animal rights groups supported it, but the gentlewoman from California in the other body judge-shopped to get that stopped, and that is why we are talking about this.

I have heard extremists, and I have heard anti-environmentalists to ask the Government to follow the law is not extremist. And I would like to take a look at the things that we are actually looking at in this amendment.

Californians, when they complain, they call it extremists because we do not want to follow the Antiquities Act on millions of acres without review. This is East Coast and all the colored lands in here are owned by the Government.

Now, when we turn this chart around, Mr. Chairman, this is what is in the West. When the President takes Utah and millions of acres and millions of acres in Oregon and other areas, when the Antiquities Act was met, the average is 47 acres, then that is damaging to California and the West.

Yet we are called extremists because we want to limit that. And all we are asking, and what the gentleman from Washington (Mr. NETHERCUTT) is asking, is that for the Government to follow the law; that is not extremist. That is not anti-environmentalist.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman on tuna dolphin, the Government did not follow the law. They failed to do the studies but went ahead with the action and the judge said, no, the law says you have to do the studies, do the studies.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, the White House, violation after violation of things, look at what Secretary Babbitt has done; and we are saying that in those cases then the Government should have to follow the law, and that is the reason I support the Nethercutt amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I would like to ask, my colleague from eastern Washington said talk real slow, the allegation here is following the law. What they are basing this on is a GAO report on the Tongas wilderness. This would subject a precedent that they somehow want to stretch to every land use decision. No court has ever decided this.

This was a GAO opinion from 1973. No court has ever decided it, but I find it ironic that our colleagues on the other side of the aisle are somehow holding up to such reverence a GAO report when they do not do this for mining practices, for timber practices, for abuse in the oil industry. These are all GAO reports that the majority has seen fit to avert their eyes; but here, they would subject every land use process to an opinion that devolves from this one item.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 15 seconds to just point out to the gentleman from Ohio (Mr. BLUMENAUER), he has not read the law with respect to Northwest Mining Association versus Babbitt, 5 F. Supp. 2d 9, DC District Court, 1998. That is absolutely contrary to the statement that the gentleman from Oregon (Mr. BLUMENAUER) has just made.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from Washington (Mr. NETHERCUTT) for yielding me the time.

Mr. Chairman, we really have to focus on what the gentleman from Washington (Mr. NETHERCUTT) is trying to do here. As I sat and listened to the debate last night and as I listened to it today, I find that this side of the aisle is really trying to constrain spending and keep the agencies confined to the letter of the law, while we see the other side not really seeming to care if we go overbudget or spend a lot of money.

Spending and spending seems to be their flavor and the American people are saying pay down the debt and constrain government and constrain spending. Now, this is the biggest, best example, this ICBEMP project, of a project going way overbudget. This is the poster child for the real paralysis of analysis that we find in the Federal Government of overspending, overanalyzing, overregulating and not producing anything for $56 million, but a huge plan that covers 62 Forest Service plans, multiple States, private property and State property.

All they have done is plan for $56 million. My colleagues, the Dicks amendment attempts to override reasonable language requiring the administration to follow the law, and that is all the Nethercutt amendment is doing. We should not have to be here, but the agencies tend to ignore the law. What the gentleman from Washington (Mr. NETHERCUTT) is doing is saying it simply is not fair as the Congress had recognized before in the Small Business Regulatory Enforcement and Fairness Act. It simply is not fair for a small business not to have the impact of government agency decisions analyzed.

The Forest Service and all of the agencies must comply to that. We should not even have to be here, except the gentleman from Washington (Mr. NETHERCUTT) is having to remind the agencies and this administration once again we simply need to follow the law.

The ICBEMP decision will have major impacts on small businesses, in Idaho, Montana, Oregon and Washington; and this administration ignores its responsibility under the law. And Congress must not condone its efforts to side-step the law.

Mr. DICKS. Mr. Chairman, I yield myself 15 seconds. Mr. Chairman, I find it hard to believe that in one breath we can say we are going to delay this process now for 7 years and then complain about the fact that it has cost $56 million to do the process.

If we stop delaying it, let them issue the Record of Decision, we can get on with this. We have looked at the socioeconomic consequence in the EIS.

THE CHAIRMAN. The Chair would advise both Members that the gentleman from Washington (Mr. DICKS) has 4 minutes remaining and the gentleman from Washington (Mr. NETHERCUTT) has 1½ minutes remaining and the right to close.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL), who survived the fires; and we are glad he is here.

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding to me.

Mr. Chairman, it seems to me that the issue here is one of do we proceed on a piecemeal basis with the devastating consequences that we have had or do we proceed and look at the overall basin. All of us know that the great explorer that came out West, John Wesley Powell, when he looked at organizing governmental units in this area, said we ought to look at basins; we ought to look at watersheds. And we did not take that advice, and what we have gotten today is a piecemeal approach.

□ 1200

It has been absolutely devastating to the natural resources, to the salmon, to the watershed, to the forest.

So what we have today is an attempt, what we have today is an attempt, to continue piecemeal, to continue to go

into court, to continue to try to bog and slow down the process, rather than look at the whole Columbia River Basin. That is what the issue is here today, and it is an important issue, and it is an issue.

I am from the West. There have been criticisms here from the other side turning around and saying, oh, these Easterners should not be able to talk. We ought to look at all of our basins in the West. I am willing to have the Rio Grande looked at. We are looking at the Columbia River Basin. We ought to continue to look at a sound scientific approach on our river basins.

So I would urge all of my colleagues, all of my colleagues, to reject this amendment. It is antienvironmental, it is a return to a piecemeal approach, and it is not the approach that we should be heading into in the 21st century in terms of dealing with our resources.

Mr. NETHERCUTT. Mr. Chairman, I yield myself 10 seconds to say that I am interested in the gentleman from New Mexico's comments. The gentleman has come out and says he wants to breach the dams in the lower Snake River. So I do not give much credibility to the idea that this is somehow antienvironmental. It is just not.

Mr. DICKS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER), for a comment on the legal issue.

Mr. BLUMENAUER. Mr. Chairman, I went over and looked at the citation from my colleague from eastern Washington, and I apologize for not being conversant with it, but it seems to me quite clear that what that is, it talks about this as potentially reviewable. The point I made is that there is no judicial determination on point that would apply this to a land use planning process, and I stand by that assertion.

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

Mr. Chairman, I just want to say to my friend from Washington, we have had a very spirited debate here today. We have discussed this issue. The administration feels very strongly that further delay of this draft environmental impact statement is counterproductive, because what we are trying to do is to protect this habitat and make sure that we restore these salmon runs, and also to make sure there is some commodity production on the lands that the gentleman is concerned about.

What the gentleman is opening himself up to by further delaying a rational answer, a scientifically credible, legally defensible answer, is the same kind of injunction that we got on the West side which led to a total halt in all timber harvesting. So it is a high-risk strategy that I think will fail.

I must say also to my colleagues, who say do not breach the dams in the Snake River, if you are not going to do that, and I agree with you on that issue, but if you are not going to do that, then you have got to do something to protect this other habitat, so that we can restore these fish runs, so we can restore the bull trout, restore the salmon runs on the Snake River. Yes, they may be healthy on the Columbia River, but we have endangered listings on the Snake River.

One cannot stop everything and say you are addressing the problem. What government is about is coming forward with leadership, coming forward with proposals, working these things out. Our State had the forest and fish plan, we have had habitats conservation plans, where good people get together and work these things out.

I say to the gentleman, it is time to stop blocking this ICBEMP proposal, because you are undermining our ability to solve these environmental problems.

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

Mr. Chairman, I appreciate the gentleman's passion, but he is wrong. We are not trying to stop anything. We are trying to make this government comply with the law. Everything that has been done, the $56 million that has been submitted on this issue, it is going to remain. We are not going to stop anything. But, doggone it, if you are from the east side of the State of Washington, and the gentleman is not, these decisions by these agencies have real consequences on our people.

So I am not persuaded by the idea that this is somehow stopping anything. It is simply saying comply with the law. That is something this administration has not done. It ought to stop right here.

We are going to use this ICBEMP project, but, doggone it, do it right. Do not rush to judgment and use any means to get to your end, and that is lock up our region, frankly, and do things that are going to hurt our people.

So this is in the best interests of our people. We are going to have litigation if we do not do this, my friend; we are going to have litigation if we do not do it.

So I am saying to my friends is, this issue is separable from the national monument issue, and all the crying about antienvironmental is just wrong. This is the most environmental thing we can do, is make sure we are not tied up in litigation on the other side of the issue.

Comply with the law, administration; do what you are supposed to do, and do not confuse this with some antienvironmental attitude. It is not. I urge my colleagues to support this amendment and do the right thing for this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT) to the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 221, not voting 7, as follows:

[Roll No. 279]

AYES—206

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—221

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch

Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—7

Campbell
Danner
Hinojosa
Lofgren
Myrick
Vento
Young (FL)

□ 1226

Ms. MCCARTHY of Missouri, Mrs. ROUKEMA, and Messrs. ANDREWS, PORTER, and PETRI changed their vote from ''aye'' to ''no.''

Mr. SCARBOROUGH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The CHAIRMAN: Without objection, the gentleman is recognized for five minutes.

There was no objection.

Mr. POMBO. Mr. Chairman, I would like to engage in a colloquy with the chairman of the Subcommittee on the Interior of the Committee on Appropriations.

As the gentleman is aware, the Stone Lakes National Wildlife Refuge is in my Eleventh Congressional District in California. Due to the controversy over its existence and management, the chairman has been instrumental in limiting funds from being spent on land acquisitions for the refuge. I thank the chairman for his support over the years on this issue.

Unfortunately, it has come to my attention that the U.S. Fish and Wildlife Service has intentionally ignored the direction from the Congress and commitments made to myself on this issue. The Service has been actively seeking and approving land purchases for the Stone Lakes refuge. One documented purchase used CVPIA funds, Land and Water Conservation Funds, National Fish and Wildlife Foundation Funds, Packard Foundation grant money, and Stone Lakes environmental grant money. The amounts used for these various sources totaled over $1.9 million.

It gets better. When the Director of Fish and Wildlife Service was asked about this, she was not immediately aware of the purchase of land at Stone Lakes.

□ 1230

Apparently the regional manager initiated and approved the purchases without consulting her office. This action was in violation of congressional direction, and violated instruction from the director that proposed purchases for this refuge be brought to her attention.

While I would like to see the purchase negated, the damage is done. The innocent landowner who sold his property was lied to and misled about the Federal Government's authority to buy his property for Stone Lakes. The Federal taxpayer is out the money and Congress has been ignored.

I have contacted the director of Fish and Wildlife, and we have met this morning. However, as the Representative of the area in question I must act to ensure that there is a consequence to this ill-advised Federal action.

Mr. Chairman, in light of the Fish and Wildlife Service's blatant disregard of the direction of Congress I ask that the gentleman work with me as this bill moves forward in conference to include the strongest language possible to prevent any funds from being spent or handled by the Department of Interior for purposes of buying land or easements for Stone Lakes, including administrative funds. I also ask that such language address the Department's escalating acceptance of non-Federal funds to carry out purchases of land and easements. The routine practice of foundations and conservation organizations giving money directly to the Department has contributed to problems at Stone Lakes. Without congressional oversight or accountability, the Department is bound to repeat history.

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

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

Mr. REGULA. I thank my colleague for bringing the Stone Lakes situation to my attention. I am very concerned over the actions taken by the Service and the disregard of congressional intent and of the commitments made to the gentleman by the director of the Fish and Wildlife Service.

The committee held a hearing this year to address the multiple sources of funds used by the Service to establish refuges and acquire land. At the request of the committee, the General Accounting Office looked at this issue. At the hearing, the GAO reported several facts that are cause for alarm and relate to the gentleman's problem. Let me share a few of the GAO's findings with the gentleman.

One, the Fish and Wildlife Service established 23 new refuges in the 5 years from 1994 through 1998. Fifteen of those refuges were established with nonappropriated funds, donations and exchanges. Congressional approval, or even notification, is not required to establish a refuge with nonappropriated funds. After establishing refuges with donated funds, the Service routinely adds more land to those refuges with appropriated funds.

The Service has authority to acquire land for many different habitat and endangered species preservation purposes. As a result, just about any piece of undeveloped land appears to be a potential target for land acquisition by the Service.

The Service has many different sources for Federal land acquisition, appropriated funds through the Land and Water Conservation Fund and the North American Wetlands Conservation Fund, nonappropriated funds through the Migratory Bird Fund, and donations and land exchanges.

To complete the land acquisition for all the current and planned refuges will require about $4 billion.

The Service continues to create new refuges and expand existing refuges. Six new refuges were created in 1999.

The CHAIRMAN. The time of the gentleman from California (Mr. POMBO) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, will the gentleman continue to yield?

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

Mr. REGULA. Mr. Chairman, the Service does not consider the annual operations and maintenance requirements associated with establishing new refuges when making its decisions on refuge establishment.

I want to say to the Members, I think this really goes around the policy-making responsibility of the Congress to have this happen, and I think we need to address this issue in statute and require the Congress to have a voice in the establishment of refuges, because we end up with the cost of maintaining them.

I want to assure the gentleman that I will work with him on this issue as this legislation moves into conference with the Senate.

Mr. POMBO. I want to thank the gentleman for all of the help he has given me on this issue over the year and I look forward to working with him.

AMENDMENT OFFERED BY MR. HANSEN TO AMENDMENT OFFERED BY MR. DICKS

Mr. HANSEN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HANSEN to the amendment offered by Mr. DICKS:

Strike ''planning and management of national monuments, or''.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, June 14, 2000, the gentleman from Utah (Mr. HANSEN) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

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

Mr. HANSEN. Mr. Chairman, the great conservationist Teddy Roosevelt could see, as he went through the West, and he was very familiar with the West, that there were some things that needed protection. So he asked Congress to pass a law, and that was called the Antiquities Law that was passed in 1906.

It is kind of fun and interesting to go back and read the information regarding the Antiquities Law. As they stood on the floor and debated it, they said what is this really going to do? Between the gentleman from Texas and the other gentleman, they said it will protect the cave dwellers, or what they had there, and it should be called the cave dwellers bill.

In this particular instance, what does it say? It amazes me, Mr. Chairman, because we have passed two previous pieces of information about this, 408 to 2 this year and one the term before, but very few people even take the time to look at the law.

As Chairman John Sieberling used to say, when all else fails, read the legislation. I could not agree more with that.

When one goes to what this does, it talks about going into these pre-historic ruins and what one can and cannot do. Then in the next section it says this, the limits of which in all cases shall be confined, now keep this in mind because everyone seems to ignore this, shall be confined to the smallest area compatible to protect that site.

What sites does it talk about? It talks about archeology. The Rainbow Bridge is a great example of a monument in archeology.

It talks about historic. Where the two trains came together and we called it the Golden Spike is a great historic example of what we have.

Out of these things, and many people have argued this, they say, gee, we would not have the parks without these.

Out of the Monuments Act came the Grand Canyon, came Zion's and others, but we did not have other laws up to that point.

Now, I say that many of the presidents that my colleagues on the other side have talked about did a good job and they created these very small, unique areas. However, along comes this administration, we have another thing happen. In September of 1996, the President of the United States went to the Grand Canyon and created the Grand Staircase Escalante. He forgot to tell anybody about it. Let us say they intentionally told nobody about it.

Out of that, they did not take a small thing like the law says. They did not mention an archeological or historic or scientific thing, like the law says, but they went ahead and did 1.7 million acres.

We were very curious, why did they do that? So we subpoenaed that. We even wrote a little book. I hope somebody has read it. I doubt it, from the arguments I have heard about this, but it is called Behind Closed Doors.

Now let me read from this book what they say. McGinty, who was the chairman of the Council of Environmental Quality, she says this, I am increasingly of the view we should just drop this Utah issue. These lands are not really in danger.

Now, I would say to my colleagues, please listen to this if they would. This is a letter we had as we subpoenaed these papers. The real remaining question is not so much what the letter says but the political consequences of designating these land as monuments, now listen, please listen, when they are not really threatened with losing wilderness status and they are probably not the areas in the country most in need of this designation.

Now listen to this. I talked about what other presidents have done. Now listen. Presidents have not used their monument designation authority in this way in the past; only for large, dramatic parcels that are threatened.

Do we risk a backlash from the bad guys? I guess I am one of those. It talks about it, but the discretion is too broad. So now we find ourselves in a situation where, where is all of this going? From that time to this time look at all of these on this map that have now come about; every one of them exceeding what the law says.

Do we designate what it is? No. Do we use the smallest acreage? No. And we find ourselves in a position where we are losing this.

I find it interesting that the Secretary of Interior, Mr. Babbitt, to the Denver School of Law said this, it would be great to get these protection issues resolved in the congressional legislative process, but if that is not possible I am prepared to go back to the President and not only ask, not only advise but implore him to use his power under the Antiquities Act and say, Mr. President, if he does he will be vindicated for generations to come.

So we have a brand new abuse, a brand new way to use it, never been used before until this President comes about.

I would ask people to realize what is happening now and all over America is for political purposes, and if they do not believe that, please read what the White House says, what the Department of Interior says. To me, in my opinion, I cannot believe that we are letting anyone do this.

Article 4, section 3 of the Constitution says the ground of America is the purview of Congress, not the purview of the President of the United States.

This act has outlived its usefulness, but as we saw from the gentleman from Oregon what we are going to see is a whole bunch of them, 25 more they are telling me. Why does somebody not just say let us put the whole West in? Let us put all western States in and call it the Western National Monument and get it over with. It will not mean anything, but it sure will make a lot of people happy around here. Nothing will change but it may make a few people happy around here, because nothing has changed now.

Let me use the Grand Staircase as an example. We talk about protection. Do we realize under the management plan of all of these areas, which it can still do, we have more protection than we do under the Antiquities Act?

Now my friend from Washington and the gentleman from Oregon said, oh, we cannot work these lands if this happens. Here is the report, written by the Committee on Appropriations. Nothing in this language prevents either Secretary from managing these Federal lands under their previous management plan.

So what happens? They just go on as ever. They can call it that, but nothing happens. They can have police protection. They will continue to manage the plans. That is a red herring.

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

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member, who has done a lot of work and research on the Antiquities Act.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me the time.

Mr. Chairman, this is not a static country. In the next decade, we will have 20 to 25 million new people added to our population. We will have 35 to 40 percent more commercial airline flights, God help us all. We will have about 35 million more people knocking on the doors of national parks.

If one does not think that those parks are overburdened, I invite them to visit Yellowstone or Yosemite or any other of a couple dozen national parks around the country and see how much people are crammed in.

It is in the national interest of the United States for additional areas of special value to be preserved for future generations.

Now we have heard an attack on President Clinton for abusing his power

in adding 9 additional national monuments to the Nation's storehouse.

I would like to cite what the record has been since 1906. Teddy Roosevelt, and I recognize that the former Speaker of the House, Mr. Gingrich, indicated that one of his goals was to eliminate the Roosevelt legacy from the Republican Party and return it to the philosophy of William McKinley, but nonetheless, thank goodness, Teddy Roosevelt served a wonderful stint as President and he acted 18 times to put aside territory just like this.

William Howard Taft, that well-known ''leftist,'' acted 11 times. Harding, Harding, that terrible, terrible ''liberal,'' added 8 to the national storehouse. Calvin Coolidge, that well-known ''champion of activist government,'' added 14.

□ 1245

Herbert Hoover, that well-known enemy of rugged individualism, let us see, he added 12. Then we had Eisenhower and Nixon. We know how far left they were. Right? They added eight. Wilson added 12. FDR was the champion of them all, 23. Harry Truman, Harry Truman is the Democrat the Republicans love to quote but hate to emulate; he added seven.

So now my colleagues are beating up on President Clinton for adding nine. The fact is, out of 151 that were added to the national storehouse since 1906, nine of them have been added by this President. That is hardly out of line with the historical record for the previous occupants of that office.

There is only one I see who was literally asleep on the job when it came to having an opportunity to add protected areas to the national storehouse. That was President Bush who did a grand total of one.

So it seems to me that President Clinton is well within the historical tradition of the country in doing exactly what he has done. I would also say that, despite the fact that my good friend indicates that the Secretaries maintain the ability to manage these lands as their former status would indicate, as forests or as wilderness, or as wildlife refuges, the general counsel has said that is not true. So we do not believe it is true. At best, it is an open question.

So it seems to me that we ought to stick with the amendment of the gentleman from Washington (Mr. DICKS). What the President is trying to do is do what this Congress has not had the gumption to do, and I congratulate him for it.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

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

Mr. YOUNG of Alaska. Mr. Chairman, I was listening with great interest to the statement of the gentleman from Wisconsin (Mr. OBEY). But if one took all the land of all the Presidents that set aside those monuments, it equals one-third of what this President has done in the past 3 years. The original intent of the Antiquities Act was not to set aside vast areas of land; it was to set aside those that are special.

I challenge anyone to show me where any of the areas this President set aside in the massive acreage that has occurred that has anything specifically special in those great borders. If it was special, that one small area should have been set aside. But this President is using this act, which was never intended to do so, to designate and to dictate the use of lands.

Under the Constitution, it says only the Congress shall have that responsibility. For this Congress and that side of the aisle and the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) and the rest of my colleagues to acquiesce to the executive branch is unconstitutional. My colleagues swore right up as I did, I swore to uphold the Constitution of the United States of America. Yet, we sit in this body and allow this act to be misused by this administration and say, oh, it is to protect those lands.

By the way, there was no local input, no understanding what effect would occur economically, culturally, psychologically. It was decided downtown, in big Washington, D.C., who knows best for all. This is against the Constitution. He is not protecting what should be protected. He, in fact, is running this as a fiefdom and a kingdom.

This Congress, to my knowledge, has never accepted any one of his monuments by the Representative from that district. If one goes back and checks Truman and Roosevelt and all those others, he did it in consultation with that Representative that was duly elected by the people. I challenge the gentleman from Washington (Mr. DICKS) to show me one Congressman that supports that area as declared a monument.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. BOEHLERT), who has been a strong protector of the environment.

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

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment. We need to reject this amendment and strike the rider.

The language needs to be stricken because its effect, to put it very bluntly, would be perverse. This language would put land in newly created national monuments in a state of limbo. The lands would remain national monuments; but the design, the planning and management necessary to fully protect the lands and to make them accessible could not be accomplished.

Who could possibly gain from keeping lands in this sort of halfway-house condition? Nobody.

Not those who want to preserve the environmental value of the lands. The prohibition in this rider would block the planning and management needed to protect the environmental and cultural values that prompted the monumental designation.

Not those who want recreational access to the lands. The prohibition in this rider would prevent the development of programs or centers to enable the public to take greater advantage of the lands.

Not even those who have mineral or other economic interests in these lands. The prohibition in this rider would prevent the development of rules and policies that would determine how to handle their claims.

So why would anyone propose a rider that cannot help anyone concerned about national monuments and a rider that would cause this entire bill to be vetoed to boot? The reason is that the proponents of this rider want to signal their opposition to the 1906 Antiquities Act itself and with the particular monument designations that have been made this year.

But they have plenty of other ways to do that directly. The Congress could amend the Antiquities Act. The Congress could override any particular monument designation. The Congress could reject any particular management plan for a monument. Congress has all the direct authority it needs to have a full debate about lands policy.

But they do not want to do that because Congress has repeatedly shown its unwillingness to significantly alter with monument authority or designation. So, instead, we have a rider to try to do it in an indirect and inartful way through the appropriations process which could not be done through direct congressional action; namely, derail efforts to protect Federal lands through the use of the Antiquities Act. That is a misuse of the appropriations process, and it is especially misguided in this case because the direct impact of the language is so counterproductive.

So I urge my colleagues not to turn the discussions on this rider into a debate over the legitimacy of the Antiquities Act or the wisdom of any particular monument designation. If Congress wants to weigh in on these matters, it can and should do so directly. In any event, the rider leaves the act and all recent proclamations entirely intact.

This debate should be about the specific language in the rider which will leave the status of the land in an uncertain State which would hobble efforts to protect Federal lands and which would improperly take advantage of the appropriations process. It is a bad rider, and it should be stricken.

I urge a no vote on the Hansen amendment.

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

Mr. BOEHLERT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman from New

York (Mr. BOEHLERT) on his statement and make this point: the effect statement of the Department of Interior basically says that, if this language passes, that we have basically neutered or gutted the Antiquities Act. It makes it impossible for the President to protect these important lands.

Mr. BOEHLERT. That is exactly right, Mr. Chairman.

Mr. DICKS. Mr. Chairman, the other point I want to make is he does not just go out and do this on any land. It has to be land that has previously been under Federal management. In most cases, they are still hunting and hiking and canoeing and other things that can be done on this land.

Mr. BOEHLERT. Mr. Chairman, the gentleman is correct.

Mr. DICKS. Mr. Chairman, we are not instantly creating wilderness. So the gentleman is a moderate, a centrist, one of the most respected Members of this House. I think this language goes way too far. I think it will be a bad thing for, not only this President, who a lot of the people in this Chamber do not seem to like, but for the future President who may want to protect an important monument for this country.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman from Utah for yielding me this time.

Mr. Chairman, I am very much in favor of this amendment. The previous remarks that were made by the gentleman from western Washington (Mr. DICKS) and by the gentleman from New York (Mr. BOEHLERT) was that this land had to be under Federal ownership. That is exactly right.

But let me tell my colleagues about what happened in my district with the latest monument that was created. Those lands largely in the early 1940s were under private land; but because of the Second World War, the Government took them over.

Now, the Hanford Reach runs through that area. For those of my colleagues who do not know, the Hanford Reach is the last free-flowing stretch of the Columbia River. The issue, the people will talk about the Hanford Reach and say we need to protect it for spawning reasons. Well, this Congress already acted on that. In 1995, we passed a bill to prevent any dam building, any dredging, any channelling of that river. So the spawning beds are already protected. What we are talking about is the lands surrounding the river.

Now, there has been a lot of discussion on this, and there are different ideas. My idea is an idea that is proposed by a citizens committee that worked for nearly 2 years coming up with a management plan that is in opposition to a one-size-fits-all Federal plan.

What they came up with is a shared plan that involved the Federal Government, that involved the State government, involved the local government. It allowed for local decision-making for the people that live and work and recreate in that area.

But with this action of the monument, with this action of the monument, all of this work is taken away. As a matter of fact, this monument designation for the Hanford Reach is more likely, more extreme than any bill that had been introduced addressing this issue in the time that I have been in Congress.

So I think, frankly, it is a slap in the face to those that live and work in that area. I think that the amendment of the gentleman from Utah (Mr. HANSEN) is exactly the right amendment, because what we are talking about here, as the gentleman from Alaska (Mr. YOUNG) pointed out, is an abuse of power and process by this President in designating monuments. This is a classic example of how that has happened because the people in that area came up with the plan.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition.

Mr. Chairman, this amendment and this debate is really about America's lands. It is not about the lands that any one Member of Congress controls. It is not about the lands of any one State. It is about the lands of this Nation, the great public lands that belong to all of the people of this Nation.

This summer, millions of Americans will set off with their families to visit our wilderness areas, to visit our national parks, to visit our national monuments, to visit our historical sites, one, because they want to enjoy the historical aspects, the cultural aspects of these great lands, of the tradition of our country, of the history of our country. They want to share that with their children, with their grandparents, their grandchildren. Many of them will remember when their parents took them on such a trip.

Because of the bold actions of this President, the vision of this President, of this administration, to think about the future, to think about the threat to these lands, they will be able to do that, and their children will be able to do that, and their grandchildren will be able to do that.

They will be able to visit the pinnacles of the midcoast of California whose protection is enhanced because of the enlargement of that monument. They will be able to visit the 3,000-year-old Sequoia trees that reach 300 feet into the air because this President made them a national monument. Because if we do not do this, we go back to the old management regime, if my colleagues believe what the gentleman from Utah (Mr. HANSEN) said, that everything just goes back to the way it was. The way it was, we were cutting the Sequoias. We were destroying the environment of the Sequoias.

The Sequoias, the cathedral trees, the largest of the largest were threatened by the actions around them. That is why this President took his action. This is a gift. This is a gift to our Nation, just as Yosemite was a gift to our Nation, just as Glacier was a gift to our Nation, the Grand Canyon and the Everglades.

This is a gift to our people, of having the foresight to go in, whether it was Teddy Roosevelt or Franklin Roosevelt or President Clinton, to go in and understand the threat and the need to preserve these lands, to understand that this country is filling up with people, that California is filling up with almost 35 million people, and that they want a place to go and to take their families so that they can recreate, that they can enjoy the history.

□ 1300

Because of the actions of this President in southern Oregon, parts of the Oregon Trail will be preserved so people can go there and undertake and look at the remarkable actions of the people who had the courage to set out from the Mississippi River to settle the West.

A member of my family walked that five times, bringing young people to the west from Missouri. A member of my family set out and he walked that first group, his children, as a wedding gift, because he thought they were too young to cross the country by themselves. They were 15 and 16 years old, they were married and they were going West. They ended up in Eureka, California, where this President had the foresight to protect the Headwaters Forest, the great cathedral trees of the redwoods on the North Coast, like the great cathedral trees of the Sequoias.

This amendment should be rejected because this amendment is an attack on our culture, our history, our legacy, and the great environmental assets. If my colleagues go to a foreign nation, their people will talk about our national parks, the so-called crown jewels. Talk to the businesses in these areas, and they will talk about the economic engines that wilderness areas, that monuments, and that national parks become for the business communities and for local communities.

This amendment should be rejected and America's wild lands and America's great environmental assets should be protected.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind members in the gallery that they are guests of the House, and either approval or disapproval of any statements made by the Members is against the rules of the House.

Mr. HANSEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I rise in support of the amendment offered by my friend, the gentleman from Utah (Mr. HANSEN), and I would simply say to the House that, sadly, what the preceding speaker is telling us is that the ends justify the means. If we mean

well; if we, through good intentions or perhaps a form of arrogance, say we are better than others, that our motives are more pure than the Constitution of the United States, well, then, the law really makes no difference.

Perhaps, my colleagues, it would be good to actually listen to the words of the Constitution that we all swear to uphold, protect and defend; article 4, section 3, the second paragraph. ''The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.''

My colleagues, the history was laid out correctly by the gentleman from Utah. The Antiquities Act was designed to protect archeological treasures and, really, in the fullness of time, to jump start a national parks system. The problem we have is not the Antiquities Act, it is not living up to the Antiquities Act, not setting aside the smallest amount of land possible and ignoring the process of turning to the Congress for Congress' constitutionally mandated responsibilities.

Indeed, to see a friend from Arizona, the Secretary of the Interior, testify in front of a congressional committee and to have the Secretary of the Interior asked what his intention is regarding these lands; could he tell this committee what lands he plans to designate, and then to have the Secretary of the Interior say no, my colleagues, that is contempt of Congress. That is contempt for the Constitution. That is not love of the land.

This is not a question of preservation and conservation. We all believe in that. There are ways to do that. And whether it was Franklin Roosevelt or Theodore Roosevelt, other presidents have acted in consultation with the Congress. That is what is important. And in our drive to preserve and protect lands, let us not destroy the Constitution.

Mr. Chairman, on another note, if my friends on the left want to acquiesce here, then none of them should ever stand in the way of any president who wants to usurp his constitutional authority vis-a-vis our military.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the Hansen amendment.

I want to give my colleagues a sense of how the administration feels about the subcommittee action and why they believe that it is so dangerous.

''Although not completely clear on the face of the rider, its prohibition on managing national monuments as national monuments during FY 2001 is intended to effectively repeal the President's proclamations made since the end of FY 1999.'' Very cleverly written language, by the way. ''This intent is made clear in the Committee report, which calls on the Secretaries of the Interior and Agriculture to continue previous management scenarios until such time as Congress ratifies the Monument declaration. As described in the report, then, the amendment would repeal the effect of recent monument proclamations until Congress ratifies them, thus effectively nullifying the President's exercise of the authority Congress gave him in the Antiquities Act.

''The Antiquities Act has been one of the Nation's most effective protection tools, implemented by both Republican and Democratic administrations since 1906. The proposed amendment, a rider to an appropriations bill, would essentially neuter the Antiquities Act by denying the responsible Federal agencies the ability to enforce key elements of the monument proclamations made since 1999. In the Antiquities Act, Congress vested in the President the ability to act quickly to protect portions of the existing Federal estate. In this appropriations provision, added without the congressional consideration that would normally accompany the substantive modification of an authorizing statute, the subcommittee is attempting to undo much of that authority for areas designated since 1999. The amendment would effectively strip the President of his ability to protect objects of historic and scientific interest for their unique value and for the enjoyment of the American people.

''A related effect of the House amendment would be to expose national monuments designated since 1999 to abuse and resource degradation, with potentially devastating results. Management as national monuments is prohibited by the rider language, so that any action constrained or described in a monument proclamation would be disallowed if affecting it required an expenditure of funds appropriated by the FY 2001 interior bill. This suggests one of two outcomes, both unfortunate for the American people. Either the Federal agencies, unable to enforce an otherwise valid Presidential proclamation, would be forced simply to close those lands to any form of public use; or the Federal agencies, denied funding to manage these monuments, would have to abandon them to vandals, invasive species, uncontrolled resource exploitation and other harm, until Congress restored the funding needed to manage them.

''For example, the rider would prevent the BLM from stopping mining activities in these monuments on claims located after the proclamation had withdrawn the area from operation under the Mining Law. The language would also prevent the responsible agencies from managing these lands for livestock grazing, even when grazing is a use recognized in the proclamation, because such uses cannot be managed without funding.

''A similar problem arises from a lack of funding to enforce restrictions on highway vehicle use. The proclamation that established the Grand Canyon-Parashant in Arizona, for instance, provides specifically that the BLM shall continue to issue and administer grazing leases within the portion of the monument within the Lake Mead National Recreation Area consistent with the Lake Mead National Recreation Area authorizing legislation.

''And for the purpose of protecting the objects identified above, all motorized and mechanized vehicle use off road will be prohibited, except for emergency and authorized administrative purposes.

''The House amendment makes it impossible to implement these portions of a monument proclamation that depend on funding. Thus, enactment of the rider could force BLM to remove livestock from the Grand Canyon-Parashant, and close the area to vehicle use of any sort. Alternatively, BLM would be forced to walk away from this land all together, and abandon the enforcement of OHV restrictions, the monitoring of grazing allotments, and the review and renewal of grazing permits.''

So I think this amendment is wrong. I do not think we properly considered it in our committee. I think the gentleman from Utah, and others who are against the Antiquities Act, should deal with it in the authorizing committees and not here as an appropriation rider. That is why I so strongly object to this amendment.

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

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from Utah for yielding me this time, and I rise in strong support of his amendment.

My colleagues, this administration is involved in a very desperate grab of our Federal land, and I have to ask myself why does the government need all this land. The President is currently engaging in the biggest land grab since the invasion of Poland.

Now, it was pointed out by the gentleman from Arizona very succinctly that there is a strong reason why the gentleman from Utah is offering his amendment, and this is the reason why. The Constitution clearly assigns to the Congress the power to dispense with public lands.

Now, I put together a list here, Mr. Chairman, to show that the administration's abuses of the Antiquities Act is taking in about 150 million acres, that we know of, that the President intends to lock up. Now, that is what we know of. But this administration is reluctant to even tell the Congress exactly how many monuments and exactly how much land is involved.

In fact, the process that has been set up previously by the United States Congress to have these processes go in a manner so that we understand the environmental and economic impact and how it affects people's lives, how it affects counties and States, all of this has been abused. This is all done without the benefit of the National Environmental Policy Act.

But, environmental organizations are working to declare lands, or having the President declare lands in the West, these vast national monuments, nearly 150 million acres. The Sierra Club and the Wilderness Society, among others, have announced their desire to have the President create over 50 more new monuments, with a land area of more than 150 million acres. This is an area larger in the West than that compared to West Virginia, Maryland, Vermont, New Hampshire, Massachusetts, New Jersey, Hawaii, New York, Connecticut, Delaware, Indiana, Rhode Island and the District of Columbia combined. And this is done by presidential edict.

The gentleman is absolutely right, we must support his amendment.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY), a very valued member of our subcommittee and a person who has had great experience in these areas.

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

The first point I want to make is that land cannot be ''grabbed'' if it is already owned. All of these lands that are being designated and have been designated as national monuments are owned by the people of the United States, held in trust by the Federal Government and managed by the Department of the Interior. The amendment that we have before us here today would prevent, interestingly enough, Federal funds from being spent on nine fairly recently designated national monuments.

Now, the designation of national monuments under the 1906 Antiquities Act, passed by the Congress, of course, allows for the protection of natural and cultural resources that are under threat or need for preservation or protection. The point has been made that 14 presidents since 1906 have used this authority. Lands designated as monuments are already owned by the American public. Fifty million Americans enjoy these monuments every year. Monument designation provides permanent protection for long-term conservation of areas that are critical to the protection of resources and enjoyment by the public.

This antienvironmental rider targets nine recent monuments that were created to protect unique national resources for all future generations to enjoy.

□ 1315

A prohibition on spending funds on these monuments does not change their legal status as monuments but would prevent any ongoing spending within the monument areas.

Visitors would still visit these lands, but this would prevent Federal maintenance and appropriate actions taken. The Department of the Interior would not be able to provide law enforcement service to visitors or maintain roads, thereby threatening visitor safety. The Department would be unable to process grazing applications for the lands or manage hunting or other suitable uses to public enjoyment.

This would hurt local people and local economies. It would hurt them the most by preventing outfitters and guides from going into these monuments and not allowing management of suitable uses.

There is one other interesting aspect to this particular amendment that is before us now. It would prevent spending on nine monuments, but it would not prevent spending on a particular monument in the State of Utah.

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

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, is the gentleman from New York (Mr. HINCHEY) kidding me? Is he telling me that the gentleman from Utah (Mr. HANSEN) exempted his monument?

Mr. HINCHEY. Mr. Chairman, reclaiming my time, the gentleman from Utah (Mr. HANSEN) has exempted his monument.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, so he is going to get funding for his monument?

Mr. HINCHEY. Mr. Chairman, reclaiming my time, this amendment says they cannot spend Federal funds for nine monuments, and those monuments are located in California, in Arizona, in Colorado, Oregon, Washington; but they can spend money on the monument in Utah.

The budget that we have here today would spend, in fact, $5.3 million on a visitor center for a national monument in the State of Utah. I believe that is located in the district of the sponsor of this amendment, which would prevent spending on these nine monuments in these other States. This is an interesting feature of this particular amendment.

Now, I have always thought that cynicism is a personality trait to be avoided, but one does not have to be terribly cynical to make the observation that something very odd and unusual is going on here. It is okay to spend money on the monument in my district, but it is not okay to spend money on the monuments in people's other districts in other States. That strikes me as being very strange.

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

Mr. HINCHEY. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, when the President started this tirade, this was the first one he put in was the Grand Staircase Escalante. It has been there 4 years. Money has been appropriated for it.

I would be happy, as I told the gentleman from Washington (Mr. DICKS) and anyone else, to take all of the money out. Why did they not do that? We did not ask for that 5.3 million acres. That did not come from Utah. That was from the administration. That did not come from us. If my colleagues want to strike that and put this in the amendment, I would accept that in a heartbeat. Go ahead and take it. Take the dang thing.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, we are not interested in striking funding for that monument or for the other nine that they would strike either. We believe that these national monuments, belonging to all the people of the country, deserve to be protected and that the 50 million people who visit them ought to be treated properly and fairly. My colleague would deny then that opportunity.

Mr. HANSEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG).

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

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

Mr. Chairman, this is not a debate about national monuments. Every American takes pride in their national monuments. This is a debate about abuse of national monuments.

I just want to harken back to the last speaker. He would not yield time to me, but he began with a passionate debate saying we cannot lock up land that we do not already own because the law specifically says the Federal Government must already own these lands. Yes, the law says that. But I would like the gentleman to tell me, was he aware that, in fact, the President is locking up lands the Federal Government does not own?

In the State of Arizona, in the last 6 months, the President has created three new national monuments. Three. Count them. And he has done so by incorporating into those national monuments tens of thousands of acres of not Federal land but State land.

The gentleman from New York (Mr. HINCHEY) was defending the use of the law in a proper fashion. This is the use of a law in an improper fashion. In Arizona, in one monument, they locked up 53,000 acres of State land, not Federal land. In another one, they locked up another 30,000 acres of State land.

Mr. Chairman, I have here a map showing the thousands of acres of State land that was put into a national monument in violation of the Federal law.

That is precisely why this amendment is here, because this administration is abusing the law.

Indeed, here is an editorial by the leading newspaper in the State of Arizona saying that preservation requires input and that they were not given that input and says, declaring monument was not done right. The paper generally supports monuments, as I think all Americans do, but not when the process is abused.

In Arizona, for example, there were no public hearings whatsoever. Now,

my friend the gentleman from California (Mr. GEORGE MILLER), says this is a wonderful thing, all being done in accordance with the law and all a good idea and a compliment to this administration doing this in the proper order of business.

If that is true, should we not ask ourselves why, of the nine national monuments which have been created by this administration, eight of the nine have been created in the last 6 months only? If these needed to be created, where were they 5 years ago, 4 years ago, 6 years ago, 7 years ago?

This is about abuse of this law. Let me explain this. These are the American people's lands, and they do take pride in national monuments. But 8 months ago I personally, in a formal hearing of this United States Congress, looked Secretary Babbitt in the eye, eyeball to eyeball, and said, Mr. Secretary, the people of America and the people of Arizona have a right to input in this process. Will you provide this committee with a list of the monuments you are considering across this Nation?

Secretary Babbitt looked me and the chairman and every other member of the committee in the eye and said, no, a one-word answer, no, I will not provide you a list.

That cuts the American people out of the process. It is an abuse of the law.

I support the amendment, and I call on my colleagues to support it, as well.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I rise in vigorous opposition to this amendment.

Presidents, Republican and Democrat, for decades have left the American people great gifts across this country; and today the U.S. House, or some therein, attempt to gut the ability to leave those gifts to the American people. And, apparently, the way they are trying to do it is to make sure there are no fingerprints on the weapon to gut the ability to protect these gifts of the American people. Let me tell my colleagues why.

We should be allowing Presidents to create national monuments. If this amendment passes, all we will create are monuments to futility, monuments where we cannot do anything to protect these gifts.

Let me tell my colleagues why that is important. In the State of Washington, 6 days ago, the President left a gift to the American people creating the Hanford Reach Monument Area. Six days ago.

I will tell my colleagues, the people of the State of Washington want that monument. The people of the State of Washington deserve that monument. And the people of the State of Washington are going to get that monument. And let me tell my colleagues why.

This is a picture of the Hanford Reach, the last free-flowing stretch of the Columbia River. Very close to this is where Lewis and Clark first came to the Columbia River. My colleagues can see these white bluffs form a spectacular scenery over the Columbia.

Let me show my colleagues what happened when we did not have this monument. When we did not have this monument, certain practices resulted in the absolute collapse of these white cliffs; and we would have a quarter mile of, essentially, dirt collapse into the river right into this area and destroy salmon habitat and destroy spawning habitat.

We need to stop that from occurring. There was a comment by my colleague about something about the local people do not want this. Well, I have got a message for the U.S. House from the first family of people who settled this area and broke this ground.

Lloyd Wheel, a 90-year-plus former judge, who grew up with the first European family who homesteaded on this property right outside this picture, Lloyd Wheel has a message for the U.S. House: do not destroy this monument. Protect these salmon. Make sure the natural heritages are protected.

Mr. HANSEN. Mr. Chairman, I am happy to yield 2 minutes to my colleague, the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I feel strongly that managing land through unilateral executive orders establishing national monuments is wrong. It ignores the role of Congress, the role of the people who live nearer and closest to the land, and the role of local elected officials. I believe the consensus-based management accomplishes more to protect the land than hierarchical mandates.

Unilateral national monument designation avoids the compromise necessary for consensus and implementation of the whims of the current administration.

Secretary Babbitt, in a hearing earlier this year, said, ''I believe that the Congressional delegation is the way to go.'' He continued by saying that, ''In most cases, there is now legislation, not all, but most,'' speaking of these nine recently designated monuments. ''And in the cases where we did make the designation, particularly the ones in Arizona, it was crystal clear that there was no interest in the Congress at all. In one case, there was not even a sponsor of a bill for Aqua Fria, and in the case of the Grand Canyon, the bill that was offered before this committee reduced the existing level of protection.''

If Congress concludes that the Nation's interest is best served in a manner different from what Secretary Babbitt and this administration may recommend, Secretary Babbitt apparently believes that the President should simply declare a national monument.

This amendment supports constitutional process. Congress makes decisions about the management of public lands because the Constitution gives us that responsibility. We passed FLPMA in 1976 and established that we must first have the input of the locals.

Secretary Babbitt and the administration have not done this with their monument designations. Congress, therefore, has the responsibility to curb this excess by this administration by refusing to fund these monuments.

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me the time.

Mr. Chairman, I want to just speak to my colleague from Utah (Chairman HANSEN) and say to him, I understand his frustration, I have listened to his frustration around this issue, and I have respect for it. But I would urge us to continue to discuss this, as we have in the Committee on Resources, and there is legislation pending that would alter the Antiquities Act in ways that he thinks is appropriate and others do; and I would continue to be interested in having that debate.

But I think this amendment goes at it in the wrong way. It comes in through the back door; and it has the potential, as previous speakers suggested, of making only monuments in name and would be very, very counterproductive.

The other piece that I want to add to this discussion today has to do with local and specific examples in southwestern Colorado. The President just created the Canyon of the Ancients National Monument.

I will include for the RECORD a letter from the Commissioners of the County down there, who, in effect, said, ''We need to move immediately and decisively to put our local input on the management of this area. The only way that we as a community can minimize the negative impacts and be in a position to reap the positive benefits is if we are organized and actively engaged in the planning management and problem solving connected with the monument from day one. If funding is blocked, we will lose this opportunity. Blocking funding will hurt the very communities that are already saddled with the impact of the monument.''

Now, I might not have used those same words, but I strongly agree with him with the need for maintaining that funding.

So, again, I appreciate the point of view of the chairman, but I think this is the wrong way to have the debate about the Antiquities Act and how it is applied.

Mr. Chairman, I include the following letters for the RECORD:

MONTEZUMA COUNTY
BOARD OF COUNTY COMMISSIONERS,
*Cortez, CO, June 12, 2000.*

Hon. MARK UDALL,
*Cannon House Office Building,*
*Washington, DC.*

DEAR CONGRESSMAN UDALL: The Canyons of the Ancients National Monument in Southwest Colorado, which we spent a year working to avoid is a reality as of last Friday. The challenge now is to work together to realistically address the potential impacts on our constituents, our fiscal and economic health and the wide variety of important resources within the monument boundary. We are asking for your support in opposing budget amendments that would block funding to new National Monuments is critical for the reasons outlined below.

We need to move immediately and decisively to put our local imprint on the management of this area. We have, as a starting point, the summary of public input produced by the RAC citizen Working Group, and the resulting NCA legislative draft to guide the management planning process. We are not at all comfortable with the vague language in the Proclamation, and feel that it would be risky to let the management of this area drift on the basis of ''interim guidelines'' established without local involvement. We have been promised an advisory council representing the spectrum of local interests. We need to get the advisory group in place and immediately begin to engage the planning and management of this area.

With all the publicity that has and will result from the proclamation, we must be prepared and funded to deal with a wide range of immediate impacts. It is our understanding that visitation to the Grandstaircase-Escalante increased 250% upon Monument designation. The Working Group Report points to key areas of concern including the impact on services such as road maintenance, search and rescue, fire protection and law enforcement. Given the commingling of BLM and private land, we anticipate more problems with trespassing and damage to private property. The community is adamant about the protection of multiple-use, and we cannot allow the deterioration of archaeological resources to be used as a pretext for restricting these rights, privileges and activities including archaeological research. Nor can we afford to allow a lack of funds for BLM staffing to be used to justify restricting uses and areas of the Monument.

Restrictions on grazing would undermine our local ranching industry. Restrictions on oil and gas production would put at risk 30% of the County tax base. Restrictions on recreational uses would disrupt an important focal point for community pride and enjoyment. Much of the 164,000 designated acres are rugged and remote, while the more accessible Sand Canyon is already close to being over-run. Dealing with both the remote and the ''loved to death'' areas is going to require a major community effort involving everyone that uses and values the area. Even the economic benefits that will result will require close coordination between people in contact with visitors and the land management agencies.

The only way that we, as a community, can minimize the negative impacts and be in a position to reap the positive benefits is if we are organized and actively engaged in the planning, management and problem solving connected with this monument from day one. If funding is blocked we will lose this opportunity.

While we understand the anger and frustration which has led to efforts to block funding for National Monuments, we believe that it is far better to go to the root cause of these abuses by supporting legislation such as H.R. 1487 introduced by Congressman Hansen and S. 729 introduced by Senator Craig, which directly address a more participatory process for establishing National Monuments.

In the meantime we hope you will actively voice the concern to your colleagues and in the upcoming floor debate that blocking funding will hurt the very communities that are already saddled with the impacts of new monument designations. We appreciate your consideration. Please let us know if we can help or provide further information.

Sincerely yours,

G. EUGENE STORY, *Chairman.*

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[From the Durango Herald, June 11, 2000]

CANYON OF THE ANCIENTS
MONUMENT IS ON THE MAP; NOW IT NEEDS FUNDING

On Friday, some 160,000 acres of rugged dry washes, canyons and rock formations covered with scattered sage, pinon and juniper between Cortez and the Utah state line were protected by the Clinton administration from further degradation. The land, occupied by pre-Puebloans between about 750 and 1300 A.D. and carved from lower elevation public lands controlled by the Bureau of Land Management, now will be known as the Canyons of the Ancients National Monument.

The monument designation, one of four announced across the West by Vice President Al Gore that day, occurred because increasing numbers of visitors threatened the fragile landscape and the remains of rock and wood-built pre-Puebloan structures. The monument designation should—must—provide additional federal money to properly protect its priceless contents.

While Secretary of the Interior Bruce Babbitt has promised that a locally composed board will advise the BLM on its management of Canyons of the Ancients, the president's proclamation makes positions clear on several substantive issues dear to locals and Westerners: The monument status will not give the federal government any water rights, nor change the way the state of Colorado manages wildlife on the land. Nor will it impact any rights to the land claimed by American Indians. Grazing will continue, under BLM regulations as in the past. Carbon dioxide, gas and oil production will continue, under BLM regulations as in the past. Carbon dioxide, gas and oil production will continue, but further exploration will have to a greater degree take into consideration protection of the surface's natural resources and pre-Puebloan remnants.

Mining, other than $CO_2$, and gas and oil extraction, is forbidden.

The monument designation does call for a transportation plan, and it's expected that off-road travel by motorized vehicles will be eliminated, and that the number of historical access roads will be significantly reduced. As a result, access to private inholdings may be more limited than they are currently.

The monument status was forced on Montezuma County, as some local critics charge noisily. But unlike the administration's previous monument designations, especially in southern Utah, it was not a surprise and it was not done without consultation with locals. The Secretary of the Interior signaled it was coming, and urged that Congress—lead by an initiative from Sen. Ben Nighthorse Campbell and Congressman Scott McInnis—instead provide the needed protections. But that was not to be, as Campbell deemed that extremists on both sides of the issue would make legislative compromises impossible.

The specifics of the monument designation did not originate in Washington, However. The administration listened closely to local testimony in front of a stakeholder group convened a year ago to address issues surrounding the proposed monument, and Babbitt made a couple visits to the area. And, his telephone call to the Montezuma County commissioners two months ago allayed some fears as to what the monument designation would contain. In conversations with Babbitt, he was very familiar with the issues that surround the monument.

Now what's needed is a representative advisory board that applies thoughtfulness and vision in helping the BLM shape the future of the Canyons of the Ancients National Monument. And money is also needed. In Southwest Colorado last week, it was encouraging to hear McInnis say that although he was opposed to the way the acreage was designated by the administration, he would work to secure funding to implement the needed protections. With public lands budgets already limited, that extra money is critical.

New maps of the Four Corners and Colorado will soon be leaving the printers, and on them will be the state's newest monument. We're glad the Canyons of the Ancients will be there, it's stunning natural features and man-made structures to be better protected for generations to come.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, I am sure that it would be his preference that such an issue were not necessary here on the floor. But the reality is, this is the President of the United States who has necessitated this discussion for clearly abusing and misusing in a reckless fashion the law, which has been on the books for many, many years and as many Presidents previously, as has been indicated before, have used with due discretion and have used in cooperation with local entities, State jurisdictions, and certainly Members of Congress who represent the affected areas. But that is the distinction and the difference.

This President has made two fatal errors in his execution of the Antiquities Act: one is by dramatically expanding the coverage of these monuments beyond the archeological or historic focus of what a legitimate monument might constitute; and, secondly, doing so without even the consultation of Members of Congress, who have the ultimate policy-making authority and responsibility where monuments are concerned.

□ 1330

But the third thing that this President has done is used the Antiquities Act in establishing monuments in a blatantly political fashion and has consequently jeopardized the underlying purpose of the law and caused us to pay close scrutiny as we do here today.

These monuments are issued around election time where great, vast, beautiful landscapes are used as nothing more than a backdrop for politically motivated press conferences. Mr. Chairman, all of the flannel shirts and blue jeans cannot obscure the nakedness of a President bereft of the constitutional covering that we would

hope any President would rely on when orchestrating public policy on behalf of the country.

That is what this amendment really tries to get at and why we must adopt it, because it brings back into some semblance of reality the original intent and scope of the Antiquities Act, that these are small acreages designed to protect and preserve truly remarkable features that the American people want to enjoy and protect. I urge its adoption. I thank the gentleman for offering it today.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I rise in support of the Hansen amendment. Let me talk for just a minute if I can about the proposal being considered in Idaho to expand the Craters of the Moon National Monument into the Great Rift National Monument. It might surprise some of my colleagues that I am not necessarily opposed to the expansion of the Craters of the Moon into the Great Rift area. It is truly a unique geological area.

But what I am opposed to is a process by which any administration, Republican or Democrat administration, can ignore the input of local people, can ignore the input of local- and State- and Federal-elected officials and Congress can ignore its constitutional responsibility to dictate land management policies. It is the process that is a problem here.

The Secretary has been out to the State of Idaho twice. I appreciate the fact that he has called me twice when he is going out there to inform me of that. Mr. Chairman, I have requested information on the designation. Under the Antiquities Act, the requirement is that the President put the request in to the Secretary of Interior for what area ought to be designated as a national monument. I have requested the letter from the President and have not received it.

Secondly, they are supposed to use the least amount of land available to protect this area. The Secretary has not sent me the information on that. Thirdly, the area being protected is supposed to be of some geological, scientific, or historic nature. The Secretary has not told me what the nature that he is trying to preserve of this area is. But, fourthly, the most important thing is the area is supposed to be under some threat, some imminent threat. So far, the Secretary has refused to tell me what the imminent threat is in this area.

Mr. Chairman, this is not pristine habitat or natural forests or salmon habitat or anything like that. What it is is lava rocks. It is under no threat currently, and the Secretary refuses to acknowledge that.

Earlier one of the speakers from New York said, Congress already has the authority to control this by undoing a national monument if we want to. The reality is that a former congressman tried to enact this and could not get support from his own party or the people of Idaho.

I urge the support of the Hansen amendment.

Mr. DICKS. Mr. Chairman, I yield 2¼ minutes to my good friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, we continue to have the language being employed of the extreme antienvironmentalists, people who are talking about reckless. If it were truly reckless, my colleagues would be proposing alternatives to eliminate these as monument designations. They are not, and I think that that is prima facie evidence that it is, in fact, not reckless. These are reasonable approaches and are supported by the majority of the public.

There is the notion of a land grab. As my colleague from New York pointed out, this is not a land grab. These are lands that are already owned and managed by the Federal Government. There may have been surrounded some parcels of private property as our colleague from Arizona pointed out, but they have always been surrounded by the Federal Government and that does not change it. What is changed under this antienvironmental rider is that you can no longer use Federal funds to manage them. Bear in mind they do not change the category but things that were legal earlier to use Federal money, for example, to deal with issues of vandalism or invasive species which would have been legal under the prior designation are no longer legal because they would have to be managed as monument property.

Earlier you had legal grazing activities which require money to be able to manage, but now since it is monument land and would not be designated to spend money managing a monument means that you make that impossible for grazing; for mining. This is absolutely inappropriate and would not be supported and is truly going to lead to a condition that these folks in other contexts would be going absolutely bonkers if it were proposed. But their amendment, were it to be so unfortunate to be adopted, would put that into effect.

Last but not least, it would not allow funding for the planning and engagement of the community to make these processes work. These are efforts that the people talk about engaging the public. It would not allow money to do so. It is a bad idea. I hope that this antienvironmental rider is firmly rejected.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, previous speakers not only in this amendment but in other amendments have used the term antienvironmental extremists 11 times. Doth us think that there is a little politics here?

First of all, we feel that the President, a single individual designating land in violation of the law taking State lands and affecting private property is wrong, a single person, without going through the Congress. Even yesterday we had talk about a backlog of taking care of our national forests and fish and wildlife. Just like with the California desert plan and other things, the moneys that are going to be required to take care of these, we do not have. The only way to do it is increase taxes. We do not want to do that.

Mr. Chairman, this map indicates the property that is controlled on the East Coast by the Federal Government. If I turn this over, this is the property in color controlled on the West Coast. What is too much? In Utah, Arizona, and Nevada, 70 and 80 percent of the land is controlled by the Federal Government. In California, over half the land is controlled by the Federal Government. What is too much?

All we are doing is saying that if we want these parks to be designated or these national monuments, at least bring it before Congress. Let us have a debate. We may lose the debate. But at least bring it before us. Do not have a king with the sign of a pen designate land. That is all our position is. We think that that is a test of fairness. The test of fairness in the past with the President and with Secretary Babbitt has been a one-way street. We think that that is wrong, also.

Mr. DICKS. Mr. Chairman, I yield myself 15 seconds. Again I want to point out, we already own these lands. There is no land grab here. We are not adding anything additional here. We are creating a monument which the President has the authority to.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FARR), a distinguished member of the Committee on Appropriations.

Mr. FARR of California. I thank the gentleman from Washington for yielding me this time.

Mr. Chairman, there are only five States that are affected by this amendment. It is interesting that the author's State is not affected. Thank God for the Antiquities Act. Thank God for the action of the President to take Federal lands and upgrade their status so that they are more protected. The reason the President had to do it by executive order is because this Congress under this leadership is failing to deliver these things.

I introduced two bills in Congress on these issues that did not even get a hearing in the committee. The only member of the other party that has been supportive of all this effort is the gentleman from Ohio (Mr. REGULA). He has been the best environmentalist the Republican Party has because he is on the Committee on Appropriations and he can appropriate money. But to try to get a hearing in the other committees and try to get some substance out and get these lands protected, no way. Now they want to take them away.

Give me back my monuments. Give me back Sequoia in California. Give me

back the Grand Canyon-Parashant in Arizona. Give me back Agua Fria in Arizona. Give me back the California Coastal Monument. Give me back the Pinnacles National Monument in my district. Give me back the Canyons of the Ancients in Colorado. Give me back Ironwood Forest in Arizona. Give me back Cascade-Siskiyou in Oregon. And give me back Hanford Reach in Washington. This amendment would take all those away and take it away from the public who owns that land.

This is your land, ladies and gentlemen of the United States. Defeat this amendment. Give them back to the people.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I want to make it clear that I do not oppose designating national monuments, I do not oppose the Antiquities Act, but I do oppose the abuse of power. This is not taking these lands back to the people. Quite frankly, whether or not they are national monuments or not national monuments, they belong to the people. Some Presidents such as Theodore Roosevelt have used the Antiquities Act to preserve large threatened areas. But when we look at the previous examples of that like the Grand Canyon, they were clearly being privatized and degraded. It was being debated in Congress. There was public outrage. But in the case of President Clinton's new monuments, these monuments already are Federal lands. The fact is that if they are being degraded, it is under this administration.

FDR designated previously the highest number of public lands. In four presidential terms he designated 2.5 million acres. This President has already done 4 million unilaterally. It is clear that we need to and will continue to expand national monuments and parks. It is clear that our crown jewel parks are already in existence. And so now the question is really, are we going to adequately fund the existing parks plus as we add to this system, where will they be and what will the funding priorities be?

We heard earlier that this is about invasive species and grazing questions, but these new monuments are all in the West, where they already have at least 25 percent federally owned lands, in some cases 50 percent and in some the proposals are in States where it goes up to 60 percent. East of the Mississippi, we have lands that already have willing sellers that are clearly either culturally, naturally, or recreationally valuable for the public sector but we have willing sellers. But because the President has unilaterally designated additional lands in States where they already have 25 to 65 percent Federal lands, money will not be available for other places in the country where there are natural, cultural and recreational opportunities.

How is it fair to let a lame duck President unilaterally, in one year, exceed any other President's designation, including the two Roosevelts, who had, in FDR's case, four terms, and tie the hands of the Committee on Appropriations where we cannot meet the needs of existing parks or the demands we have in other parts of the country.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Chairman, I rise in support of this amendment. Many of these areas recently designated as national monuments are beautiful and sensitive and may well deserve protection. However, article 4, section 3 of the Constitution grants to Congress the power to make decisions respecting the property of the United States.

In these recent designations, the President has usurped and completely bypassed the authority of Congress. These new national monuments represent the worst abuses of executive power. No environmental assessments are conducted, and the public is not even allowed to comment on the merits of the designations as required. The administration is using the 1906 Antiquities Act, intended to protect small parcels of land, to set aside millions of acres. It is time for this body to reassert its authority and reject this latest presidential overreach.

□ 1345

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

Mr. Chairman, I rise in strong opposition to the Hansen amendment. The President of the United States clearly has authority under the Antiquities Act. Clearly, if the majority party wants to, they could repeal that act. They could pass it here, but they do not seem to want to do that. What they want to do is use an appropriations bill with a very cleverly drafted rider to prohibit the President from implementing these monuments.

I think it is terrible. I think the Federal government will wind up being embarrassed because we cannot do law enforcement. We cannot do planning. We cannot do anything once these monuments are designated. And try as you want to with report language, it does not nullify the effect of this amendment, which is to take away from the President the authority to name these monuments and then to have them properly implemented.

Again, I believe that these riders are wrong. We should do it only when we have had thorough debate and hearings, and we have not had that here. I would suggest to the gentleman from Utah (Mr. HANSEN) in his own committee that people want to work on this, if they want to improve the Antiquities Act, do it there, not on the Interior Appropriations bill.

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

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

Mr. Chairman, it has been a very interesting debate that we have had here. I think it all comes down to one thing, abuse of power. I do not know of one President who has abused his power more than this gentleman has. He has done more than all of the other Presidents combined, and the interesting thing is, just what Member of Congress was consulted and which one agrees with what he has done?

Now, I always thought that the Constitution said ''we the people,'' but when we read this thing behind closed doors, it said we cannot let this out, this has to remain secret. Now, to me, that is not the way we do things in America. What is this about?

Article IV, section 3 says, ''Congress has the right of these powers of the land.'' It does not go to the President. The gentleman from Washington (Mr. DICKS) had some things brought up that is the biggest red herring I have ever heard. Right here in their own manual, right here in the report, nothing in this language prevents either Secretary from managing these Federal lands.

These lands will go on as they were. This idea that they will not be managed and vandalized is nonsense. Of course they will be managed. Call up the local BLM director, call up the local forest director. They will tell us they will take care of the land. There is nothing in here that says they cannot maintain those lands at this time.

A little personal shot was made at me. I am big enough to take that, saying why not put your own in there? That was done in 1996, and it was funded by this Congress. I would be more than happy if my colleagues feel that way, why did colleagues not put an amendment in to do that, and I would have stood up and I said accept it; but my colleagues did not do that. It is more important to take a few shots, I guess.

Mr. Chairman, I would urge the people in this particular body to do their best and do what is right for America and do what is right for the West. Help us out in this and vote for this amendment.

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

The CHAIRMAN. The question is on the amendment offer by the gentleman from Utah (Mr. HANSEN) to the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Under clause 6(f) of rule XVIII, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the underlying Dicks amendment that may follow immediately this 15-minute vote on the Hansen perfecting amendment.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 13, as follows:

[Roll No. 280]

AYES—187

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—234

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Becerra
Campbell
Danner
Franks (NJ)
Greenwood
Hinojosa
Jones (OH)
Lofgren
McCollum
Norwood
Shows
Vento
Young (FL)

□ 1418

Messrs. BILBRAY, MINGE, GILCHREST, RUSH, REYNOLDS, and HORN changed their vote from ''aye'' to ''no.''

Mr. BARR of Georgia changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, is the next vote going to be on the underlying Dicks amendment?

The CHAIRMAN. The gentleman is correct, yes.

The question is on the amendment offered by the gentleman from Washington (Mr. Dicks).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 177, not voting 14, as follows:

[Roll No. 281]

AYES—243

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—177

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook

| | | |
|---|---|---|
| Cooksey | Hutchinson | Ros-Lehtinen |
| Cox | Hyde | Royce |
| Crane | Isakson | Ryan (WI) |
| Cubin | Istook | Ryun (KS) |
| Cunningham | Jenkins | Salmon |
| Deal | Johnson, Sam | Sanford |
| DeLay | Jones (NC) | Schaffer |
| DeMint | King (NY) | Sensenbrenner |
| Diaz-Balart | Kingston | Sessions |
| Dickey | Knollenberg | Shadegg |
| Dooley | Kolbe | Shaw |
| Doolittle | Largent | Sherwood |
| Dreier | Lewis (KY) | Shimkus |
| Duncan | Linder | Shuster |
| Dunn | Lucas (OK) | Sisisky |
| Ehrlich | Manzullo | Skeen |
| Emerson | Martinez | Smith (MI) |
| Everett | McCrery | Smith (TX) |
| Ewing | McHugh | Souder |
| Fletcher | McKeon | Spence |
| Fossella | Metcalf | Stearns |
| Fowler | Mica | Stenholm |
| Gallegly | Miller (FL) | Stump |
| Gekas | Miller, Gary | Sununu |
| Gibbons | Moran (KS) | Sweeney |
| Gillmor | Myrick | Talent |
| Goode | Nethercutt | Tancredo |
| Goodlatte | Ney | Tauzin |
| Goodling | Northup | Taylor (NC) |
| Goss | Ose | Terry |
| Graham | Oxley | Thomas |
| Granger | Packard | Thornberry |
| Green (WI) | Paul | Thune |
| Gutknecht | Peterson (PA) | Tiahrt |
| Hall (TX) | Pickering | Toomey |
| Hansen | Pickett | Traficant |
| Hastings (WA) | Pitts | Vitter |
| Hayes | Pombo | Walden |
| Hayworth | Portman | Wamp |
| Hefley | Pryce (OH) | Watkins |
| Herger | Radanovich | Watts (OK) |
| Hill (MT) | Regula | Weldon (FL) |
| Hilleary | Reynolds | Whitfield |
| Hostettler | Riley | Wicker |
| Houghton | Rogan | Wilson |
| Hulshof | Rogers | Wolf |
| Hunter | Rohrabacher | Young (AK) |

NOT VOTING—14

| | | |
|---|---|---|
| Becerra | Hinojosa | Nussle |
| Campbell | Jefferson | Shows |
| Danner | Lofgren | Vento |
| Franks (NJ) | McCollum | Young (FL) |
| Greenwood | Mollohan | |

□ 1428

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $614,343,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for post advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, up to $4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

AMENDMENT OFFERED BY MR. STEARNS

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

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

Page 54, line 4, insert ''(increased by $1,000,000)'' after the dollar figure.

Page 85, line 7, insert ''(reduced by $1,960,000)'' after the dollar figure.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, 5 minutes on each side.

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

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. The objection is heard.

Mr. STEARNS. Mr. Chairman, let me ask the other side, would they agree to a unanimous consent agreement of 10 minutes on each side? The gentleman and I have been through this many times and I have great respect for the other side and I can remember most of the arguments very vividly. They are very clear. I think we could limit this. Many Members want to leave at 6:00.

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

Mr. STEARNS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, now the gentleman understands we are having a separate discussion here?

Mr. STEARNS. Yes.

Mr. DICKS. We are going to treat this amendment separately from this previous discussion in terms of everything else, but on this one we will agree to 7½ minutes on each side, split it down the middle.

Mr. STEARNS. How about 10? All right. 7½ minutes is fine.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that each side have 7½ minutes on this amendment and all amendments thereto.

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

There was no objection.

The CHAIRMAN. The Chair's understanding of the unanimous consent agreement is 7½ minutes per side on all amendments to the Stearns amendment.

The gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 7½ minutes.

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

Mr. STEARNS. Mr. Chairman, I heard the amendment read and I need, I believe, to withdraw and clarify because I think the Clerk read it incorrectly.

The CHAIRMAN. The gentleman may either withdraw the first amendment or ask unanimous consent to.

MODIFICATION TO AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I ask unanimous consent to withdraw that, and I think the Chair has the correct amendment, which is the same thing. It is basically a 2 percent cut in the National Endowment for the Arts and the rest goes into the wildland fire management. I believe I gave it to the folks correctly.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. STEARNS:

In the first instruction strike out ''$1,000,000'' and insert ''$1,960,000''.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida (Mr. STEARNS) that his amendment be modified?

There was no objection.

The CHAIRMAN. The Chair will still conduct the debate in accordance with the previous unanimous consent request.

The gentleman from Florida (Mr. STEARNS) is recognized for 7½ minutes.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Washington reserves a point of order.

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

Mr. Chairman, I think this is an amendment that has come up annually. Basically for my colleagues, we are taking a 2 percent reduction in the National Endowment for the Arts and we are putting this money into the wildland fire management. Let me just read where it is going to go. For necessary expenses for forest fire pre-suppression activities in the national forest system lands, and for emergency fire suppression and/or adjacent to such lands or other lands under fire protection agreement.

Of course, this would affect my home State of Florida, as well as Los Alamos in New Mexico, as well as Denver, Colorado, recently where the fires came up to this wonderful city.

My home State of Florida is facing severe drought conditions after having the second driest May in history in this State of ours. As a result, of course, Florida is battling another season of wildfires. Since January, Florida has had 3,422 fires that have burned 121,000 acres. This is a staggering amount of land. Were it not for the tireless efforts of the Department of Forestry, fire departments, and countless, countless volunteers, these numbers would be probably even higher, perhaps twice as much.

My amendment is, I think, very important. It is significant in many ways. It obviously is taking a very small amount from the National Endowment for the Arts budget and allocating it to fire fighting.

I think we can talk about getting serious about government spending. A part of this money, obviously, in the way the outlays go would go to retire the debt. So it has an added benefit.

I think many of us agree that the NEA does not shield us from any invasion or protect us from crime or other economic hardship, so basically I am

here to talk about the NEA, as a program, as one of many programs that support the arts. Lots of times on the House floor we talk about the NEA as if it is the sole body that is protecting the arts, but last year there were 200 programs for the arts and humanities in this country. Last year Federal funding for the arts exceeded $800 million. Interesting enough, before the program was created, President Kennedy stated, quote, I do not believe Federal funds should support symphonies, orchestras, or other opera companies.

So I think when we consider the funding for the arts, it has been reduced. I know that. I will hear that from the other side, but there is so much out there in terms of private support for the arts. In fact, it is over $10 billion in private funds go for the arts. So I think just taking $2 million to help fire fighting personnel in this country is worthwhile for us to do.

So we take a small step, reducing questionable spending that many of us feel on this side and perhaps a few on that side feel, so I believe our money would be better spent to help the fire fighters retire the debt.

Mr. Chairman, I urge my colleagues to support this amendment.

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

The CHAIRMAN. Does the gentleman from Washington (Mr. DICKS) insist on his point of order?

Mr. DICKS. I withdraw my point of order.

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) is recognized for 7½ minutes in opposition to the amendment.

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

Mr. Chairman, as many of us know, the National Endowment for the Arts was created in 1965. I believe that this endowment has done a tremendous amount to help foster the arts in this country. When the Endowment was created, we did not have the great range of the arts we now have. We now have performing symphonies and ballets all over this country. We have seen a tremendous growth in the arts, and I believe that one of the major reasons for that is because of the challenge grants and the other programs that the Endowment approved over the years.

The private sector looking to an entity, an arts organization getting a National Endowment for the Arts grant, is almost the Good Housekeeping Seal of Approval. Since the endowments were created, we have seen a tremendous growth in the amount of money that the private sector contributes to the arts all over this country.

A few years ago, we were funding the National Endowment at about $170 million. It was cut back dramatically. Today we only fund it at $98 million. In fact, we will have a bipartisan amendment after we take care of the Stearns amendment to increase the money for the endowments in a modest way.

The President has requested for each of the endowments $150 million. A few years ago, Congress had some concerns about the quality of the grants and some of the grants that were approved by the National Endowment for the Arts. We put in very strong language saying, since they cannot approve every grant that comes in, use quality as a standard for judging and assessing these grants, and do not let an entity get a grant and then give it to a sub grantee for some other purpose.

I believe that under Jane Alexander and Mr. Ivey, Mr. Ferris at the Humanities, that we have seen managers who have seen the words from the gentleman from Ohio (Mr. REGULA) and myself that were crafted, and have implemented it. We now have congressional Members who are on the advisory boards of the panels to give congressional input, to make sure that the American people's voice is being heard on these issues.

So I think this is an amendment that Congress has defeated over and over again. I am confident that we will again defeat it today, because I think the American people believe that the modest investment we make in the arts, and I think also in the humanities, is tremendously important in communities all over this country. We see education, education in the arts being an important item in many communities.

I can remember going with Jane Alexander to Garfield High School in the city of Seattle and seeing an after-school program where the kids were doing very good high quality work in the arts. The kids were enthused about it. It helped us, I think, in dealing with crime and also furthered their education. It gave them something to believe in.

I think that educational programs are good. Dale Chihuly, one of the world's renowned glass artists from my district in Tacoma, Washington, has an after-school program to teach kids how to create blown glass and create glass art. These kids, some of which have been juvenile delinquents, swear that this has transformed their lives. One, they have something to do after school and, two, they are working in the arts in a very creative way.

I had a chance to go up and visit them to see their work, to actually try to create glass art myself. I was not as good as the kids, but it really made an impression on me and showed that programs like this that are sponsored by the National Endowment for the Arts are truly very important to our country.

So I urge today that we will resist this amendment.

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

Mr. DICKS. I would be delighted to yield to my friend, the gentleman from California (Mr. HORN), for any comments he wants to make.

Mr. HORN. Mr. Chairman, I want to praise the gentleman on behalf of the Arts Caucus, which is much more than 130 in this Chamber. I appreciate all he has done, both in the committee and are going to do.

I would say to my friend, the gentleman from Florida (Mr. STEARNS), the fact is we are not talking about funding the great symphonies of America. They can find the money in Los Angeles, New York, San Francisco, and Boston. We are concerned about kids that live in urban America that have never seen a symphony, never seen an opera, never seen any aspect of the arts.

Let me say, in the last 5 years there has been a complete turnaround. It is not only the people in urban America, it is where I grew up in rural America. In the 1930s, I can remember as a 6-year-old seeing this wonderful WPA symphony. That came to Hollister, California, population 3,000. It inspired me to be a musician.

Those are the communities we are talking about throughout America, and William Ivey has done just an outstanding job as administrator of the Endowment.

I would hope the gentleman would actually withdraw his amendment.

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

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

Mr. Chairman, I would just tell my colleague, the gentleman from California (Mr. HORN), when he grew up the NEA did not exist. It started in 1965. Second of all, most of the money goes to six major cities. There are almost 150 Congressional districts that get no money.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

□ 1445

Mr. PITTS. Mr. Chairman, some people think that conservatives hate the arts. They think that, because we oppose Federal subsidies for the arts, that we are uncultured dolts who do not appreciate the finer things in life.

Let me try to correct the record, Mr. Chairman. The arts are an essential part of our culture. I love the arts. I love art in many forms. In fact, I am an amateur artist myself. I do not want this to be a show-and-tell session, but let me just illustrate. Here is a print of an oil I did last year of an area in my district called the Brandywine Valley. Here is a little sculpture that I do for volunteers who donate for people helping in my campaign. My daughter is an artist. We have a show at this present time in Lancaster County at an art gallery there. We have never received one red cent. There are millions of amateur artists out there who do not get any kind of funding.

Mr. Chairman, in fact, there is no correlation between NEA funding and the state of the arts in America. The arts are flourishing in America today. It is not because they are subsidized.

Although NEA funding has gone down as much as 40 percent in the past

few years, there are more people working in the arts today than ever before. Employment in the arts is growing three and a half times faster than general employment at a time when we reduced NEA funding by millions of dollars.

In the last 5 years, attendance at artistic activities have increased by 37 percent, remember all this time when NEA funds are decreasing.

Now, the thing that outrages the taxpayers is when the NEA, and they have the pattern of doing this, funds the shock art, the outrageous art, the anti-Catholic bigotry, the pornography.

There is a play recently in New York City entitled ''The Pope and the Witch,'' which is funded. It depicts the Pope called John Paul, II, as a heroin addicted paranoid advocating birth control and legalization of drugs. As long as this type of funding is done by NEA, we need to send them a signal and give them the modest cut of 2 percent. I support the Stearns amendment.

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

Mr. DICKS. Mr. Chairman, I yield the remaining time on our side to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I thank the gentleman from Washington for yielding to me.

Mr. Chairman, I would like to first say, in the Catholic lead, when it had the thing that was called ''The Pope and the Witch,'' I would like to read from the notes here. ''Please note that the NEA is not supporting the development or the production of this play. All NEA grants are by law for a specific project, and this was not included in any of their projects.''

I would also like to say that, in my little small town of Hickory, North Carolina, we built an art museum. The National Endowment gave us $1,000. One would not think that was of any great value one way or the other. But with that $1,000 we were able to go to all the corporations and supporters in that little town, and we raised $3 million to build an art museum.

The $1,000 is just like the best thing one can say when some corporation wants to know, what have you done? Who are you getting it from?

I would also like to say, when we cut it $65 million in 1995, I voted for that cut because I thought the National Endowment had gotten out of hand, and we should mandate changes; and we did mandate changes because of problems that were there. They have had no increase in 8 years now.

Let me just give my colleagues a couple of things. They have a cap on the amount of money that can go to any one State; whereas, previously New York got way out of their share of it.

The State grants program, the State set-aside, has been increased. Every State gets more money, and my colleagues would be surprised at the number of every State that participates. State grant programs and State set-asides I say have increased. Anti-obsenity requirements for grants, this is supported by the Supreme Court. They have to live by this.

No matter what anybody wants to say, they are doing what was mandated and what they deserve. There is a large number of us that think that, in spite of what they say, art does add a great deal to the quality of life.

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

Mr. Chairman, I just point out to the gentleman from North Carolina (Mr. BALLENGER) that, if he wants the list of projects they have supported since 1980, they have a 20-year record here, from the Sorano, Mapplethorpe, I mean, to the one that the gentleman from North Carolina just mentioned. I mean, it goes on and on and on.

So the fact that the gentleman from North Carolina got $1,000, the rest is going to six major cities.

Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) has 2 minutes remaining.

Mr. STEARNS. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas (Mr. TIAHRT).

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

Mr. TIAHRT. Mr. Chairman, I rise in support of this amendment. One of the most amazing characteristics of the human race is our ability to express ourselves artistically. All of us have been touched by a piece of music, a beautiful and interesting sculpture, an outstanding theatrical performance.

Art can be as enriching to the soul as nature itself. But sometimes in this job, we are forced to choose priorities. I think wildland fire management is a higher priority for the amount of money that we are talking about.

Because the arts are flourishing in America. Most people do not know that more people attend artistic events in a given year than sporting events. The private sector contributes over $9 billion to the arts every year. Employment in the arts is growing 3.6 times faster than the general employment. Of the money that we do give to the arts from the Federal Government, 20 percent is consumed in overhead. A majority of the remaining amount is spent in New York or California.

The gentleman from North Carolina (Mr. BALLENGER) was relishing that he got $1,000 for his district, $1,000. It is not very much money. Very little of this money makes it out to the rest of America.

I think our Founding Fathers noted that the benefits of keeping the Government out of the arts were great. But if any of my colleagues have lost personal possessions to a fire or to a flood or to theft, they know how serious that is. Sometimes it is merely a scrap of paper with a signature on it or a canceled check or photo, something that cannot be replaced.

If we can support the wildland fire management, I think we are going to help people from losing their possessions and keep our natural heritage, the wildlife areas, from burning.

So this issue is not about the importance of our arts in our society, as much as it is about helping protect those who stand to lose everything from wildfire.

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

Mr. Chairman, my amendment takes a very small step in reducing questionable spending and shifts it to a much more needed important area. I believe our money would be better spent protecting Americans than being used to promote art that is many times antireligious and, recently last month, anti-Catholic.

We hear repeatedly that the NEA has changed. It simply has not. The New York Times reported that 70 percent of its grants go to the same recipients every year, while fires are ravaging our country.

The people who believe in giving it to just six major cities are subsidizing them, and I think it is an amendment between public safety and environment.

Mr. Chairman, I urge support of the Stearns amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $424,466,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That any unobligated balances of amounts previously appropriated to the Forest Service ''Construction'', ''Reconstruction and Construction'', or ''Reconstruction and Maintenance'' accounts as well as any unobligated balances remaining in the ''National Forest System'' account for the facility maintenance and trail maintenance extended budget line items may be transferred to and merged with the ''Capital Improvement and Maintenance'' account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,068,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which 13 will be used primarily for law enforcement purposes and of which 129 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed six for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 192 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $1,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $200,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 6201–3709, and shall be advanced in a lump sum as Federal financial assistance within 60 days of enactment of this Act, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Reconstruction and Construction'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may

be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as ''indirect expenditures''), from funds available to the Forest Service, unless otherwise prohibited by law: *Provided*, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: *Provided further*, That during fiscal year 2001 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $500,000.

Section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61) is amended by adding at the end the following new subsection:

''(c) TRANSITION.—Until September 30, 2002, the Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority, before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment.''.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 66, line 16 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $67,000,000 shall not be available until October 1, 2001: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I have four amendments at the desk, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Ms. SLAUGHTER:

Page 66, line 21, insert ''(increased by $22,000,000)'' after the dollar amount.

Page 85, line 7, insert ''(increased by $15,000,000 which shall not be available until September 29, 2001)'' after the dollar amount.

Page 85, line 21, insert ''(increased by $5,000,000 which shall not be available until September 29, 2001)'' after the dollar amount.

Page 86, line 19, insert ''(increased by $2,000,000 which shall not be available until September 29, 2001)'' after the dollar amount.

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

Mr. REGULA. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer my first amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

Page 66, line 21, insert ''(increased by $22,000,000)'' after the dollar amount.

Ms. SLAUGHTER. Mr. Chairman, we are calling up this amendment to give a much-needed raise to three agencies of the Federal Government that have been starved by this Congress for a number of years simply because of misperceptions and absolute downright lies about the kind of work that they have done.

I do not think any reasonable person in the United States can dispute the good work that these agencies do. As a matter of fact, in the years which we struggled just to keep it alive, we have gotten a lot of help from the associations, the counties, the conference of mayors, major corporations in the United States who believe that creative thinking is the key to success.

This year we can afford to give to the National Endowment of Arts $15 million more, and $5 million more to the National Endowment for Humanities, and only 2 million more, I wish it were more, for the Museum Service, which does so much, the Museum and Library Service.

The debate over the years about these three agencies, over this government have taken such a terrible beating. Things have been said on the floor that have been, as I said earlier, misperceptions and down right wrong. But we struggle just simply to keep them alive. But we have ample proof from the response of the people throughout the United States that they not only want these agencies alive, they want these agencies to survive.

I want to make it clear this afternoon that I am offering this amendment on behalf of the Arts Caucus of the House of Representatives, which is co-chaired by the gentleman from California (Mr. HORN). This amendment is cosponsored also by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Washington (Mr. DICKS).

What we are asking is, as my colleagues know, the bill calls for a deferral of $67 million. We would like to increase that by $22 million for a total of $89 million, as we said before, to give the NEA a $15 million raise, the NEH $5 million more, and the Library and Museum Service $2 million more.

People cry out for it. Even our opponents on the other side have talked about how much people appreciate going to arts programs.

The National Endowment for the Arts and National Endowment for Humanities have made certain over the years that they have reached out to every nook and crannie from sea to shining sea in the United States, trying to make the little bit of money that we give them stretch to meet the needs of the growing population of the United States.

□ 1500

We know more than we used to about the development of the mind. We know more about what it is like for a child to be exposed to art at a very early age. We know a child who has studied art for 4 years in high school will do 80 points better on their SAT scores. And we know that this House should vote to support these agencies.

Mr. HORN. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, I thank the gentlewoman for yielding to me.

We also know that we could keep more talented young people in the school system if we put resources into good programs in the arts, learning about the arts, and the humanities. It is something that every student in college, and some of our California State universities, have to take at least one course in the arts and/or music. And that is important because it broadens the mind, and it keeps the brain moving.

The arts also provide inspiration. We all know that. So we should not have to go through these annual maulings where we have to refute some new

bogus charge which is utter baloney. Some earlier grants often had nothing to do with the National Endowment for the Arts.

In 1965, I happened to be on the Senate staff and the establishment of the Arts and Humanities endowments were overwhelmingly passed by the House of Representatives and the United States Senate. As far as government support of the arts in the depression, the WPA, the Works Progress Administration, put millions were put in when people were unemployed, and they brought inspiration both in murals, in symphonies, in opera.

Ms. SLAUGHTER. Mr. Chairman, reclaiming my time, I just want to echo what the gentleman from California (Mr. HORN) has said.

It is unbecoming for this Congress every year to debate this subject the way we do. Last night half of this group in this House went over to the Kennedy Center for a free performance of To Kill a Mockingbird, and this afternoon they have come back for a performance on the floor to try to kill the NEA.

I think the time has come to stop that nonsense and fund these agencies a little bit more so they can do three times more work.

Mr. DICKS. Mr. Chairman, I rise in very strong support of this amendment.

I had hoped that we could do this swiftly for our colleagues. I know many of them would like to be heading home this evening. Except for this one amendment, which we could not get agreement on, we could have had an agreement on every other amendment in this bill. But if we have to do it this way, we have to do it.

I think this issue is crucially important to our country, and I believe that the gentlewoman's amendment, which would increase the deferral by $22 million, would then allow us to have the room necessary to vote for an increase of $15 million for the National Endowment for the Arts, $5 million for the National Endowment for the Humanities, and $2 for the museums and libraries.

Now, believe me, that is not a lot of money. I do think it would send a signal that after 8 years of holding down funding for the Endowment of the Arts that we see that Bill Ivey and his people have done a good job and that they deserve this small amount of additional money.

I want to commend the chair of the Congressional Member Organization for the Arts, the gentlewoman from New York (Ms. SLAUGHTER) and the vice chair, the gentleman from California (Mr. HORN), for their leadership on this. It is bipartisan. There are people on both sides of the aisle here that support the arts in this country.

When I go home to my State and I look at what has happened in Washington State in the arts, and it is not just in Seattle, it is Tacoma, in Bremerton, in Port Townsend, it makes me proud that that small amount of Federal money has been used all over this country to create performing arts' groups, ballets, and symphony orchestras. And, also, we have been able to get funding from the private sector because they see the government involvement, they see that Good Housekeeping Seal of Approval, and they are willing to match those monies, as the gentleman from North Carolina (Mr. BALLENGER) previously talked about.

So I think this is a solid amendment. Unfortunately, we have to offer it in three different steps. But I hope that on each of these steps everyone in this House will recognize that this is the amendment on the National Endowment for the Arts. If my colleagues support it, they support the Slaughter amendment. If they do not, then they do not. But I think there is a majority in this House. If given a chance to vote up or down on this issue in this House of Representatives, I think there is a majority here in support of the National Endowment for the Arts and for the National Endowment for the Humanities.

I regret that we are forced to offer this amendment in this convoluted fashion because the majority is so nervous about this issue. What is wrong with the arts? What is wrong with the humanities? Why are they afraid of this issue, when in every community in this country there are great examples of where the arts and humanities are helping the American people, and our museums as well?

I am very upset that we could not work out an agreement here. This is the only issue we have not been able to resolve amicably, and I hope that people will stay with us, vote for these amendments as we have to go through this process. We will clearly identify which ones are for the arts, and we appreciate the hard work of the gentlewoman from New York who is chairman of the arts caucus.

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

Mr. Chairman, I rise in opposition to this amendment. This budget is very tight. We have many needs to balance within the interior budget and the overall budget, and we must not take funds from Social Security and Medicare because we are afraid to make tough choices.

My opposition is based on budget grounds. In the past, I have helped lead the opposition to NEA on a number of grounds which, under the direction of Bill Ivey and the new guidelines passed by Congress, has corrected a number of its past problems. No longer are NEA funds so concentrated on the major cities of this country, where arts resources are already plentiful. This has also helped alleviate the cultural elitism of the past.

There has also been major progress in the area of performance artists, where the only art is in the eyes of the artist. If art is to be public funded, it needs to be more majoritarian or consensus art. If the NEA wants me, my family, the people of Indiana, and America to pay for it, it should be something appreciated by others not just the artists.

Probably Americans are most familiar with the controversies around the funding of morally offensive art by the NEA. It is unfortunate that conservatives, such as myself, do not speak up often enough about the importance of arts to the soul. A society without artistic expression would be gray, boring, and depressing. But publicly funded art should not gratuitously insult the deeply held religious beliefs of the American public.

The Reverend Donald Wildmon and Pat Trueman of the American Family Institute have performed a tireless public service in making sure Americans and Congress aware of where our tax dollars are spent. It is my belief that the new director and the new rules of the NEA help make progress on limiting morally offensive art funded by our tax dollars.

I was shaken, as others have been, by several cases where NEA funds have gone to organizations in the last few years that have either performed or provided a venue for art that attacks Christian beliefs in an aggressive calculated way. The clear goal was to cause insult and offend, not to inspire the soul or cause reflection. They are crudity designed to shock.

I decided to study the possible NEA involvement further, and this is what I discovered. And it was not enough just to argue that the funding was not for the individual projects because money can be fungible and it can be used to send tacit approval to the organizations that performed it.

There was recently a play entitled ''The Pope and the Witch.'' It depicted the Pope, called John Paul II, as a heroin-addicted paranoid, advocating birth control and legalization of drugs.

The NEA provided funding to the Irondale Ensemble Project and provided funding for the New City, where the play was performed. But here is the rest of the story. The $15,000 grant to the Irondale Ensemble was for a musical theater piece of ''The Murals of Rockefeller Center.'' The date was prior to the morally offensive anti-Catholic about the heroin-addicted Pope.

The NEA did not fund the offensive play, nor did they know such a play would later be performed by this organization. The real test is next year. Now they know this theater has stuck its finger in the eye of the American people. Now there should be no more funds.

The same is true for the theater for New York City. Their grant was to fund education programs. It was given before the disgusting, anti-Catholic play about a heroin-addicted Pope. While NEA did not know that this organization was going to provide a venue for an anti-Catholic play when their grant was given, they now know. No more funds.

The Brooklyn Museum in New York is a famous institution. It was not a surprise that NEA would have supported an arts program at that museum. After that funding was granted, the Brooklyn Museum apparently decided that their best hope for raising money was to insult Christians to gain attention. A Virgin Mary made out of dung certainly did that.

No NEA money was used for that art. NEA money to the Brooklyn Museum had been given earlier, so it was not moral support or fungible money. But now we know they will deliberately insult Christians with shock art. No more funds.

Another case raised by critics actually started in 1996. In this case, ''Corpus Christi'' promoted itself as a play about Christ being a homosexual who had sex with the apostles. Clearly, not something taxpayers would want to support. But once again the facts do not show that NEA supported this play.

In 1996, the Manhattan Theatre Club received a grant to develop Terrence McNally's new play ''Corpus Christi.'' Here is the application that described this proposal. I have read it and gone through the application. Here is all that it said. ''Spirituality has been one of the major themes in Terrence McNally's most recent plays at MTC. His next play, Corpus Christi, will be an examination of good and evil. He will use certain miracles in the life of Christ as inspiration for the story, which will have a contemporary setting.''

In case my colleagues missed the part about Christ being a homosexual and having sex with his apostles, it is because it is not there. That is why Congress now requires more in-depth descriptions.

But that is not even the rest of the story. The Manhattan Theatre Club then wrote to cancel this grant and asked to transfer the funds to ''Collected Stories.'' I have reviewed the letter exchanges that clearly show the grant transfer.

Nothing then happened for 2 years. In 1998, McNally completed the disgusting shock art play, which was performed without NEA funds. Many artists today would rather use their creative powers to mock God and try to provoke outrage from people who love and honor our Creator rather than develop art.

Our anger and legitimate concern that no tax dollars provide funding, direct or indirect, or even in the form of moral support, is completely justified. But we also, especially as Christians, have a moral obligation to stick with the truth. NEA did not fund this art, directly or indirectly.

Mr. HOLDEN. Mr. Chairman, I move to strike the requisite number of words, and I wish to engage in a colloquy with the gentlewoman from New York.

It is my understanding that in the offset for the gentlewoman's amendment, she seeks to defer until 2002 $22 million of previously proposed funds for the Clean Coal Technology Program of the Energy Department. For 15 years, through the Clean Coal Technology Program, the Federal Government has been a solid partner, working jointly with private companies and the States to develop and demonstrate a new generation of environmentally clean technology using coal.

Companies were willing to sign agreements with the government because Congress, under the leadership of the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, and the gentleman from Washington (Mr. DICKS), the ranking member, and others, had the foresight to appropriate the entire Federal share of funding in advance. The companies knew the money would be available, and with that confidence they came to the table ready to commit their own funds.

In fact, for every $1 committed by the Federal Government, $2 have been committed by private industry and State agencies. This program is coming to a conclusion. All projects have been selected and all contracts have been negotiated. Can the gentlewoman give me her assurance that the deferral of funds called for in her amendment will in no way inhibit the Department of Energy's ability to fulfill its contractual obligations for fiscal year 2001; and, further, can the gentlewoman assure me that none of the current projects in the Clean Coal Technology Program, for which contracts have already been signed and agreed to by the government, will not be canceled as a result of the deferral of funds in the gentlewoman's amendment?

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. HOLDEN. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I am happy to respond to the gentleman's inquiry.

I have contacted the Department of Energy and been assured that deferring the additional $22 million would not cause any significant problems and is not expected to result in the cancellation of any contracts.

In fact, the Department of Energy originally proposed deferring $221 million and rescinding an additional $105 million in clean coal funds. Consequently, a deferral of $22 million should not cause any major hardship, and I urge my colleagues to take this opportunity to allocate the funding to the arts and humanities.

Mr. HOLDEN. Reclaiming my time, Mr. Chairman, I thank the gentlewoman and will support her amendment.

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

Mr. Chairman, I will not take the full 5 minutes, but it is important to understand what this amendment is. This is the first of four amendments which, in all, will try to add $22 million to cultural programs; $15 million to the National Endowment for the Arts, $5 million to the National Endowment for the Humanities, and $2 million from museums. It is paid for out of an account which will suffer no impact if it loses that offset because that money cannot be spent.

I would remind my colleagues that the agencies that the gentlewoman from New York is trying to fund are at this point funded at a level 40 percent below where they were a decade ago.

□ 1515

I would just say, I understand the anger that persons have felt in the past when they have seen obscene art or so-called works of art that are morally offensive to large numbers of Americans, and I think that has no place in a program like this. And as you know, we have instituted many reforms to assure that, to the maximum extent possible by any human being, that will not happen again.

At this point, I guess my suggestion to any Member would be: Whoever on this floor has never made a mistake or never had their staff make a mistake, whoever there is on this floor, please feel free to go ahead and criticize this agency. Because they had a 99.9 percent record of funding projects which are perfectly acceptable to everyone.

I would remind you that even a stopped clock is right twice a day, and so there are times when even in the best of circumstances something wrong will occur.

But as one of the previous speakers pointed out, in many of those instances, the projects that were being objected to were never funded by NEA in the first place.

I would also say, I just wish that you could see one action that is taking place in schools in my district where one song writer goes into schools and takes young people who have never had exposure to this kind of program, finds out their interests, gets them to put the words down on paper that express their feelings about those interests, and then, in turn, puts those words to music. He has produced a wonderful CD as a result of that. And it is incredible what some of those kids have been able to do.

We need more projects like that all over the country. It would be a terrible shame if we could not begin the new Challenge Program that Bill Ivy and the National Endowment is trying to bring forth.

I congratulate the gentlewoman from New York (Ms. SLAUGHTER) for her amendment, and I would ask the cooperation of the House so that she can achieve what she is trying to do in piecemeal fashion because the rule does not allow her to do it all at the same time.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words and I rise to speak in support of the amendment.

Mr. Chairman, it is another year and another debate on a modest increase in funding for the NEA and the NEH. Most of us could probably dust off last

year's statement and just use that again because the issues have not changed; they are the same every year.

Every year supporters of the National Endowment for the Arts come to the floor, and we present overwhelming evidence that the NEA is a good investment for our country. We talk about the broad geographic reach of the NEA, with grants to all 50 State arts agencies as well as to the hundreds of communities across the country.

We talk about how the NEA has extended the reach of the arts into rural communities to which the arts never reached before all across the country.

We talk about the importance of NEA seed money in leveraging private support, like the $4 million in total funding Chamber Music America was able to raise from just a $300,000 NEA grant.

We talk about the economic benefits of the NEA, pointing to the tens of billions of dollars in economic activity generated, the millions of jobs supported, and the billions of dollars in Federal income tax generated by the arts every year.

And we talk about the numerous educational projects supported by the NEA from programs for young children to life-long learners.

Finally, we talk about the inherent value of supporting a vibrant arts community in this Nation, how the arts lift the spirits of our citizens and bring us together, how they entertain us and make us think, how they leave a lasting legacy for our children and their children to remember and celebrate.

But as I said, we bring up these arguments year after year. Of course, a few years ago we were debating whether the NEA should even exist, whether it was the proper role of Government to subsidize the arts. But we have won that fight.

Clearly, the American people support the NEA and the work it does. Clearly, the American people believe the Federal Government also has a role in promoting the arts and cultivating artists throughout the country. But in order to carry out this mandate, we must fund the NEA at a level that enables it to fulfill its mission.

Today, resources are stretched too thin to adequately fund worthy projects. The average grant size has dropped by over half since 1997 and is expected to drop even further unless we provide an increase this year.

As the gentleman from Wisconsin (Mr. OBEY) pointed out, this agency is funded at a level 40 percent less than a decade ago. When we limit funding, we also hamper the ability of the agency to continue its work in expanding the reach of the NEA to underserved areas.

The massive cuts to the NEA enacted a number of years ago has reduced a once thriving agency to a very valuable but still shell of its former self. In these times of unparalleled prosperity, of unparalleled huge and increasing budget surpluses, it is nothing short of outrageous that we have not provided a nickel's increase for this vital and popular agency for the last several years.

I think we should return to the glory days of the Reagan and Bush administrations when the NEA received almost twice what it does today. Short of that, I urge my colleagues to support the modest increases we are talking about in these amendments.

As is pointed out, the offset provided in this particular amendment poses no danger to anything because they cannot spend that money now. The offset has no negative impact. The modest increase of $15 million to the NEA and $5 million to the NEA and $2 million to museums is less than we should do, but we can do no less today.

I urge the adoption of these amendments.

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

Mr. Chairman, if my colleagues walk through the tunnel that connects the Longworth Building and the Cannon Building with the Capitol today, they will see the difference from what happened yesterday when the walls were bare. Now the walls are hung with beautiful, live, vibrant art. Now, we cannot miss it. We cannot miss the change from nothing to what these young students have done around our country.

My favorite piece of art is the cow poking its nose through the barbed-wire fence. But that is today. Tomorrow I will walk by, and I will see another piece of art, and it will become my favorite. Because that is what art does, it tickles us, it enthuses us, and it makes us love living. And that is what art is all about.

What an embarrassment for the House of Representatives to once again in an appropriations bill hold funding levels for the National Endowment for the Arts and for the Humanities.

As anyone who has managed a budget knows, this really means we are decreasing funds for the arts for the humanities, for the libraries. Opponents of the NEA and NEH cry fiscal discipline as if the richest Nation in the world needs to be the most culturally impoverished.

But money is not what this is all about. We know that the dollars that we invest in the NEA and in the NEH leverage matching grants and multiply many, many times over in every one of our communities.

What we are really witnessing here is an assault on free expression, a war on culture. It is a battle as old as the stockades in Puritan times, and it is absolutely wrong-headed.

The arts and humanities teach us to think. They encourage us to feel, to see in a new way, and to communicate. A world without art would be as dreary as those tunnels between the Cannon Building and the Capitol when they are without the art of the young people across our country. A world without art would be a dreary, dreary existence indeed.

I hope that all of my colleagues will support the Slaughter-Johnson-Horn amendment to increase funds for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum and Library Services. It is a small investment with a return as vast as our very imaginations.

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

Mr. Chairman, I rise today in strong support of this critical amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

Arts are our cultural language. They bring our communities together and serve to define who we are as a society. Both the NEA and the NEH broaden public access to the arts and humanities for all Americans and improve the quality of our lives for our children and our families.

I spent a good deal of my career in public schools, and I have seen the positive impacts that arts has in our children's education. The arts teach our children rhythm, design, creativity, and critical thinking.

The arts have also been shown to deter delinquent behavior of at-risk youth and to help dramatically to improve academic performance, truancy rates, and other critical skills among our children.

As the new economy demands a workforce that can think and work innovatively, arts education provides a crucial part of that skill building, skills that can begin at a very young age. For example, in a child's elementary school class trip to the museum.

In my district on the central coast of California, students have been exposed to the virtues of music, poetry, and dance as a result of our National Endowment of the Arts support.

Students from Santa Barbara, San Marcos, and Morro Bay High Schools had the opportunity to participate in the Essentially Ellington program and study the jazz music of Duke Ellington.

Students and adults have been exposed to poetry through National Poetry Month at the Lompoc Public Library, Miguelito Elementary School, the Dunn School in Los Olivos, the San Luis City County Library, and the University of California in Santa Barbara.

Thousands of my constituents have been thrilled and inspired by the Mozart Festival in San Luis Obispo, the Santa Barbara Symphony Orchestra, and the LINES Contemporary Ballet, which has performed at both Allan Hancock College in Santa Maria and CalPoly University in San Luis Obispo. These exhibits and performances have been funded and supported by NEA.

For slightly less than 36 cents a year, all Americans have access to all that the arts have to offer. It is a small price to pay for one of our Nation's richest and most effective resources.

And so I urge my colleagues, let us vote for our children and support the

Slaughter-Horn-Johnson amendment to strengthen both the National Endowment for the Arts and the National Endowment for the Humanities.

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

Mr. Chairman, since its creation in 1965, the National Endowment for the Arts has issued more than 110,000 grants; and of this total, fewer than 20 have been considered controversial.

We can match that 20 against grant recipients who received 35 of the past 46 National Book Awards, National Book Critics Circle Awards, and Pulitzer Prizes in fiction and poetry since 1990.

Thirty-five of those recipients have been NEA recipients. Match it against the grant recipients of PBS's Great Performances that were nominated for 121 Emmys and won 51 Emmys.

Imagine all of those who are recipients of NEA awards. Great performances or small, the NEA has supported hundreds of professional orchestras, dance companies, nonprofit theaters. And before that NEA support, they really did not exist. But given NEA seed money and given the credibility that they get by NEA choosing to make an award to them, even if it be a small award, they then go out and raise substantial amounts that are in many multiples of the actual money that NEA gets. But that little seed, that credibility, makes a world of difference.

Federal funding for music, dance, theater, literature, and visual arts is not just about the quality of life; it is about investments to fulfill our human economic potential. By directing funds toward culturally diverse, educational community-oriented programs, we provide places where at-risk youth can express themselves creatively rather than destructively.

□ 1530

One witness provides a living testimony for why Congress should increase NEA's budget. Three years ago, I know I was moved by the testimony and I think all of the members of the subcommittee were moved by the testimony of a young opera singer named Denyce Graves. She testified that without the NEA, she never would have heard an opera, let alone determined that she was interested in pursuing a career as an opera singer.

Growing up in Washington, D.C., Ms. Graves was only a few miles away from the Kennedy Center but because her family could never afford Kennedy Center productions, it might as well have been a world away. It was not until Ms. Graves, as a teenager, saw her first opera at a local community theater funded in part through the NEA that she changed her whole career aspirations. She was so inspired by the music, the drama, and the passion that she decided at that moment she would become an opera singer.

Since that day, Denyce Graves has performed as Carmen at the Met and sung all over the world in major opera productions. But she has never forgotten the role that NEA had in her life. She devotes a large amount of her time working in community theater groups sponsored by the NEA. She talks to inner-city kids about the importance of arts as an alternative to violence and about how they can find constructive ways to express their passions, their fears, their desires and their dreams.

That is what this is all about, funneling people's passions into constructive things rather than destructive pursuits. Promoting the arts improves our culture and helps instill civility. Arts and the humanities can lift people up and show them a different way of looking at the world. This Congress should continue to help the young Denyce Graves of the world to achieve their dream.

Today we have a chance to increase our investment for this worthwhile program. We can vote to increase opportunities for our citizens, to enrich their lives, their communities, and improve the social fabric of our Nation. We ought to give more Americans the chance to enjoy the arts the way Denyce Graves and countless others have had that opportunity because of the National Endowment for the Arts. The NEA, the NEH, the Museums, all that we do for the arts pays multiplefold dividends. It is part of our quality of life and part of our social and economic progress. We ought to increase that investment today.

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

Mr. Chairman, I am not going to complicate this, because everybody has expressed themselves adequately and there has been a lot of emotion and a great deal of coverage here. I just think there are three things: One, do you believe in the arts? Secondly, do you believe in the government being in the arts? And thirdly, how much money is involved?

I do not think there is any question about the first issue. I do not think anybody who is adamantly opposed to the government being in the arts opposes the arts. I mean, it is clear that there is tremendous benefit to our society, to our children, all of the richness of our lives.

So the second thing is, should the government be in the arts? I really think it should. I will tell my colleagues why. I will give an example of a particular program that years ago was trying to start up an arts camp in Massachusetts. They could not get any money. It was unproven. They were not sure it was the right thing to do. So they finally got a 5-year grant, I think it was $5,000 a year, from the NEA, which clearly was not enough to cover the program but it was enough to signal to the other program on the outside, this is really worthy of something because the National Endowment for the Arts of the United States is supporting this.

The end result of this is they got the money, that people, individuals, corporations and foundations supported this thing and as a result, there are 40 to 45 of these camps literally touching the lives of thousands of students. That never would have been possible had it not been for that authenticity.

The third area is how much. I do not know how much. I do not know if there should be an increase of 15 for the NEA, five for the NEH and two for the Museums or whether it should be more or less. I do know, though, the trend has been going in the wrong direction. Somehow if we believe in this, then we must reverse it, and the numbers expressed here today make a great deal of sense.

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

As a proud member of the National Council of the Arts, and I saw my good friend the gentleman from North Carolina (Mr. BALLENGER) here, I cannot help but be impressed with the thoughtfulness, the seriousness and the commitment of the Members who are making these judgments. I have seen with the gentleman from North Carolina firsthand the NEA's grant selection process. I just want to applaud them once again for successfully increasing America's access to the arts despite level funding for the last 3 years.

Unfortunately, the bill before us sorely underfunds the NEA and would inhibit the NEA from funding worthy and creative programs such as Chairman Ivey's ''Challenge America'' which would further arts education and outreach, particularly in underserved areas. It is so exciting to see and to talk with Chairman Ivey about what he wants to do, to go to areas where young people do not have access to the arts, to go into schools where many of our young people really cannot express themselves as well as others can without access to music, to art, to other cultural attractions. This is so very vital for their education.

In a Nation of such wealth and cultural diversity, it is a sad commentary on our priorities that year after year we must continue to fight for an agency that spends less than 40 cents per American each year and in return benefits students, teachers, artists, musicians, orchestras, theaters, dance companies and their audiences around the country.

Mr. Chairman, let us make a change this year. Now is the time to increase funding for the arts. Let us do the right thing. Let us support our young people. Let us support these programs. And let us make sure the United States of America can stand tall and be proud of our commitment.

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

Mr. Chairman, I rise today in strong support of the NEA, the NEH, the Museum and Library Services and in support of the Slaughter-Johnson amendment. My colleague the gentleman

from New York (Mr. HOUGHTON) said, Well, we support the arts. We support the Federal Government involvement in the arts. The question is, how much money?

Let me take a try at explaining why we should be putting more money into these organizations at this time. The National Endowment for the Arts has been treated unkindly by this body for too long. Since the early 1990s, the NEA, for example, has seen its funding reduced from $162 million in 1995 to $99 million in 1996, to $97.6 million last year. So even if we adopt this amendment, the NEA budget would still fall short of the President's budget request.

To the credit of the NEA, it is continuing to do more with less. Even with the shrinking budget over the last 5 years, NEA has provided a greater number of grants to more communities across the entire country. Unfortunately, simple math will tell us, while the number of grants has risen, the average grant amount has dropped by 45 percent. We must stop starving the National Endowment for the Arts. We have won the fight, I hope, for the existence of the NEA and the NEH and Library Services. But every year, it seems, we have to fight to raise it above starvation. Whether it is the Kennedy Center's touring company in Manalapan or the Boy Choir School or the McCarter theater, all of those in my district, or a nonprofit group in Tuscaloosa, Alabama, or in Lake Placid, New York, funding for the NEA touches all of our constituents, bringing them arts, cultural events and educational opportunities. Visual and performing arts, literature and poetry help us know ourselves as a society and help us stretch ourselves and grow as a society.

The President made a reasonable request of $150 million for the NEA. My colleagues on the Committee on Appropriations set the NEA allocation at $98 million. This amendment, I think, is a reasonable increase and will help raise this above starvation levels.

I urge my colleagues to vote for this opportunity for personal enrichment, for societal enrichment, for cultural enrichment.

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

Mr. Chairman, I rise in support of increased funding for the arts and humanities. I know there is a philosophical difference over whether or not there is a Federal responsibility to assist in the creation of the arts and the humanities across this Nation and whether the Federal Government should be involved in helping to expose more Americans to the benefits of those arts. But I have come to the realization that I think the Federal Government does have a role, not a primary role but it does have a role.

I also believe that increased funding for the National Endowment for the Arts is justified. There are a lot of arts groups in my district, in my part of Arizona that benefit very directly from this funding, such as dance theater performances and in-residence musical troupes that have been there in communities like Safford and Thatcher, poetry readings, photography exhibits in Tucson and other small communities around the district. These activities are a real asset to the rural towns and to the larger metropolitan areas. They are precisely the type of cultural activities that got overlooked too often without the National Endowment for the Arts.

But having said that and my support for added funding, as a member of the Committee on Appropriations, as a member of the majority and as a member of this subcommittee, I have a basic question and a basic responsibility and, that is, how do we get this bill past the House of Representatives? An increase is great if it helps us to pass this bill on the floor of the House. But it does not do us much good if the majority of this body end up voting against the overall measure. So my question to the sponsors would be, do they intend to support this bill if an amendment is passed to increase the funding of the NEH and the NEA? I hope that we get this answered sometime before this debate is over.

My concern is a very practical one. If we adopt the amendment, do we gain support for the bill? It appears that we do not. But I can assure my colleagues that its passage results in a loss of support, unfortunately as far as I am concerned, but a loss of support by some Members on my side who have a very different point of view and whose view I also respect.

It is for that reason, until I have some assurance about this, that I would have to oppose this amendment. Because if we cannot get the bill through the House of Representatives, off the floor of the House and to conference with the Senate, then we all lose. We have to govern responsibly. I do not want to risk shutting down our national parks and forests over a virtual increase in funding, and I say ''virtual'' because this amendment does not actually allow any additional money to be spent or obligated to NEA or NEH until the last day of the fiscal year. It is in essence an advanced appropriation for the fiscal year 2002, not 2001.

So it is my hope that when this process is completed, the appropriations process is finished for this next fiscal year, we can find a consensus somewhere in what I would call the ''radical center'' and achieve a responsible increase in funding for the arts and humanities.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Slaughter-Johnson–Dicks amendment and really applaud them for all of their hard work on this amendment. This would add additional funding for the National Endowment for the Arts by $15 million, the National Endowment for the Humanities by $5 million, and the Institute of Museum and Library Services by $2 million.

These programs help communities across the Nation develop critically important cultural resources. Through the NEA grants to local communities, support is provided for more than 7,400 K–12 arts educational programs in more than 2,600 communities all across this great Nation.

Chairman Bill Ivey has listened to the concerns of Congress and responded to them. He has initiated a series of reforms, first in how grants are given, and secondly in the arts reach program, he has reached out to all of the States with the goal of making the contributions equal among the States.

□ 1545

The Challenge America program of NEA is hoping to bring educational programs to our public schools, to our young people in the early years, which is tremendously important. Study after study shows that children who are exposed to the arts do better in school and have higher self-esteem.

NEA, NEH and IMLS reach out to all of our communities. They provide cultural and educational opportunities to our children and families that enrich each and every one of us.

At the same time, these programs generate an enormous amount of revenue, approximately $3.6 billion each year for our local economies across this country.

The NEA is useful to all our communities and comes at very little cost to taxpayers. Funding for the arts is much less than 1 percent of our Federal budget, and funding for these extremely beneficial programs has been frozen for several years.

In fact, funding is now 40 percent lower than it was 10 years ago. So it is time to do more for students and communities across our Nation. In my own city of New York, I cannot even imagine what it would be like without the arts.

It is such a vital and important part of the enrichment and cultural life of our city. And every single city should have arts, humanitarian programs, the humanities and library services.

This amendment reaches out to accomplish that goal. Again, one goal is to make sure that all States have equal funding. So I urge all of my colleagues to support this package.

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

Mr. Chairman, I would like to divide my time with the gentleman from California (Mr. CUNNINGHAM), who actually was here before me, and the gentleman consented to this. I will speak for 2½ minutes or less.

Mr. Chairman, I do rise in strong support of the Slaughter-Horn-Johnson amendment to enable an increase in funding for the National Endowment for the Arts by $15 million, for the National Endowment of the Humanities by $5 million, and for the Institute of

Museum and Library Services by $2 million.

We have heard over and over again, and we do agree it is critical that we support Federal funding for these programs. They serve to broaden public access to the arts in humanities for all Americans to participate in and enjoy. The value of these programs lies in their ability to nurture artistic excellence of thousands of arts organizations and artists in every corner of the country.

The NEA alone awards more than 1,000 grants to nonprofit arts organizations for projects in every State. These programs are also a great investment in our Nation's economic growth. Let us realize that the nonprofit arts industry alone generates more than $36.8 million annually in economic activity. It supports 1.3 million jobs. It returns more than $3.4 million to the Federal Government in income taxes.

I know that each of us in Congress can point to worthwhile projects in our districts that are aided by the NEA, the NEH, and the Institute of Museum and Library Services. In my district, Montgomery County, Maryland, the NEA funds, just as an example, the Puppet Theatre Glen Echo Park, just a few miles from the Capitol. It is a 200-seat theatre created out of a portion of an historic ballroom at Glen Echo Park.

The audience is usually made up of children accompanied by their families and teachers, representing the cultural and economic diversity of Maryland, Virginia, and the District of Columbia. An NEA grant allows the Puppet Company to keep the ticket prices low so that many young families can attend the performances.

One reads every day in the papers about those groups that travel there for the performances. And in the last five years other institutions and individuals in Maryland have received $18.2 million from the NEH and the Maryland Humanities Council for projects that help preserve the Nation's cultural heritage, foster lifelong learning, and encourage civic involvement.

By supporting the arts and humanities, the Federal Government has an opportunity to partner with State and local communities for the betterment of our Nation. Both the arts and the humanities teach us who we were, who we are, and who we might be. Both are critical to a free and democratic society. It is important, even vital, that we support and encourage the promotion of the arts and humanities.

Mr. Chairman, I urge a yes vote on the Slaughter-Horn-Johnson amendment package.

Mr. Chairman, I yield to my colleague and friend, the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I will move to strike the requisite number of words and take my own time.

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

Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague, the gentlewoman from New York (Ms. SLAUGHTER).

As chairperson of the Congressional Arts Caucus, she has done a remarkable job in educating her colleagues on the importance of the arts, humanities, history and literacy programs here in the United States.

This amendment would restore $22 million of urgently needed resources to the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

These funds will be used to continue and expand upon a number of important programs at these agencies, including the arts, education programs at the National Endowment for the Arts.

Currently over 5 million American children benefit from the arts education programs, including a number of my constituents in the Bronx and in Queens.

In my district, the BCA Development Corporation, which runs the WriterCorps project, recently received $30,000 to support the Youth Poetry Slam. The poetry program is designed to use teens' natural penchant for competition and self-expression to introduce them to the written and to the spoken word.

It has been proven over and over again that children who are exposed to the arts remain in school longer, receive better grades and stay out of trouble, and hold themselves in higher self-esteem.

Additionally, the NEA provides grants to cultural and folk institutions throughout our country to demonstrate and show respect for the diverse ethnicities that make up our great Nation.

As an example of the importance of these funds, the Thalia Spain Theatre in Sunnyside, New York, received $10,000 to support a series of folklore shows of music and dance from Spain and Latin America. The music and dance shows included Argentine, tango and flamenco, and classic Spanish dance, as well as Mexican folklore.

I am especially pleased at the funding award for the Thalia Spanish Theatre. I have worked very hard to make sure that the arts and cultural organizations cater to nontraditional and new audiences. That is why I am pleased to thank both the gentleman from Ohio (Chairman REGULA) and the gentleman from Washington (Mr. DICKS) for once again including my language into this bill to include urban minorities under the definition of an underserved population for the purpose of awarding NEA grants.

My district, which is composed of a diverse wealth of neighborhoods throughout Queens and the Bronx, has a number of ethnic groups that add to the tapestry of New York City.

My language will open NEA funding to more local ethnic arts groups and more residents of Queens and the Bronx. It would also help fulfill the mission of the NEA to guarantee that no person is left untouched by the arts.

Once again, I want to thank the gentleman from Ohio (Chairman REGULA); the ranking member, the gentleman from Washington (Mr. DICKS), for all their hard work to include that language.

I want to also ensure that all Americans have equal access to cultural programs. Projects targeted at urban youth will greatly help keep these young people off the streets and away from the lure of drugs and crime. The arts also help to break down barriers. They bring communities together; and they offer hope, hope to struggling communities throughout our country.

That is why the Slaughter amendment today is so important. Additionally, this amendment will increase the funding for both the National Endowment for the Humanities and the Institute for Museum and Library Services. These two agencies both have strong reputations among both Democrats and Republicans for the wonderful work in restoring the folk, oral, and written traditions of America.

The NEH has been very active in providing seed money throughout the country, and particularly in New York City, to address the issues of electronic media in the classroom. A specific grant was given last year to assist in the training of teachers in new media techniques to communicate the humanities to our children.

This type of project represents the best of the NEH and of our government working directly with local communities to advance the education of our young and train them for the future.

The NEH and the IMLS have led the way in working to build and strengthen relationships between our Nation's libraries and museums and our children's classrooms to ensure that the knowledge, creativity, and imagination of every child of our great Nation is at the fingertips of every young Einstein, Rembrandt, and Twain to come in the future.

This is an excellent amendment, and I urge all of my colleagues to support it.

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

Mr. Chairman, the gentlewoman from New York (Ms. SLAUGHTER) is a champion of the arts and the NEA and the people that speak for the National Endowment of the Arts. I just happened to disagree with the manner in which they fund the arts, and I will be happy to explain.

I want to tell everyone about a little girl that escaped from Vietnam; her name was Foo Lee. She participated in the arts caucus every year which have art students from the high schools submit their work and we pay for the student to come back here, out of our own pockets. Foo Lee escaped in a boat from Vietnam, and if anyone sees the

painting, we would actually get tears in our eyes, because she and her whole family escaped from Vietnam on a rickety boat, and she drew a picture of that. We can see the pain and the anguish.

Mr. Chairman, the little girl has a fantastic talent. We found out that Foo Lee's mom stayed behind when she came to the United States. She knew that if they were captured, that they would be all put into a re-education camp, and there is nothing education about a re-education camp in Vietnam.

So the mom, who was a gynecologist, actually stayed behind so that Foo Lee and the rest of the family could come forward. It took 2 years, but we finally got Foo Lee's mom into Lindbergh Field in San Diego on Christmas Day, and that little girl is still an artist.

I want to tell everyone that there are artists like that, and there are paintings of the children in our schools that paint in the hallway here. There is a lot of very gifted children and a lot of talent there. It should be cultured.

I respectfully disagree with the way that the National Endowment for the Arts deals with taxpayer funding.

I will come into the district of the gentlewoman from New York (Ms. SLAUGHTER), and I will campaign for the arts, not for the gentlewoman. I will not raise money for the gentlewoman, but I will come in and if the gentlewoman has something here in DC or wants to raise money for the arts, I will be happy to do that.

I openly seek from private industry to give and contribute to the arts. I would make a wager that with most of the majority, I give more money to San Diego Symphony and the Escondido Arts Center than most Members give out of your own pockets.

Again, I disagree with taking it out of taxpayer dollars for the National Endowment for the Arts in this way. And we have a lady named Mrs. Bell; her husband started Taco Bell. She lives in my district. The first time I met her she told me to take the bucket of lettuce out there and go feed the chickens, Congressman. That is how nonassuming she is.

She provided a grant to start an entire music system in Encinitas Elementary School System, and I think that is what we ought to do. If we want to support tax deductions for it, private contributions, industry investing in education and the arts, as I said, I will even come to the most liberal districts; I will come to the districts. I will even come to the district of the gentleman from Vermont (Mr. SANDERS) and fight for the arts.

Mr. Chairman, I disagree with this; and I would say to those, the individuals that have the beliefs in this, I know the Members mean well in this and see it as the way to invest in the arts. Some of us disagree with that, and I hope the Members understand that as well.

Whatever pro or con of this particular amendment, the bill we feel it will be a killer to the particular bill, and if Members want the bill to pass, then I would reject this amendment. Whether pro or against this particular bill, it may not be the case, but we feel that the bill will go down, one of the reasons for this particular amendment.

We would like to pass the bill, and I would say to my colleagues, let us support the arts, but let us not do it through taxpayer-funded messages.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words and rise today in support of the Slaughter-Johnson–Dicks amendment to increase funding for the National Endowment for the Arts.

The arts and humanities are important components of American life. The arts really bring to life the struggles and challenges many people are confronted with on a daily basis. Moreover, the arts and humanities transcend cultural race, religion, income, age and geography.

□ 1600

Whether it is at the Kennedy Center or a theater in Chicago, the arts really help to enhance the quality of life for all Americans through a breathtaking array of cultural activity.

Statistics suggest that art programs in schools and music concerts tend to stimulate students' learning and improve overall academic performance. In my congressional district in Chicago, the NEA has had a significant impact on many of our great institutions and on improving the quality of life. For example, the NEA has supported the West Side Cultural Arts Council, the Chicago Symphony Orchestra, Chicago Black Ensemble Theater Corporation, the School of Art Institute of Chicago, the Black Ensemble's Little City Program, the Museum of Contemporary Art, the Illinois Arts Alliance, and the Field Museum of Chicago, just to name a few.

For me, increasing funding for the NEA is not an option, it is actually a priority, and it is a priority because public support for the arts and humanities is the finest expression of faith in the individual's ability to think, create and express ideas.

The arts and humanities can speak of things that cannot be spoken of in any other way. They foster a sense of community by advancing the understanding of history, of culture, and of ideas. Cultural diversity is something that we talk about a great deal in this country, and it is, indeed, a source of great strength to our Nation, a source of energy, a source of creativity.

Therefore, I believe that sustaining and supporting an increase of funding for the arts and humanities must indeed be a national priority, if we are to be able to pull together and shape the Nation, based upon the culture, the tradition, the hopes, the aspirations and the contributions of all of its people.

Mr. Chairman, I urge, in a vote, urge a vote in favor of an increase.

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

Mr. Chairman, I rise in support of all the Slaughter amendments to increase funding for the National Endowment for the Arts and the Humanities and for the Institute of Museum and Library Services. I only wish they could have been considered as one, rather than have been split up as they have been.

These are very modest amendments, and, personally, I would support significantly greater increases for each of these three agencies. The reason why is very simple. These agencies are good for the third district of Massachusetts, a district that I am proud to represent. They contribute to the economic vitality and cultural vibrancy of the communities I represent.

Let me highlight a few examples for my colleagues. The Institute of Museum and Library Services has provided grant support to expand and enhance educational programs and public outreach to the Worcester Art Museum, one of the premier museums in New England, as well as to the Willard House and Clock Museum in North Grafton and the Worcester County Horticultural Society. By supporting these museums, large and small, IMLS has helped foster leadership, innovation and a lifetime of learning for these communities.

The National Endowment for the Humanities has provided grant support to the American Antiquarian Society in Worcester to conserve and acquire books and manuscripts in the Society's collection.

Let me tell you a little more about the American Antiquarian Society, one of my favorite sites in Worcester. It is a precious resource for every single American. The Society houses the largest and most accessible collection of books, pamphlets, broadsides, manuscripts, newspapers, periodicals, sheet music and graphic arts material printed from the establishment of the colonies in America through 1876. It is a unique resource for the understanding of our history and culture. The NEH has provided support to nearly every aspect of the museum's operations, including outreach to the public and to school children. It has also helped leverage additional State and private support.

Mr. Chairman, I also have 16 colleges and universities in my district, and the IMLS and the NEH have provided invaluable research grants and support for their educational and cultural work.

The National Endowment for the Arts has provided direct support to activities in Worcester and Attleboro, and with its support of the Massachusetts Cultural Council, reaches schools and community centers throughout Central Massachusetts. These three agencies, Mr. Chairman, help the educational, community and cultural institutions in my district meet the challenges of the future.

Through their grant support, my communities can provide greater public access to the arts, the humanities, and the resources of our libraries and museums. They help these institutions incorporate and make available to the public new technologies, regardless of income.

Mr. Chairman, I urge my colleagues to support these amendments. They are modest but worthy investments in education and families and children and our cultural heritage and our future.

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

Mr. Chairman, I ask my colleagues tonight as we debate this to substitute the word ''religion'' every time the word ''art'' has been used here. I suggest that there is a great deal, in fact, an exact comparison, between almost everything that has been said in support of the funding for the arts that could be said, but certainly would never be said on this floor, if an amendment were proposed to support religion.

As the Managing Director of Baltimore's Center Stage put it, ''Art has power. It has power to sustain, to heal, to humanize, to change something in you. It is a frightening power, and also a beautiful power. And it's essential to a civilized society. Because art is so powerful, because it deals with such basic human truths, we dare not entangle it with coercive government power.''

For exactly the same reason that, certainly I know my friends on this side of the aisle would stand up and rail against anyone who would suggest that we should take public money and subsidize religious experiences, for exactly the same reason I ask you to think about what you are doing when you ask people to subsidize the arts.

The arts are, in fact, as close a resemblance to religion as I can possibly think of. They are expressions of the innermost feelings in our souls, and certainly worthwhile. Think of it this way: If we subsidized religion, could we not come to the floor as the gentleman from Illinois (Mr. DAVIS) did with that beautiful and eloquent explanation of all of the wonderful things that happen in our country because we subsidize religion, all of the incredible things that go on in our own communities, the many benefits that we could bring to individuals in our own communities because we could subsidize religion.

Certainly it would be difficult to argue with the benefits of a religious experience. It is difficult to argue the fact that art is an uplifting, a wonderful thing, that we all enjoy, in our own specific way. But just as God is in the eye and/or mind of the believer, art is in the eye and mind of the observer, and I have no more authority, no more responsibility, to compel people in this country to support religion than I do having them support the arts. And that is really the most basic, I guess, comparison that I can make; and I ask my colleagues to think about it. It is something somewhat more esoteric than the kind of debate we have been having, but I think just as germane.

Something that was written in 1779, ''To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.'' 1789. The author, of course, Thomas Jefferson, in the Bill for Religious Freedom.

What, may I ask, do you think is the difference between what he is warning us about here and what we are preparing to do with both this amendment and the funding of the arts in general? It is difficult, if not impossible, to determine a distinction, and although I understand entirely the altruistic intent on the part of the people who want to fund the arts and who want to increase the funding for the arts, I ask you to think about the basic issue that forces itself into the discussion here, and that is that when you compel people to contribute money for the propagation of opinions which one disbelieves in and abhors, it is sinful and tyrannical.

Art is in the eye of the beholder, and the minute that you fund the arts, you do exactly what they fear would happen when you fund religion, you politicize it. You will always then have people arguing about what is proper art, what is proper for public support, what kind of movie or what kind of play or what kind of books should be funded with public dollars. We will always have that because, of course, it is the nature of the business. If we fund it, we will attempt to regulate it; we will attempt to censor it. We should not censor art; we should not fund art.

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

Mr. Chairman, I appreciate my colleague from Colorado, and I thank certainly the sponsors on this side, the gentleman from Washington (Mr. DICKS) and the gentlewoman from New York (Ms. SLAUGHTER) and others.

One great thing about our Nation, as the gentleman from Colorado (Mr. TANCREDO) knows and all of us in this Chamber knows is that there are differences that exist among us. We are tied together with some common threads, but what makes us so great is that there are people who wear different clothing, who cling to different political beliefs. Obviously there are those that harbor different political philosophies, as we see aired on this floor day in and day out.

What ties us all together really as Americans is that we all really sort of share the same dreams and same aspirations. I have constituents of mine in the Chamber today, and I can assure the gentleman from Colorado (Mr. TANCREDO) they are good church members. They are members of Princeton Avenue Full Gospel Church back in my district, and all of them want their kids to go to a good school, and all of them want their parents to maintain their health benefits at work, to maintain a job and their health benefits.

But there are differences that exist among us that really make America what it is. The NEA and the NEH in many ways helps to foster that, sponsors those initiatives and those efforts, and I might add in my public school system, both NEA and NEH grants have done wonderful things to assist teachers and educators in passing along ideas and teaching lessons to kids who sometimes might not ordinarily get them. We have all seen the stats and the data that clearly demonstrated that kids that are exposed to arts and music early in life do better in their core subjects, the math and the science, the English and the history and the host of other core subjects that are so critical to a young person's development.

It is my hope, and I understand my friend from Colorado's passion about this issue, but the facts are the facts. We are not talking about religion here, we are talking about the arts. The Constitution speaks clearly, the founding of this country was predicated upon those seeking religious freedom.

So I would say to my colleagues on the other side of the aisle, and even some on this side of the aisle, think about all of those museums and universities and schools, think about all those nonprofit and community organizations that benefit from these grants. Think of the young people's lives that we impact and touch and improve, and think about the heritage and the ways in which we are able to bring people together, despite our differences, and how these grants and initiatives help to do just that.

Seeing the look on a young person's face when they learn about their history and learn about their heritage and how it fits into this larger national fabric is truly phenomenal, as the Speaker knows, and I would hope that my colleague from Colorado knows as well.

I would ask all of my colleagues to look beyond the rhetoric from one moment, to look beyond the political contributions for one moment, to look beyond those political constituencies that would lambast the arts and humanities, and let us support an initiative and support an amendment that in many ways helps to bolster and promote what is great about our Nation, our ideals, our democracy and our freedom.

Mr. Chairman, I thank the sponsors, and would urge support of this amendment.

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

Mr. Chairman, I rise in strong support of the Slaughter-Horn amendment to increase the amend of funding that we provide to the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services. It allows these groups to expand and continue what is truly important work that goes on around the country in these areas.

These are agencies that are charged with bringing our history, the beauty, the wisdom, culture, into the lives of all Americans, young, old, rich, poor, urban, rural. We in the Congress have said that preserving our national heritage and making it accessible to all Americans is a goal that is worthy of our support. It is time now to make sure that these agencies have the resources that they need to achieve this mission.

□ 1615

This is about our humanity, this is about our civility. This is what defines us as a people. These are the institutions that help to capture who we are and what we are about.

Many years ago I spent 7 years as the chair of the Greater New Haven Arts Council in my city of New Haven, Connecticut, so I know firsthand how the arts not only enrich lives, but contribute to the economic growth of the community.

Federal investment in the arts is not only a means of support for the endeavor, but rather, our dollars, which represent a small fraction of an annual budget, are used to leverage private funding and fuel what is an arts industry. This industry creates job, it increases travel and tourism, it generates thousands of dollars for a State's economy.

If Members cannot be persuaded on the humanity portions of this effort and the cultural and the preservation of our heritage, gosh, I would hope Members would be turned on the issue of the economics of a vibrant arts community.

In addition, the NEA is an important partner in bringing arts education to more American youngsters. Arts education is critical. It helps to plant seeds of art appreciation. It cultivates talent that is yet to be discovered in the young minds of our kids around the country.

In partnership with State arts agency, the Endowment provides $37 million of annual support for from kindergarten through 12th grade arts education projects in more than 2,600 communities across the country.

When we are teaching youngsters music, we teach them mathematics. It is found and proven that the development of a musical education in fact increases the mathematical ability of youngsters today.

The National Endowment funds professional development programs for art specialists, classroom teachers, and artists. We are truly just beginning to understand the benefit of arts education and the way in which it helps to foster self-esteem for our youngsters, helps them to choose a constructive path rather than turning to violence. We need to continue to support these efforts.

We know that the arts builds our economy, it enriches our culture, it feeds the minds of adults and children. The NEA, the NEH, the Institute for Museum and Library Services, need to have an increase in their missions. It is time we gave them our support.

Let us focus in on the legacy that we want to give to future generations on who we were and what we did. Let it flower in our music, in our painting, in our buildings. Let generations to come understand who we are and what we have done.

This is an expression of our humanity. Let us not shortchange it. Let us understand that it imbues who we are and how we live our lives today.

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

Mr. Chairman, first, I am opposed to the clean coal deferral because I think the program is important in terms of energy independence. We have many research projects in the clean coal program. We are going to be able to sell a lot of this technology to the Chinese because most of their power plants are fueled by coal. Yet they are growing more sensitive to clean air problems.

What this amendment does is defer $22 million of clean coal funding so that the money would be available to do an increase in the National Endowment for the Arts. That is why all this discussion has been focused around the NEA. Without this window of money there is not anyplace to do an offset, which of course would be required for an NEA amendment.

Just so the Members understand, the vote will be on whether or not we should defer $22 million of clean coal money which would be used for potential projects in developing clean coal technology and use that deferred money for an amendment later on.

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

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, of course the gentleman, who has done so much on this particular issue, realizes also that the administration requested a much larger deferral; that we can defer this money until the end of the fiscal year and the testimony is that it will not have any effect whatsoever on the programs, the substance of the programs. All the projects will go ahead, but it does make the money available for this amendment.

Mr. REGULA. The gentleman is correct.

Reclaiming my time, Mr. Chairman, the Administration did request more. I do not agree with them. I think that the Department of Energy needs to have this space, although they might feel differently, in the event that they have some projects that will fit the clean coal technology objective.

In any event, just so the Members understand this vote, and it will be the second vote this afternoon, the vote is to take $22 million of clean coal money and make it available to do the increase that will be proposed by amendment in the National Endowment for the Arts program. That is why the debate was revolving around the NEA. So that will come.

I might say, I have been advised by the leadership, and I think a memo that went out to this effect to all the offices, that they plan to finish this bill tonight. So I think we need to keep working on it if we want to get it finished. That is the present plan from the Republican leadership. I just want to advise Members of that. I hope that once we get by these two amendments we can reach some time agreements in order to get this bill finished in a timely way.

I would urge my colleagues and the colleagues on the other side of the aisle to vote against this second vote tonight. The first vote will be on the Sterns amendment to reduce the funding for the National Endowment for the Arts. The second vote will be on this proposal to defer $22 million of clean coal money.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I appreciate the chairman's concern about the clean coal technology research money, and have for years supported it. I would hope that in conference he can move the money around in an appropriate way.

Mr. Chairman, it is very, very important, and it is difficult within our process, but it is very important for this Congress in this session to provide some modest increase in funding for the NEA, the NEH, and our museum folks.

Mr. Chairman, let me tell the Members why. Bill Ivey, the new head of the NEA, deserves to be recognized and supported. He has earned our support. He has not only brought that agency back on track, but he has brought it in compliance with the letter of all the reforms this House has adopted, and in compliance with the spirit of those reforms.

He has gone beyond that. He has developed a new NEA program called ''Challenge America.'' Challenge America is to do exactly what this House said over and over again, particularly Republicans, what they wanted the NEA to do. That is to bring arts money to the service of local communities. If any Member has ever been in one of the HOT schools, stood there and listened to that fifth grader tell you what it means to go to a school that is a Higher Order of Thinking school, you would have had to become a believer.

One of the problems in America is that kids are not learning well. They are not learning to integrate logical thinking with intuitive thinking. Kids who have arts education develop better skills in those areas and do better lifelong. This is not an issue. The research is overwhelming.

So for the NEA to take on Challenge America, to challenge our communities at the local level to better integrate arts into their curriculum so kids will

learn better, think better, and be stronger members of our Nation, that is a very good thing. Bill Ivey is doing it.

Secondly, look at the rural communities, at least in my part of the country. They are developing tourism as the way to save the rural economies. They are developing theaters, they are developing museums in their very old houses, and in Connecticut, resuscitating the old iron industry, which built the cannons that won the Revolutionary War for us.

So these areas of our country need this kind of Challenge American money to be able to develop the economy that will compliment the farm economy and create strong rural communities. What is the NEH doing? The NEH is out there helping these small communities develop the very museum capacity, that preserves our history and strengthens our communities.

I have seen it happen. They come in with expertise far beyond what any small community could mobilize. They connect that little museum planning committee with nationwide intellect, experience, and capability in both the area of planning exhibits, communicating with kids, and developing outreach programs that make museums strong economic entities, and also part of that chain of facilities that means that tourism can compliment a rural economy to make it strong.

The NEA and the NEH are not just about some abstract cultural strength of our country, they are integral to the development of the arts, theater, music, poetry, educated children, a strong work force, and strong economies in our cities and towns.

Anyone who has been involved in economic development of the cities knows that we cannot do it without the arts. So for us to put just a little money into the NEA, which is now on the right track and reaching our local kids and local towns, a little money for the NEH, a little money for the museum folks who are doing so much good in communities of all sizes to build institutions that will last for generations is right.

It would be simply a tragedy if we do not respond to the changes these organizations have made, and to their ability now to reach into every corner of America and help us achieve the goals we cherish: a strong cultural heritage; to value that of the past and create that of the future.

If this is not a perfect vehicle, we just have to set that aside. A lot of things are not perfect vehicles around here. But if we can save this money, pass the NEA amendment, then in conference with the Senate higher levels and the Senate NEA money, we will be able to make just a little tiny improvement in our funding for the arts, the humanities, and our museum development capability.

I think we owe this much to ourselves and to our children and the communities of America.

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

Mr. Chairman, I am very pleased to be able to rise in strong support of these amendment which are offered by the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from Connecticut (Mrs. JOHNSON) who just finished speaking very eloquently, along with the gentleman from California.

These amendment provide $15 million in addition for the NEA, $5 million for the NEH, and $2 million for the museum and library services. They are very modest amendments, and they have an excellent value for the dollars that are proposed.

The National Endowment for the Arts and the National Endowment for the Humanities play an important role in our society that we should not allow to be trashed in the halls of this Congress.

Since 1995, the majority party has moved every year to either eliminate or cut funding levels for the NEA and for NEH. At the $98 million proposed appropriation for fiscal year 2001, the funding level for the NEA is 40 percent what it was only in 1995. The NEH has not fared much better. The 2001 level proposed is 33 percent below what have provided in 1995. Both are at less than half the appropriation reached during the 1980s administrations of Presidents Reagan and Bush, both Republicans.

By the proposed underfunding of the NEA, this Congress would once again shift funding away from people whose opportunities in the arts are the most limited among all Americans, and that at a time when the NEA has redesigned the program to broaden its reach to all Americans.

The Challenge America initiative that has already been described so well by the gentlewoman from Connecticut (Mrs. JOHNSON) is aimed at making grants available to our Nation's small- and medium-sized communities. For such communities, often NEH and the NEA are the opportunity of last resort for exposure to arts and humanities in their common form.

The smaller communities in western and central Massachusetts use these funds to provide residents with theater productions, museums, local arts centers, and such.

□ 1630

If Congress refuses to increase funding for NEA above fiscal year 2000 levels, this Challenge America initiative will not grow and thrive and thousands of underserved communities will continue to be denied access to the arts.

Funding for the NEA and NEH represents a minuscule percentage of the overall Federal budget and contributes enormously to the cultural life of cities and towns throughout the Nation. Surely, these programs are as deserving of a $22 million increase in funding in the combination of these amendments as the few thousand wealthiest families in America are deserving of billions of dollars of tax give-away that the majority party pushed through this House only last week.

Mr. Chairman, I urge a yes vote on the amendments before us.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I rise today to enter into a colloquy to clarify the committee's position on an important technology program for fuel economy. I recognize that the funding levels have placed severe restrictions on the committee's ability to provide funding for many of these worthwhile programs. For example, the transportation sector within the Department of Energy is reduced by $5 million, resulting in a reduced funding for critical research in fuel cell and hybrid technology. Despite this restrictive allocation, I am still interested in developing new technologies to improve fuel economy on our passenger cars and sport utility vehicles. While some emerging technologies such as fuel cells receive Federal funding, there are other technologies such as engine boosting that need government investing to determine if they can become a viable solution to improve fuel efficiency, performance and air quality.

Finding a technological solution is particularly important in light of concerns about rising fuel costs, continued consumer demand for SUVs, and ongoing concerns about our air quality.

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

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

Mr. REGULA. The gentleman is correct that our fiscal year 2001 allocation, which is $300 million below the amount enacted for fiscal year 2000, prevented us from providing funding for new programs.

Mr. KUYKENDALL. Reclaiming my time, I proposed increasing funding for the Department of Energy's Light Truck Program by $5.3 million over 3 years to support technology development and demonstration activities for turbochargers and other boosting devices. Data from Europe on production cars shows that turbocharging enables the downsizing of engines to improve fuel economy while maintaining the performance and power of larger engines.

The program I proposed adapts and demonstrates current boosting technologies on SUVs here in the United States, and thus helps develop other new engine boosting technologies. Ultimately, these technologies may improve fuel economy on the SUV alone by 14 to 16 percent.

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

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

Mr. REGULA. Developing and demonstrating energy-efficient technologies for transportation applications is an important goal. I understand the purpose of this initiative is to offer an alternative in the U.S. market and generate near-term fuel economy improvements and emission reductions.

Mr. KUYKENDALL. Again reclaiming my time, I thank the chairman for his consideration of this important effort. As this bill moves forward through the legislative process I urge him to keep this program in mind and look for ways to provide some mechanism for getting it into the fiscal year 2001 in the event that additional funds become available in the future.

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

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

Mr. REGULA. We will certainly be mindful of this program and give it every consideration as we move forward in the legislative process.

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

Mr. Chairman, I rise in support of the Slaughter-Horn-Johnson amendment which calls for increased funding for the National Endowment for the Arts. Over the past 30 years, our quality of life has been improved by the arts. Support for the arts and Federal funding for the NEA illustrates our Nation's commitment to our freedom of expression, one of the basic principles on which our Nation is founded.

Cutting funding for the arts denies our citizens this freedom, and detracts from the quality of life in our Nation as a whole.

The President's committee on the arts and humanities released the report entitled Creative America, which made several recommendations about the need to strengthen support for culture in our Nation. That report applauds our American spirit and observes that an energetic cultural life contributes to a strong democracy. This report also highlighted our Nation's unique tradition of philanthropy but also noted that the baby-boomers generation and new American corporations are not fulfilling this standard of giving. It saddens us that something as important as the arts, which has been so integral to our American heritage, is being cast aside by our younger generation as something of little value.

By eliminating funding for the arts, our Nation would be the first among cultured nations to eliminate the arts from our priorities. As chairman of our Committee on International Relations I have come to recognize the importance of the arts internationally, as they help foster a common appreciation of history and of culture that is so essential to our humanity. If we were to eliminate the NEA we would be erasing part of our civilization.

Moreover, I understand the importance of the arts on our Nation's children. Whether it is music, drama or dance, children are drawn to the arts. Many after-school programs give our young people the opportunity to express themselves in a positive venue away from the temptations of drugs and violence. By giving children something to be proud of and passionate about, they can make good choices and avoid following the crowd down dark paths.

However, many young people are not able to enjoy the feeling of pride that comes with performing or creating because their schools have been cutting arts programs or not offering it altogether. We need to make certain that this does not continue to happen. I am doing my part by introducing legislation to encourage the development of after-school programs in schools around the Nation that not only offer sports and academic programs but also music and arts activities.

Increasing children's access to the arts will only benefit this country as a whole. It is our responsibility to make certain that our children have access to the arts. I strongly support increased funding for the NEA, and I urge our colleagues to oppose any amendment which seeks to decrease NEA funding and support the Slaughter-Horn-Johnson amendment.

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

Mr. Chairman, I did not want to let this opportunity go by without having said a few words in favor of this amendment. I do so in the context of my great respect for the chairman of the subcommittee, recognizing that with the allocation that was provided him he has done the best work that could possibly be done by anyone on this bill. Within the parameters he was allowed to operate, he has provided us with the best bill that could be provided within those parameters. However, I think that there is something that we all would like to do beyond that which has been done for the arts, the National Endowment for the Arts and the National Endowment for the Humanities. These are both very important entities for the American people.

It strikes me as somewhat ironic that many of the Members of the House availed themselves of a very unusual opportunity last night, and that was to go over to the Kennedy Center to see a live performance. It happened to be a performance of a great American novel, to Kill a Mocking Bird, a wonderful and striking story. Many people went over, and I am sure those who went did enjoy it. Now today, we find ourselves unable to provide the kind of funding that a civilized society such as ours ought to provide for the enhancement of arts and humanities within our country.

The amount of money that is being asked for in this amendment is, frankly, very modest. Nevertheless, even with that very modest amount of money, a very substantial difference can be made. I would just point to one particular program that Bill Ivey has produced within the NEA, and I think everyone would agree that he is an outstanding chairman of the National Endowment for the Arts. I refer to the Challenge America program. Now, this is a program that is designed to expand the NEA outreach initiative, and they are doing so all across the country. The NEA is reaching out into small towns and villages and counties in the most rural areas and in urban areas as well. They are providing people in those areas with opportunities to see important aspects of American and world art, aspects which they would not have the opportunity to see without this initiative.

The Challenge America program, reaching out into communities so that young people, young and old, can have the opportunity to see ballets, to see theater, to see a display of important art that is in the Smithsonian. They are taking their show on the road all across America, but that program will never see itself fulfilled, and many communities across the country will be denied the opportunity to see the kind of art that is available in our museums, as well as the great musical productions that are available and dance productions that are available, they will not be able to see them without additional funding that would go to the Challenge America program.

So for arts education, to enhance our cultural heritage, to give art programs for youth at risk, to provide access to the arts in underserved areas and for community arts partnerships, the Challenge America program is a model and we ought to be funding it. So if we pass this amendment, if we provide this modest additional funding for the NEA and the NEH, a great many people around our country will have the opportunity to enrich their lives and enhance their experience that they would not have without it.

So, Mr. Chairman, with particular and deep respect for the work that our chairman has accomplished, I respectfully hope that the majority of the Members of this House will adopt this amendment.

Mr. POMEROY. Mr. Chairman, I rise in support of the Slaughter amendment to increase funding for arts and humanities programs.

The National Endowment of the Arts (NEA) provides important funding for developing art education opportunities allowing each of and everyone one of us to explore our creative talents. In my state of North Dakota this funding has been used to support vital programs such as the North Dakota Council on the Arts' ''Traditional Arts Apprenticeship Program'' and the Plains Art Museum's educational outreach program. These programs are only a few examples of the important role that the arts can play in allowing each of us, whether young or old, to express, develop and explore all our creative dimensions. I strongly believe in the importance of the arts to all Americans, especially our young children, and I support funding for the program.

Some would suggest supporting funding for the NEA as proposed in the Slaughter amendment is an attack on coal. Only a small bit of light on this argument reveals that it is utterly baseless. I am a strong supporter of the Clean Coal Technology program which provides important funding for the development of new and innovative technologies to reduce environmental impacts from the burning of coal. However, not one dollar in funding for the Clean Coal Technology Program will be reduced under this amendment. Further the amendment will in no way hinder the operations of the program.

Ms. PELOSI. Mr. Chairman, I commend the gentlewoman from New York, Ms. SLAUGHTER, for her leadership and determination for support of the arts.

Since the earliest days of our Republic there has been an appreciation for the arts in the lives of Americans. Indeed, our second President John Adams wrote to Abigail Adams in 1780:

> I must study politics and war that my sons may have the liberty to study mathematics, philosophy, geography and agriculture in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry and porcelain.

How far we have strayed from that aspiration of our second President when the House of Representatives supports the arts by a slim margin and a meager budget.

Skimping on the arts is a false economy. The arts are their own excuse for being—to paraphrase Emerson. The arts are important to our economy creating jobs as well as ideas and works of beauty. And the poet Shelley once wrote that ''the greatest force for moral good is imagination.'' With the challenges facing our nation's children it is clear that we need all of the imagination they can muster. We must encourage their creativity—for itself and for the confidence it engenders in them.

Children often express themselves through the arts more effectively and sooner than through other endeavors. The confidence they find through the arts enable them to face other academic challenges more effectively. It enables them to face life's challenges with more.

Support creativity, support imagination, supports Ms. SLAUGHTER's amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I am proud today to join with so many of my colleagues to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Services. Fulfilling our commitment to the arts will enrich the lives of many Americans, especially our children.

I would like to recognize the good work of the Illinois Arts Council and the Illinois Humanities Council. They provide critical leadership in the support and development of numerous arts and humanities programs that touch the lives of so many in Illinois. Among those wonderful and innovative programs in the Lira Ensemble in Chicago, the only professional performing arts company specializing in the performance, research, and preservation of Polish music, song, and dance. The Lira Ensemble and other arts and humanities programs contribute greatly to our communities. They deserve our support.

It cost each American less than 36 cents last year to support the National Endowment for the Arts. The NEA in turn awarded over $83 million in grants nationwide and over $1.7 million in my home state of Illinois.

Economically, support for the arts and humanities just makes sense. The arts industry contributes nearly $37 billion into our economy and provides more than 1.3 million full-time jobs. In addition, arts education improves life skills, including self-esteem, teamwork, motivation, discipline and problem-solving that help young people compete in a challenging and ever-changing workplace.

Let's do the right thing for our communities and increase this funding now.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today in strong support for increased funding for the National Endowment for the Arts (NEA) as well as additional investment in the National Endowment for the Humanities (NEH) and the Institute for Museum and Library Service (IMLS). I congratulate my colleague from New York, Ms. SLAUGHTER, for the adoption of her amendment earlier in the day which adds funding to these important programs. Further, I am astonished at the lengths the majority is going to in order to deny the will of the House.

NEA has not had a funding increase since 1992 when its budget was almost $176 million. In fact, in the 104th Congress when I arrived, efforts were made by the Majority to eliminate the NEA. The funding level in the bill under consideration today, $98 million, is inadequate and should be increased within the context of a balanced budget. Congresswoman SLAUGHTER'S amendment does not make the program whole but it made a modest, much-needed increase in funding for the NEA.

We need additional funds to support grants for art education which we know is key to reducing youth violence and enhancing youth development. If we are serious about curtailing youth violence, cutting funds to an agency that is getting positive results with its youth arts project is counterproductive. Consequently, I commend Congresswoman SLAUGHTER for offering her amendment which would increase funding for the NEA by $10 million and provide an additional $5 million for the NEH and $2 million for the IMLS.

In my district, NEA has successfully funded the Ailey Camp of the Kansas City Friends of Alvin Ailey, which is a national dance troupe. This 6-week dance camp has an 11-year history and has provided opportunities for more than 1,000 children. This camp provides a vehicle, through art, for children to grow and enjoy the experience of success. Beyond the dancing, they also have creative writing, personal development, antiviolence and drug abuse programs. Statistics confirm the success of this program on behavior and learning of these at-risk children.

The NEA funds several programs at the American Jazz Museum (AJM) in Kansas City, the only museum of its kind in the country. NEA funding helps the AJM preserve and present jazz so that people from all over the city, the country, and the world learn to appreciate one of the first original American art forms.

Four years ago, the NEA and the U.S. Department of Justice took the lead in jointly funding the youth arts project so that local arts agencies and cultural institutions across the nation would be able to design smarter arts programs to reach at risk youth in their local communities.

One of the primary goals of the youth arts project is to ascertain the measurable outcomes of preventing youth violence by engaging them in community based art programs. This program has had a dramatic impact across the nation, and we must preserve adequate funding for NEA to continue it and to expand it.

We should also be requesting additional funds to expand the NEA summer seminar sessions which provide professional development opportunities to our nation's teachers who are on the front lines in our efforts to reach out to our children. Mr. Chairman, art and music education programs extend back to the Greeks who taught math with music centuries ago. Current studies reaffirm that when music such as jazz is introduced by math teachers into the classrooms, those half notes and quarter notes make math come alive for students.

Mr. Chairman, I urge my colleagues to oppose any back door attempt to undo Congresswoman SLAUGHTER'S victory. It is the right thing to do substantively as well as institutionally. Please support additional funding for the NEA, NEH and IMLS to send a message that art and music in the classroom increase academic achievement, decrease delinquent behavior and contribute to reducing youth violence.

Mr. BALLENGER. Mr. Chairman, today, we have the opportunity to award the National Endowment of the Arts its first increase in funding in 8 years. It should be touted that the NEA we fund today is not the NEA Republicans faced when they first came into the Majority in the 105th Congress. In fact, the NEA is different because of the changes we enacted.

In January 1996, after being reduced in size by 40 percent, the agency went through major structural reorganization. After the NEA was forced to consolidate programs and reprioritizing funding, Congress enacted a number of reforms which provided the NEA with greater accountability and a more stringent grant process.

In the FY 1996 Interior Appropriations bill, we codified the elimination of the use of subgrants to third party organizations and artists. Simply, that means if an art museum in Hickory, NC, receives a grant from the NEA, the grant money can only go to the projects the museum applied for. The funding cannot in anyway go towards projects or artists not mentioned on the application.

In fiscal year 1996, Congress prohibited grants to individuals except in literature. This is important as it stopped the focus of handing artists blank checks. This also enabled more funding to go to community centers and projects which deal with a greater number of people. Again, in 1996, we placed a specific prohibition on seasonal or general operating support grants. Applicants must now apply upfront for specific project funding or support. Grant terms and conditions require that any changes in a project after a grant has been approved must be proposed in writing in advance.

Then in 1998, Congress placed a percentage cap on the amount of NEA grant funds that could be awarded to arts organizations in any one state. Also in 1998, the agency created ArtsREACH, a program designed to place more grant funds in under-represented geographic areas.

These reforms and the NEA's commitment to arts education and community outreach programs represent the new NEA, not the NEA Republicans faced in the 105th Congress.

As I have stated in my Dear Colleagues, I am one of five Members of Congress who serve on the National Council of the Arts, which is the governing board of the NEA. I've been to nearly every National Council session, and I've been impressed by the depth of change at the agency over the past two years. Grants are going to smaller organizations located in small or medium-sized communities. These are the places that are most in need and where the agency is targeting its new programs.

It has been 8 long years since the NEA has seen an increase in funding. I'm not advocating a tremendous increase, but an increase that rewards the NEA for the good job they have been doing in recent years. Vote yes on this amendment, and support the new NEA.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague from New York, Congresswoman LOUISE SLAUGHTER.

As Chairperson of the Congressional Arts Caucus, she has done a remarkable job in educating her colleagues on the importance of the arts, humanities, history and literacy programs here in the United States.

This amendment would restore $22 million of urgently needed resources to the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Services.

These funds will be used to continue and expand upon a number of important programs at these agencies, including the arts education programs at the National Endowment for the Arts.

Currently over 5 million American children benefit from the arts education programs including a number of my constituents in the Bronx.

In my district, the BCA Development Corporation, which runs the WriterCorps project, recently received $30,000 to support the Youth Poetry Slam. The poetry program is designed to use teens' natural penchant for competition and self-expression to introduce them to the written and spoken word.

It has been proven over and over again that children who are exposed to the arts remain in school longer, receive better grades, stay out of trouble, and hold themselves in higher self-esteem.

Additionally, the NEA provides grants to cultural and folk institutions throughout our country to demonstrate and show respect for the diverse ethnicity's that make up our great nation.

As an example of the importance of these funds, the Thalia Spanish Theatre in Sunnyside, New York received $10,000 to support a series of folklore shows of music and dance from Spain and Latin America. The music and dance shows include Argentine tango, flamenco, and classic Spanish Dance, and Mexican folklore.

I am especially pleased at the funding award for the Thalia Spanish Theatre. I have worked very hard to make sure that the arts and cultural organizations cater to non-traditional and new audiences.

That is why I am pleased that Chairman REGULA and Congressman DICKS for again including my language into this bill to include ''urban minorities'' under the definition of an ''underserved population'' for the purpose of awarding NEA grants.

My district, which is composed of a diverse swath of neighborhoods throughout Queens and the Bronx, has a number of ethnic groups that add to the tapestry of New York City.

My language will open NEA funding to more local ethnic arts groups and more residents of Queens and the Bronx. It will also help fulfill the mission of the NEA to guarantee that no person is left untouched by the arts.

So I want to thank the chairman and ranking member of all of their hard work.

I want to ensure that all Americans have equal access to cultural programs. Projects targeted at urban youth will greatly help keep these young people off the streets, and away from the lure of drugs and crime. The arts also help to break down barriers, they bring communities together, and they offer hope.

That is why Mrs. SLAUGHTER's amendment today is so important.

Additionally, this amendment will increase the funding for both the National Endowment for the Humanities and the Institute of Museum and Library Services.

These two agencies both have strong reputations among both Democrats and Republicans for their wonderful work in restoring the folk, oral and written traditions of America.

The NEH has been very active in providing seed money throughout the country, and particularly in New York City, to address the issue of electronic media in the classroom. A specific grant was given last year to assist in the training of teachers in new media techniques to communicate the humanities to our children.

This type of project represents the best of the NEH and of our government working directly with local communities to advance the education of our young and train them for the future.

The NEH and IMLS have led the way in working to build and strengthen relationships between our nation's libraries and museums and our children's classrooms to ensure that the knowledge, creativity and imagination of our great nation is at the fingertips of every young Einstein, Rembrandt, or Twain.

This is an excellent amendment and I urge all of my colleagues to support it.

Mr. FARR of California. Mr. Chairman, I rise in strong support of the Slaughter/Horn/Johnson amendment to increase funding for the National Endowments for the Arts and the Humanities and the Institute of Museum and Library Services (IMLS). The arts and culture have a lasting, positive impact on communities across the nation, yet for years these agencies have been sorely underfunded. It is critical that we give them the increases they richly deserve.

The arts are an essential part of our culture, and the new millennium provides us with the opportunity to focus on the role that the NEA and the NEH play in projects that preserve our cultural heritage and promote our creative future.

The NEH preserves our cultural heritage through its work to preserve the events and historical documents that shaped our nation. NEH projects serve to define who we are as a nation and where we come from. They allow us to pass along our ideals to the next generation.

The NEH promotes our creative future through teacher training in the arts, arts in schools outreach, and after-school arts programs. The NEA has proposed a new arts education collaboration to involve youth in the arts. Research has proven that providing youths with access to the arts leads to higher academic achievement and fewer incidences of drug abuse and violence. Kids exposed to the arts and music earlier in life do better in their core academic subjects. The arts improve both their creativity and critical thinking skills and raise their self-esteem. We are only just beginning to understand how our youths' lives are impacted through the arts.

Clearly, the arts and humanities serve as an essential and forceful vehicle to educate our citizens and help our struggling youth. They touch and enrich each of our children's lives. Yet, the United States spends the least among ten industrialized nations on the arts and humanities. Federal leadership and funding play the essential role in these efforts to make arts available in every community to every citizen.

This debate is not a debate just about arts. It is a debate about whether we are willing to be creative in America. There is not an industry in the United States that does not depend on the arts, does not depend on the imagination, does not depend on the ability to look at things, as they say, ''outside the box.''

I'd like to leave you with a quote from the National Foundation on the Arts and the Humanities Act of 1965, which established the National Endowment for the Arts and the National Endowment for the Humanities.

> A high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

We must ensure that these agencies have the resources they need to fulfill this mission. I encourage you to support the Slaugher/Horn/Johnson amendment and increase funding for the NEA, the NEH and the IMLS.

Mr. VENTO. Mr. Chairman, I rise today to speak once again about the importance of the arts in my district, and to show my support for an increase in funding for the National Endowment for the Arts (NEA).

We are simply not doing enough to recognize the value and importance of the NEA to our national vitality. The network of financial support for the arts in our communities is very closely linked, and weakening any link is not in our public interest. Arts organizations rely on funding from a diverse pool of resources, and the NEA is often a linchpin in helping build and preserve a strong sense of community.

As many of you are aware, Minnesota's Fourth District has one of the highest concentrations of Lao-Hmong immigrants in the nation. The Hmong have worked very hard to adjust to a new language and culture, and the arts have done an amazing job of reaching out to the Hmong community. The NEA in particular has played an important role in helping the Hmong find ways to strengthen their cultural identity and creative expression.

Recently, the Center for Hmong Arts and Talent (CHAT) in St. Paul received a grant from the NEA to run a new, multidisciplinary youth arts program. This initiative was designed to allow professional artists to engage Hmong youth in typically American arts media through visual arts, video production and literary programs. These programs, which reach

kids aged 10–18 years, successfully work to increase understanding between different cultures.

Another example of the importance of NEA funding is a project by the Women's Association of Hmong and Lao (WAHL). In an effort to educate an increasingly U.S.-born Hmong population. WAHL capitalized on NEA funds to help preserve Hmong traditions such as PajNtaub story cloths. These beautiful story cloths, which depict Hmong lifestyle changes and cultural evolution, are a unique testament to the Hmong-American experience.

Again, I urge my colleagues to support an increase in funding for the NEA. We must ensure that this program remains a viable component in building valuable community arts projects nationwide.

Mr. BLUMENAUER. Mr. Chairman, I rise today in support of the Slaughter-Horn-Johnson amendment which increases funding for the National Endowment for the Arts by $15 million, for the National Endowment for the Humanities by $5 million, and for the Institute for Museum and Library Services by $2 million.

Investments in our cultural institutions, like the NEA and NEH, are investments in the livability of our communities. For just 38 cents per year per American, NEA supported programs help enhance the quality of life for Americans in every community in this country. For just 68 cents per year per American, NEH supported programs preserve our heritage by keeping our historical records intact and building citizenship by providing citizens to study and understand principles and practices of American democracy. In fact, Congress established the NEH because ''Democracy demands wisdom and vision in its citizens.''

Adequately funding the National Endowment for the Arts, in particular, is absolutely critical to the state of Oregon, which has suffered in recent years from cutbacks at the state and local levels. Portland and other cities in Oregon have managed to make this work by using public funds to leverage as much private investment as possible. Portland arts groups manage to attain about 68% of their financial resources from the box office, which is higher than the national average of 50%. Portland companies have stepped up to the plate—doubling their investment between 1990 and 1995. The public investment, particularly the investment from the NEA, is absolutely critical to preserving these opportunities.

A commitment to culture pays many dividends—dividends that promote our economic development and our understanding of the world around us. Economically, an investment in culture helps promote tourism. People flock to cities that support the arts and humanities, benefiting hotels, convention centers, restaurants, and countless other businesses related to entertainment and tourism. In fact, the nonprofit arts industry generates $36.8 billion annually in economic activity, supports 1.3 million jobs, and returns $3.4 billion to the federal government in income taxes and an additional $1.2 billion in state and local tax revenue.

An investment in culture also helps previously disenfranchised groups gain access to new cultural experiences. The NEA, for example, provides fun and educational arts programs that help students and teachers develop arts, environment, and urban planning curricula. Public funds, like those from the NEA, are also critical to keeping ticket prices low, giving lower income individuals and seniors the opportunity to attend cultural events. If ticket prices reflected the entire cost of the event, cultural events would by necessity be denied many of our citizens, especially the young and elderly.

We won't be able to meet these unrealistic budget caps by limiting spending on our Nation's cultural heritage. This approach is shortsighted and doesn't recognize the long-term economic and social benefits an investment in culture conveys to our communities and the Nation as a whole.

We have the tools, infrastructure and innovative spirit in place to make communities across the nation more livable through cultural opportunities. What we need to promote is a National commitment to improving the livability of our communities by investing in culture. We can develop and promote that national commitment through the NEA and the NEH.

Mr. RAMSTAD. Mr. Chairman, I strongly support funding for the National Endowment for the Arts (NEA).

My state of Minnesota benefits greatly from the NEA. Federal- and state-supported arts events in Minnesota stimulate growth in business, tourism and a healthy economy.

Most importantly, though, the arts help our children perform better in all subjects at school. A Minnesota Center for Survey Research poll at the University of Minnesota found that 95% of Minnesotans believe that arts education is an essential or important component of the overall education of Minnesota's children.

I would like to share with you some of the many exciting arts activities that take place in my district. NEA funding supports arts programming and artists-in-residence programs in schools throughout my district, including Hopkins High School, Orchard Lake Elementary School in Lakeville, Zachary Lane Elementary School in Plymouth, Wayzata High School, Excelsior Elementary School and the North Hennepin Community College in Brooklyn Park.

Several other organizations in my district provide additional educational opportunities for both adults and children. Stages Theatre, Inc. in Hopkins is a theater company dedicated to giving young people a professional setting in which to develop their theater performing skills, as well as an outstanding venue for young audiences. The Bloomington Art Center, an art school and gallery, offers classes, exhibition spaces and theatrical experiences to both vocational and professional artists of all skill levels and ages. The Minnetonka Center for the Arts is a community arts education facility that employs professional artists and educators to teach the arts to people from ages three to 90. Without these and many other NEA-sponsored facilities, my constituents would have far less access to the arts.

We in Minnesota are fortunate to have a healthy and vibrant community, both artistically and economically. For the third year in a row, Minnesota was named the ''Most Livable State'' by Morgan Quitno Press, in large part due to our citizens' access to the arts.

Again, I ask my colleagues to support an increase in NEA funding to continue this trend of excellence in education, community development and quality of living.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DICKS. 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 524, further proceedings on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 524, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment, as modified, offered by the gentleman from Florida (Mr. STEARNS) and the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT, AS MODIFIED, OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The Clerk designated the amendment, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 15-minute vote, followed by a 5-minute vote on the Slaughter amendment.

The vote was taken by electronic device, and there were—ayes 152, noes 256, not voting 26, as follows:

[Roll No. 282]

AYES—152

| | | |
|---|---|---|
| Aderholt | Collins | Gutknecht |
| Archer | Combest | Hall (TX) |
| Armey | Condit | Hansen |
| Bachus | Cox | Hastings (WA) |
| Barr | Crane | Hayes |
| Barrett (NE) | Cubin | Hayworth |
| Bartlett | Cunningham | Hefley |
| Barton | DeGette | Herger |
| Bateman | DeLay | Hill (MT) |
| Bilirakis | DeMint | Hilleary |
| Bishop | Dickey | Hostettler |
| Bliley | Doolittle | Hulshof |
| Blunt | Dreier | Hunter |
| Boehner | Duncan | Hyde |
| Bonilla | Dunn | Istook |
| Boyd | Ehrlich | Jenkins |
| Brady (TX) | Emerson | Johnson, Sam |
| Bryant | Everett | Jones (NC) |
| Burton | Fletcher | Kasich |
| Buyer | Fossella | King (NY) |
| Callahan | Gekas | Kingston |
| Calvert | Gibbons | Largent |
| Canady | Gilchrest | Latham |
| Cannon | Goode | Lewis (KY) |
| Chabot | Goodlatte | Linder |
| Chambliss | Goodling | Lucas (KY) |
| Chenoweth-Hage | Goss | Lucas (OK) |
| Coble | Graham | Manzullo |
| Coburn | Green (WI) | McCrery |

McInnis
Metcalf
Miller (FL)
Miller, Gary
Myrick
Ney
Norwood
Nussle
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thurman
Tiahrt
Turner
Udall (CO)
Udall (NM)
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)

NOES—256

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Blagojevich
Boehlert
Bonior
Bono
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Camp
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Houghton
Hoyer
Hutchinson
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Shaw
Shays
Sherman
Sherwood
Shimkus
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thune
Tierney
Towns
Traficant
Upton
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—26

Becerra
Blumenauer
Boucher
Campbell
Cooksey
Costello
Danner
Engel
Greenwood
Hinojosa
Hooley
Jefferson
Klink
Lewis (GA)
Lofgren
McCollum
McIntosh
Oxley
Rangel
Serrano
Shows
Toomey
Velazquez
Vento
Wexler
Young (FL)

□ 1705

Ms. DELAURO, Mr. MENENDEZ, and Ms. ROS-LEHTINEN changed their vote from ''aye'' to ''no.''

Mr. UDALL of New Mexico, Ms. DEGETTE, Messrs. WELDON of Florida, SHUSTER, UDALL of Colorado, BACHUS, PACKARD and BISHOP 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

The CHAIRMAN. Pursuant to House Resolution 524, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. SLAUGHTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 204, not voting 24, as follows:

[Roll No. 283]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—204

Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett

| | | |
|---|---|---|
| Pitts | Shadegg | Tauzin |
| Pombo | Shaw | Taylor (MS) |
| Portman | Sherwood | Taylor (NC) |
| Pryce (OH) | Shimkus | Terry |
| Quinn | Shuster | Thomas |
| Radanovich | Simpson | Thornberry |
| Regula | Sisisky | Thune |
| Reynolds | Skeen | Tiahrt |
| Riley | Skelton | Traficant |
| Rogan | Smith (MI) | Vitter |
| Rogers | Smith (NJ) | Walden |
| Rohrabacher | Smith (TX) | Walsh |
| Ros-Lehtinen | Smith (WA) | Wamp |
| Royce | Souder | Watkins |
| Ryan (WI) | Spence | Watts (OK) |
| Ryun (KS) | Stearns | Weldon (FL) |
| Salmon | Stenholm | Weldon (PA) |
| Sanford | Stump | Weller |
| Saxton | Sununu | Whitfield |
| Scarborough | Sweeney | Wicker |
| Schaffer | Talent | Wilson |
| Sensenbrenner | Tancredo | Wolf |
| Sessions | Tanner | Young (AK) |

NOT VOTING—24

| | | |
|---|---|---|
| Becerra | Greenwood | Oxley |
| Blumenauer | Hinojosa | Rangel |
| Boucher | Hooley | Serrano |
| Campbell | Jefferson | Shows |
| Cooksey | Klink | Toomey |
| Costello | Lofgren | Velazquez |
| Danner | McCollum | Vento |
| Engel | McIntosh | Young (FL) |

□ 1721

Messrs. BERRY, TURNER, POMEROY and BISHOP changed their vote from ''no'' to ''aye.''

Mrs. BIGGERT and Mr. BASS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I simply rise to ask a question because I know the gentleman from Washington (Mr. DICKS) and a number of others are being asked a lot of questions by Members on both sides of the aisle.

As I understand it, the intention announced earlier by the leadership was for the Committee rise at 6 o'clock so that Members might catch their airplanes.

Mr. Chairman, I am not going anywhere. My plane has been canceled a long time ago.

I rise to ask a civil question, and I would like a civil response if possible. If I could just ask. My understanding is that the Chicago airport has canceled a number of planes, that Detroit is closed, that the New England area is having rapid cancellations. And so Members are simply trying to figure out what their plans are.

I would simply inquire of the gentleman, either the gentleman from Ohio (Mr. REGULA) or the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, I would simply like to ask if the leadership intends to keep the commitment which was announced to the House or whether the rumors are true that we hear that they now intend to be in until 9 o'clock.

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

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

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding. I do appreciate your inquiry.

You know, we talk about this every year, it is appropriations season. All the Members are anxious about continued progress on appropriations bills.

We had ended the week last week with a colloquy in which we encouraged every Member to understand we would be working and working late each night this week, including this evening.

The floor managers of the bill have worked very hard. We worked out an agreement last night that we thought would give us good progress. We had high hopes of continuing this work and completing it by 6 o'clock today. But as we can see, we are approaching that hour; and we are not near completion.

It is the consensus of opinion that in order to maintain our schedule so that we can fulfill all of our work requirements in a timely fashion as the year proceeds that we must complete this bill before we leave this evening. That, of course, always is difficult under the 5-minute rule.

Wherever possible, the floor managers do work out time agreements. I would encourage all the Members with amendments to continue to be cooperative, as they have been, with the floor managers. And as we work our way through these, I am confident we will complete this bill this evening. And tomorrow morning when we get up early and enjoy the sunshine and look forward to the rest of our weekend back home and flights that are not bedeviled by bad conditions across the country, we all are going to feel so good that we finished this up tonight, as we will do.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Let me simply say that the problem, as has been brought to my attention by a number of Members, is that the schedule published by the leadership indicates legislative business, no votes after 6 p.m.

As I have said, my plane has long been canceled. I will be here today. I will be here tomorrow. I will be here Sunday. But I regret that the leadership has seen fit to upset the ability of each individual Member to get back to their district, planes allowing.

And so if it is the intention of the leadership to go back on the understanding that was reached last night, then I very reluctantly move that the committee do now rise.

Mr. ARMEY. Mr. Chairman, if the gentleman would hold that motion and if the gentleman would continue to yield, our agreement that we made last night was in full understanding of the need and the commitment to complete this, where the floor managers said, and I think in good faith and with all good intention, that they would do everything they could to finish by 6 o'clock.

□ 1730

Unfortunately, given their best efforts, they have not been able to achieve that. We have not been able to achieve that. We still have a clear understanding of the need to complete the work.

Mr. Chairman, I should say to the Members that as we proceed this evening, we will as we do on all other evenings try once we get past this section of the bill to work through a series of holding votes and rolling them so that they can have a pleasant hour or two for their evening meal as we continue on the work with our commitment to complete the bill as soon as possible.

Mr. OBEY. If I could simply respond to the gentleman, I was in the meeting when the commitment was made. The gentleman was not in the meeting where we discussed the times.

I know that last night, I asked the staff of the distinguished majority leader whether they were indeed certain that they wanted to have the vote on the rule on HUD today, because I told them that it was my reading of the interior bill that with all of the amendments pending, they would not be able to finish by 6 if they followed through on that rule. We were told that the intention of the leadership was that we were leaving at 6, that the committee should do its best to be done by 6, but there was a clear understanding that the Members would be allowed to leave as scheduled at 6 o'clock.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 218, not voting 34, as follows:

[Roll No. 284]

AYES—183

| | | |
|---|---|---|
| Abercrombie | Condit | Frost |
| Ackerman | Conyers | Gejdenson |
| Allen | Coyne | Gephardt |
| Andrews | Cramer | Gonzalez |
| Baird | Crowley | Gordon |
| Baldacci | Cummings | Green (TX) |
| Baldwin | Davis (FL) | Gutierrez |
| Barcia | Davis (IL) | Hall (OH) |
| Barrett (WI) | DeFazio | Hastings (FL) |
| Bentsen | DeGette | Hill (IN) |
| Berkley | Delahunt | Hilliard |
| Berman | DeLauro | Hinchey |
| Berry | Deutsch | Hoeffel |
| Bishop | Dicks | Holden |
| Blagojevich | Dingell | Holt |
| Bonior | Dixon | Hoyer |
| Borski | Doggett | Inslee |
| Boyd | Dooley | Jackson (IL) |
| Brady (PA) | Doyle | John |
| Brown (FL) | Edwards | Johnson, E. B. |
| Brown (OH) | Eshoo | Jones (OH) |
| Capps | Etheridge | Kanjorski |
| Capuano | Evans | Kaptur |
| Cardin | Farr | Kennedy |
| Carson | Fattah | Kildee |
| Clay | Filner | Kilpatrick |
| Clayton | Forbes | Kleczka |
| Clement | Ford | Kucinich |
| Clyburn | Frank (MA) | LaFalce |

Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—218

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—34

Becerra
Bliley
Blumenauer
Boucher
Campbell
Cooksey
Costello
Danner
Engel
Greenwood
Hinojosa
Hooley
Horn
Istook
Jefferson
Kasich
Klink
Lofgren
Martinez
McCollum
McDermott
McIntosh
Nadler
Oxley
Rangel
Scott
Serrano
Shows
Shuster
Smith (MI)
Toomey
Velazquez
Vento
Young (FL)

□ 1749

Messrs. TERRY, HOEKSTRA and CRANE changed their vote from ''aye'' to ''no.''

Mr. TOWNS and Mr. HILLIARD and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROYCE

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

The Clerk read as follows:

Amendment offered by Mr. ROYCE:

Page 66, line 21, after the dollar amount insert the following: ''(increased by 237,000,000)''.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROYCE. Mr. Chairman, in 1996, the President and the Congress agreed to provide no new money to the Clean Coal Technology Program. Taxpayers are footing the bill for technology to be used by private companies.

In my view, government has no business favoring certain companies with tax breaks and subsidies. The free market is there to allocate resources in the most efficient way possible. Federal involvement only serves to distort the marketplace by giving selected businesses special advantages, corporate subsidies, put other businesses that are less politically well connected at a disadvantage.

Corporate welfare has lead to the creation of what some have termed the statist businessman who has been converted from capitalist to capital lobbyist. Companies should invest their own money in research and development activities on what they believe are promising technologies, rather than look to the Government for funding.

And private industry is much better suited to identify and target technologies that are commercially viable. The best thing government can do to promote economic growth is to get out of the way, get out of the way and let entrepreneurs and the mechanisms of the marketplace determine how the economy's resources will be directed.

Private industry can flourish without this corporate welfare. Clean Coal Technology, as it is called, is supposed to help the electric industry, but it is not even interested in the technology. According to the Congressional Research Service, based on current trends, the technology of choice for new construction will be natural gas fired plants.

In 1994, the General Accounting Office found that a number of Clean Coal Technology demonstration projects were experiencing problems and difficulties, and in a report released this March, the GAO found that the problems they identified then still continue today. Only worse, eight of the 13 remaining projects had serious delays or financial problems; six of eight are behind the schedule of completion date by 2 to 7 years; two of the eight projects are bankrupt and will never be completed.

Instead of just deferring money, we should be investigating how we can get the obligated funds back from these bankrupt projects. Congress has had a history of rescinding money from this program due to the failure of projects being completed. In fact, for the past 3 years, over $400 million has been rescinded.

At the very least, I think we should defer the amount that President Clinton has requested to be deferred; and on top of that, we should also defer what the President wanted to rescind. And that would be the total amount of $326 million, which is what this amendment would do.

I believe, frankly, that it should not be spent on bankrupt and mismanaged programs, and I urge adoption of the amendment.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the point was made that the industry should make their own expenditures, and I want to point out to the Members that for every dollar of Federal money in the Clean Coal Technology program, there are two dollars of private money. This has been a partnership, but it has been a partnership where industry has carried the heavy end of it, and we have had some real successes.

I wish I could take every Member to Tampa, Florida, to visit the plant that was built under this Clean Coal Technology program. It is a greenfield plant. The efficiency is probably almost double that of the normal plant, and the emissions are very negligible. They capture every part of a lump of coal, the sulfur, the various other components.

As I said, I was there. They are getting everything but the squeal out of that lump of coal, and they are doing it under a very efficient system. So it does work. It is an important program, because as we talk about the continued effort to clean up our air, to clean up

our water, we need to have a clean coal program on stream.

Let me point out that whatever else we may think about it, we are going to be using coal for the foreseeable future as a major source of power generation. Our committees invested a lot of money in boiler technology, in addition, to the clean coal technology, because we have a plentiful supply of coal. Perhaps in actual BTUs, the coal supply of the United States is the equivalent of most of the known oil in the world today.

If we are to have energy independence, if we are to have electricity to fuel a growing economy, we need to use coal and to use coal in a clean, environmentally safe way. It requires clean coal technology.

Many of these projects are under way. I do not think it is an appropriate time to take out the money or to make it difficult for the Energy Department to continue on the Clean Coal Program.

A few weeks ago or a few days ago, we voted to bring China into the WTO. One of the compelling reasons was that China could grow the economy and become a market for United States products. China alone plans to build eight to 10 power plants a year, a year, eight to 10 a year for the next 20 years. That is 160 power plants. 75 percent of those will burn coal, because this is the fuel that they have.

If my colleagues are concerned about the environment, I think it is essential that we develop this technology. We will have a market for it in China, and not only will we have a market in the process of cleaning up the air in China, this, of course, adds to the cleaning of air in our global environment.

For those who talk about Kyoto and the Kyoto Protocol, the premise is that any impact on the environment of air emissions, wherever it occurs in the world, has a deleterious impact on all of us.

□ 1800

If we can use this technology, sell it to China, persuade them to use it in the generation of power as they expand their economy, we will be doing ourselves a favor, not only economically, but in terms of the environment.

For all of these reasons, I urge Members to vote no on this amendment. I do not think it is an appropriate time to give up on the technology that has such an enormously bright future.

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

Mr. Chairman, I rise in opposition to this amendment. There has been an awful lot of talk on this floor the last few days about our dependence on foreign energy, particularly upon foreign oil. Well, this amendment and similar amendments have come up every year since I entered the Congress in 1993, and every year Members of the Pennsylvania and West Virginia delegations take this opportunity to remind our colleagues of some very important facts.

Number one is that we have more recoverable coal in this country than the whole world has in recoverable oil. Yes, that is true. There is more recoverable coal in this country than recoverable oil in the whole world. We should be reinvesting in alternative sources to use that fuel that we have available, not disinvesting.

I am honored to represent the anthracite coal fields of Pennsylvania, along with the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Pennsylvania (Mr. SHERWOOD), and we have anthracite coal that is high in Btu and low in sulfur and meets every EPA standard of the Clean Air Act.

Technology has been around for decades where we can turn waste coal and raw coal into diesel fuel and gasoline. The Germans did it during World War II, the South Africans did it during the embargo. I am sure many of my colleagues have been receiving the same complaints I have been receiving about high gas prices here in the United States. We should take this opportunity to be reinvesting in alternative ways so that we can perfect that technology so we can use our own natural resources.

Mr. Chairman, I urge my colleagues to defeat this amendment. Let us take advantage of our own natural resources and not disinvest. Let us reinvest in clean coal technology.

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

Mr. Chairman, with all due respect to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Interior of the Committee on Appropriations, there is nothing new being developed under the Clean Coal Technology Program except for new ways to squander taxpayers' money.

The clean coal program idles environmental innovation. It duplicates initiatives already under the 1990 Clean Air Act. It has been consistently found time and time again, GAO report after GAO report, to manage inefficiently.

Mr. Chairman, the demand for clean coal is also falling in the energy market place. The Clean Coal Technology Program under the Department of Labor has spent nearly $2.5 billion since 1986 in grants to help private industry develop commercial technologies to burn coal in less polluting ways. What that essentially means is that we have given $2.5 billion already to private companies for commercial technologies to make a profit on it to sell it. In other words, it is industrial policy. We are picking winners and losers in the marketplace with Federal subsidies, subsidizing the research and development end of their budget, thereby engaging in what many people call corporate welfare.

Mr. Chairman, this is also a very redundant program. We already have an innovative system for cleaning up our air in the 1990 version of the Clean Air Act. We have emissions trading. Which is a situation in which private companies already have an incentive to reduce pollution through emissions trading under this act.

This program is, plain and simple, a boondoggle. In the last 3 years, Congress has rescinded $400 million in funding as the clean coal technology projects have proven that they cannot be completed in a timely and efficient manner, if completed at all.

In the most recent GAO report, released this March of the year 2000, the GAO found that problems identified in the mid-1990s found that a number of clean coal demonstration projects have experienced difficulties meeting costs, schedule, and performance goals. As the 2000 report finds, these problems continue today and have become worse.

Two of the eight projects studied out of the 13 are in bankruptcy. Eight more are heading to bankruptcy. This program is wasting taxpayers' money, they do not work, they are not on schedule, it is industrial policy, it is corporate welfare, it is antienvironmental, it duplicates the Clean Air Act, and, more importantly, according to the Congressional Research Service, conventional wisdom within the electricity industry based on current trends is that generating technology and fuel costs, that the technology of choice for new construction will be natural gas-fired plants.

This is a thing of the past. Why we should continue to subsidize these corporate budgets is beyond me. I urge passage of this amendment.

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

Mr. RYAN of Wisconsin. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I would invite the gentleman to go to the Tampa Power Company and visit their plant if the gentleman thinks it does not work. It is remarkable what they have accomplished in that program. It is a greenfield plant, so they had the advantage of starting from scratch, but they are taking what is normally about a 30 percent efficiency in the use of the BTUs in a lump of coal and getting about 60. That illustrates the value of the program, plus the fact that they can use any kind of coal because they do a pressure cooker process which extracts the sulfur and the other things that have value and it reduces emissions to almost a negligible point. So I think it illustrates it does work. I do think there is a lot of opportunity to sell this technology.

Mr. RYAN of Wisconsin. Mr. Chairman, reclaiming my time, and I clearly respect the gentleman from Ohio (Mr. REGULA) and the leadership he has given on this issue and many others, I simply think it comes down to the point where we have the mechanism in place under the 1990 Clean Air Act to reduce emissions. Emission trading is a market-based initiative that is actually serving this public good, without having to obligate taxpayer money, without having to have the Department of Energy pick this company to

give money to over that company to give money to, thereby engaging in industrial policy.

I think that there can be merits pointed out, but the point is the demand is losing, many of these projects are inefficiently managed, the GAO report is consistently telling us these things are not well managed.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, I think this is a useful debate, and that is, of course, as the projects go on stream and succeed, they do pay back the investment of the United States government. So it becomes a kind of seed money type that will allow them to sell the bonds to make these projects work. My concern is that we are going to have an enormous demand for power as the economy of this country expands, and I think coal is going to be the fuel of choice simply because there is so much of it. We ought to figure out how to get it done in an energy-friendly way.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. RYAN) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. RYAN of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. RYAN of Wisconsin. Mr. Chairman, I think one can clearly contest the point whether coal is going to be the fuel of choice or not. I think natural gas has a good case for it. I think that around the country, according to the Department of Energy itself, natural gas usage will increase 44 percent between the year 2000 and 2020, with electricity utilities expecting to represent 60 percent of this total increase. So it comes down to a philosophy. I do not think the Federal Government should be doing this.

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

Mr. Chairman, I do not have a dog in this fight. The most agriculture I have in my district is at the swap meet. I do not have any coal fields, I do not have any natural gas, but I will tell you what my concern is. In my heart I understand the gentleman's amendment, any waste fraud and abuse we want to eliminate. But I take a look at our dependence on foreign oil, and my colleague, the gentleman from Washington (Mr. DICKS), looks at our military constraints and the problems that we have with oil reserves and those things. He does a very good job of that.

In Utah, one of the reasons we lost the fight, but in the fight with the Antiquities Act, the President made a monument of the cleanest coal in the world. And, guess what? Mr. James Riady was the recipient of that because it gave him a collective position on coal to sell to China. The President then gave China $50 million to put a coal plant in. Where does Riady crack his coal? In China. Now we have to buy that coal back. Look at the workers that have been put out of work in Utah.

I look at the Antiquities Act also and my concern for renewable resources, or at least resources that we could use, instead of dependence on foreign resources. If they take, for example, ANWR, which is a postage stamp in a large area, but I think the President will probably under this go and try and make a national monument in ANWR, one of our largest reserves of oil in the world.

I look at another thing that we did in this House, some conservatives along with the others, the fusion-fission program, which was showing promise, we canceled that research. Natural gas is another area in which I think we ought to invest. I do not know how beneficial the clean coal is. I do know I have been to some of my colleagues' districts that have coal miners and workers, and I know how much they are hurting, and that bothers me. But do we have jobs? Corporate welfare? No.

So I would reluctantly oppose the gentleman's amendment, just because we may have some bad research in coal, but we may have some good. My concern, I think like the gentleman from Washington, is where do we get our resources when we run short in natural emergencies? We are going to have to rely on those.

I am part of the problem myself. My bill stopped offshore oil drilling off of the coast of California, because I do not want to be like Long Beach and have our beaches all polluted. So I would say to the gentleman from Ohio (Mr. REGULA), I am part of the problem as well. I understand that. But, on the other hand, we also need to be able to have resources so that this country can work.

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

Mr. Chairman, I support the fossil energy program because, contrary to some of the arguments made on this floor, it has produced meaningful results that have benefited all Americans. Let me give the Members some examples.

Let us talk about cleaner air. Fifteen years ago the old technology that could effectively remove smog-causing nitrogen oxide pollutants from a power plant cost $3,000 per ton of $NO_X$ reduced. But DOE's clean coal research helped develop better lower-cost combustion technologies. Today that research has reduced pollution control costs to less than $200 a ton, and 75 percent of the coal-burning plant capacity in this country uses these new low-polluting burners.

Let us talk about sulfur emissions, one of the pollutants associated with acid rain. Today sulfur emissions from power plants are down 70 percent since 1975, even though the use of coal has increased by more than 250 percent. Many utilities installed scrubbers to reduce sulfur pollutants, and more will likely be installed in the future. But in the 1970s, scrubbers were expensive and unreliable. Today, largely because of DOE's research, scrubbers are much more affordable and reliable, and they cost only one-fourth as much as they did in the 1970s. That alone has saved the United States ratepayers more than $40 million a year, and more than $40 billion since 1975.

Let us talk about the future. Until the 1990s, the only way to use coal to generate electricity was to burn it, but then came the Clean Coal Technology Program. Today, because of this program, residents can get their electricity from power plants that turn coal into a super clean gas, much like natural gas, and it burns it in a turbine. It is the forerunner of a new generation of high efficiency, virtually pollution-free power plants. It would not have been possible without the DOE research program.

The track record for fossil energy research is a good one, and when you realize that 85 percent of our energy comes from fossil fuels, it is important we have this research, because it benefits every American who turns on his light switch, or, for that matter, breathes the air.

Let us remember one thing: Coal is our most abundant source of energy. It is an energy source which no foreign nation can hold us hostage with. We should vote to keep these results coming in in the future. I urge my colleagues to vote against the Royce amendment.

□ 1815

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

Mr. Chairman, I hope that the House will reject the amendment offered by the gentleman from California (Mr. ROYCE). I am sure it is meant in good will, but the fact is that it defers too much money to next year. His amendment would defer $237 million.

I come from a district where we have two of the largest coal operations in the United States. The Port of Los Angeles has a major coal facility. So does the Port of Long Beach. Most of that coal moves to Asia. That coal could be a lot cleaner than it is, as many residents could tell us. As the coal train comes from Colorado and Utah and travels through little towns and large towns.

So I think it is just overreach to wipe out all of the funding in this section. I agree with the gentleman from Ohio (Chairman REGULA) on this issue, and I would hope all Members of the House would also vote No on the Royce amendment. Vote down this particular amendment.

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

Mr. Chairman, I rise in very strong opposition to this amendment. I want to tell the chairman that I think he is absolutely right. The administration suggested a higher level of deferral. We gave 67. The House in its good judgment added 22, or 89; something a little higher than that if necessary might be appropriate.

But to do the whole thing, to defer the entire program I think would be a mistake. I think we have to continue this important research and work towards a cleaner coal technology. Mr. Chairman, I urge a vote on the amendment.

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

Mr. Chairman, I rise to urge my colleagues to vote against this amendment. I think the purpose of it is quite clear. They are trying to kill a fly with dynamite. I think they believe if they take away all of the money, there will not be any for the National Endowment for the Arts, the National Endowment for the Humanities, and the museums.

Frankly, the clean coal portion of this legislation is very important. I just want to urge that everybody look or search their minds here and really understand what is happening with this amendment.

I commend the gentleman from Ohio (Chairman REGULA) for saying this should not be voted for, and I join him in that. I hope that everyone will vote no.

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

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

The Clerk will read.

The Clerk read as follows:

ENERGY RESOURCE, SUPPLY AND EFFICIENCY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities and for fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $1,139,611,000, to remain available until expended, of which $2,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided*, That $153,500,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $120,000,000 for weatherization assistance grants and $33,500,000 for State energy conservation grants: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

AMENDMENT NO. 28 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mr. SANDERS:

Page 67, line 16, after the dollar amount, insert the following: ''(reduced by $45,000,000) (increased by $20,000,000) (increased by $3,500,000) (increased by $9,500,000) (increased by $5,000,000) (increased by $7,000,000)''.

Page 67, line 19, after the dollar amount, insert the following: ''(increased by $23,500,000)''.

Page 67, line 24, after the dollar amount, insert the following: ''(increased by $20,000,000)''.

Page 67, line 25, after the dollar amount, insert the following: ''(increased by $3,500,000)''.

Mr. SANDERS. Mr. Chairman, I want to particularly thank the gentleman from New York (Mr. BOEHLERT), the gentleman from Wisconsin (Mr. KIND), the gentleman from New Jersey (Mr. SMITH), Mr. UDALL, the gentleman from New York (Mr. LAZIO), the gentleman from Maine (Mr. ALLEN), the gentleman from New York (Mr. QUINN), and the gentleman from Illinois (Mr. RUSH) for their support of this bipartisan amendment.

Mr. Chairman, this amendment is also supported by a very broad coalition of environmental and public interest organizations, including the League of Conservation Voters, the Sierra Club, the Natural Resources Defense Council, Public Citizen, and U.S. Public Interest Research Group.

Mr. Chairman, this amendment addresses, among other things, the very serious national problem of millions of lower-income Americans being unable to properly weatherize their homes for the winter or for the summer. The result is that their limited incomes literally go drifting out the window of their underinsulated homes.

In addition, from an environmental point of view, this Nation wastes billions of dollars in higher than needed energy costs. That is money that is just going through the windows, through the doors, and through the roofs.

For those of us who are concerned about protecting the financial well-being of lower-income Americans and for those of us who are concerned about the environment, this is a very important amendment. This amendment increases funding for energy efficiency investments by $45 million, including $20 million for the highly successful weatherization assistance program.

The $45 million offset for this amendment is the fossil fuel energy research and development program, otherwise known as power generation and large-scale technologies. This amendment would bring that program down from $410 million, that is a lot of money, $410 million to $365 million.

Mr. Chairman, last year 248 Members voted in favor of an amendment to cut the fossil fuel energy research and development program by $50 million. Unfortunately, despite our vote to cut this program that is widely regarded as corporate welfare, the conference committee not only ignored our vote, but added more than $50 million to this controversial program.

Some of us are determined, and when it comes to corporate welfare versus the needs of millions of low-income Americans all over this country, we are going to stand up against corporate welfare.

Mr. Chairman, the energy efficient programs that this amendment supports have been enormously successful and have saved Americans some $80 billion over the last 20 years. Yet, funding for these programs has been consistently shortchanged.

According to the Alliance to Save Energy, funding for Federal energy-efficient programs have been reduced by almost 30 percent since 1996. In other words, we are increasing funding for weatherization efforts which have been cut in recent years, which is what this amendment is about, in order to cut a dubious program which has seen significant increases in recent years; more money for low-income people to weatherize their homes, less money for a program that has gone up in recent years, which many regard as corporate welfare.

Mr. Chairman, this amendment would also increase funding for the State energy program by $3.5 million. That program helps homeowners, schools, hospitals, and farmers reduce energy costs.

Mr. Chairman, regarding the fossil fuel energy research and development program, let me quote from the report of the fiscal year 1997 Republican, I say it again, Republican budget resolution. I would hope my Republican friends would hear this.

''The Department of Energy has spent billions of dollars on research and development since the oil crisis of 1973 triggered this activity. Returns on this investment have not been cost-effective, particularly for applied research and development, which industry has ample incentive to undertake.

''Some of this activity is simply corporate welfare for the oil, gas, and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest.''

That is not the gentleman from Vermont (Mr. SANDERS), that is the 1997 Republican budget resolution.

Let me quote from the 1999 Congressional Budget Office report, which says, ''The appropriateness of Federal government funding for such research and development is questionable. Federal programs in the fossil fuel area have a long history of funding technologies that, while interesting technically, had little chance of commercial feasibility even after years of Federal investment. As a result, much of the Federal spending has been irrelevant to solving the Nation's energy problems.''

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Mr. Chairman, that is the CBO, 1999.

Mr. Chairman, I can well understand why some of my friends from various States are here to defend this program. I can understand that.

The reality is that unlike the weatherization program, which is well distributed to all 50 States, the lion's share of fossil fuel research money goes to relatively few States. In fact, over 50 percent of the designated funds goes to four States, while 38 percent of that money goes to two States. This amendment is good environmental policy, it is good public policy, and I urge my colleagues to vote yes on this amendment.

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

Mr. Chairman, I rise in opposition to the Sanders amendment. Let me say that we have tried to strike a carefully balanced allocation of funds in the fossil fuel account. We have recognized that fossil fuels cover a lot of areas.

What the gentleman is attempting to do is just rearrange the chairs on the deck in what he would consider to be a more efficient way. But I would point out, and we have this experience, we only need to drive down the street and look at gasoline prices to recognize that we need to have research into making automobiles more fuel efficient, into burning our fuel in a more efficient way also.

We are now up to importing 52 percent of our oil, and predictions are that it will rise to 64 percent by 2020. Members can imagine how subjected we will be to OPEC pricing and to the price of fuel. Of course, that reflects then in the price of consumer goods.

This country is so dependent on energy, and every dimension of our industrial economy is tied to energy use. Our lifestyle is tied to energy. What we have tried to do in this bill, in the allocation of the fossil research money, is to ensure we get the best possible use of the resources.

This is an interesting statistic: One-third of the world's population, 2 billion people, do not even have access to electricity. Of course, that again is going to cause a tripling of consumption over the next 50 years as the lesser developed nations try to expand their economy. It is a market for our clean coal technology, and it will be a market for other technologies that will be developed under the fossil program.

As has been pointed out by a speaker earlier, we have more coal in this country than the rest of the world has of recoverable oil in terms of Btus. We need to conserve our natural gas, but we also need to have the development of technology that will cause the production of natural gas to be more efficient.

That is part of the fossil research. We can get gas from deeper and more complex formations. We can get a better extraction, because we need all these energy sources. We need coal, we need gas, we need petroleum simply because, as a Nation, if we just look at the statistics and project our energy needs over the next say 40 or 50 years, they are going to be enormous.

We are the people who are laying the foundation for an adequate and efficiently produced source of energy. Whether our children and grandchildren will enjoy the same quality of life that we have, which is tied to energy consumption, clearly is being determined by the way we use these resources.

What we have tried to do on the committee, because it is our responsibility, working with the minority Member and myself and the other members of the Committee, is to say, this is the best we can do to allocate the resources in terms of energy production.

In weatherization, as the gentleman knows, we have increased it from $135 million to $139 million. That is a commitment on our part because most of our funding was level, but we felt that the weatherization program deserved some additional funding.

All these programs are important. I think that tonight to just simply rearrange all of these ways in which we have tried to address energy need is not the way to go.

The committee, working with the Department of Energy, has exercised what we consider to be our best judgment of the use of our Nation's resources to provide the energy needs of tomorrow and tomorrow and tomorrow, and to ensure that future generations will have the same opportunities that we have had, because they are tied very dramatically to energy.

I think that the result of this amendment will be to decrease the domestic energy supply availability. I hope that the committee, the Members of the full committee and the House will support the judgment of the Committee on the Interior.

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

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman made the point that the committee had increased funding from $135 to $139 million. What the gentleman is talking about is the money that was included in the supplemental.

Mr. REGULA. For weatherization, yes.

Mr. SANDERS. But the gentleman knows that Senator LOTT has declared that supplemental dead on arrival, and what we are looking at is $15 million less.

Mr. REGULA. There is a conference on the supplemental next week, and I think it will be addressed. But again, this is important to this Nation's future.

□ 1830

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Vermont (Mr. SANDERS). As many of my colleagues are aware, the amendment before us is the latest incarnation of the gentleman's perennial crusade to hamper important energy research and development efforts.

At a time when all of our constituents have been rightfully concerned with our Nation's energy security, an area of great importance to our overall national security, I believe that a move to indiscriminately slash $45 million from energy R&D will produce unwarranted and detrimental effects that will only exacerbate the current situation and fester throughout the summer driving season.

Let us keep in mind that the United States currently imports 54 percent of its crude oil from other countries, more than at any time in our history. If we do not take aggressive actions to alter this trend, by 2020 we could be importing 64 percent.

In a recent ''dear colleague'' sent out by the proponents of the Sanders amendment, the claim is made that the intention of the amendment is to reduce our dependence on overseas oil. Now, how can this be achieved if $45 million is being moved away from research into areas such as fuel cells and methane hydrates, both of which represent abundant energy supplies, and transferring the funds to support the purchase of caulking, weather stripping, and storm windows?

Now, this is not to say that we should not pay attention to improving energy efficiency of low-income households. We should, but not at the disproportionate expense of critical R&D efforts that will reduce our dependence on overseas oil as well as produce a whole host of other beneficial outcomes.

Let me be clear. I have been a strong supporter of efforts such as the weatherization program and LIHEAP. So my concern about this amendment does not rise out of opposition to weatherization but out of an interest to achieve appropriate funding proportionality.

Whenever one program of merit is pitted against another, it is critical for Members to move beyond the wordsmithing, smoke screens, and surface sentiment and to look to the facts of the matter. If Members take time to do a brief cost benefit analysis, they will find that supporting energy R&D efforts is the most efficient and effective investment we can make.

Consider the following: Despite the fact that the weatherization program has not been authorized since 1990, its funding level has continued to receive increases. $128 million in fiscal year 1997; $124 million in fiscal year 1998; $133 million in fiscal year 1999; and $139 million in fiscal year 2000.

While so many important and authorized programs are underfunded in

this year's Interior bill, the weatherization program is slated for a $4 million increase. On average, the program weatherizes 70,000 dwellings a year, yet it requires just 40 percent of the funds be spent on weatherization, materials and labor.

Fossil energy research and development, on the other hand, continues to do more and more with tighter budgets. Fossil energy has been essentially flat funded since fiscal year 1997 and this bill's funding levels represent a 2 percent decrease from last year's level.

In response to this trend, FE has sharpened its focus and, as a result, has heightened its efforts with regard to high efficiency projects, including efforts to develop new and more effective technologies that will help U.S. producers recover more oil from domestic fields and to develop cleaner fuels to meet future vehicle emission standards.

Without question, fossil energy is about a lot more than coal. In addition, FE R&D significantly contributes to your State, both in terms of funding and jobs. In fiscal year 2000 alone, FE projects supported a total of 248,575 jobs, something worth considering when Members cast their vote.

Finally, I want to recognize the good work done by the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Washington (Mr. DICKS), given the current budgetary constraints. Their leadership can always be counted on and is much appreciated.

Mr. Chairman, I respectfully urge the defeat of this amendment.

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

Mr. Chairman, I rise in support of the Sanders-Boehlert-Kind amendment to increase our funding and in support for critical Federal programs to promote energy efficiency, but I take somewhat of a different approach from the lead sponsor of this amendment. I want to make it clear that I support this amendment not because of the programs that it cuts, because there are some very good fossil energy research and development programs this bill funds, and if more money is found later perhaps these cuts can be restored. I support this amendment because I believe that we must make a more serious commitment to energy efficiency.

Energy efficiency, energy efficiency, energy efficiency, that should be our mantra. That must be our commitment.

The United States is the world's largest consumer of oil, and this week the price of oil surged past $31 a barrel for the second time this year. The last time that happened many of my constituents were faced with enormous costs for home heating oil, costs that they could not meet with some tragic consequences. This time, they are faced with rapidly escalating gasoline prices, gasoline prices that have exceeded $2.50 a gallon in some sections of the country. That is having a devastating negative impact on families.

Meanwhile, the oil-producing nations are deadlocked as to whether or not to raise their production of oil. If they do not raise production, then rising demand will quickly outstrip supply and prices will further escalate. If they do raise production, then several weeks or months down the road the American consumer will feel a little relief, but we are dependent on the OPEC nations, overly dependent, I believe, because we are one of the world's largest importers of foreign oil.

I think this amendment will provide some help where help is needed. The energy efficiency programs we fund will help us develop cleaner, more efficient technologies that allow us to do more with the same amount of energy. We add $9.5 million to make buildings more efficient so that homeowners and businesses can heat their homes in the winter and cool them in the summer without having heart arrest when opening their energy bills. We add $7 million more to make transportation more efficient so Americans can go further down the road with fewer visits to the fuel pump, not to mention the fewer pollutants emitted along the way, and that is a major issue.

We add $5 million more for efficient industrial technologies so that our businesses get the competitive edge they need in the global marketplace.

This amendment also boosts funding for the crucial weatherization program to insulate and weatherize the homes of low-income families; $20 million will go to weatherization programs to help an additional 10,000 families, each of which could save up to $200 worth of energy costs every year.

Now for us in Washington, $200 a year for a family budget to save does not sound like much, but let me say to so many families that means everything. We have to be aware of that.

The amendment also boosts funding for the State energy program by $2.5 million to help schools and hospitals and farmers and small businesses reduce their costs by becoming more energy efficient, and let me add if we can do that we provide some much needed relief on the property tax burden.

Do not forget, the money we would have sent overseas to pay for all of that oil is kept right here in the domestic economy.

Mr. Chairman, I feel this amendment is a wise investment in energy efficiency, and a wise investment in a more energy secure future. I urge my colleagues to support the Sanders-Boehlert-Kind energy efficiency amendment.

Let me close by saying, energy efficiency, energy efficiency, energy efficiency. That should be our mantra. It must be our commitment.

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

Mr. BOEHLERT. I yield to the gentleman from Vermont.

Mr. SANDERS. Just to set the record straight, my good friend, the gentleman from Pennsylvania (Mr. DOYLE) a moment ago talked about the energy efficiency programs going up. That is true in recent years, but in 1995 it was budgeted at $215 million. Today it is at $120 million; a huge decline in funding.

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

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

Mr. KIND. Mr. Chairman, I am pleased to be an original sponsor of this amendment that will expand funding for the low-income weatherization program, the State energy program, and other critical energy conservation and research measures.

I commend my colleagues from both Vermont and New York, and others who have been supporting this amendment this year and in previous fiscal years, in trying to work in a bipartisan fashion to advance the cause of energy efficiency.

I think my friend from New York stated it so well and so eloquently, that we as a country, especially with the bad weather conditions we experienced last winter and the terribly high gas prices that are sweeping the Nation but especially in the upper Midwest today, need to start developing a long-term energy efficiency program that makes sense for the consumers in this country and lessens our dependence on fossil fuel energy consumption and foreign oil production.

Just to respond to my friend from Pennsylvania, I understand his concern in regards to a system of the offsets in the program that affects his local area, but this is, I believe, the right policy direction that we should be moving in, because these energy programs are not a luxury but a necessity to many, many families across the country who cannot afford their own weatherization preparations.

I do have a parochial interest in this as well, Mr. Chairman, because the first weatherization assistance program that was set up in the Nation was established right in my congressional district in western Wisconsin back in 1974. Since that time, over half the States have developed their own weatherization or energy efficient programs, and what a marvelous result we are seeing coming from these programs.

The average family who has been able to weatherize their home under this program is realizing a 23 percent efficiency upgrade with their energy consumption needs. What that means in a nutshell is more money for these low-income families for other purposes rather than for escalating energy costs, money that could be spent on food, for instance.

In fact, just recently there was a constituent back in my hometown of La Crosse that wrote a letter in regards to the weatherization program. It was a single mother who was trying to make it on her own and trying to make ends meet and she was informed by some friends about the existence of this program. She applied and was qualified. In

the letter that she wrote and I quote ''I had no insulation, drafty windows, a poor chimney lining and a list of real energy zappers, much of which I was unaware. My bedroom wall had frost on the interior and my blanket would stick. Not any more. I am so fortunate to live in an area with these kinds of resources. Thank you so much for helping me and my family enjoy the American dream.''

I am also pleased that this program is fiscally responsible and environmentally advanced. By diverting money from the fossil fuel energy research and development program, we are looking to the future in developing new technologies. These programs will make us less dependent on fossil fuels and foreign oil supplies at exactly the time when we need to be less dependent on them. If erratic temperature variations that we have recently seen were not enough, we are now seeing what comes from our reliance on overseas oil, with gas prices reaching the upper Midwest beyond $2.00 a gallon. Currently, 70 percent of our energy supply comes from fossil fuels which are nonrenewable and environmentally detrimental. With cleaner, more efficient energy supplies we boost the economy and become a leader in cleaner energy.

Our Nation continues to thrive in an era of economic growth but not every American family is fortunate enough to participate in this prosperity. The weatherization program, LIHEAP, Energy Star and State energy programs are ideal tools to help our Nation's citizens who are most in need. I urge my colleagues to support this amendment, which would expand funding these vital programs.

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

Mr. Chairman, I rise today in strong opposition to the Sanders-Boehlert-Kind amendment. This amendment purports to benefit energy efficient programs by cutting $45 million from the Department of Energy's fossil energy research activities. In reality, this amendment will cut energy efficiency research.

□ 1845

Today, 70 percent of the electricity generated from this country comes from fossil fuels. Our Nation's demand for electricity will continue to increase with the rapid growth of our high-tech economy. Do we really want to cut funding for research that will allow us to use nonrenewable resources more efficiently? Do we really want to cut funding for research that will further reduce the impact of fossil energy on the environment? The answer is no.

Funding for fossil energy research supports national laboratory and university efforts to improve the fuel efficiency and reduce the emission of fossil energy facilities. Although it does not fall under the budgetary category of energy efficiency, fossil energy research is in reality energy efficiency research relating to fossil fuels and fossil energy.

The United States is already benefiting from the improved efficiency and environmental protections of fossil energy research. For example, three-quarters of America's coal fire power plants use pollution boilers developed through private sector collaboration with the Department of Energy.

Future research efforts promise to reduce the release of greenhouse gases into the atmosphere by sequestering carbon. Other research could lead to the capture and use of by-products from fossil energy generation for other commercial purposes.

Scientists are attempting to construct better filters that can screen out pollutant-forming impurities from the hot gases of power plants. Let us not halt this kind of progress by cutting important fossil energy research.

I urge my colleagues to vote against the Sanders-Boehlert-Kind amendment.

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

Mr. Chairman, I rise to urge my colleagues to support the Sanders-Boehlert-Kind amendment to H.R. 4578, the Interior Appropriations Act for fiscal year 2001.

The Sanders-Boehlert-Kind amendment would cut funding for the Fossil Fuel Energy Research and Development program by $45 million and increase funding for energy efficiency programs by the same amount. Included in this increase would be an increase of $20 million in the Weatherization Assistance Program.

The Weatherization Assistance Program provides assistance to low-income American families to improve their energy efficiency and lower their energy cost. Two-thirds of those served by this program have incomes under $8,000 per year, and almost all of them have incomes under $15,000 per year. Many of the beneficiaries were elderly or disabled and many are families with young children. Weatherization assistance enables those families to heat their homes in the winter and cool them in the summer.

Mr. Chairman, I recall it was just 2 years ago, I believe, that we witnessed seniors dying in Chicago. Many of them were trapped in high-rise buildings, and we could not even get assistance to them. They literally suffocated in their homes because of the heat, and they had no air conditioning. I do not think that we want to see the reoccurrence of the kinds of deaths that we saw as a result of the weather and the heat at that time.

Low-income families spend an average of $1,100 per year on energy expenses for their homes. These expenditures comprise 14.5 percent of their annual incomes. By contrast, other families spend a mere 3.5 percent of their annual incomes on home energy expenses.

The Weatherization Assistance Program enables low-income families to save an average of $200 per year in heating costs. These savings can be used for other basic human necessities such as food, clothing, housing, and health care.

The Fossil Fuel Energy Research and Development program funds government research on fossil fuel technologies that benefit, for the most part, the oil, gas and utility industries. This program was funded at $34 million above and beyond the amount requested by the President, although, the Interior Appropriations Act as a whole was funded at $1.7 billion below the President's request.

Why are the Republicans increasing funds for this corporate welfare program? The oil, gas, and utility industries do not need this program. They sincerely can afford to do their own research.

I urge my colleagues to vote in favor of the Sanders-Boehlert-Kind amendment. Cut the corporate welfare and support funding for energy assistance for low-income Americans.

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

Mr. Chairman, I join my colleagues in support of this legislation. There is a tragedy here that we are choosing between important issues that are before the country. There is no question that we have to address alternative energy and finding ways to make coal burn cleaner.

But the choice today is one that is presented to us that puts thousands and thousands of senior citizens and other Americans in harm's way, really. It puts them in a situation where, this winter, as we see high gas prices will soon be changing once again to high oil prices, in a position where they may not be able to make it through the winter.

Additionally, of all the things this Congress does, weatherization creates more energy for less money than almost every other expenditure, because when one weatherizes a house, the benefits of that weatherization do not just occur in that heating season or that cooling season, the benefits of that weatherization last for the life of the house. If that house lasts for 100 years, those benefits last for 100 years.

When we look at what we ought to be doing and what we do in this Congress, when there was a crisis in the Farm Belt, the Congress responded. First, our colleagues on the other side of the aisle chose Freedom to Farm. When that program failed, we came in with additional revenues for farmers. Our friends in California that do not have enough water, the Federal Government subsidized bringing water to those farmers. We in New England do not get a lot of those kinds of benefits.

But other senior citizens and working people, many of them very poor, do face some of the harsher winters in this country. Across this country, many citizens need the help of this weatherization program. But this not only

helps the individuals, it helps our national dependence on foreign energy. Because every time one weatherizes a home, for every barrel of oil that family does not use, it is a barrel of oil we do not have to import. It helps our trade balance. It helps the families. It helps the country.

Pass this amendment. It is the right thing to do.

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

Mr. Chairman, I rise in strong support of the Sanders-Boehlert-Kind amendment, which cuts corporate welfare and boosts energy efficiency programs that benefit consumers and the environment. This amendment restores $45 million to programs that help low-income families reduce energy costs, that help States implement efficiency programs, and that foster investments in new efficiency technologies. All of these programs have been cut in recent years just as America's energy needs have been rising.

This amendment renews our commitment to energy efficiency as a cornerstone of our energy policy. The offset is the fossil fuel R&D account which has been identified as corporate welfare by consumer and taxpayer watchdogs, including the National Taxpayers Union and Citizens Against Government Waste.

On top of direct appropriations, we also subsidize the fossil fuel industry through exemption from environmental laws. For instance, America's oldest and dirtiest coal-fired power plants are still exempt from Clean Air Act emissions standards that were enacted 30 years ago. These grandfathered power plants continue to spew tons of pollution into our air, adding to smog, acid rain, mercury poisoning, and global warming. While industry profits from this exemption, the public suffers increased respiratory problems and expensive environmental cleanups.

If America is to create a sustainable and cost-effective energy policy, we must reduce our dependence on highly polluting fossil fuels. Improving energy efficiency is an important first step toward that goal.

Mr. Chairman, as we begin the summer months with the threat of brownouts and rising fuel costs, now is the time to make a commitment to energy efficiency. This amendment is a small but significant step toward a 21st century energy policy that lowers consumer costs and protects public health and the environment.

I urge my colleagues to support this amendment.

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

Mr. Chairman, I rise in support of the Sanders-Boehlert-Kind amendment. I want to thank the gentleman from Vermont (Mr. SANDERS) and the gentleman from New York (Mr. BOEHLERT) and the gentleman from Wisconsin (Mr. KIND) for offering this.

Those of us from the Northeast, and particularly those of us in all of the colder States of this country, realize this past winter the real problems that can beset low-income and fixed-income senior citizens and people throughout our district when we saw rocketing prices when it came to home heating oil.

When it came to energy efficiency, we looked at the high cost of renovations. We realized that the people back in our districts, regardless of all the Beltway talk that we may hear here today, clearly understand that it is often beyond their means to be able to afford the energy efficiency and weatherization that they need to have to be able to heat their homes.

This problem we incurred this winter was attributed to four different issues: one they said was the production of crude oil; the second was the storage capacity in many of the communities around the country; third was the lack of alternative fuels; fourth, which is what we are discussing here tonight, the lack of energy-efficiency programs, weatherization programs to stop consumption as we have presently going of the high, high cost of energy and fuels.

Today and tonight we are offering an amendment particularly for those communities that have older architecture, older problems with regard to weatherization and alternative fuels.

Let us put back some of the money into the weatherization program that we have stripped out over the last 10 to 15 years. Let us put back the kinds of rhetoric that we have been fusing into actual dollars in terms of not only words, but deeds. Let us put back into those programs to help those seniors, those people on fixed income, the real alternatives for more energy efficiency.

Let us put back into the real problems of this government money to make sure that our senior citizens and our low-income people have weatherization programs. But I would also point out there goes more than just that.

If one takes a look at the old architecture that besets many of our older homes and our older communities, one will also find another problem. It is called lead paint. Many of the same problems with lead paint are the same problems with weatherization, the high cost of renovation.

When we talk about weatherization programs, we often couple in our communities the opportunity for renovation for lead paint as well. If we put more money into weatherization programs, we can double our effort in lead paint reduction as well.

I ask all of my colleagues to support this amendment. It does wonders in a very small way but a very efficient way to make sure that our seniors of low income have an opportunity for energy efficiency.

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

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Chairman, I want to stand here in support of the amendment of the gentleman from Vermont (Mr. SANDERS). Not only is it sensible at this moment, but it gives us a rare opportunity, I think, also to highlight what has happened over the course of the last year when we have been, indeed, slow to react.

This initiative that the gentleman from Vermont (Mr. SANDERS) is offering really is part of a great legacy in this House of Representatives. The legacy was established by Silvio Conte, a Republican Member of this House. He began the low-income heating oil program that so many Americans have benefited from who live below poverty guidelines.

Now, we ask ourselves tonight, why is this amendment necessary? Last Friday, the average price for a gallon of gasoline rose to $1.67 per gallon. Some people across this Nation are paying more than $2 per gallon. These high prices are caused by low stocks, the results of the high prices experienced this past winter when oil dealers did not replenish their stocks.

The summer driving season is in front of us, and the price of gas is unlikely to drop while demand remains so high. As the price of oil remains high as well, stocks are unlikely to be replenished. This will result in low stocks for the winter again.

This is a dangerous cycle for all across the Nation who live below poverty guidelines. Many people in the Northeast last winter had to make the horrible choice between heating and eating. Anybody who has stood in a grocery checkout line, that is on the minds particularly of senior citizens.

□ 1900

Now, we do not want that to happen again. We can act this evening to avoid another catastrophe from occurring this winter.

The Northeast Home Heating Oil Reserve would protect low-income homeowners in the Northeast from having to choose once again between food and fuel. The Northeast Home Heating Oil Reserve is an environmentally conscious way to ensure enough fuel is on hand to combat another harsh winter.

I want to thank the gentleman from Vermont (Mr. SANDERS) for calling attention in this timely manner to an issue that is going to be in front of us once fall sets upon us. But we have a chance to act tonight, to take the initiative, to grab the high ground and to proceed with a sensible plan. I hope all the Members of this House will stand in support of the Sanders amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders-Boehlert-Kind amendment perhaps from a slightly different perspective than my good friend from Vermont (Mr. SANDERS).

I really have no problem with the Energy Department's fossil energy research and development program. I do

not consider it welfare. I think we need to continue to do research into fossil energies, into alternative fuels, into the whole range of possibilities that will make our country less dependent on foreign oil and energy. But one of the components, perhaps the most important component, of our energy policy in this country should be reducing the use of energy and saving resources, and the low-income weatherization program is a demonstrated effective method of doing that.

We are faced as Members of this Congress with budget constraints. And as the chair of the subcommittee has indicated, sometimes that means we do have to rearrange the chairs on the deck and make some choices. When I make those choices, I have to keep in mind the things that my mother used to tell me. And one of those things is that a bird in hand is worth more than a lot of birds in the bush. The research may well yield some fascinating results in the future, but what we do know is that home weatherization will yield immediate results in the present and that the low-income energy weatherization program has been a vital and important success story as a means of saving energy.

So I do not have any particular beef with doing research in the long run. We need to do that. And, of course, there is going to be plenty of money in this bill to do that. But in the meantime people are freezing to death and people are without the weatherization program that would reduce the heat in their apartments, and that is a choice that I have no problem making in favor of the amendment, even though I have no particular beef with the longer-term research.

So in that context I want to encourage my colleagues to do what makes sense in the immediate future and do something that we know works. This amendment will allow us to support and finance and put our money, at least in part, in something that has been a proven success story, the weatherization program. I encourage my colleagues to support the amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the gentleman's amendment.

Mr. Chairman, I rise in opposition to the gentleman's amendment. Nearly 70 percent of the electricity generated in the United States today is fueled by a combination of coal, oil and natural gas. These traditional fuels are abundant, particularly coal, which accounts for 90 percent of our Nation's energy reserves.

At current rates of consumption, the United States has enough coal to last throughout the next 2 centuries, and that is just here in the United States. Coal generates nearly 40 percent of all electricity worldwide, a number that is growing as we stand here and debate this issue.

Here are the facts, Mr. Chairman. We have an abundant supply of coal. It is responsible for over half of the energy generated in this country, and its use is going to increase here in this country and worldwide. The only question that remains is are we or are we not going to make it cleaner? Now, let me just emphasize that. We are going to use more coal in this country and worldwide. The only question that remains is are we going to make it cleaner and cleaner, which I support and every Member that represents a coal region in this Nation supports. That is why we support the Clean Coal Technology Program, because we want it to become cleaner and cleaner.

I have to say that I am surprised at how cuts to the fossil energy research budget have been framed in this debate, as if cutting these funds is some sort of a good environmental vote. Mr. Chairman, nothing could be further from the truth. In fact, as a result of Federal funding, since 1970 overall U.S. emissions of pollutants from coal-based electricity generation have been cut by a third, even as coal use has tripled. What a success story.

For those of my colleagues who have stood up and argued for the environment and argued for efficiency, I am pleased to tell them that technologies now being researched, coming out of the Clean Coal Technology Program, will produce a near zero emissions power plant with double the efficiency of today's utilities. This technology will also be exportable to developing countries as they build new power plants to meet their ever-growing needs and as we become increasingly concerned about global warming and global greenhouse issues.

Mr. Chairman, that is good for the environment and it is also very good for our economy. Do not be fooled, my colleagues. Cutting fossil energy research and development is an antienvironmental vote. I urge defeat of the gentleman's amendment.

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

Mr. MOLLOHAN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my good friend for yielding to me.

In terms of the environment, I would point out to my colleagues that my amendment is supported by the League of Conservation Voters, the Sierra Club, the Natural Resources——

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I would ask the gentleman if he can make the argument substantively that cutting the Clean Coal Technology Program is good for the environment rather than just citing a number of organizations? Can he make it with me, please, right here and now?

Mr. SANDERS. If the gentleman will continue to yield, I certainly can. As the gentleman from New York (Mr. BOEHLERT) indicated earlier, when we conserve energy we are doing something extraordinarily important for the environment.

Mr. MOLLOHAN. Well, reclaiming my time, the Clean Coal Technology Program, one of its real strengths is the conservation of the use of energy to generate electricity. As a matter of fact, the Clean Coal Technology Program has increased efficiency, as I said in my comments, while it reduces emissions.

It is good for the environment, it is good for the economy, it is an environmentally good program while it affects efficiencies.

Mr. SANDERS. I would just point out that all the environmental groups support the amendment.

Mr. MALONEY of Connecticut. Mr. Chairman, I am a strong supporter of programs that work to increase energy efficiency and affordability. I know all too well how important it is to have an energy efficient home. During the home heating crisis this past winter in my home State of Connecticut, my constituents were faced with exorbitant home heating costs.

While the amendment offered by Mr. SANDERS may make home weatherization more affordable, I must reluctantly oppose it. By using the Department of Energy's fossil energy research and development program as an offset, this amendment will take money from one energy efficiency program and give it to another. That is not good policy.

Both the Low Income Weatherization Program and the fossil energy research program work toward the goal of energy efficiency and affordability. Energy efficiency starts with the fuels we use. We must ensure that these fuels are as efficient as possible, while at the same time we must ensure that we are using efficient energy practices. This includes building energy efficient homes, driving fuel efficient cars and using clean, dependable, and efficient electricity generation technologies.

I fully support increasing resources for both programs, just not at the expense of one another. The allocation for the Department of the Interior, as reflected in this bill, is simply inadequate. I therefore must oppose Mr. SANDERS' amendment.

Mr. KUYKENDALL. Mr. Chairman, during the upcoming debate on H.R. 4578, the Department of Interior and Related Agencies Appropriations Act for fiscal year 2001, we will be asked to consider the need to reduce funding for fossil fuel research to increase funding for weatherization, state energy programs and energy efficiency research and development. I am a strong advocate of energy efficiency technologies because this research offers us the potential to minimize our dependence on foreign oil. It also holds the key for a cleaner environment in the future by encouraging technologies that reduce emissions. It is an area that is poised to become accepted by the market, with a small investment by the federal government, and is certainly an area in which business and environmental proponents can find much common ground. I also support providing assistance to low-income individuals to meet their energy needs.

Despite my unwavering support for energy efficiencies, I find that I cannot support this amendment. In short, the benefits to be achieved are more illusory than real and the costs incurred if this amendment passes substantial. It is worth noting that the line items funding fossil fuel research and energy conservation research have been combined. This

amendment cuts the total funding for both programs, resulting in a reduction to our energy conservation efforts. At the very time we are desperately searching for ways to use energy more efficiently, we are cutting the one conservation research program that may actually bear fruit.

Second, the major premise of this amendment is that there is nothing valuable to be gained from fossil fuel research. It is this premise with which I disagree. The fact is that fossil fuels—oil, coal, natural gas—are critical to this country's energy mix, and will continue to be far into the future. The U.S. Energy Information Administration projects that demand for oil and natural gas will grow during the next two decades by 35 percent, to 24.6 million barrels today. We have made it difficult to invest in market-ready alternatives to coal, oil and gas to supply our energy needs and renewable alternatives cannot yet substitute for these resources on a broad scale. Until we do have marketable, viable alternatives, our only real solution is to invest in research and development efforts to explore, extract, and utilize fossil fuels cleanly and efficiently. This is the goal of the fossil fuel research and development program—a goal that supports environmental objectives to reduce environmental consequences and national security objectives to reduce the need for foreign oil.

Recently, the Department of Energy released a report noting the accomplishments resulting from investment in fossil fuel research. The report, titled ''Environmental Benefits of Advanced Oil and Gas Exploration and Production Technology,'' lists 36 specific improvements resulting from fossil fuel research. These improvements have resulted in fewer dry holes, more productive wells, smaller environmental footprints, and less harmful waste to manage. Additionally, private-public efforts like the Petroleum Technology Transfer Council (funded principally through the fossil fuel program), have provided the technological means for independent producers to reduce the environmental impact of their efforts, largely by supplying technological answers to current problems. This has been critical to help these small producers (who account for 25 percent of our domestic oil and gas supply) to comply with environmental regulations and to implement best management and industry practices.

In short, faced with a budget that has been reduced by $300 million from fiscal year 2000, the subcommittee has had to make difficult decisions about program funding; many important programs were reduced and others flat funded. In my view, the better solution is not to starve one energy program in favor of another as this amendment seeks to do. A better use of our time is to figure out how we might reallocate our financial resources and research efforts to support and develop all of these promising technologies.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

The Clerk will read.

The Clerk read as follows:

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this head, $1,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2001 and any fiscal year thereafter: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the third installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2001 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,992,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $157,000,000, to remain available until expended.

AMENDMENT NO. 29 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mr. SANDERS:

Page 69, line 10, after the dollar amount, insert the following: ''(reduced by $10,000,000) (increased by $10,000,000)''.

Mr. SANDERS. Mr. Chairman, this tripartisan amendment is being supported by, among others, the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. MARKEY), the gentleman from New York (Mr. MCHUGH), the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from California (Mr. THOMPSON), the gentleman from Illinois (Mr. EVANS) and the gentleman from Maryland (Mr. WYNN). It has strong bipartisan support.

The purpose of this amendment is to provide $10 million for the establishment of a Northeast Home Heating Oil Reserve. Stand-alone legislation that I introduced back in February, calling for a 6.7 million barrel home heating oil reserve, garnered 98 cosponsors, including 24 Republicans and 27 Members who are not from the Northeast.

In addition, and importantly, authorizing legislation that passed the House by an overwhelming vote of 416 to 8 included language to establish a home heating oil reserve in the Northeast.

Not only does this amendment enjoy strong bipartisan support, it also has the backing of the Clinton administration. Let me just quote from a letter that I received yesterday from Secretary of Energy Bill Richardson.

''The floor amendment you intend to offer to the Interior, Related Agencies appropriations bill for fiscal year 2001 would appropriate $10 million for the home heating oil reserve. As you are aware, the House recently passed H.R. 2884, reauthorizing the Energy Policy and Conservation Act with the added provision to create such a reserve. Your amendment, therefore, is consistent with both the President's proposal and the views expressed previously by the House and I support your amendment.'' That is from Bill Richardson.

Mr. Chairman, it is obvious to everyone that we are experiencing an energy crisis in this country. The price of gasoline is skyrocketing. We are feeling that all over the country. This can only mean one thing. If we do not act forcefully now, next winter we are going to have a disaster on our hands that was worse than last winter, which was a real tragedy for millions of people.

Mr. Chairman, we must make certain that the huge increases in home heating oil prices that we experienced last winter does not happen again. Not this winter, not any winter. Mr. Chairman, let me be clear that this is not just an issue that affects the northeast. A home heating oil reserve would also provide positive benefits to the entire country. Since diesel and jet fuel can be used as a substitute for heating oil, industry experts believe that if a heating oil reserve were in place, not only would the price of heating oil be reduced, but diesel and jet fuel prices would also be reduced all over the country.

Mr. Chairman, winter is not a natural disaster. We in Vermont know, and I think the rest of the country knows, that it takes place every year. Yet we continue to be unprepared for a severely cold winter. In fact, fuel oil shortages have taken place in the Northeast about once every 3 years. Most recently these shortages have occurred during the winters of 1983, 1984, 1988, 1989, 1996, 1997, 1999, and 2000. Enough is enough.

□ 1915

Mr. Chairman, the offset for this amendment is a pretty conservative one, and it is a simple one. It should not meet much controversy. If this amendment passes, $10 million of the $157 million already in the bill for the Strategic Petroleum Reserve would be used for the Northeast Home Heating Oil Reserve.

So this is more of an accounting transfer than a real significant offset. We are taking money out of the Strategic Petroleum Reserve. There is $157 million in it. We are moving $10 million over for the Northeast Home Heating Oil Reserve.

Mr. Chairman, this is a sensible approach to protect millions of people

who really were hurt last winter and in the past by skyrocketing home heating oil costs, and I would hope that we can win strong bipartisan support for it.

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

Mr. Chairman, I can understand the concern that the gentleman from Vermont (Mr. SANDERS) has. We have the same concerns in the Midwest. We have the same concerns as a lot of places. Should build reserves for diesel fuel, for jet fuel, for ethanol, for all forms of energy?

We have the SPR. This amendment proposes to take $10 million out of SPR. We cannot just do that arbitrarily. It has to be made up some way. The money is to operate SPR, and we cannot cripple it or that reserve will not be available if needed in the period of critical defense needs, which is the main objective. We had requests to do all kinds of programs similar to this.

Now, I would point out that heating oil has a very short shelf life. So to maintain a reserve would mean it has to be turned over in a short time, something like every 3 months. That is a very expensive proposition. It means frequent government sales or exchanges. It will take a couple million barrels to set up the reserve, which will, of course, create a heating shortfall immediately.

These things ought to go to the authorizing committee to begin with and hold some hearings. I think what we are reflecting here is the fact that we do not have a national energy policy.

I was here in the 1970s when we had critical shortages. Everybody said we have got to set up a policy. Then the shortage went away, and there is no policy. I think what the gentleman from Vermont (Mr. SANDERS) is addressing is the absence of a national energy strategy. I would suggest that he take his case to the administration because we need leadership from them on an overall policy. We cannot pick one area of the country.

It is interesting to note that in the six New England States there is not one refinery because they will not let them build a refinery. Now, it is hard to produce heating oil without a refinery. And one of the problems is that their area is impacted by the environmentalists who have made it impossible to build a refinery in New England.

How many refineries does the gentleman have in New England? They are shaking their heads. I do not think they have any. And they have had some difficulty getting gas pipelines up there, too.

All I am saying is that they ought to have a policy in New England or other parts of the country that need help. Therefore, we need a national energy policy. But to try to address one instance is not going to be a long-term solution.

I understand it is proposed that this heating oil reserve be put in New York Harbor. Why not put it in New England? I think we ought to build the facilities where the need is.

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

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, because the capacity already exists in New York Harbor and it does not make sense to build new capacity when we already have existing capacity.

Mr. REGULA. Mr. Chairman, reclaiming my time, it may be that as the home heating oil shortage continues New York State will use that capacity for themselves. And there may be other States, Pennsylvania. But I think if we are going to create these kind of facilities, we ought to put them where the people are. But I daresay that they will not get any cooperation from their area in building facilities in Vermont or New Hampshire or Connecticut.

Mr. SANDERS. Mr. Chairman, if the gentleman will continue to yield, I would mention that New York State and Pennsylvania are also eligible to use the oil from the reserve in New York Harbor.

Mr. REGULA. Well, that is probably true. But I suspect, knowing the size of these States, that they can use the entire, what is it, 10 million-barrel capacity in New York Harbor. That would probably be used up by those States.

All we are focusing on here is that we need a long-term energy policy. And my concern is that the minute the shortage eases, and we hope it will, we will go back and nothing more will happen. This will not be a long term solution.

Mr. SANDERS. Mr. Chairman, if the gentleman will continue to yield, I do not argue with him that we need a long-term energy process.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Ohio (Mr. REGULA) has expired.

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

Mr. SANDERS. Mr. Chairman, if the gentleman will continue to yield, I would simply argue, and I make no pretense that this is going to solve all the energy problems in New England, but I think what the experts tell us is that it will help reduce sharp increases in home heating oil prices, which will save a lot of money for senior citizens who need those savings.

Mr. REGULA. Mr. Chairman, I question this capacity for 10 million barrels. Is it empty at the present time?

Mr. SANDERS. Mr. Chairman, it is not 10 million barrels, as a matter of fact.

Mr. REGULA. Two million barrels? Is that what New York Harbor has is 2 million barrels?

Mr. SANDERS. Mr. Chairman, yes.

Mr. REGULA. Mr. Chairman, I ask the gentleman, is it empty now?

Mr. SANDERS. Mr. Chairman, it is not empty now, as I understand it, but they do have the capacity.

Mr. REGULA. Mr. Chairman, if the oil is there, if it is already in place, why are they not using it?

Mr. SANDERS. Mr. Chairman, the gentleman asked me why we did not build a new facility; and the answer is that there is excess capacity available in New York Harbor.

Mr. REGULA. Mr. Chairman, so that facility in New York Harbor is not being used to its fullest capacity?

Mr. SANDERS. Mr. Chairman, that is correct.

Mr. REGULA. Mr. Chairman, is the gentleman proposing that we purchase the home heating oil and put it in there?

Mr. SANDERS. Mr. Chairman, what we are proposing is that 2 million barrels be available to be released at the discretion of any President, the President, when heating oil prices zoom up. And what experts tell us and what we know to be the fact is that that will have an impact on those prices and in fact lower them.

Mr. REGULA. Mr. Chairman, if the gentleman will respond, I think it is important we get these facts out. What is the daily consumption in a normal winter period of home heating oil in New England, the six States that comprise New England?

Mr. SANDERS. Mr. Chairman, I do not have those facts in my pocket.

Mr. REGULA. Mr. Chairman, what I am getting at is this. Is 2 million barrels going to solve the problem?

Mr. SANDERS. Mr. Chairman, I say to the gentleman, no, it is not. But this is what it will do. What it will do is send a message that the Government is prepared to act.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. REGULA) has expired.

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

Mr. REGULA. Mr. Chairman, I continue to yield to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, in fact, my friend will remember that the one time, to the best of my knowledge, that SPR oil was threatened to be released by President Bush had a very significant impact around the time of the Gulf War in terms of lowering oil prices.

Mr. REGULA. Mr. Chairman, well, given that as a solution, why have we not, then, threatened to use SPR oil this time?

Mr. SANDERS. Mr. Chairman, many of us thought that we should, and I am one of those who thought that we should. There is wild ovation from all over the Northeast.

Mr. REGULA. Mr. Chairman, has the gentleman talked to the President? He can do it by his own action.

Mr. SANDERS. Mr. Chairman, I sat down with the President, along with many other Members of the Northeast; and that is almost a unanimous request that came out of the Northeast, release the SPR. That was our opinion, and it is my opinion today.

Mr. REGULA. Mr. Chairman, I am sure the people in Ohio would like it because gasoline has now spiked at $2 a gallon.

Mr. SANDERS. Mr. Chairman, then I ask the gentleman to work with us, not against us.

Mr. REGULA. Mr. Chairman, I want to work with the gentleman with SPR. But I just think we need to have a coordinated plan as we do this. And I think what we are talking about here is temporary. Let us get a long-term energy policy. Let us determine if not only how to address problems with home heating oil but diesel fuel, because our industry is so dependent on that.

Mr. SANDERS. Mr. Chairman, let me rephrase. My view is let us move short term and long term, but let us move short term, as well.

Mr. REGULA. Mr. Chairman, I think I am reluctant to take $10 million out of SPR because we need the money to operate it unless they can get the $10 million somewhere else that will not impact on the ability to manage SPR oil, because that too is an emergency source for the entire country, I would resist the amendment.

I think if they could develop another source of financing, since apparently the facility is up and running. Do I understand it correctly, that it can handle the 2 million barrels?

Mr. SANDERS. Mr. Chairman, yes.

Mr. REGULA. And is that the full capacity of this, what is it, a tank farm?

Mr. SANDERS. Mr. Chairman, yes, it is.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. REGULA) has expired.

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

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

Mr. REGULA. I yield to the gentleman from Rhode Island.

Mr. WEYGAND. Mr. Chairman, it is our understanding that there is far more capacity than the 2 million barrels of home heating oil capacity we are asking for.

This, as the gentleman from Vermont (Mr. SANDERS) said, will really give us a beginning to what we hope, as the chairman has said, would be a long-term national energy policy. But we recognize that, with the winter only about 5 months away, that if we do not get this in place now, we could encounter the same kind of problems with lack of supply.

In the Northeast, and when I say ''Northeast,'' it is not just New England; we are talking about the Hudson River, we are talking about Bridgeport, Connecticut. What we had was a problem with getting the oil from the Gulf Coast States, the home heating oil, up to our States fast enough.

This would provide us a closer capacity in closer proximity to where the demand is, Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, in a quicker way. It is a short-term response to a long-term problem, without a doubt.

Mr. REGULA. Mr. Chairman, reclaiming my time, I would ask the gentleman, how do we address the problem that if we go in the marketplace at this point, and, of course, this bill would not take effect until next year, for all practical purposes, or on October 1, and buy 2 million barrels, is that not going to in itself push the price up considerably?

Mr. WEYGAND. Mr. Chairman, not based upon the consumption that we have nationally. But certainly, what we saw this past winter in the Northeast, the consumption of 2 million barrels would go very, very quickly.

Remember, the SPR is not home heating oil. The SPR is crude. And so, for us to be able to not only trade or to move that product to refineries and then finally get it to the marketplace would take a long time.

This would be to make available almost immediately in the time of need, which is triggered only by the President, that we could get that into the market very quickly.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. REGULA) has expired.

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

Mr. WEYGAND. Mr. Chairman, if the gentleman will continue to yield, what the chairman has discussed with us this evening is the exact same conversation we had with Secretary Richardson, the President, the Secretary of Commerce, and a host of other people.

We came up with the only solution that would help us right now. We concur 150 percent that we need to have a national energy policy that includes not only production; it requires conservation, and it requires capacity in various parts of this country for diesel, for home heating oil, for a host of others.

Until we have that, we cannot just put our head in the sand and say to the people in the Northeast, well, we will wait for 3 or 4 years before we have this. We need to do this now, otherwise we could be in the same situation we were this past January and February, where prices spiked up 78 cents in 3 weeks. We know that in the Midwest it is happening right now with gasoline. It happens all the time.

We need to have the capacity to move in there quickly to level off the marketplace so it does not spike in that way ever again.

Mr. REGULA. Mr. Chairman, I ask the gentleman, would this oil be available to the Midwest, also?

Mr. WEYGAND. Mr. Chairman, we would hope so. But maybe we need a little bit more capacity to do so.

Actually, in the Midwest this past year, past January and February, their increases were about 10 to 25 cents a gallon, where we were seeing 78 cents a gallon, simply because our rivers were iced up, as well as we did not have the capacity. We need it.

Mr. REGULA. Mr. Chairman, I hope we can find a long-term solution. Because I have been through a couple of these in my time in Congress, and we tend to go back and forget all about it whenever the price goes down.

I hope all of my colleagues will join me and others in having a long-term energy strategy because we are an energy-dependent Nation; and if we fail to do that, we will be back with this same old problem at some future time.

Mr. WEYGAND. Mr. Chairman, if the gentleman will continue to yield, I would agree wholeheartedly. It is not only with home heating oil. It is also with regard to diesel, and it is also with regard to energy conservation and weatherization, the program we talked about earlier.

We need to have it, but we need this amendment now; and I ask my colleagues to support it.

□ 1930

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I agree absolutely with the gentleman from Ohio that this Nation has no energy policy and that is part of the reason we are in such a desperate situation. I would remind the Members that we are almost twice as dependent on imported oil now as we were during the Carter years. It is because we have been backward looking in many of our policy areas, including the tax code. I join with those who would like to see us work on a more comprehensive energy policy. Frankly I think the coal research, to be able to burn clean coal is part of that.

There are many facets to this. I would just like to put on the record, and it has probably been put on the record before so I will make it very brief, but to me it is an absolute outrage that in 1998 the Department of Energy completed and announced a 2-year study on regional storage facilities. They then buried the study because it indicated that it would be good for not only the Northeast but for the entire country if a reserve was established in the Northeast. It would be cost effective to keep a government stockpile of some heating oil in the Northeast and it would benefit not only the Northeast but other parts of the country, particularly the Midwest. I personally think that had that stockpile been established and had the President acted promptly to release some reserve, that OPEC would have been motivated to reduce its cut in production far earlier and we would not have had those months of shortage that helped send prices up.

While I am well aware that OPEC's decision was not the only factor in that constraint of supplies and that increase of prices, nonetheless it was a significant one and we were not in a position to be able to rapidly deal with it. A

stockpile in the Northeast would be beneficial to the interests of the Nation as well as to the Northeast, and therefore I support this amendment and commend the gentleman from Vermont for bringing it.

Mr. SHAYS. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Connecticut.

Mr. SHAYS. I appreciate the gentlewoman yielding. I would like to point out that on April 13, the House passed the Energy Policy and Conservation Act through fiscal year 2003. What we did in that act in section 3 is the Northeast Home Heating Oil Reserve. And then the act under section 181, subsection A, notwithstanding any other provision of this act, the Secretary may establish, maintain and operate in the Northeast a Northeast Home Heating Oil Reserve. A reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. The reserve established in this part shall contain no more than 2 million barrels of petroleum distilled.

The bottom line is we have already established this through, frankly, the good work of the gentleman from Vermont (Mr. SANDERS). It has been authorized, and we are really trying to carry out the provisions. I would like to point out to my colleagues that the Energy Department in their study in 1998 made it very clear that a 2-million barrel reserve would stabilize prices. That is the effort we are trying to do. It is not perfect, we have got problems in a whole host of different areas, but this makes sense to move forward. It will not solve all our challenges, but it will, in fact, stabilize prices and carry out the act.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I could not agree more with the gentleman from Ohio that we need a long-term solution. But it is unlikely that this Congress is going to pass any long-term solutions. Back in 1976 when we were passing new fuel economy standards for automobiles, raising it up to an average of 27½ miles a gallon per automobile, the average automobile as of 1976 still only got 13 miles a gallon, which was the same as it was in 1930.

Now, if we had passed a law 4 or 5 years ago or if we would pass a law this year that says that the average automobile should get 40 miles to the gallon, we are not going to have many problems with oil. That is the crux of our problem. That is where we put most of the oil in our society, right into gasoline tanks. SUVs, trucks, automobiles. They are unbelievably inefficient. But we are not going to pass any fuel economy standards. So as a result, what we are seeing in the Midwest right now is another energy crisis. Prices have spiked up to $1.80, two bucks, $2.20, $2.45. Why? Because there was a pipeline that went out from Texas up to the Midwest. We had a similar kind of unanticipated problem in the Northeast back during the winter. OPEC started raising prices. What was the protection for our American citizens? Nothing. Or the Strategic Petroleum Reserve which if it goes unused is nothing. And it was not used. It should have been.

So we cut a deal in the classic Austin-Boston sense that made this institution work so well for so many years. John McCormick and Sam Rayburn; Tip O'Neill and Jim Wright. We cut a deal earlier this year. For the Texans, what we said is we will give you a guarantee of $15 a barrel for your oil, for your stripper wells, and we will have the oil purchased by the Strategic Petroleum Reserve. In return, the Texans said to those of us up in the Northeast, all of those from the oil States said to those of us up in the Northeast, ''We'll give you the authorization for the construction of a regional home heating oil reserve.'' Austin-Boston, what makes the whole place click.

It is still hung up over in the Senate but the gentleman from Vermont is just asking quite sensibly for $10 million, so that the Department of Energy can have the money to make it work. We have already passed it through the House. So we know that there is plenty of oil in the Strategic Petroleum Reserve. There is nothing in a regional petroleum reserve. We have already passed it through this place. So by working together, we make sure that Texas and Oklahoma and Louisiana, the oil patch, we make sure that the Northeast, and we would make sure if the Midwest needed help that we helped them as well. Because this oil is the blood that ensures that our economy is supplied with the energy that it needs in order to function fully.

What we have seen over and over again is short-term disruptions without adequate supply of the blood of our economy to supplant that which was temporarily cut off. As a result, we have seen catastrophic economic consequences. All that the gentleman from Vermont is asking for is a very small amount of money coming out of an already large Strategic Petroleum Reserve fund which will work to ensure that when, and I am afraid this is going to happen, Mr. Chairman, when the refineries of America in response to the problems in the Midwest that are going on right now have to use more of their refining capacity to produce more gasoline over the next several months to deal with their problem now, they are not going to have enough capacity as a result that they have dedicated to providing for the home heating oil to the Northeast this coming winter.

So their problem today becomes our problem later on this year. We need a regional petroleum reserve. If we do not get one, we will have a mess on our hands in the Northeast. The Congress today has it within its power to give us the money that we need to put in place something that will protect our economy this coming winter because what is happening today to them is happening to us this coming winter. We are all part of one big economic artery system. If we do not take care of each other, then all of us ultimately are going to be harmed.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(On request of Mr. REGULA, and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

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

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

Mr. REGULA. Will the gentleman describe the New York facility? I am a little confused. What is the capacity of this facility in New York Harbor in total barrels? He is talking about buying 2 million barrels and putting it in a reserve. But is that the maximum capacity, or is that just part of it?

Mr. MARKEY. The capacity ultimately is unlimited. We are talking about unused storage facilities all across the Northeast that could be used for these purposes. I would defer to the gentleman from Vermont for the specific figure.

Mr. REGULA. I yield to the gentleman from Vermont.

Mr. SANDERS. To the best of my understanding, there is a 5.75 million barrel capacity in New York Harbor.

Mr. REGULA. Is this a tank farm?

Mr. SANDERS. Amerada Hess.

Mr. MARKEY. Yes, it is a tank farm.

Mr. SANDERS. I am not all that familiar with tank farms. And in Albany, New York, it is my understanding is another close to 3 million barrel capacity, excess capacity.

Mr. REGULA. Am I correct, then, that these facilities are essentially empty now, so they would be available to receive oil?

Mr. SANDERS. I do not know.

Mr. MARKEY. There is sufficient excess capacity in these facilities in order to accommodate the oil. We would probably wind up with the Federal Government leasing part of the facilities that are now controlled by these oil companies in order to accommodate this purpose. We would have to pay them a fee but the oil that was stored in there would then be for the use of the region, Pennsylvania, New Jersey, New York, New England.

Mr. REGULA. The $10 million would be to have the Energy Department go into the market and buy the $10 million worth of oil and put it into storage; is this the objective of the amendment?

Mr. MARKEY. The gentleman is correct.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words. Again I would appeal to my colleagues that when we look across the

country, we find that in recent months, we have spent an enormous amount of energy, the Congress, to provide funds to fight fires in the West. We helped provide flood control for regions that are hit with floods. We worked together to relieve disasters of earthquakes.

What is clear is that there is a pending disaster in the Northeast and our colleagues in this House together can provide a very small amount of resources to make sure that a crisis does not turn deadly. This is not a complicated situation. Using resources made available by the Federal Government, using existing storage capacity, leasing that storage capacity, keeping number 2 heating oil available so that while the free marketplace may be advantaged by a short supply that in a cold snap drives up prices and profits, Government at that point is responding to a crisis that is much more expensive and that may put human lives in danger.

It is a small thing to ask for a region of the country that pays so much in taxes and that has done so much for other regions of the country. We have not turned our backs on the West with earthquakes and fires and droughts. We have not abandoned the South, not just now but for decades. It is our taxpayers that built the utilities that power much of the South and the West. Now in this crisis we need to have some help, not a great deal of help but enough to make sure that our people are not put in danger this coming winter.

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

Mr. Chairman, I rise in strong support of what the gentleman from Vermont and the other Members of the body from the northeastern States are doing here today with this amendment. I want to commend the gentleman from Vermont for his very strong leadership in dealing with this and making certain that we do not let it pass by. The amendment is simple. Without busting the caps, without taking money from other programs, the amendment provides $10 million for a Northeast home heating oil reserve. In the event of a sustained price hike, a healthy reserve can be open then to the market to drive prices back down to affordable and reasonable levels. It is something that we all should support. In fact, this body already has voted to support it and has voted for it overwhelmingly. When the reauthorization of the Strategic Petroleum Reserve legislation passed the House earlier this year, it called for the establishment of a Northeast home heating oil reserve, and that legislation passed by a vote of 416–8. This amendment deserves the same measure of support.

Mr. Chairman, the residual effects of the crisis that we in the Northeast endured last winter are being felt in ripples across the country. The cold weather and the astronomical heating bills, of course, are gone, for the moment but the ongoing shortage of crude oil in this country has rippled into high gasoline prices, and those prices are getting higher. I am hearing this week that in Chicago and other places in the Midwest, we are running into gasoline prices at the tank that are running somewhere in the $2.50 plus range and are expected to go even higher.

□ 1945

There are many steps that we can take to comprehensively address this problem as a whole. Among other things, we should accelerate the development of alternative energy sources and demand greater fuel efficiency from every category and class of vehicles that is used in transportation. Those kinds of long-term measures take a period of time. Right now, we need a better emergency plan.

Winter will be back, and we will have done absolutely nothing, because if we do not do at least this as a starter today, we will have done absolutely nothing, because those long-term measures, which are so obvious and obviously needed for, indeed, our long term and will take a good deal of lead time to implement. So I support this amendment, and I urge my colleagues to do the same.

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

Mr. OLVER. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. OLVER) for his strong support, but just say while my name is on the amendment, the truth of the matter is that all of the Members throughout New England in a bipartisan way have come forward to get the bill authorized in New York and elsewhere, in the Northeast and elsewhere in the country.

So this really has been a joint bipartisan effort, and I thank the gentleman, and I look forward to seeing this amendment pass.

Ms. KAPTUR. Mr. Chairman, during debate on this bill, it had been my fervent hope to offer an amendment to help America address her primary strategic vulnerability, and that is our over dependence on imported foreign oil. Nearly two-thirds of the energy that the U.S. uses is imported, most from the Middle Eastern monarchies that comprise OPEC. They yank a chain around our necks at whim.

Headlines in my local Ohio newspapers tell the story of gas prices soaring; the New York Times this week reported on rising prices coast to coast, some price hikes among the highest in U.S. history.

Yet this bill, which has within its authority the Strategic Petroleum Reserve, does absolutely nothing to remedy the current situation, nor put America on a saner path to the future.

I have been urging the Clinton Administration and the leadership of this Congress to release some of the Reserve to help dampen price hikes here at home. At the same time, my amendment would place more emphasis on promoting renewable biofuels by directing the Departments of Interior and Energy to swap some of the current oil reserves and purchase 300,000,000 gallons of ethanol and 100,000,000 million gallons of biodiesel as a boost to a more self-sufficient future for America. [Amendment]

Biofuels are competitively priced and hold significant promise as one major solution to move America toward energy self sufficiency. Properly administered, swaps of crude oil from the Reserve can yield funds that can then be directed toward biofuels purchases. Further, with the involvement of the Department of Agriculture the biofuels alternative can be shaped to benefit on-farm storage of biofuel inputs and yield income to rural America at a time when it is in deep recession.

Yet, I am being told I cannot offer this amendment Thurs. It has not been made in order. The basic attitude here is more of the same; more of the same. That inertia is not what made America great. Boldness made America great.

Using biofuels to plot a path for cleaner and more renewable energy sources is right for America's energy future. It is right for rural America. It is right for the environment. And it is right for America's national security.

Sadly, this amendment and others have been muzzled by the leadership of this great institution. But the American people will not stand for inertia. At some point, those who block progress will pay the price. Rising gas prices here at home matter a great deal to the American people. Our efforts to plot a more secure energy future will not be diminished by this blocking tactic on this bill. For this primary reason, it is my intention to oppose the legislation, and use every opportunity on succeeding bills to draw the American people's attention to the do-nothing decisions this bill represents.

AMENDMENT OFFERED BY REPRESENTATIVE MARCY KAPTUR TO H.R. 4578, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF INTERIOR AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001

Page 69, Line 10: After ''until expended.'' Add ''*Provided*, That the Secretary of Energy shall annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.''

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Vermont, Mr. SANDERS to provide funding for a Northeast Home Heating Oil Reserve.

Just last winter, our nation, and particularly the Northeast United States suffered a period of extremely cold temperatures. Coupled with the skyrocketing costs of oil, many Americans received a real sticker shock when they had to pay their energy bills.

While only 12 percent of Americans heat their homes with oil, that number rises to 40 percent in NYS and 46 percent in my congressional district.

On average, my constituents who heat their homes with oil told me they saw their fuel bills double overnight. These same people ended up paying more than $1,000 extra just to heat their homes for the winter.

I refer my colleagues to one of my constituents from the Bronx. She tends to her 93-year-old father in the Williamsbridge neighborhood. She saw her bill jump from $246 to $346 in one month.

Or Thomas Donohue of Woodside who saw his monthly energy bill double to $410.000 a month during this past January.

On average, my constituents who use home heating oil witnessed an eye-popping increase of $1,000 to heat their home for just the 3-month period of winter.

This is ludicrous.

While the wealthy could afford this increase and the poor had some of the costs borne by assistance from such worthwhile programs as the Low Income Home Energy Assistance program (LIHEAP); it was the working and middle class, seniors on a fixed income and small businesses that suffered most.

I had a small trucking company in my district tell me that they had to lay off workers because it became to expensive to operate the trucks—it was cheaper to not work at all.

And I heard from far too many seniors who informed me that they had to wear a winter coat in their apartment because they could not afford to keep their homes warm.

Due to this horrible reality, many here in Congress worked in a bipartisan manner to address this crisis.

One solution was to call for the establishment of a home heating oil reserve in the Northeast. Acting somewhat like the Strategic Petroleum Reserve, this home heating oil reserve would serve a storage place for millions of gallons of home heating oil, that could be released to the public in times of crippling high prices—as we saw this past winter.

This would ensure that small business don't have to lay off workers in times of high gas costs; and that seniors do not have to wear their winter coats indoors during the cold winter months.

The President supports the idea of this reserve, as does the Secretary of Energy. The House of Representatives also overwhelmingly supported this idea, included as part of the Energy Policy and Conservation Act, on a vote of 416 to 8.

Unfortunately, the bill we debate today does not include any funding for the creation of this reserve. If created this reserve would help soften the blow of any future price swings and provide much needed assistance to millions of Americans, including many of my constituents by providing a readily available, local, low-cost energy source to make it through the toughest parts of the winter.

Anyone who has ever visited New York City in January knows that heat is not a luxury—it is a necessity. Unfortunately, I had a number of constituents who were forced to view heat as a luxury this past winter after seeing their bills double, and realizing they did not have the money to pay their heating bills.

I had constituents who wore down jackets throughout the day in their homes—this is wrong Mr. Chairman.

Today we have the opportunity to address their situation and I hope that all Members will support the Sanders amendment.

The CHAIRMAN pro tempore (Mr. PEASE.) The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 524, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 524, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from California (Mr. ROYCE);

Amendment No. 28 offered by the gentleman from Vermont (Mr. SANDERS); and

Amendment No. 29 offered by the gentleman from Vermont (Mr. SANDERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. ROYCE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the nos prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was refused.

Mr. REGULA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count for a quorum.

Mr. REGULA. Mr. Chairman, I withdraw my point of order that a quorum is not present.

So the amendment was rejected.

AMENDMENT NO. 28 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 28 offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 29 offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was refused.

Mr. REGULA. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. A quorum is not present.

Pursuant to clause 6 of rule XVIII, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 285]

Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
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
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoeffel
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica

Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

☐ 2010

The CHAIRMAN. Three-hundred-sixty-two Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio (Mr. REGULA) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 195, not voting 47, as follows:

[Roll No. 286]

AYES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bentsen
Berkley
Berman
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Reyes
Reynolds
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Saxton
Schakowsky
Scott
Shays
Sherman
Sherwood
Slaughter
Smith (NJ)
Snyder
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—195

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—47

Barton
Becerra
Bliley
Blumenauer
Boucher
Callahan
Campbell
Cooksey
Costello
Crane
Danner
Engel
Filner
Green (TX)
Greenwood
Hall (OH)
Hinojosa
Hoekstra
Hooley
Jefferson
Kasich
Klink
Lazio
Leach
Lofgren
Martinez
McCollum
McDermott
McIntyre
Moran (VA)
Myrick
Nadler
Oxley
Rangel
Roemer
Roukema
Serrano
Shows
Shuster
Sisisky
Skelton
Spratt
Stark
Toomey
Velazquez
Vento
Wicker

☐ 2022

Mr. ENGLISH and Mr. GEKAS changed their vote from ''aye'' to ''no.''

Mr. MOORE and Mr. CRAMER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DOGGETT. Mr. Chairman, what remedy exists under the rules if six or more Members of the House are standing in the well holding their card asking to be recorded, and a rude and unprofessional Member refuses them the right to vote, under our rules?

The CHAIRMAN. There is no remedy under the rules to reopen the quorum call.

PREFERENTIAL MOTION OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas (Mr. DOGGETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 214, not voting 52, as follows:

[Roll No. 287]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)

Frost
Gejdenson
Gephardt
Gonzalez
Goodling
Gordon
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Scott
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—214

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Ortiz
Ose
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—52

Barr
Barton
Becerra
Bliley
Blumenauer
Boswell
Boucher
Callahan
Campbell
Clement
Cooksey
Costello
Crowley
Danner
Engel
Filner
Forbes
Ganske
Green (TX)
Greenwood
Hinojosa
Hooley
Jefferson
Kilpatrick
Klink
Lazio
Lofgren
Martinez
McCollum
McDermott
McIntyre
Moran (VA)
Nadler
Norwood
Oxley
Radanovich
Rangel
Roemer
Rogan
Salmon
Serrano
Shows
Shuster
Sisisky
Skelton
Smith (MI)
Spratt
Stark
Toomey
Velazquez
Vento
Wicker

□ 2042

Mr. BACA changed his vote from ''aye'' to ''no.''

Mr. SHAYS changed his vote from ''present'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would apologize to Members for failing to notice them in the Chamber attempting to record their presence until after he had announced the result of quorum call No. 285. The Chair mistakenly believed that he had embarked on a subsequent vote and that it was too late to permit Members to record their presence.

The Chair specifically apologizes to the following Members: Mr. BISHOP, Mr. SCARBOROUGH, Mr. DOGGETT, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, and Mr. ABERCROMBIE, and if any other Member feels similarly afflicted, if they would notify the Chair, the Chair would be happy to include them in a subsequent announcement.

□ 2045

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

Mr. Chairman, I would like to say the chairman has been extraordinarily even-handed and polite with all Members and has done an extraordinary job, and I regret that this happened.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. SLAUGHTER) for unanimous consent request.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman from Washington for yielding to me. Mr. Chairman, I would like to add my thanks to the chairman who has done a wonderful job today.

Mr. Chairman, I ask unanimous consent that I be allowed to offer amendments that occur on page 85, line 7 and 21 and on page 86 line 19, notwithstanding the fact that that portion of the bill has not yet been read for amendment.

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

Mr. NETHERCUTT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DICKS. Mr. Chairman, I want to explain to the Members here that we are going to have something happen that, in my 24 years here, is unprecedented. We have had a good working comity with the other side. I have throughout my career tried to work effectively with the Republican side on every piece of legislation that I have ever been involved with.

But just a few hours ago, we won an amendment. The gentlewoman from New York (Ms. SLAUGHTER) won an amendment to take $22 million out of the clean coal deferral account. She wants to then have an amendment to add this $15 million for the National Endowment for the Arts, $5 million for the National Endowment for the Humanities, and $2 million for the Institute of Museums and Library Services.

I am told, and the gentleman from Washington (Mr. NETHERCUTT) has confirmed, that he is going to offer an amendment to take the $22 million and give it to the Indian Health Service. I just wish that we were not $507 million below the President's budget request. I think this is very unfair.

We have offered offsets on all of our amendments here today. This amendment that he is offering is not offset. We have tried to play the game by the rules. But I really regret that we are going down this road, and it is going to make it hard to cooperate on this bill.

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

Mr. Chairman, just to respond to the gentleman from Washington (Mr. DICKS), and I understand his concern and the frustration that he feels, but let me just add if I might that there are differences on both sides as to where the priorities should be in terms of the funding. I would say that, if the gentleman from Washington (Mr. DICKS) wishes and the gentlewoman from New York (Ms. SLAUGHTER) wishes, it is very easy to ask for and have a rollcall and decide that they do not want to put these dollars that have now been taken out, have been reserved, and not put them into Indian Health Service and reserve them for the purpose for which they would like. It is a matter of simply establishing priorities.

Some people feel that if we have these dollars available now in the bill that Indian Health Service should be the first priority.

Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, we asked unanimous consent to present this amendment en bloc so that the House would have a chance to work its will, could have a vote up or down, a vote to

take $22 million of the Clean Coal deferral and give it to these other programs.

Every time the gentlewoman from New York (Ms. SLAUGHTER) stands up to offer that amendment, the side of the gentleman from Arizona objects to it. I just think we are trying to have a spirit of comity here to work with my colleagues on getting these bills passed, and this is not the way to do it.

Mr. KOLBE. Mr. Chairman, reclaiming my time, again, the gentleman from Washington is correct. But the rules of the House do permit somebody to object from considering this en bloc, and that was done. Now we are faced with the issue of trying to decide on the priority, where do we want to place this money. The money has now been reserved, and my colleagues have an option. It does not have to go to Indian Health Service.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, why cannot we have a vote, as we did earlier, to put the money into the National Endowment for the Arts, Humanities and Museum Services, which clearly was the intent of the House when we had this prior vote.

Mr. KOLBE. Mr. Chairman, the gentleman from Washington can have that vote.

Mr. DICKS. Mr. Chairman, it happens that the Indian Health Service comes before the National Endowment.

Mr. KOLBE. That is correct.

Mr. DICKS. So the effort here by the majority, again, is to take the money now in front of it, Mr. Chairman.

Mr. KOLBE. Reclaiming my time.

Mr. DICKS. Mr. Chairman, I think I have got the time, do I not?

Mr. KOLBE. No. The gentleman from Washington yielded back the time. I have got the time.

Mr. DICKS. We are having so much fun.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I understand the frustration of the gentleman from Washington (Mr. DICKS). But the gentleman may now have the opportunity to say that this is of such priority, a highest priority, and ask the House to defeat the motion to place this money in Indian Health Service, and then it would be available.

If that does not occur, when the opportunity arises, when we get to the section about the NEA and NEH in it, the gentlewoman from New York (Ms. SLAUGHTER) or the gentleman from Washington (Mr. DICKS) can offer another amendment and take the money from another place.

Mr. DICKS. But this was not so tactical, Mr. Chairman.

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I thank the gentleman from Arizona for yielding to me. I appreciate that.

If the gentleman from Washington (Mr. NETHERCUTT) were serious about the amendment, he would have an offset. Everybody here had to have an offset today. We offered offsets. There is no offset here. He is taking our offset, the money that we voted on, and using it for this amendment.

Mr. KOLBE. Mr. Chairman, reclaiming my time, and this will be my final comment on this, I would just say that the offset is available at this point. It is now open, and it can be considered. This body can work its will as to whether to place it here or to place it in another location.

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

Mr. Chairman, I just want to put these numbers in perspective so that what is happening here can become transparent.

The gentlewoman from New York (Ms. SLAUGHTER) earlier asked a unanimous consent request so that she could consider all four portions of her amendment at the same time. The Committee on Rules has granted that many times to other Members. They chose not to grant it to her. She renewed her request here on the floor. She made her intention quite known when she offered her original amendment. Her original amendment, the first of four parts, was adopted by the House. Clearly the House expressed an intention to follow through on the Slaughter amendment.

Now we are being asked to believe that the majority party is sincere in offering an amendment to put $22 million from that source into Indian Health.

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

Mr. OBEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I ask the gentleman from Wisconsin, is that the exact amount of the Slaughter amendment?

Mr. OBEY. Yes.

Mr. Chairman, to put that in perspective, the majority party has brought to this floor a bill which cuts the Indian Health Service by $507 million, and we objected to that. We objected to that in our minority views.

Now we are being asked to believe that their effort to put $22 million from a tiny minuscule portion of the amount that they have already cut from the Indian Health Service, and we are asked to believe that that is somehow going to make a wonderful difference in the lives of Native Americans.

It is obvious from the size of the numbers that this is a transparent attempt to block our ability to fund the arts as the gentlewoman from New York (Ms. SLAUGHTER) is trying to do.

We do not want to deny Native Americans every dollar that they need. But when this amendment passes, it must be clearly understood why it is here. It is here procedurally to block us from fulfilling the clearly stated wishes of the House earlier this evening when they adopted the Slaughter amendment.

So the offering of this amendment is simply an effort by the majority party which will be successful in denying the gentlewoman from New York (Ms. SLAUGHTER) the opportunity to complete her amendment. So it ought to be seen for what it is.

After you have done this tonight, do not go home and brag to your folks about how much you care about the arts because it is clearly transparent that you would do anything possible to deny us the ability to raise the amount of funds for that purpose.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,368,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,084,178,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $394,756,000 for contract medical care shall remain available for obligation until September 30, 2002: *Provided further*, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2002: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $228,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2001: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

AMENDMENT OFFERED BY MR. NETHERCUTT

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

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

On page 71, line 24 after the dollar amount insert ''(increased by $22,000,000)''.

Mr. NETHERCUTT. Mr Chairman, this amendment adds $22 million to the Indian Health Service to provide urgently needed medical service to the American Indians and Alaska Natives and to recruit and retain essential medical personnel for the provision of these services.

As a Member who represents several Indian tribes, I have been on my reservations repeatedly to see the decrepit facilities that are currently in existence for Indian Health Services.

I happen to be very involved in the diabetes issue. Alaska Natives and American Indians are 2.8 times as likely to have diagnosed diabetes as non-Hispanic whites of similar age. Nine percent of all American Indians and Alaska Natives 20 years or older have a diagnosis of diabetes. Between 1991 and 1997, the prevalence of diabetes increased to an all major high.

Indian tribes in every single State in which Indian populations reside have terrible health problems, from dental problems to diabetes problems, to heart disease. It is an epidemic in some cases around this country. Diabetes is prevalent among Native Americans, in some cases at a rate of 65 percent of a particular tribe. It is a disgrace.

Anybody who has been on an Indian reservation, whether it is in my State or elsewhere, and looks at the Indian health care facilities is stunned to see how bad they are. This is a good expenditure of $22 million. Goodness knows they need it. It can be used to the benefit of the Indian population, American Indians and Alaskan natives.

Mr. Chairman, I urge my colleagues that this is a good expenditure of money for an account in this bill that is woefully underfunded. The President's budget has been previously terribly underfunded for the Indian populations in this country. We owe them that. We owe them $22 million. Let us serve the needs for diabetes and dental health care and other health care needs of our Indian population.

Mrs. MEEK of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I cannot sit in my seat and hear mendacious statements made concerning American Indians. It is mendacity. It is mendacity because the same gentleman that stood to issue this for American Indians, and there is no one here who has supported them more than I have, but it pains me to see unfairness being done. This is very unfair, Mr. Chairman. The same gentleman who has so nobly stood here tonight and spoke out for the American Indian voted for these cuts in the report that he signed on and voted upon.

This is mendacity, Mr. Chairman. It does not come out right. It is shameful. It is immoral that we should let this go. These Indians need the health care, but did not someone know before now they needed it? Why use the mental gymnastics my colleagues are using to hide the real motive. If my colleagues want to vote down the motion for humanities and the arts, do that.

□ 2100

Be a man. Be a woman. Vote your conscience and vote it down. But don't come back with some kind of gymnastic statement to hide the real motives. This is shameful, and I will stand here and say that.

I have Indians in my district. I have fought hard for Indians, and for all minorities, and for anyone who is underserved. So it does not serve us well tonight, Mr. Chairman, and we should say shame on anybody that votes for this amendment. I think each one of you should go against it and restore what she won in a very honest way, and give the Indians what they need. There is enough money to go around for every Indian Nation.

What's wrong with that? What is wrong with my tax dollars going to help the Indian Nation? Each one of you, even if you do not have Indians in your district, you have a heart and a soul in you, I hope. And some of us have some mental capacity. And if you have it, now is the time to use it, and be sure that you give to the Indians what is due to them.

I stood on this floor once before and I said ''White men speak with a forked tongue.'' Why should you do this? There is no reason for you to do this. I am very shamed by this, Mr. Chairman, and I love everyone on this floor. This is wrong. Democrats, Republicans, Dixiecrats, I do not care what party you are from, you have done the wrong thing here tonight.

If you want to vote her amendment down, vote it down. But if she wins it, give it to her, and then go back and give the Indians what they deserve.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

I rise in strong opposition to this amendment. No, don't clap; I have some other things that aren't so nice to say, too.

I rise in very strong opposition to this amendment. We won fair and square a very tough vote to set aside money so we could provide some increase in funding for the NEA and the NEH and the museum services. We won by a small margin. But for the first time in a long time, this House expressed its support for increasing funding. Now, that is very significant, and we did it under very difficult circumstances, because the amendment actually didn't provide the money to the NEA, it just set money aside to be used later.

Now we find ourselves in the unfortunate situation of someone else using that money for a worthy purpose. I am going to oppose that worthy purpose because that could have been funded in the underlying bill. And, in fact, this money is specifically available because Members on both sides of the aisle thought that it would be used to fund an increase in the National Endowment for the Arts, the National Endowment for the Humanities and the museum services.

However, one of the problems we are running into, and this is very serious, is that I cannot count on the votes of my Democrat colleagues for the bill if Republicans join you in a motion to recommit on the arts. Now, if 40 of you will come forward and tell me that if the arts money passes on the motion to recommit you'll vote for the bill, we can have NEA funding. But because I can't count on that, and I don't know, maybe by the time we get there we'll be able to do that, but for this moment I am making this bill an issue for the arts.

And I will call for a recorded vote. It will put some people on both sides of the aisle in an awkward position to choose between funding for Indian health and funding for the arts. But on the motion to recommit, I can certainly not urge my Members to vote for your motion to recommit if your Members have not signed in blood that they will vote for the bill if we get the money.

So that is just the reality, folks. Life's tough. We passed it once, we need to pass it again. We need to win this vote again, to reject this amendment, so that we can use this money for the arts as we intended to. Then you're going to have to help pass the bill. Because those who oppose the arts money won't vote for it. And if you don't, we still won't have money for the arts. So you can't have it both ways.

I have voted for many bills on this House floor because I got some key breakthrough in it. And if we get this arts money through this vote and another vote, that will be a key breakthrough. But we cannot pass the final bill without those arts supporters voting for it, warts and all. A lot of warts will come off in conference. But in conference we will gets arts money if we stick to our guns. But that means voting this amendment down, voting the arts amendment up, and voting for the bill, regardless of what is in it other than the arts money.

Life's tough. If you're for the arts, you'll do it. If you're not for the arts, you'll vote for some of the amendments and not all.

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

I would like to bring a little reality back to the debate. If you would follow the logic of the gentlewoman, then the only issue that we should be concerned about in this bill is the arts. We care about the arts, we care about the humanities, we also care about the Native Americans, we care about America's national parks, we care about America's national forests, we care about America's energy resources, and we recognize, in contrast to you that we have an obligation on all of those fronts to meet national needs and human needs.

To follow the course suggested by the gentlewoman would have us acquiesce in the fact that only 1 month after this House posed for political holy pictures and said that they wanted to spend $900 million on public land acquisition, they bring forth a bill that has only $164 million to do that. Do you really believe that's sincere? Ha.

Look at the national parks and refuges; $100 billion below last year. Take a look at the Forest Service; $96 million below. Do you really believe we ought to go home and explain those cuts? You just had people stand here and tell us we needed more lumber for housing; you had people stand here and tell us how much you loved the land. Now you're asking us to swallow a bill with these reductions?

If you want to provide a bill which meets our responsibilities, instead of making us choose between saying no to the arts and no to Native Americans, say no to your rich friends. Be willing to sweat a little about your campaign contributions and instead say, no, we're not going to give $200 billion in tax cuts to the 400 richest people in this country.

And don't require, as a price for passing a minimum wage bill that gives $11 billion in benefits to the poorest workers in this society, don't require a legislative extortion which in return makes this Congress also give $90 billion in tax relief to people who make over $300,000 a year. If you want middle-class tax relief, yes! You want to use middle-class tax relief as a Trojan horse to reward your rich friends; sorry, count us out!

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

Mr. Chairman, I heard earlier from another Member that we were going to attempt to inject a little reality into the debate. The preceding attempt was in vain, so let me do it for us assembled here tonight.

My colleagues, there are differences of opinion honestly held. But I would caution us all not to become so obsessed with process that we fail to deal with the issue at hand. The reality is the gentleman from Washington has offered an amendment that I think is all together proper and one that we should all support because it adds greatly needed funds in an area where the need is acute: $24 million for the—I am sorry, $2 million—$22 million, forgive me, I stand corrected, and I thank my colleagues for that really unprecedented bipartisan cooperation to get the numbers right here tonight, $22 million to help Americans who have been ravaged by a horrible disease.

That is the question. Not the other process, not the alleged road map of intrigue. This is the simple question, an up or down question on helping these Americans.

Now, something else important to remember with reference to Indian Health Service budgeting and what has been appropriated. We have, in fact, added $30 million to that process. But this is a House where we do take into account different priorities and differences of opinion honestly held, so I will resist the temptation to go into a barn burner and just point out the facts. Twenty-two million dollars to Indian health services for the most vulnerable Americans, the most vulnerable to diabetes, the first Americans, who are too often the forgotten Americans, I think, is all together proper.

And those who want to impugn others with political intrigue can do so. And some have said in this Chamber that life is tough. But I think all of us, regardless of our party affiliation or political dispensation can stand here in good conscience and cast an ''aye'' vote because it is the right thing to do for the people who need the help.

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

Mr. Chairman, despite the fact that most of us would rather be home right now, life isn't really very tough for us. Tough is not choosing whether you're going to underfund one group or underfund another. Tough is being in the groups that are underfunded.

We have it, after all, relatively easy. The people who have it tough are the struggling artists who could use some extra funds so they can make a creative contribution, or the Indian children who are being underfunded. And what is striking about this debate is the implicit acknowledgment that the Republican Party's budget is wholly inadequate to the moral needs of a great Nation. What we have is a dispute, including an intramural Republican dispute, about who among worthy people are we going to hurt the worst.

Yes, it is a terrible situation, and people will decide differently as to who they are going to stiff. But let's be very clear. We are in this situation where we have to choose. And people have said Indian health is woefully underfunded, and if we pass the gentleman's amendment it will be woefully underfunded plus 1 percent or 2 percent. People are admitting that the Republican budget gravely underfunds Indian health. Many of us believe it underfunds a number of other things.

There's virtual unanimity in this place that we don't have enough money to go around. Why? The economy is doing well. Revenues are coming in at a greater than expected pace. The problem is we have this philosophical commitment that holds amongst some Republicans that says government is bad. The problem is that while government is bad, virtually all of the components that make up government are pretty good. And that's why you're in this bind. Everybody wants to take credits for supporting the individual components.

Clean coal research. A lot of people want to do that, and they are upset it is getting cut back.

The arts. Indian health. There are virtually no programs in this entire budget, in this entire appropriation, that anyone denounces.

We have this terrible paradox. You know what your problem is? You have

a whole that is smaller than the sum of your parts. You have the entity that you despise, government; but it's made up of a lot of components that you like. So you do two things, you pass a budget that puts too little money into the pot and then we fight about trying to get these inadequate things out of the pot.

What this debate confirms is the inadequacy of the budget. And the gentlewoman from Connecticut, and I admire her courage in getting up as she did, but I have two differences with her. First of all, she says, well, a lot of warts will come out in conference.

□ 2115

Let me translate that. In the conference, thanks to the intervention of the President of the United States, pretending that the budget they are trying to operate under makes any sense at all will stop, the pretense of that grave mistake we made in 1997. And let me not be that generous. I did not make it. I voted against that budget in 1997. We have been lying about it and cheating on it and avoiding it and evading it and denouncing it ever since. But it is still there.

So what we are being told is vote for an appropriations bill which is admittedly inadequate, vote for an appropriations bill that has too little money for all of these important purposes, but vote for it if we can get a couple more nickels in the arts because in conference it will be made better.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I just want to get the record on the 1997 deal.

This administration has cut Medicare more than the 1997 budget required.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I agree. The gentlewoman has said that the President has also cut Medicare. And I will say for this purpose, a plague on both the Houses.

Yes, the President was wrong and they were wrong. And if they take some comfort that the President was in this regard wronger than them, they are entitled to it. But they were both wrong, and some of us told them so at the time.

They collaborated in cutting Medicare to an unreasonable level, and they also collaborated in putting caps on the budget.

The gentlewoman is the one who got up and said, vote for this budget, warts and all, i.e., vote for this inadequate, underfunded budget. Because in conference we will not be bound by the pretense of what we did in 1997 made any sense. But they are still hobbled by this philosophical commitment to hating government in general, even though on program after program after program they want to improve government in the particular.

It does not work, and that is why we are in this terrible bind.

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

Ladies and gentlemen, time is drawing late tonight. I think we have heard a great deal of debate about the role of government and how much money we should spend and whether we are going to balance the budget or we should not balance the budget. But, quite frankly, that is what the process is.

If you look at the history of this immediate amendment, some folks on this side of the aisle voted for that amendment to cut because they really believed it should not have more money going in to coal research. And some people voted for it because they believe there should be money in coal research. That was the issue. And that issue cut a certain amount of money. And that is open for debate on whether we should add it to other things.

Now, we have had a lot of debate. We can stand here tonight and pontificate, and we can posture and we can go well into the wee hours of the morning. There are no flights out of here. It is raining outside. And we can have a great old time, just a donnybrook.

But if we want to get the job done that the American people send us here to do, we can carry on a civil debate, we can discuss the merits of it, we can vote on these issues. I think everybody knows where they are, whether they are for it or against it. I am not sure how many people are getting their minds changed in this great debate. But let us go forward, and let us get our work done. Let us carry through on what you feel strongly about and what these folks feel strongly about. Let us do our work, and I ask that we move forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise against the amendment.

Mr. Chairman, in most of my public life, I have been involved in the health care of Indians both in the Congress and before I came here. And it is rather sad to stand here tonight and tell my colleagues the status of health care of Indians in this country.

When we compare them to all the races in the United States, the Indian people suffer a death rate that is 627 times higher from alcoholism, 533 times higher from tuberculosis, 249 percent higher from diabetes, 71 percent higher from pneumonia and influenza. It is the saddest state of health care that we have in the United States. There is no other population that compares to this.

But do my colleagues know what they should not do to people who suffer from these health care problems, to people who have a death rate that is 627 percent higher from alcoholism, 533 percent higher from tuberculosis, 249 percent higher from diabetes, and 71 percent higher from pneumonia and influenza? They should not take those people and use them as a political pawn. They should not do it. They simply should not do it.

They did not have the courage of their newfound convictions to put full funding for them in the budget or to even put this $22 million in the budget. But here tonight, in their crusade against the arts and the humanities, they are prepared to enlist the Native Americans of this country, the grand tribes of the grand nations, and to use them for cannon fodder in their crusade against the arts.

I ask my colleagues to think about a community they might come from where they have a 627 percent higher death rate from alcoholism than everywhere else in the Nation and think about if what they would do to those people is to use them.

In a terribly cynical, cynical approach to deny the arts their money, the gentlewoman from New York (Ms. Slaughter) her amendment, and the due process in this House, I do not think we should do this.

It is tempting; it is exciting to put one over on the Democrats. We get one up. We get back to where we were. But in the end, we have used these people.

I sit on the Committee on Resources. I sat there my entire time in Congress. And when we built the great water projects of the western United States, they always had an Indian component in it, water was going to go to the Indians, Central Arizona project. Up there in the Dakotas, water is going to go to the Indians.

Do my colleagues know what? Thirty, 40, 50 years later, the Indians are still waiting for the water, folks, but the white folks all got their water. They are still waiting for the water in Arizona. They are in court. Of course, they have to go to court to get their water, they cannot get it in Congress.

Quinten Burdick, the last thing he did was come to me and said, can we strike a deal to finally give the water to the Indians? We flooded their lands 30 years ago.

Time and again we have marched out the Indians of this country from the Indian nations and used them for political purposes. Tonight we march out the most unfortunate, those who suffer from these kinds of health care problems. And my colleagues have not found it in their heart in the last 6 years to deal with them. Budgets below the President.

The President has not done a great job, either. But let us not suggest that this is the answer. Put the politics aside. Recognize that they lost an amendment earlier today. Recognize that there may be, the bill has got a long way to go, there may be in fact money for the arts. I do not know whether there will be or not. But let us not do this to the Indian nations of this country.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to point out that last year we put $150 million for Indian health, more

than the President requested. Now this year he got some religion. But in the 6 years that we have been funding the Interior bill, the amount of money committed to Indian health has been substantially more than the previous 6 years under the Democrat control.

So let us not denigrate our efforts on behalf of the Indians.

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate that. Let me say to the gentleman that that debate between him and the President, this President, or any President, between the Committee on Appropriations, and any administration is an honest debate. That is about priorities.

This is not about a priority. This is about a political trick. Fortunately, the chairman is not engaged in it. And we appreciate that.

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

Mr. Chairman, it seems to me we have heard very sincere remarks on both sides of the aisle. I would like to suggest something that might solve this problem. And there is no reason there cannot be a new rule of the House.

One thing is that any amendment that gets a majority vote in the House and needs to be funded, I would suggest that we have a section at the end of the bill and that we permit in conference, because we know the Senate will come in with a higher mark generally on this bill, and we would work that out with them, with us and our own conferees; and they would have a mandate of the House of the majority on whether it be Indian health, arts, whatever.

It seems to me, and I have checked it with the parliamentarian and they have said, well, that could be seen as violating the rule of legislating on an appropriations bill. We do it all the time. We go through the Committee on Rules. There is no reason, by unanimous consent, that we could not do that tonight to solve this problem.

I would suggest, Mr. Chairman, that the Chair rule on that and see if we could solve that. That would solve a lot of problems, get away from the partisan diatribes, and get to the people's feelings, which have been well expressed on both sides of the aisle.

Would the chairman rule on that if that is possible?

The CHAIRMAN. The Chair is not going to rule in anticipation of an amendment that has not been offered.

Mr. HORN. Mr. Chairman, if we write it out, will the Chair be inclined to accept it?

The CHAIRMAN. The Chair, being neither clairvoyant nor anything close, cannot rule in anticipation of something that has not happened yet.

Mr. HORN. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I will first try a unanimous consent request to deliver on the previous gentleman's intent.

I would make a unanimous consent request that we fund the arts, the additional amount which was passed in the previous vote, and that we increase funding for Indian health by the amount proposed by the gentleman from Washington (Mr. NETHERCUTT). I make that as a unanimous consent request in the spirit of the gentleman who just rose.

The CHAIRMAN. The Chair is not able to entertain that unanimous consent request because it is not in the form of an amendment.

Mr. DEFAZIO. Mr. Chairman, I would hope it would be offered as an amendment and hope that, if there is sincerity on both sides, that that is where we will end up.

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

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman could ask the gentleman from Washington (Mr. NETHERCUTT) if he would, by unanimous consent, amend his amendment to cover both these issues, which would cover the intent of that; and the gentleman from Washington could amend his amendment.

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

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I cannot do that. Because there is $22 million dollars to deal with; and I made an amendment, and I want a ruling on this amendment.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, then, we would hope that wiser heads can prevail and the ranking member and the chairman can work on this as I speak and as others speak, because I think there will be a number of speeches.

There are few Members in this House who represent more tribes than I do. And we have heard a great deal, wonderfully, in the last few moments for the first time, I think, in my career on the floor of the House about concern for the condition of the Indian people and their health and their well-being. And that is wonderful.

And I will admit that the Clinton administration has not been a tremendous advocate in these areas. And the gentleman has done a good job. But there is a different situation before us tonight.

For whatever reason, the administration is now advocating significant increases, perhaps seeing the past problems and understanding better the problems of the Indian people. I have not seen that concern reflected in either the Republican budget, which passed the House, the subcommittee budget, which passed in the Committee on Appropriations, the full committee budget, or the consideration before us here tonight.

We are talking now about 4 percent, 4 percent, I would say to the gentleman from Washington State (Mr. NETHERCUTT) of the increase proposed by the President.

How many additional doctors, doctors' visits, nurses, nurse practitioners, treatments for persistent TB, treatments for alcoholism, very expensive, how much can we pay for with a 4 percent increase? A pathetic amount. Yes, we might help a few. But the needs are greater. The needs are much greater. And I have not seen that concern before here. I am pleased to see it tonight.

□ 2130

But I am discouraged to see it being used in an attempt to thwart money for the arts, that won fair and square in a tough vote that was held for 25 minutes on the floor of the House while the whip and others on that side attempted to twist arms because a very strong political base on that side opposes the National Endowment for the Arts and the National Endowment for the Humanities. You lost the vote fair and square. It is not a lot of money in the context of this bill. We could do better than $22 million, I believe, for the American Indian people. And we can do at least as well as the vote which prevailed by the gentlewoman from New York with great persistence.

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

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. NETHERCUTT. I just want to assure the gentleman that I am one who increased NEH in conference last year, and perhaps the way to handle this is to deal with it in conference when we have a chance to analyze how much money there is and is not and have a chance to work through it.

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

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

Mr. OBEY. That is the same stale song we have heard from that side on every bill. What they are saying is, ''This is only the second step. We know these bills are inadequate, but somebody else will make them responsible down the line.'' That is, in my view, a very poor recommendation to go to the public with and ask to be returned to this body.

Mr. DEFAZIO. I thank the gentleman. In reclaiming my time, this is truly a serious issue. Again, I would hope that perhaps cooler heads can prevail, and they can find other offsets in the bill. I hope we could find $100 million for Indian health and that we could find the minimum amount that the gentlewoman already gained for the arts and humanities.

The arts and humanities are important. They are important to us as a culture, as a Nation. They are important to kids who drop out of school. They are important to people to enrich their lives.

And health is vitally important for people to be able to enjoy some of those cultural privileges of their own culture, of the culture that might be provided in the amendment by the gentlewoman from New York.

I am just bemused. I am saddened, and I am hopeful that we can somehow come to an accommodation of both needs in this bill. I think the money is there.

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

Mr. Chairman, the amendments that were offered today were offered on behalf of the Arts Caucus of the House of Representatives, a bipartisan group. One of the things that helped us win this afternoon were the 25 votes of the Republican Members for which I am extraordinarily grateful. I thank my cochair, the gentleman from California (Mr. HORN), for the hard work that he has done and the gentlewoman from Connecticut (Mrs. JOHNSON) for her tenacious fight to try to do something here. I am certainly grateful to all the people over here on my side who saw to it that we got that victory this afternoon and I thank them.

I cannot tell my colleagues how sad this makes me. I am used to not doing very well on this subject. I appreciate that there are lots of things I could come up with every year that might please the crowd. I have always tried, the 14 years I have been here, to deal with you as honestly and frankly as I can. I have been persuaded over the years of the great benefit that these three programs do to the people of the United States.

We are asking not for us. We get to go see To Kill a Mockingbird. We get invited to all the good things. I am talking about all the other people out there, the people we represent, who will line up to get to a performance when a play comes to town, and who will struggle to make sure that their children are associated with the arts in school.

I appreciate again what everybody does. This is the first year, frankly, that we have been able not to just try to keep it alive. People were elected here, I understand that, to kill the NEA for some reason. It was like the Holy Grail. This little agency, when I came here I think it had $178 million worth of budget. It is down to $98 million. It will probably never rise again. Who knows? But it seems to loom so large in people's minds and in a way that I think is totally wrong.

The agency has transformed itself in every way the Congress has asked. Its leadership has been extraordinary. Members of the House sit on the advisory committee. There is not a single soul in this House that could not go back to their district and point with great pride what little bits of seed money that came to them from the National Endowment for the Arts made them be able to build things in their own communities of which they could be proud.

This amount of money that we have here would have done a lot for them. I do not know how many little regional theaters may go dark now because we cannot fund the arts in this country. We should understand that we fund it cheaper than any other country on the face of the Earth. I do not know how many children may not ever be able to see an artist perform.

I remember an artist who told me one day that her father and mother had scrounged up enough money to take her to see the Music Man, and that she had never seen anything like it in her life. She said to herself, ''That's exactly what I want to do.'' She did it. She grew up, and she remembered what that meant to her as a very young person. And now Mary Steenburgen tells us that every time before she goes on stage, she reaches down to take that imaginary little girl by the hand and says, ''Let's go out and do our best tonight, Mary. There may be children here.''

In my own district, a young man who won the Arts Caucus program here so that he could hang some art down in the tunnel, he was 17 or so, and was severely troubled. We could not find him to tell him that he had won. He had left home. He had dropped out of school. But my staff in Rochester persisted. They finally found him. They said, ''Look. You've got to go to Washington. You've got to go for this celebration and see how they hang this picture and how it says something in the State of New York that you have been chosen.'' He did. We gave him an enormous good time.

The next time I saw that young man was at a meeting again trying to keep the foundation of the arts alive. He said to me, ''I am now a student at Pratt. There was something about that validation of hanging in the Capitol of the United States of America that made me think, by George, I may be worth something.'' It completely turned him around.

I saw little children in Harlem learning to dance at the age of 3. They were so cute you could hardly believe it. You wanted to hug and squeeze them, but they were not there for that. They were there to learn discipline and to learn dance. We know what this does to the human spirit. The National Endowment for the Humanities explains to us all the time and to everybody else who we are, who we were, where we are going, where we have been, and that is important, because we do not want to be the only society, do we, that only leaves behind their Styrofoam?

I know that we are not going to win this battle here tonight. So, Mr. NETHERCUTT and Mr. REGULA, take your $22 million, because, as I said, it has been said here before and much better than I, I do not believe this amendment was intended to help the Indians. I believe this amendment was intended to use them. So take it. I hope that it will be of some help to them. And these little agencies will limp along, and we will try again next year.

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

Mr. Chairman, I yield to the gentleman from Washington.

Mr. NETHERCUTT. I thank the gentleman from Arizona for yielding.

Mr. Chairman, I will be the first to commend the gentlewoman for her wonderful speech and her wonderful remarks and her heartfelt feelings about the arts in this country. I have many of the same feelings despite what this amendment may mean to her. And I know all of us feel passionately about how to spend the taxpayer dollars. It is tough. We are in the majority. We have to make this budget fit together.

There was a comment earlier about how much money we spend on Indian health care. We are $30 million of an increase from last year. It could be $500 million that we need to spend. I would spend it gladly. This House has been energized by the idea that Indian health is a problem in this country.

I will respect the gentlewoman's feelings about having kids see the arts. I am a dad. I know. But I also feel passionately that as I see little Indian kids suffering, and I mean this, I have spoken at diabetes health care conferences for Indian health in San Diego and elsewhere in this country. It is a dramatic problem. If we were all king and queens, we could wish more money everywhere. But we cannot.

So my sense is this: There is $22 million I think that Indian health care kids and families would benefit from. That is a priority of mine. I voted for the National Endowment for the Arts allocation in this country. We are dealt the hand we are dealt. We have to make this budget fall together. We want to pay down this national debt. We want to save Social Security. Our defense condition is in trouble right now. So we cannot do it all.

This, I believe, is a better expenditure of money. When you look at the relative value, I think this is a better expenditure. That is my view. The gentleman from Wisconsin (Mr. OBEY) has a different view. The gentlewoman from New York (Ms. SLAUGHTER) has a different view. The gentleman from Washington (Mr. DICKS) feels differently. So does the gentleman from Arizona (Mr. KOLBE). God bless us. That is the way we are able to be in this House. We make judgments, and we make our best judgments. But I hate to have you all ascribe bad motives to us or trickery or fooling with the system. I really feel this is the best expenditure. That is why I offered the amendment. I reject anybody who says that there is any other motive. This is my best judgment based on the people that I represent and the needs that I see out in this country.

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

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

Mr. OBEY. I would just ask this of the gentleman from Washington. If it is true that his heart is so concerned about the plight of our Native Americans, then why did he not offer his amendment in committee when it would not be used as an effort to cut

off the effort of the gentlewoman? And why did he then vote for a bill which cut Indian health services by over $500 million?

Mr. NETHERCUTT. Mr. Chairman, I respect the gentleman from Wisconsin (Mr. OBEY) greatly. He is a good person, but he does not need to do this with respect to impugning my motives. When we did not have $22 million in this account when we were voting on it in the committee. And my friend knows it. There is $22 million sitting here. I have made my best judgment as to how it can be spent. If we would have been sitting in the committee, I probably would have put it with diabetes research. That is one of my great things. Or defense spending. Or education spending.

Mr. OBEY. Why did you vote for the cut?

Mr. NETHERCUTT. Again, I voted for a $30 million increase from last year. I did not vote for a cut. The President's budget has been lower for years. He comes up higher this year, and you say it is a cut.

Mr. OBEY. You voted to cut the President's budget by $500 million. You voted for that.

Mr. KOLBE. Mr. Chairman, reclaiming my time, let me just reiterate something that I said this afternoon on the floor, and I have been, and I think some in this body know and certainly those that I have talked to in my State know that I have been a strong supporter of the arts for a number of years and I believe very passionately in it. And I believe that there is a Federal role.

I regret that we are finding ourselves in the position where we are pitting one priority against another. But the Federal budget is not limitless. There are limits. We must establish priorities. That is really what we are about doing here this evening. I believe that there will be additional dollars in the conference for the arts, but I believe that at this moment that it is not the appropriate time to do it because it will not help us pass this bill.

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

Mr. Chairman, we have heard a debate on this floor this evening that should make us all question why we are in this place and what we care about. I cannot help but ask myself, are we to take the gentleman from Washington seriously? This is the same man who supported term limits and has now reversed himself. We are asked to believe that this is about good public policy.

Well, it is not. This is about politics. This is not about an attempt to help the Indians. This is simply to provide political cover. This amendment adds a mere $20 million to an account that the Republicans already cut by $200 million. Native Americans are among the most impoverished people in the United States. Thirty percent of Native Americans are living below the poverty line.

□ 2145

Native Americans suffer disproportionately high rates of diabetes, cancer, heart disease, and substance abuse. Half of the roads and bridges on Indian reservations are in a serious state of disrepair. The unemployment rate among Native Americans is over 50 percent, and one-third of Native American children do not graduate from high school.

Despite the pressing needs of our Nation's first people, the funding in this bill for the Bureau of Indian Affairs is $320 million below the budget request submitted by the President. This bill cut funding for the housing improvement program by $7 million below the fiscal year 2000 level and provided no funds whatsoever for new housing construction.

The bill also cut funding for school construction, $13 million below the fiscal year 2000 level and $180 million below the President's request. Funding for the Indian Health Service is an appalling $200 million below the President's request.

The American economy is extraordinarily healthy today. However, the people who live on Indian reservations are some of the poorest people in our Nation. They desperately need funding for health care, education, school construction, housing and economic development.

This amendment that we are confronted with, in light of what has already taken place in H.R. 4478 the Interior Appropriations Act, is appalling. I do not believe that any Member of this House could comfortably support this amendment and comfortably even support this bill knowing how this can be viewed by our voting public.

The results of this can only be thought of as cynical. I would ask us all to oppose the amendment.

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KOLBE. Mr. Chairman, my parliamentary inquiry is to inquire of the Chair whether the remarks of the previous speaker in ascribing motives to another Member are appropriate.

The CHAIRMAN. The Chair will not rule on that specific instance in the context of a parliamentary inquiry.

The Chair would announce, however, and remind Members that by directing remarks in debate to the Chair, and not one another in the second person, Members may better avoid personal tensions during the debate.

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

Mr. Chairman, I rise tonight to talk about, I guess, the issue that has plugged up the House with a great deal of rhetoric; to give my perspective on the issue of the arts and the issue of health care for Native Americans and the issue that the gentlewoman from New York (Ms. SLAUGHTER) won earlier in the day; also to say that the gentleman from Washington (Mr. NETHERCUTT) is one of the finest Americans and Members of Congress I have ever met. And he will always have my undying respect, as do most Members on both sides of the aisle. We all represent the finest that America has to offer.

The gentlewoman from New York (Ms. SLAUGHTER) offered an amendment earlier today in anticipation of raising, putting aside $22 million for the arts, for the humanities, for the museums, of which most of us agree with.

I have voted in favor of those kinds of amendments in the past. I am fundamentally in support of that type of culture, because I think it brings to the human being the kind of thought process, creativity, sensitivity, intellectual understanding that is necessary and can only come from the arts.

Now, I voted earlier today against the gentlewoman from New York (Ms. SLAUGHTER), and I did not vote against the gentlewoman from New York (Ms. SLAUGHTER) because I was against the arts. I voted against the gentlewoman from New York (Ms. SLAUGHTER) because I also truly believe in certain environmental issues, and one of those is to understand the nature of coal or how we can improve the burning of coal through clean coal technology. That is the reason I voted against the Slaughter amendment, not because I am against the arts.

Now, we are in a democratic process where there are all kinds of things going on. We basically, though, fundamentally have an exchange of information on this House floor and somewhat a sense of tolerance for a different opinion by somebody else, and then we vote. And Oliver Wendell Holmes said about 100 years ago, the Chief Justice of the Supreme Court, that the Constitution was made for people with fundamentally differing views. And so that is what we have here.

Now, when this comes up for a vote, and if it does come up for a vote, I truly believe in the arts; I bring those kids here every year with their painting. And we have a marvelous time, and they are hung in the Capitol.

My daughter, and I am very proud, won the art purchase award for our home county, which is the highest award you can get. And she is going to college this year to major in art and music. And the joy she brings in our family and the other people in the county is marvelous.

But I also truly believe in my heart whenever there is an opportunity out there that I grab ahold of an opportunity and the gentleman from Washington (Mr. NETHERCUTT) wants $22 million in Indian health care that was not there before, I am going to vote for that, not because I am against the arts.

The arts are beautiful. Just listen to William Blake, to see a world in the

grain of sand, heaven in a wild flower, holding infinity in the palm of your hand and eternity in an hour. That was the theme for the arts caucus from the first congressional district of Maryland. And we gotten marvelous entries.

But there is desperate need in Indian health care; and so I am personally voting for that, because it just happens I have an opportunity to increase that money for health care.

There are many people on both sides of the aisle that are struggling with this vote, not for political advantage, but for a real heart-felt sincere understanding about what is best to do at any one given moment.

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

Mr. Chairman, I doubt seriously if there are very many people in this House who do not recognize the insincerity and the cynicism that underlies this amendment. If it had been true that there was a genuine concern——

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Mr. Chairman, I am concerned about the insinuation of this. What is the direction of the Chair in terms of words being appropriate? I am trying, Mr. Chairman, if you will indulge me, and the House will, I am trying not to go to have the gentleman's words taken down, but I would like my friend from New York (Mr. HINCHEY) maybe to rethink what he says.

Mr. Chairman, is it not true there have been three opportunities to have words struck down tonight, and is it true that if I was looking for an opportunity, this might be one; but is it not also true that the gentleman from New York (Mr. HINCHEY) may want to rethink what he just said to avoid us from going there?

The CHAIRMAN. The Chair will not rule on that. The Chair would ask the gentleman to proceed in order, and the time is now controlled by the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, the gentleman from New York (Mr. HINCHEY), who I served with on the committee and have great respect for, I would ask in terms of just a good relationship here tonight that you may rethink what you had just said, because I am not sure that you meant it the way we may have heard it.

Mr. HINCHEY. Mr. Chairman, I am very interested in a good relationship. Reclaiming my time, I am very interested in maintaining good relationships. I am very interested in maintaining comity. I am very interested in maintaining respect. I am also very interested in maintaining respect for the work of our Members of the House.

And I mean no personal attack in any way on the gentleman who offered the amendment. However, I believe that there is an insincere result that comes about as a result of it. If there had been a sincere interest in addressing the obvious needs, health care needs of Native Americans, then that attempt could have been made during the full committee. The gentleman is a member of the subcommittee. It could have been made during the subcommittee; it was not.

If there had been a sincere interest in addressing the needs of Native Americans in terms of their health care, that could have been done during the full committee by the gentleman who offered this amendment; it was not. If there had been a sincere concern for the legitimate health care needs of Native Americans, this amendment that we have now could have come before us in the context of this debate which has been going on for some time, and a great many others who have offered amendments have found offsets for those amendments.

In fact, every single amendment that came from this side of the House had an offset to it. It does not take a great deal of ingenuity to find offsets for your amendments if you sincerely wish to find them outside of attacking the work that others have done before you.

We had here earlier today an honest, sincere, heartfelt debate on an important issue. As a result of that debate, this House decided to provide 22 million additional dollars for the National Endowment for the Arts, the National Endowment for the Humanities, and for Museums around the country.

I believe that the Members of this House did so sincerely because they recognized the value of NEA, NEH, and museums. They recognized their value particularly as educational vehicles and as the harbors of culture within our society.

And I believe the Members of this House, the majority of them wanted to do everything they could within the confines of a very restricted budget, artificially so, I might add, but, nevertheless, restricted budget, to do whatever they could to enhance the arts, the humanities, and museums.

That issue was debated sincerely, aggressively, intelligently, enthusiastically; and in the final result $22 million went for the arts, humanities, and museums.

Now, at this late hour, we have an attempt to take that victory, not only from the Members of the House who voted for it, but from all the millions of Americans who will benefit as a result of that additional funding for these worthy subjects, and to do it in a way that I believe does dishonor to this House.

It is one thing to stand here and fight for the things that you believe in. We all do that. It is another thing to do it in a way that undercuts and undermines the success of others in the context of what goes on here in these debates, and I believe that is what we are witnessing.

Yes, I think that there is an element of cynicism that comes about as a result of this action that is proposed for us to take at this moment. I think that there is an element of insincerity that reeks in this House as a result of the effort that has been placed before us which we are being asked to embrace.

And I think it would be a serious mistake for the comity that we all seek, for the good judgment that we reach for, that the good relations that we hope to maintain, and the good results above all that we hope to achieve as a result of these debates. I would hope that the gentleman would recognize some of this and that he would withdraw the amendment.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words. I seldom, rise on the floor. It bothers me tonight that I see on both sides that we are questioning the motive of our members and hear words that are being used about our Native Americans. Yes, I am from Oklahoma, basically meaning the home of the red man; Oklahoma, the State that has 22 percent of all Native Americans in this country.

□ 2200

I grew up with the Choctaw Indians in dirt-poor poverty. I was the only non-Indian on the baseball team. I was the minority but did not know it. All the rest of them were Native Americans. I gave eulogies at several of my Native American classmates' funerals, so please do not question the motive of people.

I have witnessed alcoholism among my Native Americans and their families. I was raised with them. Do not judge the motives of people.

Yes, this budget is probably short in total dollars. There could be a lot more done. But right now as we stand before you we must make a decision on this amendment. I was not in appropriations. The amendment before us basically is whether we use $22 million for Indian health service. As my colleague the gentleman from Oklahoma (Mr. LARGENT) said, in Oklahoma we have the smallest percentage of Indian health service funds for our Native American families.

I cannot undo the things of the past, but as I stand in front of you, I have got an adopted Native American daughter. I have three Native American grandchildren whom I would rather have in my arms tonight than being here listening to this kind of debate.

Let us not question others' integrity or whether we are sincere or not sincere. We have an amendment before us. Let us address that amendment and move forward.

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

Mr. Chairman, for 36 years now as a lawmaker, 12 years in the Michigan legislature, 24 years here, and for 6 years in the Roman Catholic seminary where I worked with Indians, I have been working for all those years for justice for Indians.

My father, who was raised among Indians near Traverse City, Michigan, always told me that the Indians have been treated unfairly, and they were the people with the poorest health around Traverse City. Their land had been stolen from them, all their land. I was determined when I entered the State legislature in 1964 in Michigan to do something for the Indians, and I have worked very closely with people on both sides of the aisle to do that.

Mr. Chairman, I have worked with people on both sides of the aisle to bring justice for Indians, and I have always hoped that before I shuffle off from this mortal coil to meet my judge, that I will have moved somewhere towards that justice, and I have taken some tough votes through the years to do that.

There are some people who would take money from the arts to give to the Indian Health Service, but some of those same people, and this is what troubles me, have voted for over $200 billion worth of tax cuts. I voted against those tax cuts, and I got criticized back home for doing that, but I did it because I want to make sure we take care of the needs of those who are the most needy. I voted against those tax cuts, and I pay a political price for that. I voted for a tax raise in 1993, and almost lost my election because I voted for that tax raise, but I did because I felt there were needy people in this country.

I have made the real tough votes. Those are the tough votes. Those are the ones that you do not put in your campaign literature, ''I voted for a tax increase and voted against a tax cut.'' Your opponent puts it in his or hers.

But those are the tough votes. That is really where you determine whether you are going to do something to help alleviate the immorality here in America, and the way we treat our Indians is immoral. If we really want to help them, we cannot be giving money to the wealthiest people and not give what is due to the neediest, the people whose land we have stolen, changed their way of life, destroyed their language in many instances. We want to give money to the super wealthy and withhold money from the poorest. That is the real moral issue here. That is the tough vote.

I voted those tough votes. When I voted in 1993, I thought I was looking at my political grave, but I was willing to do that. Those are the tough votes. These votes here really emanate from how we are willing to take care and balance the justice with the injustice in this country.

So it is really puzzling. When you find people who are giving to the super wealthy and take from the America's poorest, you find that at least puzzling. It is very puzzling to me.

I will always support justice for the Indians, in any instance and any chance I can, but I find tonight, in my 36 years in public office, one of the saddest days. When we came here in January, this was all part of a process. We raise so much money, we spend so much money. We find our priorities. We find our priorities in tax cuts; we find our priorities in expenditures.

This is a paradox. This is contradictory, what we are doing here tonight. If you can look into your heart and say, okay, I voted against the tax cut, therefore I can without contradiction go along cutting the President's budget for IHS by $200 million as was done. And I don't blame the gentleman from Ohio (Mr. REGULA). The gentleman from Ohio (Mr. REGULA) is one of the most decent guys in this House, and when I go to his committee to testify, the gentleman, within the limitations he has, does a great job for the Indians.

But I find this really sad. We have to look at ourselves and say how do we balance how we raise the money, how do we balance how we spend the money? The two go together, and you cannot give a $200 billion-plus tax cut to the very wealthy, the most wealthy, and deny what is needed, the basic needs, of America's poor.

Mr. TIAHRT. Mr. Chairman, some people are having a difficult decision here, and, you know, we are often asked to establish priorities. Sometimes we are asked to decide whether we should fund an after-school program or special education. For some, that is a difficult decision. But tonight I do not think we are facing a difficult decision. We have $22 million that we could add to Native American health care, or we could subsidize the arts, humanities and museums.

Now, this industry of the arts is a very wealthy industry. The gentleman from Michigan made a good point about how we are trying to make decisions between subsidizing the wealthy versus subsidizing a very needy cause. Well, Hollywood is full of millionaires; New York and Broadway are full of millionaires. Each year $9 billion is spent on the arts; jobs in the arts community are growing 3.6 times faster than the regular economy; there are more Americans that attend an artistic event every year than attend sporting events; and yet we are willing to make a choice to subsidize wealthy producers, actors, artists and all of those who contribute to the arts another $22 million.

Some do not care if we turn our backs on the Native Americans, because they want to subsidize and support some of these wealthy Americans through the arts. Somewhere, some day in America, some child may see an artistic expression if we just add another $22 million to the industry, the $9 billion industry, and we will do it at the expense of Native Americans' health care? For me this is not a tough decision.

For the downtrodden Native Americans, because I have seen their troubles, I have been to the reservations, I grew up with Native Americans, I played with them, I have worked with them. Four of my fraternity brothers were Native Americans. I watched three of the four pass away because of some reason that I hope would be taken care of by additional health care. I do not know if that would meet the need, but it would be a long step towards a greater awareness in health care for the Indians.

So I think this is an easy decision tonight. I think we should support the Nethercutt amendment because it is a much higher priority than subsidizing a $9 billion industry. Let us vote to add the $22 million to Native American health care.

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

Mr. Chairman, I rise to offer my opposition to the amendment that is before us. The real tragedy in the House is that a couple of months ago our Committee on the Budget gave us, and this House approved in a partisan manner, unrealistic, not carefully thought out, 302(b) allocations, which are the bottom line numbers that each of the budget bills must now work within. Those numbers were not fair 2 or 3 months ago, and they are not fair today as we debate this most important issue, Native American health care, arts and humanities for Americans who deserve it.

I think we do this House a disservice when we are not realistic. This country is doing better than it has done in a decade, in a generation. The budget projections that were made 2 months ago are now today further off than ever. When this fiscal year closes on September 30, our Treasury will have over $100 billion more than we thought we would have this time last year.

Why then are we going through these tasks over the last couple of weeks now, debating legislation with good priorities for American citizens, and yet we are not able to fund them? I say to Members of the House, the reason is because the allocations initially approved in a bipartisan manner a few months ago were not realistic, they were not fair, and they leave a lot of money out that will be put in at the end of this process by 10 to 12 people in both Houses, cutting out over 500 people who have been elected by people across this country to represent them and to serve in this House and to make the kinds of decisions we are making tonight.

It is unfortunate that we cannot fund properly Native American health care. They deserve it. As a minority myself, I would love to have my tax dollars go to them. The President was not right, this House is certainly not right, and we can do better by health care for Native Americans. It is unfortunate that we are not able to do that.

If we are a body elected by the people in the freest country in the world, and we are, then we have a responsibility to do what is right, and the amendment before us does not do that. Yes, we should fund Native American health

care, and the gentleman from Washington (Mr. NETHERCUTT) is a fine gentleman. The gentleman has offered amendments in the committee, and I have supported him a number of times.

This one is not the right thing to do. All great civilizations are known by their arts, their culture, their humanities, for hundreds of years after all of us leave. This country has not funded properly the arts and humanities in our country, so that our children can be beneficiaries of this great culture that we live in.

So do we now use a process to take away an amendment that was passed lawfully on this floor juxtapose it against an amendment we really do need, but not in this manner? I say to you, Mr. Chairman, it is the wrong way to do it and it is not proper; that as we go through the rest of the 5 or 6 months, or less than that, 3 or 4 months of this fiscal year, we will find that the budget receipts in our Treasury are larger than we thought they would be 3 months ago.

The country is doing well. Why should we have to choose between education and health care? Why should we have to choose between the arts and funding Native American health care? It is because the Republican Party wants to save hundreds of millions of dollars, nearly $1 billion, I might add, for tax cuts that the American people have already said they do not want. They want you to fund education and housing and health care; they want you to fund the environment, roads and bridges and the like.

□ 2215

So Mr. Chairman, the amendment, though it means good, is not the right thing to do. Let us fund Native American health care. They deserve it, for all the reasons that have already been mentioned.

But at the same time, let us adequately fund the arts and humanities, so that our children and grandchildren can attest to the fact that this is a great country, and that 100 years from now they will look at this 106th Congress and say that we stood up for what was right for our country and for our children.

Vote against the Nethercutt amendment, and let us continue with the work of this Congress.

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

Mr. Chairman, I think we all are talking at each other, not with each other. I think we are about ready to vote on this issue.

Let me just say sincerely, I voted with the gentlewoman from New York, and it is not because the gentlewoman from New York (Ms. SLAUGHTER) is my cousin. I think we ought to remember, as we talk across the aisle, that we are all Americans, and sometimes we are even family.

I am ready to vote with her again, not because she is my cousin, but because it represents my district. I am representing my part of the world in this body as I swore to do under the Constitution.

The gentleman from Washington (Mr. NETHERCUTT) is representing his district. I respect him for that. I respect him now as a representative under his constitutional powers. I have a little problem with the ridiculing and the attacking of us doing what we are supposed to do under our constitutional obligations.

I do not care who the gentleman from Washington defeated to get this seat. That is not the point. He does represent his district, and I expect him to do the best he can. He has found an opportunity to aggressively represent his district. The gentlewoman from New York has aggressively represented her district. We should not be attacking them for doing that. We should be celebrating the system working.

I just ask us to remember, this is what it is all about, representing our districts, and the cumulative impact of doing that. I would be remiss without bringing up one fact, we would all rather be somewhere tonight. I would have rather been at the graduation, of my children, Patrick and Briana, this week, but we are working on an education bill, we are working on an Interior bill. We are doing what we need to do.

I apologized to my children for not being there. I need that on the RECORD, and I apologize to the Members for sneaking this in. But I need to say sincerely, we have some opportunities to work together rather than sniping. Let us accept the fact that we do what we can, we represent our districts, and let us go together, out of the fact that all of us are doing what the public in our districts mandate and what the public wants us to do.

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

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

Mr. HORN. Mr. Chairman, I thank the gentleman for yielding to me. I believe basically that the will of the House is supreme, and what can be done by some of its committees certainly can be done by the whole body of the House.

We all know there is a rule that we cannot legislate on an appropriations bill. We get that through the Committee on Rules and it comes in here regularly when we vote the rule.

There are three traditional things we can do to get out of this situation. One is recommittal now. One is instruct the conferees. One is recommittal if the conference report comes back from the conference and does not satisfy anybody in here.

Again, I would suggest that by unanimous consent we add to the legislation, the Interior appropriations bill, that any amendment which has been adopted by a majority vote in the House will be funded in conference. I think that would solve it, because we know the Senate is bringing in a much higher figure than we are.

REQUEST FOR MODIFICATION OFFERED BY MR. HORN TO THE AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. HORN. Mr. Chairman, I ask unanimous consent for that language to be added, Mr. Chairman, out of order, out of rules, and out of everything else, to get this thing solved.

The CHAIRMAN. Is the gentleman from California suggesting an amendment to the Nethercutt amendment?

Mr. HORN. That is one way, and we could vote on it.

The CHAIRMAN. If that is the gentleman's desire, then the gentleman needs to have an amendment in writing to the Nethercutt amendment.

Mr. HORN. It is here if the Page is around.

The CHAIRMAN. The Chair understands that the unanimous consent request is a modification to the Nethercutt amendment.

The Clerk will report the proposed modification to the amendment.

The Clerk read as follows:

Modification of amendment offered by Mr. HORN:

At the end of the Nethercutt amendment add:

Any amendment which has been adopted by a majority vote in the House will be funded in conference.

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

PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Chairman. Mr. Chairman, I just wanted the Clerk to re-read the amendment.

The CHAIRMAN. The Clerk will reread the amendment.

The Clerk reread the amendment.

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

Mr. KINGSTON. Mr. Chairman, is the gentleman from California (Mr. HORN) asking for unanimous consent, or is he amending the Nethercutt amendment?

The CHAIRMAN. At this point, the gentleman from California is asking unanimous consent.

Mr. KINGSTON. Reserving the right to object, Mr. Chairman, the concern I have is that there has been an insinuation that there was some victory on the floor, and that victory has been snatched.

There was a victorious battle, but there was not a victorious war. We can win one battle in legislative bodies and then lose it in the next moment. I do not think there should be apologies or handwringing about that.

If the Nethercutt amendment passes, then that is not the end of the road. I am not a big NEA supporter, but I am going to vote for the bill and I am going to get to the resolution in committee, in conference. That is the way life is in the legislature.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I am trying to understand the status of the suggestion that was just made by the gentleman from California. Is the gentleman asking unanimous consent to offer an amendment? Is he offering an amendment?

The CHAIRMAN. The Chair's understanding was that the gentleman from California asked unanimous consent to make an amendment to the pending Nethercutt amendment. There was objection heard to that request.

Mr. OBEY. I thank the Chair.

Mr. HORN. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

Mr. HAYWORTH. Mr. Chairman, I object.

Mr. HORN. Mr. Chairman, I would hope we would have a tradition of at least letting debate occur on a parliamentary matter.

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

Mr. Chairman, I yield to my friend, the gentleman from California (Mr. HORN). Although the objection came it my way, it did not come from my lips.

Mr. HORN. Mr. Chairman, I did not want something that will harm the Nethercutt amendment. That was put on at the desk. I simply want that language in the appropriations report at the end of where we have a lot of these things, and it seems to me that is then an instruction to the conferees, whether it be the amendment of the gentleman from Washington (Mr. NETHERCUTT) or whether it be the amendment of the gentlewoman from New York (Ms. SLAUGHTER), that as long as it had the majority of the House it would be funded in conference.

In other words, we are asking to waive a lot of things that are blocking decision-making in a rational way. We have had great passion tonight, and everybody is right as far as I am concerned on that, but we have the problem of getting into conference and solving this problem, because we do not have the money at this point.

We will have when it is in conference, so that is why I would like the unanimous consent to put that language in there. It does not affect the gentleman from Washington (Mr. NETHERCUTT) nor the gentlewoman from New York (Ms. SLAUGHTER). We assume both will have a majority.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, I would say to my friend, the gentleman from California, while I did object to the language, I did not object to the gentleman's right to speak and offer it. That is why I wanted to yield the gentleman time.

Frankly, from my standpoint, this is just what the legislative process is about. The Slaughter amendment was debated and passed. The money was laid on the table, as was the wording of the amendment. That also opens up a new avenue of danger, if you will, in terms of people coming up with ideas of how to spend that money.

I am going to support this. The gentleman can question my motives. I think people are not questioning it, they are probably already tired of my motives. If I was from New York City, I would support it. That is where 70 percent of the money goes.

But to me, Mr. Chairman, in the study of choice, it is not a good choice. I do not think the government needs to be in the NEA. We have billion dollars in a tax write-off for arts, we have millions of dollars in art purchasing, we spend millions on art education.

My dad is an artist. My daughter wants to be to be an artist. My wife is on a theater board. You can say I am against the arts because I do not support the NEA, but that is not true. I think it is a waste of money. I am satisfied to vote no against it. I voted against it in committee, I will vote against it in the conference committee.

It always gets bumped up in conference committee, it always survives. That is just the nature of it. We just have to roll with the punches. I am going to support the Nethercutt amendment.

That is only half the reason. I am also going to support it because of what he is doing. He has bumped up Indian health care services $150 million over the time that he has been chairman of this committee. That is very significant. This year we were only able to increase it $30 million, but this gives us an opportunity to put another $22 million in it. It is a sound proposal.

Mr. Chairman, I think children on Indian reservations who need health care are a higher priority than elitists who want to hang out at certain art functions. I am not saying they are all artists, but I would say if the people in the NEA are poor and starving as compared to those on the Indian reservations, I do not understand what the definition of the words are.

I sat in the committees, I heard the tribes, heard the testimonies. I feel very solidly that that is where the money should go.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would make this statement. The Chair cannot entertain a rules change order in the Committee of the Whole which is offered as a freestanding special order and not as an amendment to the pending bill.

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

Mr. Chairman, I have been asked by the leadership, the gentleman from Florida (Mr. YOUNG) who I have the highest regard for, and the gentleman from Ohio (Mr. REGULA), to bring this to a close and to have a vote on the amendment. I think we should do that.

I want to say that the gentlewoman from New York (Ms. SLAUGHTER) has not been treated well here tonight on this process. I think it is very unfair.

I will ask this. We are going to have a motion to recommit in which the gentlewoman's amendment will be the central piece. I am urging the 25 Republicans who had the courage today to vote with us on this amendment, to vote for the motion to recommit. That way we can accomplish what the gentleman from California wanted. We can fund the $22 million to help the Indians in this country who desperately need the help, and also fund the arts.

I think this is a fair compromise. I would like to see that, and I would hope that other Republicans would join with us tonight to make it more than just the 25 that joined us earlier today.

I ask for a vote on the Nethercutt amendment.

Ms. LEE. Mr. Chairman, I was sitting in my office watching this debate with a member of my staff who happens to be Native American. You cannot imagine how he feels listening to this debate on this amendment which once again sends a message to the Native American community that they really are not one of our nation's priorities. I rise to oppose this amendment because it is a slap in the face of American Indians.

My district has the largest concentration of American Indians. The 22 million dollars that is proposed for Native health care will never reach them. Not only do we under fund services for services on Indian Reservations, but we fund even less to urban Indian communities. Many of these urban Indians are forced to travel long distances for hours at a time just to access the most basic health care. Many of these services they are not able to access in the inner cities or urban areas because they cannot afford to. This is a disgrace. The amendment to direct $22 million for Indian Health Care does not even scratch the surface of the needs in Indian country.

If the Majority really wanted to do something positive for Native Americans, this budget would have taken more consideration and care to provide funding to address diabetes, to fund maternal health care, to ensure that substance abuse and mental health services are sufficiently funded to make a difference.

To think that we are going to support such measly funding when compared to the needs of Native Americans and then try for more next year? I say this! Next year, when we reconsider this funding, many Native Americans will have died from diabetes, alcoholism, heart disease and HIV/AIDS! They can't wait till next year.

Soon we will take under consideration the Ryan White Care Act. Did you know that funding for HIV/AIDS care in many cases never reaches Indian Country.

HIV/AIDS care, that is subsidized by the Federal Government is billed to Tribes! That's right. Indians are not able to access ADAP with out being billed. HRSA funded services are billed to IHS or to Tribal Health Care programs. This is an outrage.

We all know how expensive HIV/AIDS therapies are. Yet, when it comes to the tribes, we don't give them nearly enough for those services. Those services have to come out of the IHS general budget! A budget that is already, desperately underfunded!

Last week we moved out of this house a bill for National Missile defense system that many

experts say won't even work. Billions of dollars! Yet we have the audacity to cut substantially Indian Health Services, and then, try to come back and make $22 million look like we are doing the Tribes a favor?

Native Americans suffer disproportionately high rates of diabetes, substance abuse, unemployment, and in many cases have inadequate access to quality education. Why? Because we neglect to live up to treaties between the Government and Tribes throughout the country.

If we the Members of this House had the needs of Native Americans in mind, we would not have underfunded Native Americans by over $300 million. We would not pit Native American health care against the arts and humanities. The best thing to do at this moment is to withdraw this amendment and offer another amendment to fund Native American health care, and not at the expense of programs that will also suffer the outcomes of this budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair is counting for a quorum.

Mr. HAYWORTH. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The demand for a recorded vote is withdrawn and the point of no quorum is withdrawn.

So, the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $336,423,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That notwithstanding any provision of law governing Federal construction, $240,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $375,230,000, of which not to exceed $47,126,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, including such funds as may be necessary to support American overseas research centers and of which $125,000 is for the Council of American Overseas Research

Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $47,900,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That funds previously appropriated to the ''Construction and Improvements, National Zoological Park'' account, the ''Repair and Restoration of Buildings'' account, and the ''Repair, Rehabilitation and Alteration of Facilities'' account may be transferred to and merged with this account.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $61,279,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $8,903,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $13,947,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,924,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,763,000.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 84, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

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The CHAIRMAN. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,000,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $100,604,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,656,000, to remain available until expended, of which $10,259,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,307,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,021,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,973,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,989,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,288,000: *Provided*,

That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate for positions at level IV of the Executive Schedule, for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $33,161,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to $1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

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

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) EFFECTIVE DATE.—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2000.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided,* That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2001, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, and 106–113 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2000 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' component of the President's Forest Plan for the Pacific Northwest, or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 316. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. Amounts deposited during fiscal year 2000 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2001, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102 line 9 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 327. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to or used to fund personnel, training, or other administrative activities at the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 328. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 329. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for

purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 330. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 331. Notwithstanding any other provision of law, none of the funds in this Act may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities or compliance with 25 U.S.C. 2005.

SEC. 332. In fiscal years 2001 through 2005, the Secretaries of the Interior and Agriculture may pilot test joint permitting and leasing programs, subject to annual review of Congress, and promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the ''Service First'' initiative to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management or the Forest Service.

SEC. 333. FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION IN COLORADO. (a) USE OF COLORADO STATE FOREST SERVICE.—Until September 30, 2004, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the Colorado State Forest Service to perform watershed restoration and protection services on National Forest System lands in the State of Colorado when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private lands. The types of services that may be extended to National Forest System lands include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.

(b) STATE AS AGENT.—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of Colorado to serve as the agent for the Forest Service in providing all services necessary to facilitate the performance of watershed restoration and protection services under subsection (a). The services to be performed by the Colorado State Forest Service may be conducted with subcontracts utilizing State contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).

(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any watershed restoration and protection services on National Forest System lands proposed for performance by the Colorado State Forest Service under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State Forester of Colorado or any other officer or employee of the Colorado State Forest Service.

SEC. 334. None of the funds made available under this Act may be used to issue a record of decision or any policy implementing the Interior Columbia Basin Ecosystem Management Project not prepared pursuant to law as set forth in chapter 6 of title 5, United States Code.

SEC. 335. None of the funds provided in this Act, for the agencies funded by this Act, shall be expended for the purposes of design, planning or management of Federal Lands as National Monuments that are designated as National Monuments under the 1906 Antiquities Act, since 1999.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount in fiscal year 2000 for ''Wildland Fire Management'', $200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount in fiscal year 2000 for ''Wildland Fire Management'', $150,000,000, to remain available until expended, for emergency rehabilitation, presuppression, and wildfire suppression: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. NETHERCUTT

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

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

None of the fund made available in this Act shall be used to implement section of this Act [as added by the amendment of Representative Dicks] except for activities related to planning and management of national monuments.

Mr. NETHERCUTT. Mr. Chairman, my amendment is offered as an opportunity to have the House take a second look at the debate that occurred earlier with respect to the Interior Columbia Basin Ecosystem Management Project. We have had a chance for the House to be fully informed, Members on both sides of the aisle, with respect to the particular amendment that was debated earlier.

I have had a chance to emphasize the importance of this issue to us in the northwest and the western States; and after deliberation, I felt it was appropriate that with that additional understanding that the House would have a chance to reconsider its prior judgment with respect to my amendment, and I believe again it is an important amendment to us in the West. I think it is appropriate that it be considered by the House and I would urge the adoption of the amendment so that this bill can move forward and proceed to conference and then we can have a complete discussion of all the issues in the bill at that time.

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to the Nethercutt amendment.

Mr. Chairman, we had a vote on this today. We had, I thought, a very vigorous discussion. There was an hour set aside by the House. The gentleman from Washington (Mr. NETHERCUTT) had 30 minutes. I had 30 minutes. We had a number of speakers in the House voted on this issue, and we defeated the amendment by a very substantial majority.

Now, I am somewhat surprised that this late at night we would go back to this amendment again, but apparently we are going to do that. So let me say again why what the gentleman is trying to do, I think, is wrong.

First of all, the gentleman has had an amendment every single year to either block or slow down the administration's policy for developing a scientific program to protect the aquatic habitat, to protect the watersheds of the Western Pacific Northwest on the east side of the Cascade Mountains.

This affects 7 States. This has been going on, this process has been going on, 5 years. The purpose of it is that we have in the Northwest a number of seriously endangered species on the Snake River, which is in the heart of this area. We have four or five different species of salmon that were listed under the Endangered Species Act.

The gentleman from Washington (Mr. NETHERCUTT), from eastern Washington, from the fifth district, has been a strong opponent of taking out the Snake River dams. I have joined in that effort, along with the gentleman from Washington (Mr. NETHERCUTT), and others in our delegation, but I also believe that if one is not going to take out the dams then they have to do some things to protect the habitat of these areas in order to try to bring back these important endangered species.

The gentleman from Washington (Mr. NETHERCUTT) has offered an amendment that would block, after 5 years, the draft environmental impact statement from being implemented. That means we are not going to make any of the protections necessary. It is an environmental rider that has been used repeatedly in this particular bill. The administration is opposed to it. They have promised that this bill will be vetoed if this was in it, and we had a vote today. The vote was 221 to 206 on this issue.

So I feel that we are wasting the time of the House here, especially at 20 minutes to 11:00, and I would urge the House to again reject this amendment.

I think we had a good, fair fight earlier today. I think this amendment is unwarranted and unjustified, and I would urge the House to stay with its previous position.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment of the gentleman from Washington (Mr. NETHERCUTT).

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

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 180, not voting 58, as follows:

[Roll No. 288]

AYES—197

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
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Houghton
Hulshof
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Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
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Knollenberg
Kolbe
Kuykendall
LaHood
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Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
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McKeon
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Miller (FL)
Moran (KS)
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Peterson (PA)
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Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
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Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
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Stearns
Stump
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Sweeney
Talent
Tancredo
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Traficant
Upton
Vitter
Walden
Walsh
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Whitfield
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Barcia
Barrett (WI)
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Bonior
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Boswell
Boyd
Brady (PA)
Brown (FL)
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Capps
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Carson
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Coyne
Cramer
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Davis (FL)
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DeFazio
DeGette
Delahunt
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Farr
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Forbes
Ford
Frank (MA)
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Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
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Hoyer
Inslee
Jackson (IL)
John
Kanjorski
Kaptur
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Kildee
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Lampson
Lantos
Larson
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LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
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McCarthy (MO)
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Miller, George
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Moran (VA)
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Napolitano
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Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
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Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
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Taylor (MS)
Thompson (CA)
Thurman
Tierney
Turner
Udall (CO)
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Clement
Clyburn
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Deal
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Green (TX)
Greenwood
Hilliard
Hinojosa
Hooley
Istook
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Klink
LaFalce
Lazio
Linder
Lofgren
Martinez
McCollum
McDermott
McIntyre
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Nadler
Owens
Oxley
Payne
Rangel
Serrano
Shows
Shuster
Skelton
Stark
Thompson (MS)
Toomey
Towns
Velazquez
Vento
Watt (NC)

□ 2303

Mr. DOGGETT and Mr. KENNEDY of Rhode Island changed their vote from ''aye'' to ''no.''

Mr. BILBRAY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to return to title III, page 102 of the bill to offer a quick, noncontroversial amendment we have an agreement on.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

Page 102, line 15, strike the first ''or'' and insert in lieu there of the world ''and''.

Page 102, line 16, strike the word ''at'' and insert in lieu there of the world ''of''.

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mrs. KELLY. Mr. Chairman, I have a very simple amendment before us that clarifies a provision in the bill that pertains to the American Heritage Rivers Initiative and the Council on Environmental Quality. I have worked with all parties concerned on both sides of the aisle to ensure that this language clarifies the intent of this legislation.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, we have no objection to this amendment. I think it has been agreed to by both sides.

Mr. DICKS. We agree to the amendment on this side.

Mrs. KELLY. Reclaiming my time, I thank the gentlemen from Ohio and Washington for their support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. DEFAZIO:

Insert before the short title the following:

**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California.

Mr. DEFAZIO. Mr. Chairman, earlier this year the House voted by an extraordinary vote of 407–1 on the National Wildlife System Improvement Act. We made it clear that wildlife conservation is the singular mission of wildlife refuges. Unfortunately, I believe that the case at the Klamath and Tule Lake wildlife refuge is otherwise. Numerous agricultural leases have been let and will continue to be let and the wildlife refuge has recently renewed the capability of farmers within the basin to use pesticides and herbicides which are considered problematic for salmon and other species.

I brought this amendment to the attention of the House in order to highlight this problem. What I would like to do is not take this amendment to a vote this evening if we could agree to go forward with a GAO report on the costs and benefits of the leasing arrangements in that basin and the impacts of the pesticide and herbicide application used by the farmers within the basin.

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

Mr. DEFAZIO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I told the gentleman that I would be glad to join him for this GAO investigation. I think it is a good idea.

□ 2310

Mr. REGULA. Mr. Chairman, I would certainly join my colleague in requesting a GAO report.

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

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. DOOLITTLE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. DOOLITTLE:

Insert before the short title the following:

**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act to the Forest Service may be used—

(1) to purchase a motor vehicle for the use of Forest Service personnel that is painted in the base color identified as Federal Standard 595, color chip no. 14260, or painted in any other base color, except the color white as made available by the manufacturer; or

(2) to paint any Forest Service motor vehicle in any base color other than white.

Mr. DOOLITTLE. Mr. Chairman, this amendment would prohibit the U.S. Forest Service from using any funds, appropriate or otherwise, to be used to paint their vehicles the green color described as Federal Standard 595, Color Chip Number 14,260.

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

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

Mr. REGULA. Mr. Chairman, I am prepared to accept this amendment. We are fully familiar with it.

Mr. DICKS. Mr. Chairman, we accept the amendment.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFazio:

Insert before the short title the following:

**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to assess a fine or take any other law enforcement action against a person for failure to pay a fee for a vehicle pass imposed under the recreational fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note), regarding parking at trailheads and dispersed recreation sites in the National Forest System.

Mr. DEFAZIO. Mr. Chairman, I would first like to recognize that the ranking member, the gentleman from Washington (Mr. DICKS) and the chairman, the gentleman from Ohio (Mr. REGULA), have been helpful in rectifying some of the problems with the recreation fee demonstration program. Last year, the gentleman from Oregon and I and others brought to the floor the fact that people were required to purchase a multiplicity of passes, up to six or eight different forest passes, just to recreate within their own State at a cost of $25 each.

And after a meeting convened by the chairman, the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Washington (Mr. DICKS), with the chief of the forest service and the assistant Secretary and other assorted bureaucrats, they did make the program better and simplify it; and I thank the two gentlemen for that.

But this amendment goes to another issue. There are certainly sites where fees are appropriately charged, developed, recreation sites, campgrounds, special use sites for Park Service and all of those other sorts of developed sites with high costs.

But the question that this amendment raises before this House is whether or not we should charge people to drive their car on a logging road or an old forest service road, active or abandoned or even obsolete, and park by the side of the road and go for a hike in the woods, whether there is a trail there or not.

I think there is a real question of equity, but there is an even greater question of enforcement. The Forest Service is going driving 10 miles, 15 miles, 20 miles outside some of these roads to find that someone has not paid a $5 fee and giving them a citation.

I had a woman in my district who parked where she had customarily parked just outside of an area being told that was all right. A new ranger came on, and they gave her a citation. She said okay, it is a warning. That is fine, I will leave. And the guy says she will have to pay the fee; she did not.

She went home, 2 days later, two Forest Service law enforcement officials showed up at her house to cite her. They threatened to handcuff her and take her away. This is the citation. This is absurd, what a waste of Federal resources. There are real crimes going on in the Federal lands.

Is this what our law enforcement officers should be doing? Should we be charging people to go out into dispersed areas just to park their car on a logging road? I believe not. In fact, an evaluation that was done by the Department of Interior and the Department of Agriculture at the requests of this body finds substantial problems with this program of enforcing dispersed recreation.

They cite the extraordinary costs, the loss of law enforcement personnel from other activities, the loss of revenue because the funds, if they collect any, in terms of penalties are forfeited and go not back to the agencies and not into this program.

The courts are refusing to hear these cases. The Federal judges and magistrates are saying, we are hauling people into my court for what? For failure to may a $5 fee to park their car on a gravel road out in the forest? This is absurd.

So I really would suggest that this amendment has great merit, to say that the extraordinary costs and the penalties that are being imposed are not merited for dispersed recreation, this is targeted, would not affect the parks, would not affect developed recreation sites, would not affect campgrounds but would merely say we are not going to charge people $25, $30 I guess now for the annual fee, or $5 a day, to park their car somewhere in a remote area of the forest, where there are no recreation facilities.

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

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

Mr. REGULA. Mr. Chairman, the gentleman and I have had a discussion on this, and I think the gentleman has a good point. And what I would like to suggest is that we meet with the Forest Service and try to achieve a solution that is workable that respects the rights of your constituents.

The program is the demonstration program. As my colleagues know, the President has requested that it be made permanent. It would cost the Forest Service something like $25 million a year, that goes in to trails and signage and a lot of very positive things that are important.

If the gentleman would be willing to withdraw, I will commit to working with him and the Forest Service to try to find a reasonable solution to the problem.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I thank the gentleman for that. I do note that before I would consider that, the gentlewoman from California (Mrs. CAPPS) is particularly concerned. I would like to give her opportunity to speak on the amendment and then we can consider further conversation.

Mrs. CAPPS. Mr. Chairman, I move to strike the last word, and everyone, I beg your indulgence. I know the hour is late. But, again, this year I also come to the floor to discuss the Recreational Fee Demonstration Program in our national forests.

First, I do want to thank the gentleman from Ohio (Chairman REGULA); the ranking member, the gentleman from Washington (Mr. DICKS); and their subcommittee. I deeply appreciate maintaining and preserving our Nation's public lands.

I understand that the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) do not completely agree with my views or those of my constituents on this rec fee. However, I want to commend them for responding to my concerns on this issue.

The Interior Appropriations bill does not extend or make permanent this rec fee demo program, as was earlier rumored. I understand the importance of fully funding our forests and my congressional district hopes that we can work together to do just that without resorting to what we believe to be onerous fees.

Our national parks, national forests, and other public lands are unique treasures that should be enjoyed today and preserved for future generations. We must provide full and adequate funding for the protection of these priceless resources. But I must oppose the inclusion of the national forests in a rec fee demo program.

I have heard from thousands of my constituents who are opposed to the program which the Los Padres National Forest euphemistically calls the Adventure Pass. These citizens strongly believe, as do I, that these user fees represent double taxation. These are public lands, and we should use public funds to support them.

□ 2320

Many of my constituents have expressed fears of a trend toward the privatization of our national forests. This is simply wrong. We need to keep these forests open for all of our citizens to enjoy, to take a hike in the woods, to enjoy a sunset, and experience the incredible beauty of the natural world.

As public servants, we must remember that the people we serve are not simply customers using our public lands, but are the owners of these lands. We need to find a more equitable way to support our national forests.

Some families in my district say the imposition of the so-called adventure pass has stopped them from going to visit the Los Padres National Forest, and I do not believe that is right, Mr. Chairman.

I urge the subcommittee to reject any attempts to make this program permanent in conference. Any extension of the rec fee demo program or change in its status should be made in regular order.

I want to work with the gentleman from Ohio (Chairman REGULA), the gentleman from Washington (Mr. DICKS), and the leaders of the authorizing committees to review this program and identify alternative ways to provide the necessary funding to maintain our forests. There are many ways we can go about doing this.

Last night, the gentleman from Oregon (Mr. DEFAZIO) offered an amendment which I strongly support which would have ended the rec fee program, while still maintaining full funding for our national forests. Today he is offering another amendment, and I understand the gentleman has agreed to work with him. I also support that effort.

I have introduced bipartisan legislation, the Forest Service Immediate Relief Act, which would terminate the Recreational Fee Demonstration Program at our national forests and offset the lost revenue by eliminating one timber subsidy.

Whatever the means, we must find alternative ways to fund our national forests without unfairly taxing the very people, like those in my district, who simply want to enjoy the beauty of their backyards.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, let me make the same offer. I hope we can work out the problems, because the Forest Service is very happy with it generally and a lot of good things have happened. They used to collect fees and send them to the Treasury. At least now they keep them and the people that pay them get the benefits of it. That is what we are trying to do.

It is a demo program because we are trying to iron out the wrinkles. I know in the case of the gentleman from Oregon (Mr. DEFAZIO), we did have some success where he had multiple forests. That part we have been able to work out. Perhaps we can find some solution to the gentlewoman's problems.

Mrs. CAPPS. Mr. Chairman, reclaiming my time, I look forward to working with the gentleman.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. CAPPS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to point out that last year we worked with the gentleman and we were able to get a Northwest Forest Pass enacted so that we could cut down on the duplicity, and I think it has made some progress. But we are glad to work with the gentleman from Oregon again this year and we would hope that we could have a quick vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

AMENDMENT NO. 50 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Mr. YOUNG of Alaska:

Insert before the short tile the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. . Notwithstanding 36 Code of Federal Regulations 223.80 and associated provisions of law, the Forest Service shall implement the North Prince of Wales Island (POW) Collaborative Stewardship Project (CSP) agreement pilot project for negotiated salvage permits.

POINT OF ORDER

Mr. INSLEE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman may state his point of order.

Mr. INSLEE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI. The rule states in part ''no amendment to a general appropriation bill shall be in order if changing existing law.''

Unfortunately, the amendment of the Chairman, who I have respect for, does give affirmative direction. In effect it imposes additional duties and it does modify existing powers and duties. I have concerns about the substance of the bill in waiving competitive bidding, but, more importantly I ask the chair to rule on my point of order.

The CHAIRMAN. Does the gentleman from Alaska wish to be heard on the point of order?

Mr. YOUNG of Alaska. Yes, Mr. Chairman, I do. It is very unfortunate that the gentleman, who serves on my committee, raises the point of order.

But I would like to suggest one thing. The Forest Service asked me for this amendment. It serves a point where the regulations do not allow the small sales for those that they believe should take place, especially blown down timber. The cost of putting up the sale and going through the competitive process would preclude most of these small operators, especially those in the environmental community that wanted this timber.

For the gentleman who says he is an environmentalist, I wish he had checked with the environmentalists. Apparently he did not. I think it is very unfortunate, but this is something asked for.

I will move a bill through the committee next Tuesday. The gentleman will have a chance to vote no on it, and I will beat him at that time and bring it to the floor under suspension. When that occurs, we will make this the law.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that the amendment explicitly supersedes existing law. The provision therefore constitutes legislation, and the point of order is sustained.

AMENDMENT OFFERED BY MRS. WILSON.

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON:

Insert before the short title the following:

**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used by the Bureau of Land Management, the National Park Service, the Forest Service, the United States Fish and Wildlife Service, or the Bureau of Indian Affairs to conduct a prescribed burn on Federal land for which the Federal agency has not implemented those portions of the memorandum containing the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995, issued pursuant to law, regarding notification and cooperation with tribal, State, and local governments.

Mrs. WILSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Mrs. WILSON. Mr. Chairman, this is a very simple amendment that requires Federal land management policy to be followed in the notification of State and local government for when they are going to be conducting prescribed burns. All it does is direct these land management agencies to follow the Federal policy that was signed in 1995, and they have not been doing so, and there are a lot of local governments who find out that prescribed burns have been set outside of their towns when members of the community call 911. We need to fix that.

Mr. Chairman, at this point I would like to engage in a colloquy with the chairman of the subcommittee.

As the chairman is aware, in 1995 the Secretaries of Interior and Agriculture adopted an interagency policy on wildland fire management. This policy included specific direction for their agencies to involve and inform communities concerning fire risk and the use of prescribed fire.

Mr. REGULA. Mr. Chairman will the gentlewoman yield?

Mrs. WILSON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am aware of this policy.

Mrs. WILSON. That policy has not been effectively implemented, as exemplified by the Los Alamos fire. In order to protect communities from wildland fires, it is essential that the agencies collaborate with State and local officials in communities to identify where the areas of high risk are and plan appropriate mitigation. These steps must be taken before agencies use prescribed fire in these high risk areas so that the State and local entities are informed of the risk and prepared to take action if needed.

Does the chairman agree?

Mr. REGULA. Absolutely. Yes, I agree this policy must be implemented and that the agencies have a direct responsibility to keep communities informed and involved.

Mrs. WILSON. I am sure the chairman is also aware that the Forest Service has just completed a comprehensive series of risk maps that rate forest lands nationwide for their risk of wildfire.

Mr. REGULA. Yes, I am aware of this work.

Mrs. WILSON. These maps will greatly assist in efforts to advise local communities of their proximity to high risk fire areas. I would expect, as a result of this amendment, that the agencies would use these maps to fulfill their responsibilities as laid out in the 1995 interagency policy.

Does the chairman agree that this is the purpose of the amendment?

Mr. REGULA. Absolutely, yes, I agree.

Mrs. WILSON. Communities must know if they are in high risk areas, and the agencies have a direct obligation to let them know. I appreciate the chairman's continued support and understanding on these important issues and I thank the chairman for his time.

□ 2330

AMENDMENT OFFERED BY MR. UDALL OF NEW MEXICO TO THE AMENDMENT OFFERED BY MRS. WILSON

Mr. UDALL of New Mexico. Mr. Chairman, I offer a perfecting amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of New Mexico to the amendment offered by Mrs. WILSON:

Strike all after ''Sec. 501.'' And in lieu thereof insert the following:

''None of the funds appropriated or otherwise made available by this Act may be used by the Bureau of Land Management, the National Park Service, or the Forest Service to conduct a prescribed burn of Federal land for which the Federal agency has not implemented all provisions of the memorandum containing the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995.''

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I have read the amendment proposed by the gentlewoman from New Mexico. Her amendment prohibits the Bureau of Land Management, the National Park Service, and the Forest Service from using these appropriations act funds for prescribed burns on Federal lands without notifying and cooperating with tribal, State and local governments. I believe this is an excellent idea.

In testimony before the Subcommittee on Forests and Forest Health, it was apparent this policy was not being followed, to the great detriment of the counties affected and the State of New Mexico.

I believe that all of the requirements of the prescribed burn policy should be followed, not just the notification requirement. There are many obligations in that policy and they are important, such as compliance with local and Federal air quality regulations governing contingency plans for possible loss of control, a public fire safety hazard analysis, or fire behavior analysis.

Mr. Chairman, in the spirit of cooperation, I would offer this perfecting amendment at this time.

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, I have no problem with this perfecting amendment and I accept it.

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

Mr. UDALL of New Mexico. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to commend both of these Members from New Mexico for their concern. This is a serious problem, and we want to do as much as we can to address it in the bill.

We did put in $15 million in emergency firefighting money, and recognize that this could be a continuing problem. We are prepared to accept the amendment to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL) to the amendment by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Mexico (Mrs. WILSON), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 48 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer amendment No. 48.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. WELDON of Florida:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 30 minutes, 15 minutes on each side.

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

Mr. DICKS. Reserving the right to object, Mr. Chairman, What is the agreement again?

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

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I would tell the gentleman, the gentleman has promulgated a request for unanimous consent at 30 minutes, 15 on each side. I am not sure if that is acceptable.

Mr. DICKS. Mr. Chairman, we will agree to that, and I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) will control 15 minutes, and an opponent will control 15 minutes.

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

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. It assures that the integrity of a law that the U.S. Congress passed, the Indian Gaming Regulatory Act, or IGRA, is preserved and that States have the right to ensure that their concerns are fully adjudicated in the courts.

My amendment ensures that the States of Florida and Alabama have the right to have their cases fully adjudicated in the Federal courts before the Secretary of the Interior allows tribes to set up casinos in States that do not allow casino gambling.

Under IGRA, in order for Indian tribes to engage in casino gambling, tribes must have an approved tribal-State compact. However, in April of 1999, the Department of the Interior set forth a process whereby Indian tribes may bypass State governments and appeal to the Secretary of Interior to allow them to set up a casino. This is the subject of a court case.

My amendment simply states, let the case run its full course before the Secretary approves a casino operation in a place like Florida or Alabama, which do not allow casinos. Florida and Alabama have filed suit against the Department arguing that the Department does not have the authority to issue these regulations in the first place. These regulations trample on the rights of States, and what could be worse, deny the States their full day in court.

On three separate occasions the people of Florida have voted against allowing casinos in their State. Now these regulations would establish a way for the tribes to bypass the will of the people of Florida and open casinos.

This is not a bipartisan issue. My amendment is supported by the Republican governor of Florida and the Democrat attorney general. I believe and the State of Florida believes the Department of the Interior has exceeded its authority granted under IGRA by issuing a regulatory remedy on a matter that both Congress and the Supreme Court have stated should be determined by the States.

My amendment would simply ensure that the State of Florida has the right to have its case fully adjudicated prior to the Department publishing procedures which would allow Indian tribes to open casinos in Florida.

What specifically does my amendment do? My amendment says that the Department may not publish procedures prescribed under the April, 1999 regulations. Publications of these procedures would permit the tribes to open casinos. My amendment allows the Secretary to go right up to that line, but may not cross it unless the courts have ruled in its favor.

Why is this amendment needed? Some correspondence from the Department indicates that the Secretary will not issue these procedures until the case has been decided. I am pleased to have in my possession a letter from the Secretary dated June 14 in which the Secretary says he will not publish those procedures until the courts have decided whether or not he has the right to do that.

I appreciate the Secretary's letter, which I believe is an endorsement of the language in my amendment. They say the same thing. I am nonetheless compelled to offer this amendment, however, because we will have a new administration in 6 months, and we will have most likely a new Secretary of the Interior.

The next Secretary is not bound by Secretary Babbitt's letter. The new Secretary will be bound by the legislation passed by this Congress. That is why the adoption of this amendment is needed. It will ensure that the policy I am advocating and that the Secretary supports will be followed.

I am very appreciative of the Secretary's support, and I certainly support him in this position.

To reiterate, my amendment maintains the status quo of IGRA. It ensures that tribes can still use the current Indian Gaming Regulatory Act process to engage in class 3 gaming. It preserves the right of Congress to pass laws and major policy changes. It continues incentives for tribes and States to pursue legislation to remedy differences over IGRA. It prevents the Secretary from bypassing or short-circuiting States' rights, and it protects States' rights without harming the tribes. It does exactly what the Secretary is calling to be done.

My amendment does not do the following: this amendment does not amend the Indian Gaming Regulatory Act. The Weldon amendment does not affect existing tribal-State compacts. The amendment does not limit the ability of tribes to obtain class 3 gaming as long as valid compacts are entered into by the tribes with the States pursuant to existing law.

I encourage my colleagues to vote in support of the amendment.

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

Mr. DICKS. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) is recognized for 15 minutes.

Mr. DICKS. Mr. Chairman, I ask unanimous consent to yield 6 minutes to the gentleman from Arizona (Mr. KOLBE), and I will control 9 minutes.

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

There was no objection.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE), who is an expert on these matters.

Mr. KILDEE. Mr. Chairman, I rise in strong opposition to the Weldon amendment.

Mr. Chairman, last year Members of this body defeated this amendment offered by the gentleman from Florida (Mr. WELDON) and the gentleman from Georgia (Mr. BARR) that would have prohibited the Secretary of the Interior from issuing alternative gaming procedures that would help tribes attain gaming compacts when States refuse to negotiate with tribes in good faith.

This amendment would keep the Secretary of Interior from fulfilling a congressionally mandated obligation that requires him to develop alternative class 3 gaming procedures.

Mr. Chairman, on April 12, 1999, the Secretary published a final regulation providing for class 3 gaming procedures that allows the Secretary to mediate differences between States and Indian tribes on Indian gaming activities. The Secretary developed the regulation because of a United States Supreme

Court ruling in Seminole Tribe versus Florida, which found that States could avoid compliance with the Indian Gaming Regulatory Act by asserting immunity from suit.

□ 2340

By enacting IGRA, Congress did not intend to give States the ability to forever block the compacting process by asserting immunity from suit. In fact, IGRA enables the Secretary to issue alternative procedures when the States refuse to negotiate in good faith.

The Weldon amendment would prohibit the Secretary from fulfilling his obligation under IGRA on grounds that it bypasses State authority. Nothing could be further from the truth.

The regulation gives great deference to the State's roles under IGRA. Only after the State asserts immunity from suit and refuses to negotiate would the regulation apply.

Mr. Chairman, I think it is particularly important to note that the regulation does not give tribes a right to conduct gaming, but only creates a forum where all interests, State, Federal and tribal, can be determined.

The Secretary's role would be subject to several safeguards, including oversight by the Federal courts.

In April of last year, one day after the regulation was published, the States of Florida and Alabama sued in the Federal District Court in Florida claiming the regulation was beyond the scope of the Secretary's authority under IGRA.

In May 1999, the Secretary wrote to the House and Senate Committee on Appropriations saying that he would refrain from implementing the regulations until the Federal Court resolved the authority question. Just yesterday, the Secretary wrote to the gentleman from Ohio (Mr. REGULA) stating that the Department would defer from publishing the procedures until a final judgment is issued in the Florida case whether by district court or on appeal.

The Secretary's letter should have alleviated the concerns of the gentleman from Florida (Mr. WELDON) since he intended to offer an amendment that would have kept the Secretary from publishing procedures until a final judgment was issued. Despite the Secretary's letter, the gentleman from Florida (Mr. WELDON) chose to offer this amendment which would keep the Secretary from moving forward with publishing gaming procedures during the 2001 fiscal year.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the very distinguished chairman of the Committee on Resources.

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

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time.

Mr. Chairman, I rise in strong opposition to my good friend, the gentleman from Florida (Mr. WELDON). I happen to be one of the last remaining sponsors of IGRA, and believe, in fact, that the bill has worked very well; the act has worked very well.

As we know, the States have to enter into compacts with the tribes that apply for gambling activity within that State. It has worked well in almost all States of the Union and, in fact, has given the American Indian tribes an opportunity to be economically advanced and has done a very good job in doing so.

Unfortunately, some of those States that have existing gambling have gotten involved in denying the tribal entities to have the right to enter into these compacts, in fact stonewalled them. As the Secretary has informed the chairman, that he is not going to issue any more regulatory actions or suggestions until the court makes that decision. So this amendment is unnecessary.

I believe, in fact, it impugns upon the sovereignty of the American Indians, which we granted them. I, for one, as an author of the original bill with Mr. Mo Udall, do take homage to the fact that we are trying to undo that act and unfortunately I understand the gentleman's desires but I think it does a disservice to the American Indians and to the act itself.

Now I will say that I am willing to go through the court process. I hope it does go through the process, and I think we will be found in favor of IGRA and the results will be the continuation where the Secretary can, in fact, force a State to do it, if they do not negotiate in good faith.

So I do rise in strong opposition to this amendment, suggesting it is unnecessary and unwarranted at this time.

Mr. WELDON of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from Florida (Mr. WELDON) for yielding me this time.

Mr. Chairman, I rise in strong support of the Weldon amendment. This common sense measure would instruct the Secretary of Interior not to publish any new onerous gaming regulations until our Federal courts have finished adjudicating cases presently pending. It is simply ludicrous to waste time and taxpayers' money on intrusive new regulations until we know the outcome of these cases. To myself and others concerned with States' rights, this premature rush to regulate is deeply troubling. I believe profoundly in the capacity of our Federal Government to do good, but it is imperative that we resist the pressure of over zealous Federal bureaucrats intent on regulating States' rights.

Additionally, at a time when we seek to maximize the efficiency and cost effectiveness of our Federal Government, why in the world do we allow the wasteful spending of taxpayers' dollars? Why would we encourage work that may ultimately be rendered moot or duplicative?

Mr. Chairman, let us leave the Federal Government out of it. States and Indian tribal governments can resolve gambling issues within State borders. They certainly do not need the help of any cabinet secretary and they should not be forced to take it.

I encourage my colleagues, please support the Weldon amendment. It is the right thing to do for States, for taxpayers, for common sense.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Florida (Mr. WELDON). It would undermine our responsibility as Members of Congress, our trust responsibility to the first Americans of this Nation.

For many tribes, the resources that are provided by tribal gaming are their lifeblood. It has allowed them to begin to rebuild their homes, giving their children a quality education, treating their elders with adequate health care. Yet this Congress continues to shirk the responsibility towards Native Americans, turning a deaf ear to their pleas. It is a travesty that has resulted in the crumbling of overcrowded schools that no Member in this Congress would dare send their own children to. It has resulted in deteriorating unsafe homes that no one in this Chamber would allow their families to live in, and it has resulted in abysmal health care that would shock and outrage every single Member of this House if it was one of them or one of their constituents.

The thing that has allowed these tribal governments to provide for the things that this Congress has failed to do is tribal gaming. Two hundred years of Indian law jurisprudence have told us that this Congress and every single Member of this House has a responsibility to our first Americans, our Native Americans. This amendment is not so much about tribal gaming as it is about the trust responsibility that each of us has been sworn to uphold when we swore by the Constitution of the United States to uphold our responsibility, our trust responsibility, to our first Americans.

Mr. Chairman, I encourage all my colleagues to vote against this amendment, just as we did last year, and stand up for the first Americans of this country of ours.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to my distinguished colleague and friend, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time.

Mr. Chairman, I rise as part of this bipartisan opposition to the amendment offered by my friend, the gentleman from Florida (Mr. WELDON).

Mr. Chairman, here we go again. It would be especially appropriate to remember the words written in this document, in article I, section 8, where the Constitution states as follows, ''the Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes.''

Mr. Chairman, that articulation, that enumeration, gives tribes sovereignty and sovereign immunity.

What is disturbing to hear from my good friend from Nevada earlier is the notion that somehow we should short-circuit or circumvent the process that involves the Federal Government, quite rightly, not only a body of subsequent case law but also in what this Congress has passed through the Indian Gaming Regulatory Act. And when it comes to Class III gaming IGRA was never intended to give the States absolute authority in this.

My friend from Florida admits it is before the courts right now. The process is working. I need not lecture my friends in elementary civics. We understand the separation of powers. Tonight we can reaffirm that separation, the sanctity of the judicial process and the promise already given by the appropriate authority vis-a-vis IGRA when we reject the Weldon amendment.

□ 2350

Stand for sovereignty. Stand for economic opportunity. Stand for the separation of powers to let the courts do their work and work their will. Reject the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in support of his amendment.

As my friend from Arizona just pointed out, this is a bipartisan debate with some serious questions. There are some real questions about how the voters of the State fit into this process. There are real questions about how State governments fit into that process. There are real questions that really go beyond this amendment. But the amendment is narrow. It is not complex.

Our friend from Florida just gave a long list of what the amendment does not do, and we should not get confused about what the amendment does not do. We should only talk about what the amendment does do. And before I go there, I might say, of course, the amendment does not prohibit the Secretary from doing anything in these two States if the Federal Government, if the Department wins its case.

Both the gentleman from Alaska (Chairman YOUNG) and the gentleman from Michigan (Mr. KILDEE) have pointed to a letter that the Secretary sent yesterday that said he did not intend to do anything until the case was over.

Well, if the amendment is not needed because the goal has already been agreed to, at least by this Secretary and at least for the next 6 months, if the amendment is not needed, surely it does no harm. If the amendment serves no purpose because the goal of the amendment has already been achieved, surely it does no harm to let the authorities in Florida and Alabama know that their cases will proceed.

And it also sends a message to the Department of the Interior if this case is not over at the time this Secretary happens to leave, that his desire in this case would continue to be what would determine what the Department can do, that these two States would be allowed to have their day in court, that these serious issues would be fully adjudicated, and that this would be determined before we moved further.

The Secretary says that the Department will defer from publishing the procedures in the Federal Register. We have this letter that does say that, and I think it probably is only binding for the Department during the tenure of this Secretary; but again, if it is not necessary, it is certainly not harmful. It would give these States the assurance they need. There are many questions in this area that go well beyond this amendment. But this amendment deals with an important question.

I urge my colleagues to adopt this amendment today.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I yield to my colleague, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I appreciate my colleague from South Florida yielding me the time.

Mr. Chairman, I rise in opposition to this amendment. The proposed gaming regulations will not force communities to accept casino-style gambling, as some of my colleagues assert.

Instead, the regulations will protect States' rights while affirming those rights which Congress clarified more than 11 years ago in the Indian Gaming Regulatory Act.

Mr. Chairman, the proposed gaming regulations will help resolve long-standing constitution disputes over Indian gaming and will only complicate the process. I urge its defeat.

Mr. HASTINGS of Florida. Mr. Chairman, I rise in opposition to the Weldon amendment.

To those who say that it upholds the Indian Gaming Regulatory Act, I urge them to read the act. The act does not give States the ability to unilaterally deny tribes access to class 3 gaming by refusing to negotiate.

In fact, it requires States to negotiate with tribes for class 3 gaming that is otherwise available in the State. If the State fails to do so, the act provides a mechanism through the Secretary of the Interior for the tribe to have access to the kind of games that others in the State enjoy.

This matter arose in the district that I am privileged to serve, and yet the State of Florida has refused to negotiate with Florida tribes compacts for class 3 gaming. And it has done so with impunity.

It is time to give Florida tribes and those in other States a way to enforce the rights Congress affirmed more than 11 years ago in enacting the Indian Gaming Regulatory Act.

When the State of Florida asserted its sovereign immunity to a lawsuit that could have triggered secretarial procedures under the IGRA, it upset the balance Congress deliberately struck between the tribes' rights and the States' rights in the negotiating process. It also calls the constitutionality of the act to come into serious question.

I would remind my colleagues that if the IGRA is rendered unconstitutional, we go back to the Cabazon standard. If that happens, States will have absolutely no role in determining what kind of games tribes can have.

Mr. DICKS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. Mr. Chairman, I am in opposition to the Weldon amendment.

Mr. Chairman, I rise to speak in opposition to the Weldon amendment, which would have a devastating impact on many Indian tribes throughout our nation.

The Weldon amendment would prohibit the Department of the Interior from implementing important regulations for mediating differences between states and Indian tribes on Indian gaming activities.

The Indian Gaming Regulatory Act requires Indian tribes to negotiate compacts with state governments for the operation of certain types of gaming facilities. In the event that states and tribes are unable to negotiate a compact, the Act gives the Department of the Interior the authority to mediate between the states and the tribes. The Department of the Interior's regulations are essential to ensure that tribes can operate gaming facilities when states refuse to negotiate compacts in good faith.

The supporters of this amendment claim that the Department of the Interior's regulations would ''bypass'' state authority. Nothing could be further from the truth. The regulations come into play only after a state has refused to negotiate a compact with a tribe. Furthermore, during the mediation process, the state has several opportunities to join the process and participate as a full party to the negotiations.

This amendment would encourage states to ignore their obligation to negotiate with tribes that seek to operate gaming facilities. It would permit states to refuse to negotiate gaming compacts and thereby prevent tribes from operating gaming even when other citizens and businesses in the state are permitted to do so. This unfairly discriminates against Indian tribes.

Gaming is to Indian tribes what lotteries are to state governments. Indian gaming revenues are used to fund essential government services including health care, education, law enforcement, tribal courts, economic development and infrastructure improvement. These revenues serve to promote the general welfare of the tribes and their members. Through gaming, tribal governments have been able to bring hope and opportunity to some of the country's most impoverished people.

I urge my colleagues to defeat this amendment.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

The gentleman from Florida (Mr. HASTINGS) has this exactly right. The Indians had this right to unilaterally engage in gaming as a result of the Cabazon tribe. This Congress came and stepped in and created a process which would involve the States to try to develop compacts for class 3 gaming and, therefore, restricted the rights of the Indian tribes.

What we have now seen is that in those States and in my own State for several years where the Indians have had that right, they have worked on that right, the States have simply refused to negotiate in good faith with those tribes.

We recognize that the States have sovereignty, and that is exactly what IGRA was designed to do, as the gentleman from Arizona said. It was designed to create a basis in which we could deal with the impasse between those tribes. That is what was attempted in this case. The States sued. We developed a sovereignty. And that is the point in which the Secretary is supposed to do it.

The States have now come along and sued as to whether or not the Secretary has any authority to do this. And this is again tampering restriction with the rights of the tribes under IGRA and under the basic rights in the Cabazon case.

I would urge that we oppose this amendment.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK) to give us some perspective on the importance of this issue.

Mr. FRANK of Massachusetts. Mr. Chairman, I could have sworn about an hour ago Members were knocking each other down in a race to the microphone to talk about how much they love the Indians. And now we have a bill, which is, as we know, despite the technicalities, aimed at retarding the Indians' ability to have gambling.

People watching C–SPAN could be forgiven if they thought they had turned to the American Movie Classics and were watching one of those bad old movies where the Indians win in the first reel and then they get ambushed by all the white guys in the second reel. We are into the second reel of a bad movie here.

Whatever happened to all this pro-Indian stuff? And it is not only a bad movie, it is a bad movie if this amendment passes with a surprise ending. Because we have a concern for Indian health which some people want to beat by giving them more Federal money.

We are saying, let us help Indian health by letting the Indians get into business and support themselves and make some money. And I think gambling has probably done more to help Indian health than the underfunded health service. So let us not have a surprise ending where the Republican House says, hey, enough of this self-sufficiency, enough of this making money on your own, let us give you a little more Federal funding.

Mr. WELDON of Florida. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just want to make it very, very clear that this Member supports the States having a say in this. And to imply that anybody in this Chamber is anti-gaming I think is to me inaccurate, to say the least.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

□ 0000

Mr. SHADEGG. I thank the gentleman for yielding time.

Mr. Chairman, I suppose I should begin by pointing out that some of us believe that Indian economic development is in fact very important, but we are concerned that Indian gambling is not the best form of Indian economic development. I personally feel we ought to be doing a great deal more toward Indian economic development, and I have introduced three different pieces of legislation to do that. But I think causing the Indian reservations to be solely dependent on gambling is not necessarily prudent economic development for the Indian people nor do I believe the only thing we should be doing to assist them in economic development is to promote gambling.

I want to raise a technical point. The gentleman from Michigan (Mr. KILDEE) some time ago rose and said that in writing IGRA, this Congress clearly contemplated this situation and that in writing IGRA, this Congress specifically wrote that we would in fact allow the United States Secretary of Interior and the administration to authorize Class III gaming if a State chose not to negotiate with the tribe.

That may well be true although I think it is not in fact true, but I want to make the point that in enacting IGRA, this Congress acted unconstitutionally and indeed in this very case, in Seminole Tribe v. Florida, the United States Supreme Court ruled specifically that way, because in enacting IGRA, this Congress, in its attempt to advance gaming, waived the States' rights to assert their 11th amendment immunity. Under the 11th amendment to the United States constitution, States are immune from being sued. They may not be sued under the U.S. Constitution.

Notwithstanding that, the Constitution says that, this Congress tried to waive the immunity. The United States Supreme Court has already said that our attempt to do so was unconstitutional. If they said that was unconstitutional, then why would we have at the same time, having said that we waived the State's right and allowed them to be sued, we are going to create a separate procedure?

The reality is the litigation that the gentleman from Florida (Mr. WELDON) is referring to would not be going forward if the gentleman from Michigan (Mr. KILDEE) were correct. The reality is that this issue is in dispute and that the gentleman from Florida's amendment simply preserves the status quo.

I urge my colleagues to support the Weldon amendment.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) has 3 minutes remaining. The gentleman from Arizona (Mr. KOLBE) has 2 minutes remaining and the right to close.

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

I want to explain to my colleagues here how I got into this issue. As most of them know, it is not common for me to come to the floor at midnight with what seems to be an obscure issue. I have a little town in my district, Kissimmee, Florida. It is right outside of Disney World. One of the tribes is looking at putting a casino there.

Now, it has been said by one of my colleagues from Florida that the State of Florida has not been negotiating in good faith with the tribe. The fact is we have had three Statewide ballot referendums in the State of Florida, and this issue has gone down in smoke three times. We all say the will of the people should be sovereign. The height of this building is the highest in the city because the founders believed the power of the people was supreme. The people of the State of Florida have spoken very, very clearly.

Now, we all talk about special interests and how we do not like special interests. As far as I am concerned, if a group of people who are interested, be they, I agree, an unfortunate and discriminated against group like the Indians somehow nonetheless want to go around the will of the people of the State of Florida and put Class III gaming in a very, very family friendly environment, I do not think that is right.

Now, if the gentleman from Michigan's comments that IGRA somehow provided for this regulatory remedy were correct, then there would be no case in court. The judge would have thrown the case out. He would have said the Secretary can proceed with this. But no, this case is being disputed because IGRA, I believe, is not sufficiently clear. My interpretation of IGRA is that the Secretary cannot do this.

All I am asking is that we as a Congress say, let this case work its way toward the courts. Let us not have a Secretary of the Interior issuing a procedure that would allow the Secretary to go around the law as intended in IGRA and let the will of the people of the State of Florida prevail. Might I also add that our previous Democratic governor, Lawton Chiles, a man whom I respect, took the same position that I am taking here today. So this is not a Democrat versus Republican issue. I believe this is an issue of letting the court work its will. This is an issue of letting the will of the Congress speak.

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

The CHAIRMAN. The gentleman from Arizona is recognized for 2 minutes.

Mr. KOLBE. Mr. Chairman, I think the bipartisan nature of this debate has been shown just by the speakers from my State of Arizona with three of us in the same party on opposite sides of this issue. There is clearly a lot of debate about this and fair debate, I think. I think we have heard some good discussion here tonight.

I think the gentleman from Michigan (Mr. KILDEE) laid out the very technical and kind of legalistic arguments about this. I want to answer a couple of the things that were said here tonight, but I also want to say very clearly that the effect of this legislation is to say to the Indian tribes, ''There will be no gaming until this issue is settled, no gaming whatever, you won't proceed anywhere in the country.''

I am going to come back to that in a second. I think it is important to understand that while many of us may have concerns about the way some of the Indian gaming has proceeded, we need to also understand that it has brought about some wonderful economic development and wonderful improvements in the lives of people on Indian reservations.

I have one small tribe in my community that has used the money that they have had from Indian gaming to improve the lives of their citizens, to improve the health care of children, the education of children. They have used some of the money to jump start economic development by allowing for the creation of a high-tech company, to fund a high-tech company to move onto the reservation to provide very skilled kinds of jobs on the Indian reservation. This is a company that would not have been able to get financing, venture capital financing if it had not been for the Indian gaming money that that tribe had. It has made a difference. It is making a difference for that tribe.

Now, there were a couple of things that have been said here I think that need to be corrected. My friend from Missouri spoke about the fact that this is a narrow and not a broad piece of legislation. He also said if the Secretary has said he will not issue the regulations, why worry about it, then? Why not just go ahead?

The answer is very clear to that, Mr. Chairman. The reason is because this legislation would preclude even States where the tribe and the governor want to go ahead, where there is no question, they would not be able to move ahead.

In answer to the last question of my friend from Arizona who spoke about the fact that the courts struck this down, they did not strike down the right of the Secretary to promulgate regulations.

Mr. Chairman, we should defeat this amendment. We should allow the process to move forward. I urge a no vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 205, not voting 62, as follows:

[Roll No. 289]

AYES—167

Aderholt
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Bass
Bateman
Bereuter
Berkley
Biggert
Bilirakis
Blunt
Bonilla
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
DeLay
DeMint
Dickey
Doolittle
Duncan
Dunn
Edwards
Ehlers
Emerson
Everett
Fletcher
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
LaHood
Largent
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Northup
Norwood
Obey
Ose
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Rahall
Reynolds
Riley
Roemer
Rogers
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Shays
Shimkus
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wolf
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bentsen
Berman
Berry
Bilbray
Blagojevich
Boehlert
Boehner
Bonior
Bono
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Camp
Capps
Cardin
Carson
Clement
Condit
Conyers
Coyne
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Ehrlich
English
Eshoo
Evans
Farr
Fattah
Foley
Forbes
Ford
Frank (MA)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Granger
Gutierrez
Hastings (FL)
Hayworth
Hill (IN)
Hilleary
Hinchey
Hoeffel
Holden
Holt
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
John
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McKinney
McNulty
Meehan
Menendez
Metcalf
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
Ney
Nussle
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Rivers
Rodriguez
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sherwood
Simpson
Skeen
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Walden
Waters
Waxman
Weiner
Weldon (PA)
Weller
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—62

Barton
Becerra
Bishop
Bliley
Blumenauer
Boucher
Campbell
Capuano
Clay
Clayton
Clyburn
Coburn
Cooksey
Costello
Danner
Deal
Engel
Etheridge
Ewing
Filner
Green (TX)
Greenwood
Hall (OH)
Hilliard
Hinojosa
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Klink
LaFalce
Lazio
Linder
Lofgren
Martinez
McCollum
McDermott
McIntyre
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Moore
Nadler
Neal
Owens
Oxley
Payne
Rangel
Ros-Lehtinen
Sensenbrenner
Serrano
Shows
Shuster
Skelton
Thompson (MS)
Toomey
Towns
Velazquez
Vento
Watt (NC)

□ 0028

Ms. PRYCE of Ohio, Mrs. THURMAN, and Mr. SWEENEY changed their vote from ''aye'' to ''no.''

Mr. SALMON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, before we vote, I simply want to rise to remind people why so many of us will vote against this bill on final passage.

The bill is $1.7 billion below the President's request, and $302 million below fiscal 2000. That applause says an awful lot about those folks and their values.

Mr. Chairman, it is $485 million below the request for Indian affairs. It will cause major reductions in personnel for both Indian schools, hospitals, and clinics. Are the Members not clapping now? Why do they not clap at that, too?

Mr. Chairman, this bill cuts land acquisition $736 million below the level which this House voted just a month ago and sent out their press releases about.

It includes anti-environmental riders on the Columbia Basin plan deleted earlier by the Dicks amendment, it fails to include increases for the arts approved earlier today in the Slaughter amendment, and even if it did, even if it did, $22 million worth of good news cannot overcome $2 billion of ignored responsibilities.

For the Forest Service, it is $96 million below last year; it is $100 million below last year for maintenance for parks or refuges or forests.

I have to say, I know the gentleman from Ohio. I know if he had his druthers, this bill would not look like this. But the problem is that the way this House is operating under the instructions that it is operating, good people have to bring bad legislation to this floor. We have the responsibility when that happens to vote against it until it becomes good legislation, and that is what we intend to do tonight.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill. I would just restate to my colleagues, this is a fiscally responsible appropriations bill. I would hope we could get to the vote and pass the bill.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2001''.

Mr. POMEROY. Mr. Chairman, I rise tonight in opposition to H.R. 4578, the fiscal year (FY) 2001 Interior Appropriations bill. I believe this legislation falls short in protecting our natural resources and meeting the health care and education needs in Indian Country.

This legislation, which funds $14.6 billion for our nation's natural resources, national parks, and programs for Native Americans, is 10 percent less than President Clinton's FY 2001 Budget request. Specifically, this legislation provides $340 million less than the Administration's request for our National Park Service system. With our national parks already facing serious budget cuts and much needed infrastructure repairs, I believe it is wrong for us to shortcut this important component of our nation's aesthetic beauty.

I also believe that improving the living conditions of Native Americans must be one of our top priorities. Unfortunately, the bill before us contains a significant shortfall in funding to meet the critical health care and school construction needs in Indian Country. The bill today is $186 million below the President's request for the Indian Health Service and $180 million below the President's request for school construction. With populations of Native Americans growing, and a general movement back to the reservation, Tribal governments are feeling growing pressure to meet the basic needs of their people, and are trying to stretch too few resources too far. In order to meet the current health care needs of tribes an IHS budget of $8 billion is needed. Further, over the decades, the BIA school system have been the victim of neglect, and the price is now steep to make these schools safe and adequately equipped for today's students. Of the 185 BIA schools, most are in need of either major repairs or new construction at an estimated cost of over $2.4 billion. Unfortunately, the bill fails to address either of these critical needs in Indian Country and we simply cannot continue down this path any longer.

Mr. Chairman, in these times of a booming economy, I believe we can do better by providing more funding for our nation's national resources and meeting the needs of Indian Country. I urge my colleagues to vote no ''on'' this legislation.

Mr. DAVIS of Illinois. Mr. Chairman, on May 17, 2000 the Field Museum of Chicago unveiled the largest and most complete T-Rex skeleton ever found, Sue. Sue as she is named was found by the renowned fossil hunter Sue Henderson, who discovered the 67 million year old Tyrannosaurus Rex in 1990, where it lay buried within Cheyenne River Sioux backlands in the Black Hills of South Dakota. The Field Museum purchased Sue for $8.1 million at auction with assistance from McDonald's Corporation, Walt Disney World Resort, the University of California System and other private donors.

Sue is an unprecedented scientific find that opened in Chicago on May 17th. It has rested in Union Station here in Washington, D.C. and is scheduled for a nationwide tour which includes Boston, Honolulu, St. Paul, Columbus, Los Angeles, Toledo, Louisville, Dallas, Seattle, Milwaukee, and other cities during the next three years. Sponsored by McDonald's Corporation as its millennium gift to the nation, the traveling exhibition will ensure that the entire nation has the opportunity to experience and to learn from this fossil.

With the fourth most important fossil collection in the world, the Field Museum is seeking federal funds to help construct a new Hall of Paleontology and Earth Science in which to install Sue and to support related exhibits, research and educational programming. The Illinois Delegation has joined in signing a letter urging support for federal funds for Sue.

Mr. HUTCHINSON. Mr. Chairman, I rise to offer my enthusiastic support for the Federal-State Partnership of the National Endowment for the Humanities. The Federal-State Partnership is a collaborative endeavor of the NEH and fifty-six state humanities councils. Its mission is to ensure that all of the nation's citizens, wherever they may live, benefit from locally designed humanities programs that are crafted with the concerns and needs of each state's citizens in mind. This partnership channels federal funds directly to the states so they can grant money to local areas where they will have the greatest benefits.

The results that I have seen are quite impressive. The federal funds that go to the Arkansas Humanities Council are channeled to all parts of our state, inpacting both large and small communities. A grant given to Deer, Arkansas illustrates this very well. Deer is a very small rural town in the hills of Newton County that received money for a program to purchase books that encourages parents and students to read together. They will also have a week-long event that celebrates the area's cultural heritage.

Mr. Chairman, I commend the chairman of the Interior Appropriations subcommittee for sustaining the funding for the Federal-State Partnership. It is my hope that in the future we can increase our commitment to programs like the Federal-State Partnership which direct funds to successful programs, like the Arkansas Humanities Council, at the state level to support community based programs and services.

Mr. LANTOS. Mr. Speaker, I rise in opposition to H.R. 4578, the FY 2001 Interior Appropriations Bill. This bill is seriously flawed. It shortchanges critically needed natural resource conservation programs and contains a number of anti-environmental legislative riders that will undermine our nation's land management and environmental protection programs.

H.R. 4578 cuts more than $300 million from current levels in important programs which protect endangered species and preserve and maintain our national wildlife refuges, national forests, and national parks. The bill also attacks the protection of national monuments and prevents the establishment of new national wildlife refuges.

As the stewards of America's lands and environment, Congress must fulfill its obligation to future generations and ensure that our parks, wildlife refuges, forests and range lands are protected, preserved and maintained. This legislation does not do this. It does not adequately provide for the maintenance of our federal lands and historic treasures, and it cuts funding for new federal land acquisition of important natural resource lands threatened by development.

I am particularly concerned about the anti-environmental riders which have been attached to this bill. The riders affect the full range of environmental issues—from protecting our public lands to undermining our clean water laws to exposing our children to toxic chemicals. Mr. Speaker, we must oppose these backdoor riders which weaken our environmental laws which are critically important to our children and communities. We must not allow the narrow interest of those who seek special exemptions, subsidies or funding limitations to erode the quality of our public lands and our quality of life.

Mr. Speaker, this legislation also funds for our nation's critically important arts and humanities education programs to historically low

levels. H.R. 4578 would fund the National Endowment for the Arts (NEA) at a level 40 percent below 1995 levels and the National Endowment for the Humanities (NEH) at a level 33 percent below 1995 levels.

In summary, Mr. Speaker, H.R. 4578 funds our critically needed natural resource conservation programs at insufficiently low levels. It contains legislative riders that will undermine our nation's land management and environmental protection programs. I strongly urge a NO vote against final passage of the bill.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LATOURETTE, Chairman 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. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 524, he reported the bill back to the House with sundry amendments 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? If not, the Chair will put them en gros.

The amendments were 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.

MOTION TO RECOMMIT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DICKS. In its present, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKS moves to recommit the bill H.R. 4578 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 66, line 21, after the amount insert ''(increased by $22,000,00)''.

On page 85, line 7, strike ''$98,000,000'' and insert ''113,000,000''.

On page 85, line 21, strike ''$100,604,000'' and insert ''105,604,000''.

On page 86, line 19, strike ''$24,307,000'' and insert ''26,307,000''.

Mr. DICKS. Mr. Speaker, I will be very brief. I was proud to be a cosponsor of this amendment.

What this would do would be to take the Slaughter amendment, $15 million for the National Endowment for the Arts, $5 million for the National Endowment for the Humanities, and $2 million for museum services.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, since the Arts Caucus could not present its amendment this evening, we will give Members one chance this evening to vote for or against art and humanities. This is the very same proposal that passed today. It is a vote on art. It passed today by 207 to 204 with bipartisan support. If Members supported it today, they should support it this morning.

Mr. Speaker, these funds do not support a $9 billion industry, as stated earlier this evening, but exist to bring beauty, truth, history, and hope to those who might have no other exposure to them. This includes the NEA programs that are presently on Indian reservations.

It is also money in the bank. The $98 million spent last year will bring back to the Federal Treasury $4 billion to $5 billion this year. An investment with a return like that deserves to be increased.

I urge a yes vote on the motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Ohio (Mr. REGULA) opposed to the motion to recommit?

Mr. REGULA. Mr. Speaker, I am opposed to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized.

Mr. REGULA. Mr. Speaker, let us get on with the vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 188, not voting 63, as follows:

[Roll No. 290]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bentsen
Berkley
Berman
Bilbray
Blagojevich
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clement
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hoeffel
Holden
Holt
Horn
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
Kuykendall
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McNulty
Meehan
Menendez
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—188

Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller

Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—63

Ballenger
Barton
Becerra
Bishop
Bliley
Blumenauer
Boucher
Campbell
Capuano
Clay
Clayton
Clyburn
Cooksey
Costello
Danner
Deal
Engel
Ewing
Filner
Ganske
Green (TX)
Greenwood
Hall (OH)
Hilliard
Hinojosa
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Klink
LaFalce
LaHood
Lazio
Linder
Lofgren
Martinez
McCollum
McDermott
McIntyre
McKinney
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Nadler
Neal
Owens
Oxley
Payne
Rangel
Sensenbrenner
Serrano
Shows
Shuster
Skelton
Thompson (MS)
Toomey
Towns
Velazquez
Vento
Watt (NC)
Watts (OK)

☐ 1253

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 204, nays 172, not voting 59, as follows:

[Roll No. 291]

YEAS—204

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hastert
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chenoweth-Hage
Clement
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Hall (TX)
Hansen
Hastings (FL)
Hefley
Herger
Hill (IN)
Hinchey
Hoeffel
Holt
Hostettler
Hoyer
Inslee
Jackson (IL)
John
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Menendez
Metcalf
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Napolitano
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Tiahrt
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—59

Barton
Becerra
Bishop
Bliley
Blumenauer
Boucher
Campbell
Capuano
Clay
Clayton
Clyburn
Cooksey
Costello
Danner
Deal
Engel
Ewing
Filner
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hilliard
Hinojosa
Hooley
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Klink
LaFalce
Lazio
Linder
Lofgren
Martinez
McCollum
McDermott
McIntyre
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Nadler
Neal
Owens
Oxley
Payne
Rangel
Sensenbrenner
Serrano
Shows
Shuster
Skelton
Thompson (MS)
Toomey
Towns
Velazquez
Vento
Watt (NC)

☐ 0109

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to my friend, the distinguished gentleman from Texas (Mr. ARMEY), for the purpose of inquiring about the schedule.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet on Monday, June 19, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday, no recorded votes are expected before 6 p.m. We will also consider H.R. 4635, VA-HUD appropriations for fiscal year 2001 on Monday under an open rule. Members should expect to work until about 9 p.m. on VA-HUD Monday evening.

On Tuesday, June 20 and the balance of the week, the House will consider the following measures:

H.R. 4601, the Debt Reduction and Reconciliation Act of 2000;

H.R. 4201, the Noncommercial Broadcasting Freedom of Expression Act of 2000;

H.J. Res. 90, withdrawing the approval of the United States from the agreement established in the World Trade Organization;

H.R. 4516, Legislative Branch appropriations for fiscal year 2001;

H.R. 4461, Agricultural Appropriations Act for fiscal year 2001;

Departments of Commerce, Justice, State and Judiciary Appropriations Act for fiscal year 2001.

Mr. Speaker, we have just completed a very productive week in the House. I want to thank my colleagues for all their hard work. Obviously, next week we have laid out another very ambitious schedule for the House; and so I would caution my colleagues to be prepared to work late nights Monday through Thursday.

Mr. Speaker, I wish all my colleagues a good weekend back in their districts and a happy Father's Day.

Mr. HOYER. I thank the gentleman from Texas (Mr. ARMEY) for the information. I note that the prescription drug bill is not on the calendar for next week, Mr. Leader; but I am wondering, notwithstanding that, can the gentleman confirm for us the discussions we have had that, because this is a matter of such importance to the American people, that when the bill does come up, that the minority will at a minimum have the opportunity to

offer our substitute proposal that has brought this issue to the floor when it does come to the floor?

Mr. ARMEY. Mr. Speaker, let me thank the gentleman for that inquiry, and the gentleman is absolutely correct. It is an important issue. The committee expects to mark it up and prepare it for the House by Wednesday of next week.

We would hope to have it on the floor then the following week; and then, of course, the Committee on Rules will deliberate on that. And I am sorry I cannot answer at this time what rule will be reported.

I do appreciate the concern the minority has, and I will relay that on to the Committee on Rules.

Mr. HOYER. I thank the gentleman for his reply, and I understand the fact that he may not be able to predict what the Committee on Rules would do, but can the distinguished Leader, based upon what I understand are conversations that I have not participated in, but I think some have, can the Leader advise me whether or not it would be his intention to advise the Committee on Rules that the minority have the opportunity to offer its substitute on an issue of such magnitude to the American people?

Mr. ARMEY. Let me again thank the gentleman for his inquiry. I have not participated in the discussions to which the gentleman refers. I will consult with those Members of our leadership that have been involved in those discussions and then act in accordance with what I understand from those discussions.

Mr. HOYER. I thank the gentleman for his response, and, again, would hope very sincerely that on a matter of this magnitude that the House would have the opportunity of considering at least two substantive alternatives and the substantive alternative offered by the minority party as it sees fit to offer it.

Mr. ARMEY. I appreciate the gentleman's interests; and certainly I understand, having been in the minority, myself, how strongly you must feel about that.

Mr. HOYER. I thank the gentleman.

## AUTHORIZING AWARD OF MEDAL OF HONOR TO ED W. FREEMAN, JAMES K. OKUBO, AND ANDREW J. SMITH

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2722), to authorize the award of the Medal of Honor to Ed. W. Freeman, James K. Okubo, and Andrew J. Smith, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2722

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

**SECTION 1. AUTHORITY TO AWARD MEDAL OF HONOR TO ED W. FREEMAN, JAMES K. OKUBO, AND ANDREW J. SMITH.**

(a) INAPPLICABILITY OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor under section 3741 of such title to the persons specified in subsection (b) for the acts specified in that subsection, the award of the Medal of Honor to such persons having been determined by the Secretary of the Army to be warranted in accordance with section 1130 of such title.

(b) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF HONOR.—The persons referred to in subsection (a) are the following:

(1) Ed W. Freeman, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 14, 1965, as flight leader and second-in-command of a helicopter lift unit at landing zone X–Ray in the Battle of the Ia Drang Valley, Republic of Vietnam, during the Vietnam War, while serving in the grade of Captain in Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

(2) James K. Okubo, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on October 28 and 29, and November 4, 1944, at Foret Domaniale de Champ, near Biffontaine, France, during World War II, while serving as an Army medic in the grade of Technician Fifth Grade in the medical detachment, 442d Regimental Combat Team.

(3) Andrew J. Smith, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 30, 1864, in the Battle of Honey Hill, South Carolina, during the Civil War, while serving as a corporal in the 55th Massachusetts Voluntary Infantry Regiment.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Silver Star, or other award, has been awarded.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. HEFLEY) is recognized for 1 hour.

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

Mr. Speaker, S. 2722 authorizes the award of the Medal of Honor to three individuals who have been recommended for the award following a review by the Secretary of the Army.

In authorizing an award S. 2722, waives the time limits established in the law for the award of the Medal of Honor. The three cases involve extraordinary valor in combat and represent well the high standard for bravery that is the hallmark of our Nation's most cherished decoration, the Medal of Honor.

Corporal Andrew J. Smith, 55th Massachusetts Volunteer Infantry, saved the regimental colors from capture on November 30, 1864, during the Battle of Honey Hill, South Carolina, when an assault left one-half of the regiment's officers and a third of the enlisted men killed or wounded.

Technician Fifth grade, James K. Okubo, Medical Detachment 442nd Regimental Combat Team, rescued several badly wounded members of his unit while under heavy enemy fire on October 28, 29, and November 4, 1944, near Biffontaine France.

Captain Ed. W. Freeman, 229 Assault Helicopter Battalion, 1st Cavalry Division, repeatedly flew into one of the hottest and most embattled landing zones of the Vietnam War to provide essential supplies and evacuate wounded on November 14, 1965, at landing zone X-ray during the battle of the LaDrang Valley, Republic of Vietnam.

The legislation would provide the appropriate honors posthumously to three valiant Americans of very different backgrounds, engaged in three very different battles. No matter how different the men, no matter how different the tactical or technological aspects of the conflicts in which they found themselves, they each reflected the best character of the American soldier.

Mr. Speaker, I also want to note that this legislation would, if adopted by the House, permit Mr. Okubo's family to receive his medal along with other Asian-American veterans who will receive Medals of Honor in a White House Ceremony on June 21.

I urge my colleagues to join me in support of S. 2722.

Mr. Speaker, I yield to my friend and colleague, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Colorado (Mr. HEFLEY) for yielding.

Mr. Speaker, I rise in support of S. 2722, which is before the House today authorizing the Medal of Honor for James K. Okubo, Ed. W. Freeman, and Andrew J. Smith for the heroic actions as outlined by the gentleman from Colorado (Mr. HEFLEY).

□ 0120

These three individuals are highly deserving of this award for their conspicuous bravery under fire in the defense of our great nation.

I am particularly pleased that this legislation is the culmination of an exhaustive effort to recognize James K. Okubo for his valor during World War II. Mr. Okubo, a Japanese-American, originally from Washington State, like hundreds of others was sent to an internment camp in California at the outset of World War II. Despite being subjected to this shameful treatment, he never wavered in his patriotism and dedication to this country.

James Okubo entered the Army and was assigned as a medic in the legendary 442nd Regimental Combat Team. In October of 1944, Technician Okubo and his unit were tasked with the rescue of the ''Lost Battalion'' from Texas. The ''Lost Battalion'' was surrounded by German forces and threatened with annihilation.

During a 2 day period of heavy machine gun fire, mortar and artillery fire, Technician Okubo provided first-aid to 25 fellow soldiers wounded in the

battle. On two occasions he crawled within yards of enemy lines to evacuate wounded comrades. Later during the battle he ran 75 yards through withering machine gun fire directed at him and evacuated a seriously wounded crewman from a burning tank.

For his heroism displayed during these intense combat situations, Technician Okubo was recommended for the Medal of Honor. I think it is important to note that, Mr. Speaker, he was recommended at that time for the Medal of Honor. However, the award was downgraded with the explanation that since he was a medic, Technician Okubo was not eligible for any award higher than the Silver Star.

Sadly, Mr. Okubo passed away in 1967 without ever receiving the proper recognition he rightly deserves. However, we now have the opportunity to correct this injustice. Mr. Okubo's case has recently been reviewed, as the gentleman from Colorado (Mr. HEFLEY) indicated, by the Department of the Army under Section 1130 of Title X. After a thorough review of the facts of the case, the Army determined that Mr. Okubo in fact deserves to be awarded the Medal of Honor recommended for him for his valor during World War II.

On June 21, the President will be recognizing 12 members of Mr. Okubo's former unit, the 442nd Regimental Combat Team. These individuals have also earned the Nation's highest award, the Medal of Honor.

I strongly urge the House to join our colleagues in the Senate and pass S. 2722, so that James K. Okubo can be honored with his comrades on this momentous occasion.

Mr. Speaker, may I conclude and thank the gentleman from Colorado (Mr. HEFLEY) again personally on this floor for not only his interest, but his dedication, and thank in particular Mike Higgins and Phil Grone, Ashley Godwin and Deborah Watta for making it possible for the gentleman from Colorado (Mr. HEFLEY) and myself to appear on the floor in such an expeditious manner. They have done a terrific job with this, Mr. Speaker, and I am very grateful. I thank the gentleman for yielding.

Mr. HEFLEY. Mr. Speaker, I thank my friend from Hawaii.

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

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

## GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2722.

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

There was no objection.

## ADJOURNMENT TO MONDAY, JUNE 19, 2000

Mr. HEFLEY. 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 Colorado?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HEFLEY. 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 Colorado?

There was no objection.

## PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on Friday, June 9, I was unable to vote due to a family emergency, and on Rollcall Vote 251, I was unavoidably detained. Had I been present, I would have voted yea.

On Rollcall Vote Number 252, had I been present, I would have voted yea.

I make the same requests on Rollcall Vote Number 253, I would have voted aye.

I make the same requests on Rollcall Vote Number 254, I would have voted no.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of a family obligation.

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today on account of a family obligation.

Mr. ROEMER (at the request of Mr. GEPHARDT) for today from 6 p.m. to 9 p.m. on account of a family obligation.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for June 14 on account of illness in the family.

Mr. TOOMEY (at the request of Mr. ARMEY) for today after 4:15 p.m. on account of personal reasons.

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for today until 7:00 p.m. on account of death in the family.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes; to the Committee on Resources.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on House Administration.

## ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4387. an act to provide that the School Governance Charter Amendment Act of 2000 shall take effect upon the date such Act is ratified by the voters of the District of Columbia.

## ADJOURNMENT

Mr. HEFLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes a.m.), under its previous order, the House adjourned until Monday, June 19, 2000, at 12:30 p.m., for morning hour debates.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first quarter of 2000, by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 1999, and first and second quarters of 2000, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the second quarter of 2000 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Bob Etheridge | 1/9 | 1/13 | China | | 1,120.00 | | (3) | | | | 1,120.00 |
| | 1/13 | 1/15 | Hong Kong | | 694.00 | | (3) | | | | 694.00 |
| | 1/15 | 1/18 | Taiwan | | 530.00 | | (3) | | | | 530.00 |
| Committee total | | | | | 2,344.00 | | | | | | 2,344.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

LARRY COMBEST, Chairman, June 9, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO NIGERIA ZIMBABWE AND SOUTH AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 5 AND DEC. 14, 1999

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Richard A. Gephardt | 12/5 | 12/7 | Nigeria | | 562.00 | | | | | | 562.00 |
| | 12/7 | 12/10 | Zimbabwe | | 717.00 | | | | | | 717.00 |
| | 12/10 | 12/14 | South Africa | | 856.00 | | | | | | 856.00 |
| Hon. Amo Houghton | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Mike Castle | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Jennifer Dunn | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Bill Jefferson | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Sue Kelly | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Carolyn Kilpatrick | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Gregory Meeks | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Donald Payne | 12/10 | 12/14 | South Africa | | | | | | | | |
| Steve Elmerdorf | 12/10 | 12/14 | South Africa | | | | | | | | |
| Chet Lunner | 12/10 | 12/14 | South Africa | | | | | | | | |
| Laura Nichols | 12/10 | 12/14 | South Africa | | | | | | | | |
| Darrel Thompson | 12/10 | 12/14 | South Africa | | | | | | | | |
| Craig Hanna | 12/10 | 12/14 | South Africa | | | | | | | | |
| Brett O'Brien | 12/10 | 12/14 | South Africa | | | | | | | | |
| Cassandra Butts | 12/10 | 12/14 | South Africa | | | | | | | | |
| Robert Cogorno | 12/10 | 12/14 | South Africa | | | | | | | | |
| Bob Van Wicklin | 12/10 | 12/14 | South Africa | | | | | | | | |
| Hon. Maxine Waters | 12/5 | 12/7 | Nigeria | | 562.00 | | | | | | 562.00 |
| Hon. Jay Dickey | 12/5 | 12/7 | Nigeria | | 562.00 | | | | | | 562.00 |
| | 12/7 | 12/10 | Zimbabwe | | 717.00 | | | | | | 717.00 |
| | 12/7 | 12/12 | South Africa | | 340.00 | | | | | | 340.00 |
| Committee total | | | | | 40,611.00 | | | | | | 40,611.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, entr U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD A. GEPHARDT, Chairman, May 23, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO RUSSIA, EXPENDED BETWEEN APR. 15 AND APR. 22, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Theodore J. Van Der Meid | 4/15 | 4/22 | Russia | | [3] 1,450.00 | | 4,706.63 | | | | |
| Committee total | | | | | 1,450.00 | | 4,706.63 | | | | |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Purpose: To meet with Russian National Library officials and other Russian representatives, together with the U.S. Librarian of Congress, to discuss collaborative efforts on digitization and archival access activities; to attend a Russian Leadership Conference, and to meet with various members and staff of the Russian Duma and Federation Council to discuss matters of mutual interest.

THEODORE J. VAN DER MEID, May 22, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO HAITI, EXPENDED BETWEEN MAY 19 AND MAY 22, 1999

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Cliff Etammerman | 5/19 | 5/22 | Haiti | | [3] 292.00 | | | | | | 292.00 |
| Committee total | | | | | 292.00 | | | | | | 292.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] No receipts were given.

CLIFF ETAMMERMAN, June 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO CANADA, EXPENDED BETWEEN MAY 7 AND MAY 12, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Thomas Duncan | 5/7 | 5/12 | Canada | | | | 584.68 | | | | 584.68 |
| Committee total | | | | | | | 584.68 | | | | 584.68 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS DUNCAN, June 5, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY STANDING COMMITTEE TO BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 8 AND APR. 10, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Doug Bereuter | 4/8 | 4/10 | Belgium | | 667.00 | | (3) | | | | 667.00 |
| Hon. Tom Bliley | 4/8 | 4/10 | Belgium | | 667.00 | | (3) | | | | 667.00 |
| Hon. Robert Borski | 4/8 | 4/10 | Belgium | | 667.00 | | (3) | | | | 667.00 |
| Susan Olson | 4/8 | 4/10 | Belgium | | 667.00 | | (3) | | | | 667.00 |
| Committee total | | | | | 2,668.00 | | (3) | | | | 2,668.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, Chairman, June 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 5 AND MAY 7, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Ruben Hinojosa | 5/5 | 5/7 | Mexico | | 220.38 | | 549.64 | | | | 770.02 |
| Committee total | | | | | 220.38 | | 549.64 | | | | 770.02 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RUBEN HINOJOSA.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 5 AND MAY 7, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Phil English | 5/5 | 5/7 | Mexico | | 220.38 | | | | | | 220.38 |
| Committee total | | | | | 220.38 | | | | | | 220.38 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PHIL ENGLISH.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 5 AND MAY 7, 2000

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Silvestre Reyes | 5/5 | 5/7 | Mexico | | 220.38 | | | | | | 220.38 |
| Committee total | | | | | 220.38 | | | | | | 220.38 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SILVESTRE REYES.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8153. A letter from the Associate Administrator, Tobacco Programs, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Subpart B-Regulations [Docket No. TB–99–07] (RIN: 0581–AB75) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8154. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New Producers [Docket No. FV–00–985–2 FR] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8155. A letter from the Administrator, FSA, Department of Agriculture, transmitting the Department's final rule—Disaster Set-Aside Program—Second Installment Set-Aside (RIN: 0560–AF91) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8156. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting certification with respect to the Advanced Threat Infrared Countermeasure/Common Missile Warning System (ATIRCM/CMWS) Major Defense Acquisition Program, pursuant to 10 U.S.C. 2433(e)(2)(B)(i); to the Committee on Armed Services.

8157. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; OMB Circular A–73, Audit of Federal Operations and Programs [DFARS Case 2000–D007] received May 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8158. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Authority Relating to Utility Privatization [DFARS Case 99–D309] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8159. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Research, Development, Test, and Evaluation Budget Category Definitions [DFARS Case 2000–D401] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8160. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a report on TRICARE access to Health Care; to the Committee on Armed Services.

8161. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of Lieutenant General on the retired list of Claudia J. KENNEDY; to the Committee on Armed Services.

8162. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Supportive Housing Program-Increasing Operating Cost Percentage [Docket No. FR–4576–1–01] (RIN: 2506–AC05) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8163. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Federal Credit Union; Miscellaneous Technical Amendment—received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8164. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

8165. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—National School Lunch Program and School Breakfast Program: Additional Menu Planning Approaches (RIN: 0584–AC38) received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8166. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting a copy of a manual entitled, ''Caring for Women With Circumcision: A Technical Manual for Health Care Providers''; to the Committee on Commerce.

8167. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the activities of the Multinational Force and Observers (MFO) and certain financial information concerning U.S. Government participation in that organization, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

8168. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8169. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Suggested Changes to the District of Columbia Auditor's Statutory Audit Requirements,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

8170. A letter from the Chairman, Federal Maritime Commission, transmitting the Final Annual Performance Plan For Fiscal Year 2001; to the Committee on Government Reform.

8171. A letter from the Chairman, Federal Maritime Commission, transmitting the report from the Acting Inspector General covering the activities of his office for the period of October 1, 1999—March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8172. 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; Groundfish Fisheries by Vessels using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 050800A] received May 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8173. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gag, Red Grouper, and Black Grouper Management Measures [Docket No. 000120016–0135–02; I.D. 112299C] (RIN: 0648–AM70) received May 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8174. A letter from the Deputy Director, Office of General Counsel & Legal Policy, Office of Government Ethics, transmitting the Office's final rule—Exemption Under 18 U.S.C. 208(b)(2) (RIN: 3209–AA09) received March 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8175. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Contrast Financing—received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8176. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Revised List of User Fee Airports [T.D. 00–34] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8177. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Extension of Port Limits of Puget Sound, Washington [T.D. 00–35] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8178. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees, and Interest [T.D. 00–32] (RIN: 1515–AB76) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8179. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program Audit Techniques Guide—General Livestock—received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8180. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice No. 2000–27] received May 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8181. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Addition of Medical Criteria for Evaluating Down Syndrome in Adults [Regulations No. 4] (RIN: 0960–AF03) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. CHENOWETH-HAGE (for herself, Mr. DELAY, Mr. PITTS, Mr. TRAFICANT, Mr. HALL of Texas, Mr. PAUL, and Mr. BARTLETT of Maryland):

H.R. 4669. A bill to protect America's citizen soldiers; to the Committee on Armed Services.

By Mr. TURNER:

H.R. 4670. A bill to establish an Office of Information Technology in the Executive Office of the President; to the Committee on Government Reform.

By Mr. JACKSON of Illinois:

H.R. 4671. A bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. ARMEY, Mr. BARR of Georgia, Mr. BEREUTER, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BLUNT, Mr. CANNON, Mrs. CHENOWETH-HAGE, Mr. COOKSEY, Mr. COOK, Mr. COX, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DELAY, Mr. DEMINT, Mr. DOOLITTLE, Mr. DREIER, Mr. EHRLICH, Mr. ENGLISH, Mr. GEKAS, Mr. GIBBONS, Mr. GREEN of Wisconsin, Mr. HAYWORTH, Mr. HORN, Mr. HOYER, Mr. JOHN, Mrs. KELLY, Mr. KING, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LUCAS of Oklahoma, Mr. MCCRERY, Mr. MCINTOSH, Mr. METCALF, Mrs. MORELLA, Mr. OXLEY, Mr. PETRI, Mr. ROHRABACHER, Mr. ROGAN, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHIMKUS, Mr. STUMP, Mr. TAUZIN, Mr. TERRY, Mr. TOOMEY, Mr. VITTER, and Mr. WELDON of Florida):

H.R. 4672. A bill to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself and Mr. POMEROY):

H.R. 4673. A bill to assist in the enhancement of the development and expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes; to the Committee on International Relations.

By Mr. CAMPBELL:

H.R. 4674. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under such Act to the extent such increase does not cause the reserve ratios of the deposit insurance funds to decline, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. CLAYTON (for herself, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. HILLIARD, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms.

MILLENDER-MCDONALD, Ms. LEE, Mr. JACKSON of Illinois, Ms. MCKINNEY, Ms. KILPATRICK, Mr. DIXON, Mr. CLAY, Mr. PAYNE, Mr. FROST, Mr. BISHOP, Mrs. MEEK of Florida, Ms. WATERS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. WYNN, Mr. CUMMINGS, Mr. RUSH, Mr. TOWNS, Mr. FORD, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, and Mr. FATTAH):

H.R. 4675. A bill to improve the representation and accountability of county and area committees established under the Soil Conservation and Domestic Allotment Act and to ensure equitable service and improved access for farmers, ranchers, and other customers of programs of the Department of Agriculture; to the Committee on Agriculture, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 4676. A bill to amend the Internal Revenue Code of 1986 to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. LUCAS of Oklahoma, Mr. TANNER, Mr. NUSSLE, Mr. STENHOLM, Mr. MCINTYRE, Mr. POMEROY, Mr. BERRY, and Mr. DICKEY):

H.R. 4677. A bill to promote access to health care services in rural areas; 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 Mrs. JOHNSON of Connecticut (for herself, Mr. CAMP, and Mr. ENGLISH):

H.R. 4678. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and 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 Mrs. KELLY:

H.R. 4679. A bill to reauthorize appropriations from the Violent Crime Reduction Trust Fund for the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. BURR of North Carolina, Mr. PETERSON of Minnesota, Mr. BLILEY, and Mr. HALL of Texas):

H.R. 4680. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself, Mr. WEINER, Mr. FRANKS of New Jersey, Mr. NADLER, Mr. GILMAN, and Mr. PALLONE):

H.R. 4681. A bill to provide for the adjustment of status of certain Syrian nationals; to the Committee on the Judiciary.

By Mr. METCALF:

H.R. 4682. A bill to amend the Merchant Marine Act, 1936, to direct the Secretary of Transportation to establish a simplified formula by which application may be made for Smaller Ship Shared-Risk Financing Guarantees, and for other purposes; to the Committee on Armed Services.

By Mr. SAXTON (for himself and Ms. KAPTUR):

H.R. 4683. A bill to provide for the issuance of patents for the countries receiving trade benefits under the Generalized System of Preferences, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. SAXTON (for himself and Mr. SMITH of New Jersey):

H.R. 4684. A bill to establish a demonstration project to provide for Medicare reimbursement for health care services provided to certain Medicare-eligible veterans in selected facilities of the Department of Veterans Affairs; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and 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. SHAW:

H.R. 4685. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. STARK:

H.R. 4686. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs that fail to provide certain information or to present information in a balanced manner, and to amend the Federal Food, Drug, and Cosmetic Act to require reports regarding such advertisements; 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. THOMPSON of Mississippi (for himself, Mrs. CLAYTON, Mr. CLYBURN, Mr. HILLIARD, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. JACKSON of Illinois, Ms. MCKINNEY, Ms. KILPATRICK, Mr. DIXON, Mr. CLAY, Mr. PAYNE, Mr. FROST, Mr. BISHOP, Mrs. MEEK of Florida, Ms. WATERS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Ms. BROWN of Florida, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. WYNN, and Mr. RUSH):

H.R. 4687. A bill to provide for the identification and discipline of members of county and area committees established under the Soil Conservation and Domestic Allotment Act, and employees of such committees, who discriminate against farmers, ranchers, and other participants in programs of the Department of Agriculture on the basis of race, sex, national origin, marital status, religion, age, or handicap; to the Committee on Government Reform, and in addition to the Committee on Agriculture, 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. THUNE (for himself and Mr. POMEROY):

H.R. 4688. A bill to amend the Agricultural Credit Act of 1987 to extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues, and for other purposes; to the Committee on Agriculture.

By Mr. WALSH (for himself, Mr. MCHUGH, Ms. SLAUGHTER, Mr. PAUL, Mr. SOUDER, Mr. QUINN, Mr. CALVERT, Mr. COOKSEY, and Mr. HILLEARY):

H.R. 4689. A bill to require Federal authorities to provide information in medical records seized from a medical practice to that practice in order to enable it to continue caring for its patients; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. SAM JOHNSON of Texas, Mr. MANZULLO, Mr. SALMON, Mr. RADANOVICH, Mr. EHRLICH, Mr. ARMEY, and Mr. DELAY):

H. Con. Res. 354. Concurrent resolution commending Ambassador Stephen S.F. Chen for his many years of distinguished service to the Republic of China on Taiwan and for his friendship with the people of the United States; to the Committee on International Relations.

By Mr. UNDERWOOD:

H. Con. Res. 355. Concurrent resolution expressing the sense of the Congress regarding environmental contamination and health effects emanating from the former United States military facilities in the Philippines; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. BORSKI.
H.R. 303: Mr. SUNUNU and Mr. SHIMKUS.
H.R. 353: Mr. ROMERO-BARCELO and Mr. SHIMKUS.
H.R. 363: Ms. MCKINNEY.
H.R. 638: Ms. MCKINNEY.
H.R. 742: Mr. BACA.
H.R. 797: Mrs. MORELLA, Ms. WATERS, Mr. BACA, Mr. PAYNE, and Mr. GARY MILLER of California.
H.R. 815: Mr. THUNE.
H.R. 870: Mr. LAMPSON, Mr. BRYANT, and Mr. SESSIONS.
H.R. 914: Mr. BACA.
H.R. 1017: Mr. NORWOOD.
H.R. 1108: Mr. DIAZ-BALART.
H.R. 1168: Ms. ROYBAL-ALLARD and Mr. JONES of North Carolina.
H.R. 1187: Mr. STUPAK.
H.R. 1248: Ms. RIVERS, Mr. PETERSON of Minnesota, and Mr. GREEN of Wisconsin.
H.R. 1313: Mr. ENGEL.
H.R. 1337: Mr. CHAMBLISS.
H.R. 1389: Mr. HUNTER.
H.R. 1413: Ms. DUNN.
H.R. 1560: Mr. DOOLITTLE.
H.R. 1731: Mr. CUNNINGHAM.
H.R. 1824: Mr. TANCREDO.
H.R. 1872: Mrs. EMERSON.
H.R. 2166: Mr. EVANS and Mr. GOODLING.
H.R. 2451: Mr. WATKINS.
H.R. 2538: Mr. WEYGAND, Ms. BALDWIN, and Mr. PASCRELL.
H.R. 2543: Mr. PASCRELL.
H.R. 2544: Mr. HOSTETTLER.
H.R. 2562: Mr. EHLERS.
H.R. 2573: Mr. DEFAZIO.
H.R. 2720: Ms. CARSON and Mr. BARTLETT of Maryland.

H.R. 2882: Mr. PAYNE.
H.R. 2900: Ms. JACKSON-LEE of Texas.
H.R. 2902: Ms. BERKLEY.
H.R. 2962: Mr. POMBO.
H.R. 2969: Mr. METCALF.
H.R. 3004: Mr. PASCRELL.
H.R. 3032: Ms. NORTON and Mr. BALDACCI.
H.R. 3083: Mr. PASCRELL.
H.R. 3100: Mr. PETERSON of Minnesota, Ms. MCKINNEY, Mr. PASCRELL, and Mr. PALLONE.
H.R. 3102: Mr. EWING.
H.R. 3142: Mr. PASCRELL.
H.R. 3192: Mr. REYES, Mr. KANJORSKI, Mr. GEKAS, Mr. BRADY of Pennsylvania, Mr. LARSON, and Mr. LEVIN.
H.R. 3193: Mr. LUCAS of Oklahoma.
H.R. 3249: Mr. WEINER.
H.R. 3433: Mr. BACA.
H.R. 3463: Mr. DINGELL, Mr. FROST, Mr. EVANS, Mr. KILDEE, Mr. NEAL of Massachusetts, and Ms. MCKINNEY.
H.R. 3466: Mr. GOODE.
H.R. 3514: Mr. SANDLIN, Ms. LEE, Mr. CONYERS, and Ms. BALDWIN.
H.R. 3518: Mr. TERRY.
H.R. 3560: Mr. HOLT and Mr. STRICKLAND.
H.R. 3580: Mr. MARTINEZ.
H.R. 3667: Mr. VISCLOSKY.
H.R. 3669: Mr. CANADY of Florida, Mr. MCINNIS, Mr. GARY MILLER of California, Mr. PACKARD, and Mr. ROGAN.
H.R. 3679: Mr. HOSTETTLER, Mr. PICKETT, Mr. CLEMENT, Mr. SKEEN, Mrs. MEEK of Florida, Mr. BLUNT, Mrs. LOWEY, and Mr. LUCAS of Oklahoma.
H.R. 3688: Mr. KANJORSKI.
H.R. 3700: Ms. KILPATRICK, Ms. KAPTUR, Mr. PETERSON of Minnesota, Ms. PELOSI, Mr. HORN, Mr. QUINN, Mr. SISISKY, Mr. FRANKS of New Jersey, Mr. PICKETT, and Mr. KLINK.
H.R. 3710: Mr. MANZULLO, Ms. MCKINNEY, Mr. PICKETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, and Ms. SANCHEZ.
H.R. 3798: Ms. MCKINNEY.
H.R. 3826: Ms. BERKLEY and Mr. ROTHMAN.
H.R. 3842: Mr. CALVERT, Mr. MORAN of Virginia, Mr. TANCREDO, Mr. TERRY, Mr. WAMP, and Mr. BALLENGER.
H.R. 3850: Mr. DICKEY.
H.R. 3859: Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. STENHOLM, Mr. HALL of Texas, Mr. TAYLOR of Mississippi, and Mr. MINGE.
H.R. 3891: Mrs. MEEK of Florida.
H.R. 3905: Mr. GOODLATTE and Mr. GONZALEZ.
H.R. 4003: Mr. COLLINS, Mr. LEWIS of Georgia, and Mr. HULSHOF.
H.R. 4004: Mr. CALVERT and Mr. CUMMINGS.
H.R. 4011: Mr. PAYNE.
H.R. 4033: Ms. JACKSON-LEE of Texas and Mr. SALMON.
H.R. 4057: Ms. DEGETTE, Mr. DICKS, Mr. OLVER, Mr. WU, and Mr. WATKINS.
H.R. 4061: Mr. SMITH of Washington.
H.R. 4122: Mr. PETERSON of Minnesota.
H.R. 4157: Mr. LEWIS of California.
H.R. 4210: Mr. HUNTER.
H.R. 4211: Ms. BERKLEY.
H.R. 4258: Mr. GREEN of Texas.
H.R. 4259: Mr. BILIRAKIS, Mr. SMITH of Texas, Mr. BRADY of Texas, Mr. GUTKNECHT, Mr. PEASE, Mr. LATOURETTE, and Mr. COOK.
H.R. 4270: Mr. MCHUGH and Mr. MASCARA.
H.R. 4271: Ms. RIVERS, Mr. MCCRERY, Mr. CAPUANO, and Mr. BENTSEN.
H.R. 4272: Ms. RIVERS, Mr. MCCRERY, Mr. CAPUANO, Mr. BENTSEN, and Mr. HALL of Texas.
H.R. 4273: Ms. RIVERS, Mr. MCCRERY, Mr. CAPUANO, Mr. BENTSEN, Mr. HALL of Texas, and Ms. GRANGER.
H.R. 4277: Mr. HASTINGS of Florida.
H.R. 4281: Mr. DIXON and Mr. HALL of Texas.
H.R. 4308: Mr. SHAYS.
H.R. 4313: Mr. SMITH of Washington.
H.R. 4328: Mr. STEARNS and Mr. RILEY.
H.R. 4339: Mr. HOLDEN and Mr. HILL of Montana.
H.R. 4357: Mr. KUCINICH.
H.R. 4360: Ms. BROWN of Florida.
H.R. 4361: Mr. MCHUGH, Ms. BROWN of Florida, Mr. GREEN of Wisconsin, and Mr. BONIOR.
H.R. 4366: Mr. RAHALL, Mr. GONZALEZ, and Mr. FROST.
H.R. 4395: Ms. DUNN.
H.R. 4418: Mr. BARTLETT of Maryland.
H.R. 4434: Mr. CROWLEY, Mr. PICKETT, Mr. DIAZ-BALART, Mr. REYNOLDS, Mr. SAM JOHNSON of Texas, Mr. KOLBE, and Mr. SHAW.
H.R. 4442: Mr. JONES of North Carolina.
H.R. 4447: Mr. HOYER and Mr. BARTLETT of Maryland.
H.R. 4448: Mr. HOYER and Mr. BARTLETT of Maryland.
H.R. 4449: Mr. HOYER and Mr. BARTLETT of Maryland.
H.R. 4450: Mr. HOYER and Mr. BARTLETT of Maryland.
H.R. 4451: Mr. HOYER and Mr. BARTLETT of Maryland.
H.R. 4463: Mr. PICKETT.
H.R. 4483: Ms. SLAUGHTER, Mr. FROST, Mr. CROWLEY, and Mr. ABERCROMBIE.
H.R. 4492: Mr. BALDACCI, Mr. CUMMINGS, and Mr. STUPAK.
H.R. 4493: Mrs. FOWLER.
H.R. 4502: Mrs. FOWLER, Mr. NEY, Mr. CALVERT, Mr. ISTOOK, Mr. TAYLOR of North Carolina, Mr. SMITH of Washington, Mr. SKEEN, Mr. SESSIONS, Mr. NORWOOD, and Mr. PICKERING.
H.R. 4503: Mr. ARMEY and Mr. PRICE of North Carolina.
H.R. 4508: Mr. WHITFIELD.
H.R. 4535: Mr. FROST, Mr. STUPAK, and Mr. THOMPSON of Mississippi.
H.R. 4543: Mr. BLUNT and Ms. DUNN.
H.R. 4548: Mr. STEARNS, Mr. BISHOP, Mr. HILLEARY, and Mr. BOYD.
H.R. 4574: Mr. RANGEL, Mr. GONZALEZ, and Mr. GEPHARDT.
H.R. 4592: Mr. HILLEARY and Mrs. JOHNSON of Connecticut.
H.R. 4593: Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. HILLIARD, Ms. NORTON, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. JACKSON of Illinois, Ms. MCKINNEY, Ms. KILPATRICK, Mr. DIXON, Mr. CLAY, Mr. PAYNE, Mr. FROST, Mr. BISHOP, Mrs. MEEK of Florida, Ms. WATERS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Ms. BROWN, of Florida, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. WYNN, Mr. CUMMINGS, Mr. RUSH, Mr. TOWNS, Mr. FORD, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, and Mr. FATTAH.
H.R. 4600: Mr. LUCAS of Oklahoma, Mr. WAMP, and Mr. ARMEY.
H.R. 4605: Mr. RANGEL, Mr. FROST, and Mr. Frank of Massachusetts.
H.R. 4612: Mr. ANDREWS and Mr. ABERCROMBIE.
H.R. 4621: Mr. ISAKSON.
H.R. 4640: Mr. STUPAK and Mr. GREEN of Wisconsin.
H.R. 4652: Mr. HOUGHTON and Mr. BARRETT of Wisconsin.
H.R. 4658: Mr. BURR of North Carolina, Mrs. CLAYTON, Mr. BALLENGER, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, and Mr. COBLE.
H.J. Res. 100: Mr. HASTINGS of Florida.
H.J. Res. 102: Mr. DUNCAN, Mr. BALLENGER, Mr. BONILLA, Mr. MCCRERY, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. KASICH, Mr. PICKERING, Mr. GRAHAM, Mr. VITTER, Mr. LEWIS of Georgia, Mr. LAHOOD, Mr. CALVERT, Ms. GRANGER, Mr. HORN, Mr. JONES of North Carolina, and Mr. HOEKSTRA.
H. Con. Res. 233: Mr. MICA.
H. Con. Res. 252: Mr. WATT of North Carolina.
H. Con. Res. 275: Mr. BEREUTER and Mr. SHERMAN.
H. Con. Res. 311: Mr. CAMP and Mr. WEXLER.
H. Con. Res. 318: Mr. WEINER.
H. Con. Res. 327: Mr. WYNN, Mr. GILCHREST, Mr. DIAZ-BALART, Mr. CAPUANO, Mr. BACA, Mr. SPENCE, Mr. FORD, and Mr. ROGAN.
H. Con. Res. 345: Mr. ROYCE, Mr. OSE, Mr. ROHRABACHER, Mr. HUNTER, Mr. HERGER, Mr. DOOLITTLE, Mr. POMBO, Mr. CAMPBELL, Mr. RADANOVICH, Mr. THOMAS, Mr. GALLEGLY, Mr. MCKEON, Mr. KUYKENDALL, Mr. HORN, Mr. LEWIS of California, Mr. GARY MILLER of California, Mr. CALVERT, Mrs. BONO, and Mr. COX.
H. Con. Res. 352: Mr. SALMON, Mr. GILLMOR, Mr. BEREUTER, Mr. ROHRABACHER, Mr. HASTINGS of Florida, and Mr. SHERMAN.
H. Res. 146: Ms. WOOLSEY.
H. Res. 259: Mr. BEREUTER, Mr. SHERMAN, and Mr. STUPAK.
H. Res. 347: Mr. BOEHLERT.
H. Res. 420: Mr. KILDEE.
H. Res. 458: Mr. JEFFERSON, Mr. PAYNE, and Mr. BLAGOJEVICH.
H. Res. 459: Mr. DOOLITTLE.
H. Res. 493: Mr. CUMMINGS.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 10. June 14, 2000, by Mr. MOORE on House Resolution 508, was signed by the following Members: Dennis Moore, Richard A. Gephardt, Tom Sawyer, Carolyn McCarthy, Lloyd Doggett, Lynn C. Woolsey, Benjamin L. Cardin, Rush D. Holt, Cynthia A. McKinney, Joseph H. Hoeffel, Tammy Baldwin, Lucille Roybal-Allard, Bob Etheridge, Steny H. Hoyer, Nick Lampson, Dale E. Kildee, Barbara Lee, Charles A. Gonzalez, Mike Thompson, Gary A. Condit, Sanford D. Bishop, Jr., Ciro D. Rodriguez, Ellen O. Tauscher, Eva M. Clayton, Joe Baca, Juanita Millender-McDonald, Patsy T. Mink, Martin Frost, Shelley Berkley, Thomas H. Allen, Michael P. Forbes, Julia Carson, Maurice D. Hinchey, Carolyn B. Maloney, Eddie Bernice Johnson, Rosa L. DeLauro, Max Sandlin, Steven R. Rothman, Brad Sherman, Frank Mascara, Jerrold Nadler, Sheila Jackson-Lee, Anthony D. Weiner, Micahel R. McNulty, Lois Capps, Diana DeGette, William J. Coyne. Zoe Lofgren, Robert A. Borski, Gene Green, Frank Pallone, Jr., Albert Russell Wynn, Barney Frank, Jim Turner, Corrine Brown, Martin Olav Sabo, James H. Maloney, Karen McCarthy, Sherrod Brown, Robert A. Brady, Tim Holden, Tom Udall, James P. McGovern, Leonard L. Boswell, Ted Strickland, Peter A. DeFazio, Marion Berry, Jerry F. Costello, John B. Larson, Zavier Becerra, Ruben Hinojosa, Darlene Hooley, Nydia M. Velasquez, Baron P. Hill, Kay Inslee, Melvin L. Watt, Danny K. Davis, James P. Moran, John D. Dingell, Robert Menendez, Solomon P. Ortiz, Bob Clement, Bob Filner, John W. Olver, John F. Tierney, Robert E. Andrews, Anna G. Eshoo, William (Bill) Clay, Chet Edwards, John Elias Baldacci, Bill Pascrell, Jr., Louise McIntosh Slaughter, Charles W. Stenholm, Alcee L. Hastings, David D. Phelps, Paul E. Kanjorski, Allen Boyd, Grace F. Napolitano, Robert E. (Bud) Cramer, Jr., Earl F. Hilliard, Lynn N. Rivers, Lane Evans, Bobby L. Rush, Major R. Owens, Stephanie Tubbs Jones, Edolphus Towns, David E. Price, Brian Baird, Sander M. Levin, Ken Lucas, Jose E. Serrano, Micahel E. Capuano, Neil Abercrombie, Janice D. Schakowsky, William J. Jefferson, Dennis J. Kucinich, Bernard Sanders, William D. Delahunt, Ron Kind, Fortney Pete Stark, Karen L. Thurman, Earl Blumenauer, Bill Luther, William O. Lipinski, Luis V. Gutierrez, Rod R. Blagojevich, Robert E. Wise, Jr.,

David Wu, Robert A. Weygand, Ike Skelton, Vic Snyder, Calvin M. Dooley, David E. Bonior, David Minge, Loretta Sanchez, Bart Gordon, Jim McDermott, Jim Davis, Charles B. Rangel, John Lewis, Robert T. Matsui, John M. Spratt, Jr., James E. Clyburn, Sam Gejdenson, Joseph Crowley, Gregory W. Meeks, Nita M. Lowey, Elijah E. Cummings, Harold E. Ford, Jr., Thomas M. Barrett, Mark Udall, Martin T. Meehan, Edward J. Markey, Jesse L. Jackson, Jr., Eliot L. Engel, Peter Deutsch, Bennie G. Thompson, Maxine Waters, Michael F. Doyle, Ed Pastor, Sam Farr, Carolyn C. Kilpatrick, Gerald D. Kleczka, Robert Wexler, Silvestre Reyes, Christopher John, Debbie Stabenow, John Conyers, Jr., Patrick J. Kennedy, Julian C. Dixon, Henry A. Waxman, John S. Tanner, Tom Lantos, Nancy Pelosi, Carrie P. Meek, Robert C. Scott, Adam Smith, Bart Stupak, Marcy Kaptur, Norman D. Dicks, Earl Pomeroy, Ron Klink, James A. Barcia, Tony P. Hall, Chaka Fattah, Gary L. Ackerman, Gene Taylor, Howard L. Berman, Nick J. Rahall II, George Miller, Donald M. Payne, Norman Sisisky, John J. LaFalce, and Owen B. Pickett.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. ____

*(Commerce, Justice, and State Appropriations)*

OFFERED BY: MR. FILNER

AMENDMENT NO. 1: In title V, in the item relating to ''SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES'', before the period at the end, insert the following: *: Provided further*, That, of the funds made available under this heading, $4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c).

H.R. 4461

OFFERED BY: MR. STUPAK

AMENDMENT NO. 30: Page 53, line 9, insert ''(increased by $20,000,000)'' after the dollar amount.

Page 56, line 13, insert ''(reduced by $30,000,000)'' after the dollar amount.

H.R. 4578

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 56: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to authorize, permit, administer, or promote the use of any jawed leghold trap or neck snare for commerce or recreation in any unit of the National Wildlife Refuge System.

H.R. 4635

OFFERED BY: MR. EVANS

AMENDMENT NO. 27: Page 9, line 8, insert after the dollar amount the following: ''(increased by $25,000,000)''.

Page 10, line 10, insert after the dollar amount the following: ''(increased by $14,000,000)''.

Page 10, line 24, insert after the dollar amount the following: ''(increased by $3,000,000)''.

Page 13, line 13, insert after the second dollar amount the following: ''(increased by $62,000,000)''.

Page 14, line 13, insert after the dollar amount the following: ''(increased by $80,000,000)''.

Page 73, line 3, insert after the dollar amount the following: ''(reduced by $184,000,000)''.

H.R. 4635

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 28: Page 9, after line 8, insert after the dollar amount the following: ''(increase by $25,000,000)''.

Page 73, line 3, insert after the dollar amount the following: ''reduced by $25,000,000)''.

H.R. 4635

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 29: Page 9, after line 8, insert after the dollar amount the following: ''(increase by $25,000,000)''.

Page 73, line 18, insert after the dollar amount the following: ''reduced by $25,000,000)''.

H.R. 4635

OFFERED BY: MR. NEY

AMENDMENT NO. 30: Under the heading ''MEDICAL AND PROSTHETIC RESEARCH'' of title I, page 9, line 8, insert ''(increased by $5,000,000)'' after ''$20,281,587,000''.

Under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' of title III, page 59, line 6, insert ''(reduced by $5,000,000)'' after ''$1,900,000,000''.

H.R. 4635

OFFERED BY: MR. PASCRELL

AMENDMENT NO. 31: In title I, in the item relating to ''DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES'', after the second dollar amount insert the following: ''(reduced by $100,000) (increased by $100,000)''.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, JUNE 15, 2000 No. 75

# Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Monsignor Lloyd Torgerson, St. Monica Parish Community, Santa Monica, CA.

We are pleased to have you with us.

## PRAYER

The guest Chaplain, Monsignor Lloyd Torgerson, offered the following prayer:

Loving and gracious God, we are filled with gratitude for the many blessings that You lavishly bestow upon us and upon our beloved Nation. We thank You for giving the men and women of this Senate the privilege and responsibility of serving this great Nation.

Inspired by the words of Oscar Romero, we pray that they may have the wisdom to understand their role of leadership, knowing that they can accomplish in their lifetime only a tiny fraction of the magnificent enterprise that is the Lord's work. Help them believe that they are essentially about planting seeds that will one day grow and watering seeds already planted, knowing that they hold future promise.

As we enter this millennium may these men and women lay foundations that will endure and be the yeast that will produce effects far beyond their own capabilities. Show them what they can do to make the world a better place for all humankind. May the realization that they cannot do everything, give them a sense of liberation which will empower them to choose priorities and act with integrity.

Bless them as they work to build a Nation of justice, peace, and right relationship; grant them insight; grant them steadfastness to respond to the challenges of this new century. May they always trust in a God of faithfulness who walks before them, behind them, and with them. 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 ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The acting majority leader is recognized.

Mr. ALLARD. Mr. President, before I proceed, I yield a minute or two to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

## MONSIGNOR LLOYD TORGERSON

Mr. KENNEDY. Mr. President, this morning's session of the Senate was opened by Reverend Monsignor Lloyd Torgerson of Santa Monica, California. I welcome this opportunity to commend Monsignor Torgerson for his eloquent prayer and for the wisdom he has offered the Senate.

Monsignor Torgerson is a pastor at the Santa Monica Parish where he has served with great distinction for many years. He ministers to over 7,000 families, as well as an elementary school and a high school. He also serves at the Archdiocese level in Los Angeles, and is Dean of the 19 Westside parishes.

Over the years, Chaplain Ogilvie and Monsignor Torgerson have developed an excellent friendship through their work in the Los Angeles community. In fact, Monsignor Torgerson baptized all four of Chaplain Ogilvie's grandchildren.

The Senate is graced and honored by Monsignor Torgerson's presence this morning. I commend him for his inspirational prayer and for his service as our guest Chaplain. I ask unanimous consent that biographical information on Monsignor Torgerson's distinguished career be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REV. MSGR. LLOYD TORGERSON, PASTOR, ST. MONICA PARISH COMMUNITY

Rev. Msgr. Lloyd Torgerson was born in East Los Angeles in 1939 and attended St. Alphonsus Elementary School and Los Angeles Community College High School. Msgr. Torgerson completed his training for the priesthood at St. John's Seminary in Camarillo, California. He was ordained a Roman Catholic Priest in May, 1965 and his first assignment was at Holy Trinity Parish in San Pedro where he served for five years. Msgr. Torgerson was sent to complete his graduate degree in Religious Education at Fordham University in New York in 1970/71 and came back to serve the Los Angeles Archdiocese as Director of Youth Ministry. After eleven years, he was named the Director of Religious Education for the Archdiocese. Msgr. Torgerson has been in residence at St. Monica for twenty-one years and has served as pastor for the last thirteen years. St. Monica Parish has over 7,000 families, an elementary school, high school and a large outreach to the community of Santa Monica. His work as pastor and leader of St. Monica Parish includes parish administration, campaign and restoration of St. Monica Catholic Church and schools, adult education and formation, bringing new adults into the church, young adult ministry, working with the elderly, teaching in the schools, liturgy, hospital visitation, bereavement, and many other outreaches in this parish community.

In Santa Monica, Msgr. Torgerson participates in Rotary, is a member of the Board of Directors of the Boys' and Girls' Club of Santa Monica, and the N.C.C.J. On the Archdiocesan level, he is Dean of the nineteen Westside parishes, on the Finance Council, the Tidings Board and the Cathedral Complex Restoration Committee. In March, 1999 through the present he is Episcopal Vicar of Our Lady of the Angels Pastoral Region.

## SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will resume debate on the Transportation appropriations legislation. Under the order, Senator

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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VOINOVICH will be recognized to offer his amendment regarding passenger rail flexibility. A vote on the Voinovich amendment is expected to occur this morning at a time to be determined. Further amendments will be offered and voted on with the hope of final passage early in the day. As usual, Senators will be notified as votes are scheduled.

Following the disposition of the Transportation legislation, the Senate may resume consideration of the Department of Defense authorization bill or any appropriations bills available for action.

I thank my colleagues for their attention.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume H.R. 4475, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio, Mr. VOINOVICH, is recognized to offer an amendment.

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to have 90 minutes, equally divided, and that there be no second-degree amendments in order in regard to this amendment I intend to send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we hope we can work something out on the time. I have spoken to Senator VOINOVICH, and we want to cooperate as much as we can. We have a couple of Senators we need to check this with. We have not been able to do that, so at the present time I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. It would be my suggestion, Mr. President, that Senator VOINOVICH go ahead and offer his amendment. As soon as we get word on whether or not we can accept the unanimous consent request, we will interject ourselves and try to get that entered.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, noting the objection, in discussing this amendment, I am going to proceed to give my statement and I will send my amendment to the desk following my remarks and the remarks of my colleagues.

Mr. President, when I first introduced S. 1144, the Surface Transportation Act, more than a year ago, I did so thinking that our State and local governments should have the maximum flexibility possible in implementing Federal transportation programs.

I still firmly believe that our State and local governments know best which transportation programs should go forward and at what level of priority.

As the only person in this country who has served as President of the National League of Cities and Chairman of the National Governors' Association, and one who has worked with the State and local government coalition, which we refer to as the Big 7, I have great faith in State and local governments, and I believe they should have maximum flexibility in determining how best to serve all of our constituents.

I think one of the best examples of how state and local governments work to benefit our constituents is what we have been able to do with the welfare system in this country when we let the States and local governments take it over.

That is why I am offering this amendment today—to give our State and local governments the flexibility they need to make some key transportation decisions that will best suit their needs.

The amendment I am offering will give States the ability to use their Federal surface transportation funds for passenger rail service, including high-speed rail service.

This amendment is identical to section 3 of S. 1144. It allows each State to use funds from their allocation under the National Highway System, the Congestion Mitigation and Air Quality Program, and the Surface Transportation Program for the following: acquisition, construction, reconstruction, rehabilitation, and preventative maintenance for intercity passenger-rail facilities as well as for rolling stock.

As my colleagues know, under current law, States cannot use their Federal highway funding for rail, even when it is the best transportation solution for their State or region. Since States are assuming a greater role in developing and maintaining passenger and commuter rail corridors, I think it makes sense that States be given the most flexibility to invest Federal funds in those rail corridors.

Part of being flexible is making sure we consider all of our options. It is similar to the 4.3-cent-per-gallon gas tax repeal effort that we faced in the Senate this past April. High gasoline prices exposed that we have no national energy policy. With prices currently over $2 per gallon in several areas in the Midwest, the fact that we still have no national energy policy is now really being felt by the American public.

With the need for a national energy policy plainly evident, we need to put all our options on the table. We need to look at expanded rail transportation, conservation, exploration, alternative fuels, and so on. We need to put all of the right ingredients together that will make for a successful transportation policy.

In addition to the high gas prices, I think the Senate should recognize the fact that there is an appeal pending in the Supreme Court of the United States of America on the issue of the Environmental Protection Agency's new proposed ambient air standards for ozone and particulate matter. If the Supreme Court overrules the lower court's decisions that those new standards are not justified, then we will find throughout the United States of America many communities, including communities in my State—where we have achieved the current national ambient air standards in every part of our State—that will be in nonattainment. If the new standards are implemented, we will need more tools to deal with the pollution.

With the need for a national energy policy plainly evident, we need to put all of our options on the table. We need to look at expanded rail transportation and conservation and all the rest.

As States are more able to turn towards passenger rail service as a safe, reliable, and efficient mode of transportation, we will relieve congestion on our Nation's highways. With fewer cars on the road, contributions to air quality improvements and lower gas consumption will be realized.

Again, the idea behind my amendment is simple. States understand their particular transportation challenges better than the Federal Government. I believe it is the States' right and obligation to use whatever tools are available to efficiently meet the transportation needs of their citizens. In this instance, the Federal Government should not stand in their way but work as a partner to give them the flexibility they need to develop a successful policy.

S. 1144 had 35 bipartisan Senate cosponsors. This particular amendment we are offering today is endorsed by the National Governors' Association, the U.S. Conference of Mayors, the National League of Cities, the Council of State Governments, the National Conference of State Legislatures, the National Association of Rail Passengers, and the Friends of the Earth.

I have yet to convince some of my colleagues that this amendment will

give our States and localities the latitude they need to make proper and cost-effective transportation decisions.

First and foremost, this amendment does not mandate that any portion of a State's highway dollars be used for rail. If a State wants to use all their highway dollars the same way they have been doing for the past few years under TEA–21, then they will be able to do that. It does not establish a percentage of how much is set aside for rail. If a State wants to use highway dollars for rail, then the State decides the amount to meet the particular needs. Governors will have to work with legislators to decide if they want to use it for rail and how much can be used for rail.

So often when we talk about such issues—''the Governors are going to use this money for rail''—my colleagues and I know that Governors recommend and the legislatures then decides whether they are going to follow the recommendations. In my State, looking back on my years as Governor, I think Ohio probably will not use this flexibility provision. But the fact is, it ought to be available to any State if it thinks it is in its best interest.

There is very strong support from outside the Beltway for each State's right to spend its Federal transportation funds on passenger rail. States understand their particular transportation challenges better than the Federal Government and therefore should be given the flexibility to use their highway dollars for rail transportation. There are no mandates on the States to do this. It is totally at the discretion of the States.

We face a historic opportunity today to provide the States with the flexibility they need to meet their growing transportation needs. I urge my colleagues to vote in favor of this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I rise in strong support of the amendment to be offered by my distinguished colleague from Ohio. People in my region of the country in the South are usually known for their position in favor of States rights. This is not just a transportation issue; this is a States rights issue. This amendment is not a mandate. It is not a threat to highways or the Highway Trust Fund. It would not change any Federal transportation formulas. It requires not a penny in new spending. What it does do is to give States the option to spend Federal transportation funds on intercity passenger rail. What this amendment does do is give States the opportunity to make transportation spending decisions based on their own local needs.

Mr. President, part of my State is in a transportation crisis. Metro Atlanta has the worst traffic congestion of any southern city, and our drivers have the longest commute in the Nation. Due in large part to the exhaust from nearly three million vehicles, Atlanta's skies are in violation of national clean air standards. For two years now, Federal funds have been frozen for new transportation projects. The bottom line? Metro Atlanta's congestion and pollution problems are now threatening our most valuable selling point: our quality of life.

The good news is that the best transportation minds in the State have rallied around Metro Atlanta's transportation crisis. These movers and shakers are not afraid to redraw the maps. The result is a new transportation plan that is going to meet our air quality goals, and that plan devotes 60 percent of Georgia's transportation dollars to rail. Georgia has dramatically reformed its transportation focus: from moving cars to moving people, from promoting sprawl to promoting smart growth.

As the folk song says, ''the times they are a-changing.'' We're about to witness a rebirth of rail in Georgia, rivaled only by the days before General Sherman when Atlanta was the undisputed railroad hub of the Southeast. And key to this vision is intercity rail. The amendment before us, if adopted, will be a Godsend to my state. Let me state loud and clear, this amendment will be a Godsend not just to Georgia, for Atlanta's commuter congestion is mirrored in countless highways across America. One viable solution to two of the 21st century's most challenging and frustrating problems, smog and gridlock, may very well be found in a renaissance of rail, not just in my home State, but throughout this great Nation.

For those States which see rail as key to their transportation future, we should at least give them another option for financing their intercity rail investments. Our amendment will do just that. It will give states whose highways and skyways are clogged with traffic not a mandate, but a chance to use their CMAQ, National Highway System, and Surface Transportation Program funds on passenger rail if they want to.

I urge my colleagues to vote for the bipartisan measures before us. The National Governors Association, the U.S. Conference of Mayors, the Council of State Governments, the National League of Cities and the National Council of State Legislatures are all on record in support of providing flexible funding for passenger rail. This is States' rights legislation, and it's the right legislation for a balanced transportation system in the 21st century.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in opposition to this measure. I yield myself 10 minutes in opposition.

The PRESIDING OFFICER. There is no time limit.

Mr. BOND. There is no time agreement? I thank the Chair. I will take such time as I require then.

Mr. President, my colleague from Ohio has offered an amendment which I believe takes us down the wrong tracks, very far in that direction. He has offered an amendment that would allow our precious highway resources to be used for Amtrak.

My colleague from Georgia has talked about the sad situation in Georgia where their highway funds are frozen because the courts have overturned a previous policy of the Federal Government to allow highway transportation projects to continue. I urge his and my other colleagues' support of my measure on conformity that would allow needed highway construction to go forward.

As to this amendment, many would argue this is an issue of States rights. That is just not the case. I am a former Governor. One would be hard pressed to find anyone in this body who is a stronger States rights advocate than I am. I intend to continue to be so. There will be those who will try to convince us this is anti-Amtrak. That is not the case. As Governor of the great State of Missouri, I was the one who ensured that my State provided its own resources in an effort to help subsidize Amtrak.

This is an issue of a dedicated tax for a dedicated purpose. We told the American people we were going to put the trust back into the trust fund. This is an issue of Congress upholding its end of the agreement with the American people.

It has just been 2 years this month since the Transportation Equity Act of the 21st century—better known as TEA–21—was signed into law. In my opinion, the most historic and the most important provision of TEA–21 was the funding guarantee that I authored with our late friend, Senator John Chafee, with the assistance and the guidance of the Budget and Appropriations Committees. Some called that provision RABA, or revenue aligned budget authority. Up here, it is often called the Chafee-Bond provision. In Missouri, we call it the Bond-Chafee provision. But the whole intent of that measure was very clear. We have a dedicated tax that was imposed on the American people for the purpose of highway improvement and safety issues. We lose too many lives in my State and in every State in this Nation because of inadequate highways. Over 30 percent of the deaths on our highways nationally are a result of inadequate highway and bridge conditions.

We told the American people for the first time we were going to allow them to trust the trust fund; that when they put the money in when they bought the gas at the pumps, we would put it back for highway trust fund purposes. That is what the funding must be spent on under the guarantee—highway improvements and safety issues. Because of the guarantee, our road and bridge improvements are financed on a pay-as-you-go basis.

We drive on the road. We buy the gas. We pay the tax. We build better roads and safer roads to protect our citizens,

to provide convenience and safety, to get rid of the pollution that comes from congestion, and to assure sound economic growth in our communities and in our States.

I don't think this debate should even occur. It should not even be an option for us to decide whether or not we will use the highway trust fund money for other purposes. How soon we forget. We made those decisions just 2 years ago in TEA–21. Do we want to reopen the whole highway funding and highway authorization measure again? Let's not start down the path of reopening TEA–21. We made accommodations. We made changes. We made compromises. We included other projects and other activities such as transit in TEA–21. We made a deal—not just with us but with the taxpaying American public.

Earlier this year, the administration proposed to divert funding coming from the highway trust fund to Amtrak and other purposes. At that time, my colleague from Ohio, I, and countless other Senators made it clear that we opposed the administration's attempt to rob the highway trust fund. I had an opportunity to discuss this with Secretary Slater at our Transportation appropriations hearing and suggested to him that ''this dog won't hunt.'' This dog isn't a much better hunter either.

I don't believe that the people in my State who pay the taxes or in the States of my colleagues who pay the taxes are going to be excited about this. This amendment is similar to the previous effort by the administration to divert funding. It takes us down the path of diluting our highway funding for purposes other than highways and highway safety.

I have a simple question for my colleagues to think about: Why are we talking about using our highway funds for Amtrak and not using our transit funds for Amtrak? I personally think transit funds would be more appropriate if it fit into the transit plan. OK. Let them use transit funds because that is essentially what Amtrak is; it is a form of transit. It should not be competing with the scarce dollars to build safe highways, roads, and bridges.

I remind my colleagues that we have a transportation infrastructure crisis on our hands. Two years ago, Governors, commissioners, highway departments, city officials, and everyday Americans told us we were not investing enough in our highway infrastructure. They let us know that the deterioration of our highways and bridges was having a tremendous impact on their local and State economies and, more importantly, on the safety of their citizens. We are still not getting enough money into highway improvements. The latest I heard, and to the best of my knowledge, no State in the Nation has even 80 percent of its highways up to a standard the Department of Transportation regards as fair. Every State, to my knowledge, has at least a 20-percent deficit in adequate highways, roads, and bridges.

These are just some of the reasons so many of us fought to ensure that we would keep our commitment to the American people regarding the highway trust Fund.

We increased spending on our Nation's highway infrastructure because our needs were much greater. I know with absolute certainty that the needs identified just 2 years ago have not gone away, and they are not going to go away if we continue to divert money and if we try to divert money from the highway trust fund. These needs still exist.

We told the people of America we would put trust back into the trust fund: Trust us. Trust us to spend your highway taxes that go into the highway trust fund for highway trust fund purposes.

The National Highway System was part of the grand national scheme. This was a national scheme to ensure that people in any State in the Nation could travel to any other State in the Nation and be safe on a National Highway System. That is what this is all about. This isn't about States having their own little, independent highway programs with four-lane highways that end in a cornfield at somebody's border. This is about having a National Highway System where there is safe transit on interstate highways.

Trust fund taxpayers in my State, and your State, and every other State, expect when they pay the money in, it will go to assure that when they drive in their State or in any other State, they will be driving on safe highways; they will not be putting themselves and their loved ones and their families at risk from unsafe highway conditions.

To my donor State colleagues—those of us whose states pay more into the highway trust fund than they get out—think about this for a minute: You have highway needs in your State. Yet under this proposal, you would see the highway trust fund dollars your citizens put into the highway trust fund going into Amtrak. That is not keeping faith with the commitment we made in the highway trust fund.

Let's talk about States rights. I have often thought that maybe we really ought to do a States rights approach to this and let the States have all the money they raised. You want to talk about States rights. Let's keep the highway trust fund dollars in each State as they are contributing. That is States rights.

We agreed in TEA–21 that we were going to have a trust fund for a National Highway System—not a national Amtrak system. We are providing funds in this bill for Amtrak.

We know that improvements and repairs to our highway system will help improve driving conditions, will reduce driving costs to motorists, will relieve congestion, and will reduce the number of accidents and fatalities. The cost of repairing roads in poor condition can be about four times as great as repairing roads that are in fair condition. We have to keep our roads in at least fair condition. Our Nation's roads and bridges are at a high level of deterioration.

A recent headline in the Capital City newspaper in Missouri said that my State of Missouri ranks seventh nationally in poor bridges. We need to do something about those bridges; they are dangerous. The highways are dangerous and we need to do something about them.

Look at the other side. This is not an issue of trying to deny Amtrak resources. Senators SHELBY and LAUTENBERG included in the underlying Transportation bill, which I support, $521 million for Amtrak's capital program. I have supported that. That is $521 million for Amtrak for capital. That $521 million provided is consistent with the administration's request, and it is consistent with the so-called glidepath level of Federal funding agreed to by the administration and Amtrak.

We continue these huge Federal subsidies, even though Amtrak's financial situation is precarious at best. According to the Senate report, the Federal Railroad Administration has said that Amtrak ended the 1999 fiscal year with a net operating loss of $702 million.

Since 1971, Amtrak has received over $23 billion in Federal funding for operating and capital expenses. Despite Amtrak's efforts to improve and its new business plan, it is still not clear whether or not Amtrak will reach self-sufficiency. I said that I support the appropriation for Amtrak in the underlying bill. I have used Amtrak. I am happy to work with my colleagues in the Senate, my former fellow Governors, and others, to see that we put money into Amtrak. But this issue is not about Amtrak. This is an issue about keeping our commitment to the taxpaying citizens of our States and of this country, whom we told we were going to put the ''trust'' back in the highway trust fund.

I strongly oppose the Voinovich amendment because it violates that promise. We can't even keep a promise for 2 years. We said we were putting the ''trust'' back in the highway trust funds. That is what the highway trust fund is all about. I think this amendment violates the agreement made during TEA–21, and I strongly urge my colleagues to oppose the Voinovich amendment.

I yield the floor.

The PRESIDING OFFICER. Will the Senator from Ohio please send his amendment to the desk.

AMENDMENT NO. 3434

(Purpose: To provide increased flexibility in use of highway funding)

Mr. VOINOVICH. 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 Ohio [Mr. VOINOVICH], for himself, Mr. CLELAND, Mr. ROTH, Mr. MOYNIHAN, and Mr. LAUTENBERG, proposes an amendment numbered 3434.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title III, insert the following:

**SEC. 3___. FUNDING FLEXIBILITY AND HIGH SPEED RAIL CORRIDORS.**

(a) ELIGIBILITY OF PASSENGER RAIL FOR HIGHWAY FUNDING.—

(1) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

''(Q) Acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity passenger rail facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).''.

(2) SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

''(12) Capital costs for vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by rail (including vehicles and facilities that are used to provide transportation systems using magnetic levitation).''.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(6) if the project or program will have air quality benefits through acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity passenger rail facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).''.

(b) TRANSFER OF HIGHWAY FUNDS TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Section 104(k) of title 23, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

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

''(3) TRANSFER TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Funds made available under this title and transferred to the National Railroad Passenger Corporation or to any other publicly-owned intercity passenger rail line (including any rail line for a transportation system using magnetic levitation) shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.''; and

(3) in paragraph (4) (as redesignated by paragraph (1)), by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1) through (3)''.

Mr. REID. Mr. President, on behalf of the leader, I ask unanimous consent that with respect to Senator VOINOVICH's amendment on passenger rail flexibility, the vote occur on or in relation to the amendment at 11 a.m. today with the debate until 11 divided in the usual form. I further ask consent that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I am on the side of the Senator from Ohio. I don't know what the agreement is as to who has jurisdiction over the time, but I believe——

The PRESIDING OFFICER. The Senator from Ohio controls half of the time, and the manager or his designee controls the other half.

Mr. LAUTENBERG. How much time remains, Mr. President?

The PRESIDING OFFICER. There are 20 minutes for the Senator from Ohio and 17 minutes for the opposition.

Mr. BIDEN. Mr. President, I ask the Senator from Ohio whether he would be willing to yield me 7 minutes?

Mr. VOINOVICH. I would be more than happy to do so.

Mr. BIDEN. Mr. President, I thank the Senator from Ohio and the Senator from Rhode Island for taking the lead on this important amendment this year. As a former Governor and mayor, they can both tell you firsthand about the need for State and local governments to have flexibility to make the best use of their transportation dollars as they see fit.

I find this kind of fascinating. Here we are and we talk about States rights and doing what the States need and the States know what their requirements are. Yet repeatedly when I have introduced this same amendment without the help—hopefully, it will change now because I have a former Republican Governor who has done the job. He is here in the Senate. I have stood up on the floor since 1991 introducing this amendment and I have been told that the Governors don't want this, or that this is inconsistent with the Republican philosophy, or whatever.

Now we have a Governor from one of the largest States in the United States who has done the job—and he obviously did it very well—who says, along with a former mayor from one of our smaller States but with more concentrated cities, that this is a flexibility that will help. Why should you be put in a position as a Governor when, in fact, you are able to, by the way, have flexibility with this money and to decide how you want to use your highway money, and you decide you want to put a bus route on, you can do it? Why can't you use the railroad? This sacrosanct principle I always hear from my friend from Missouri I find fascinating. What is the difference between a bus and a railroad? It is not a road. Guess what. It is on a road. The cement and asphalt guys like that a lot. They don't like the idea that we would make it better for our constituents and Governors have the choice and flexibility.

We are not asking for more money; we are asking for flexibility. I would think it is just common sense. The record shows that the Senate has gone on record time after time—in 1991, 1995, and 1997—in favor of this same proposal before us today in the Voinovich amendment. Time and again, the language has been dropped in conference with the House, which is why we are here again today.

In addition to the same common sense, we are also here to restore balance to the way our transportation dollars are spent. Once again, the highway lobby, which is not content to consume its own large share, is trying to keep Amtrak from having a little bit of a share of the leftovers that go on after other modes of transportation have been taken care of. I guess we will have that business to deal with today.

First, the issue is common sense. Under current law, States are permitted to make their own choices to use the money for certain Federal transportation programs for mass transit, hike and bike trails, driver education, and even snowmobile trails. This is not a very restrictive list, Mr. President. In fact, there is only one kind of transportation that Governors and mayors aren't allowed to consider; that is, inner-city passenger rail.

Isn't that funny? They are going to give the folks in Minnesota, as we should, the ability for the Governor to decide he wants to spend highway money for snowmobile trails. Well, that is his business. They need that, according to the people in Minnesota. We don't need it in Delaware. We need rail. As my friend, and the leader on this subject for the entire time he has been here, the Senator from New Jersey, says—and one of my greatest regrets is that he is leaving voluntarily, and I mean that sincerely. He has one of the few logical voices in this debate. He and I come from States that if you widen I–95, it will accommodate the reduction of rail transportation and you are going to take up the bulk of my State. It would take another seven lanes. Look, I don't tell the folks in Missouri what they need. I don't tell the Governor of Missouri that he should or should not build more roads. Why can't you let the Governor of the State of Delaware decide whether or not it is better for us to have rail transportation between Wilmington and Newark, DE, instead of having to build another lane on I–95?

We all know why Amtrak is off the list. It is politics, pure politics. It has nothing to do with good public policy or a principle of federalism. What sense does it make to go out of our way to tie our Governor's hands when it comes to inner-city transportation? It makes no sense. That is why the Senate has supported this language time and again—unanimously, in some cases, in the past, and with strong bipartisan support. Here is what is at stake when you think about this little proposition: A little balance in our transportation spending.

Mr. President, last year Amtrak received $571 million in Federal funding. The highway system got $53 billion; and $20 billion of that was over and above the gas tax and users' fees that make some folks believe they are paying their own way. Again, $20 billion.

We are talking $571 million for Amtrak.

I am not here to argue against full funding of the highway system. However, a lot of places such as the Northeast corridor are not going to be able to add another lane to I–95. We have to have another option for our transportation dollars. That is all this amendment does. It gives, along with every other State, an option we need to keep intercity transportation and rail systems viable. That includes States in the Midwest, West, and South, which is why S. 1144, the bill on which this amendment is based, is cosponsored by 36 Senators including, I note with interest, the distinguished majority leader.

The simple notion of balance says we ought to give all the parts of our transportation system the resources they need and we should give our citizens the full range of transportation choices that citizens in every other advanced economy in the world can now take for granted. It is time to stand up for this language. There is no principled argument on Federalism.

I thank my friend from Ohio for his leadership, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, this is one of these issues that gets convoluted. Unfortunately, in my role as the chairman of the Environment and Public Works Committee, I must object to this authorizing amendment to the appropriations bill. I join several of my distinguished colleagues, including my ranking member, Senator BAUCUS, in this regard.

I point out upfront I am a cosponsor of S. 1144. I support State flexibility. I support a cost-effective rail system that is efficient. And I encourage Amtrak to move towards privatization. The States do have an interest in developing passenger rail. I want the States to have that flexibility, which is why I cosponsored S. 1144.

Rail funding flexibility is a complex subject central to the so-called TEA–21 legislation which was debated and negotiated over many months in the last Congress. This issue is squarely in the jurisdiction of the authorizing committee, not the Appropriations Committee. We have had this fight many times before. The majority leader has spoken eloquently on this matter time and time and time again. We basically render the authorizing committees powerless, useless. What is the purpose?

I have spent days and days and days and weeks and weeks in an effort to resolve a matter that deals with buses, an amendment or some language that would be acceptable so we could vote for this. If we had done that, perhaps we wouldn't be here now. Instead, we are now faced with a decision. I have to oppose something that in essence I support, but for some language that would deal with the problems the bus companies have.

This is an authorizing committee matter. Time and time again we legislate on appropriations bills, and time and time again the authorizing committees become useless. Since it has been reported, I have spent several months working on substantive amendments to this bill. This bill has holes. On behalf of rail flexibility and the railroads, I have tried my best to get around the holes, to no avail.

This provision requires more thought, more consideration, better timing. Members of the Environment and Public Works Committee have a difference of opinion on this amendment. I respect that. That is the way the process works. I have no problem with people having their own views, and I am sure they don't have a problem with me having mine. We ignore the authorizers' concerns if we shove this through on an appropriations bill. The House appropriations bill had another version of rail flexibility, and it was struck by a point of order.

I am very concerned about continuing Amtrak competition with intercity bus service, which is why I have spent with my staff on the committee weeks and weeks negotiating, working, trying to come up with language that would be acceptable. Rail service will prosper if it is integrated with feeder bus service. That is how rail will prosper. The rails have limits as to where they can go. Feeder buses have more flexibility. That enhances the rail.

Not included in this amendment is a specific prohibition against these funds being used for Amtrak operating subsidies. Not included in this amendment is any mechanism to prevent below-cost pricing that damages existing bus service. And not included in this amendment is any mechanism to ensure rail and bus service are integrated. This amendment in its current form leaves many holes in this important policy, without protecting the buses or the State government from the influence of Amtrak.

Balanced intercity transportation is important. This amendment cannot strike the right balance, I regret to say. I ask my friends in the Senate to keep this provision in the jurisdiction of the Environment and Public Works Committee where it belongs. If you are on the committee, do what I am doing, even though in essence, with the exceptions I noted, I support S. 1144. Keep this matter in the jurisdiction of the committee where it belongs.

We will continue our hard work on making it good legislation for all the competing interests. If this provision goes on the appropriations bill, my committee cannot work on negotiations in conference. All who worked so hard to craft this, going back to when my predecessor was chairman of this committee, Senator John Chafee, when the process began, S. 1144 was marked out of committee and put on the Senate calendar. The idea behind that is, if there is a conference on this bill with the House Members of the Environment and Public Works Committee, which brought the bill out, we would have a right to conference. We are not even going to be in the conference now. We are totally shut out of the process.

I say to my colleagues, I don't care where you are on the issue itself—whether you are for rail, bus, no rail flexibility, total rail flexibility—the right thing to do here is to support a rule XVI point of order because it is legislating on appropriations. Senator LOTT has spoken about that issue over the past several weeks. I encourage my colleagues to support the rule XVI point of order. I am not sure who yet will raise that point of order. I may do it, Senator BAUCUS may do it. We will talk about that. The point is, the rule should be raised and will be raised. I encourage my colleagues to support the rule XVI point of order to this legislation on appropriations bills.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I ask the Senator from Ohio to yield me 5 minutes.

Mr. VOINOVICH. I yield.

Mr. LAUTENBERG. I thank the Senator from Ohio and congratulate him for his foresight. He is among the best to know what to do in a situation such as this, having served as a Governor of Ohio and mayor, as we earlier heard from our friend from Delaware.

We are simply asking for flexibility to use certain highway funds for mass transit investments. I think that is a pretty good idea. The Voinovich amendment merely extends that flexibility to include Amtrak expenses.

We do not have much new here, except to make certain that if a Governor, if a State, if the people in that State choose to use some of the highway money they are going to have on rail, they have an opportunity to do so. I, frankly, think it is an appropriate local decision. We often have disputes here about whether we are invading States rights, seizing their prerogatives. This one surprises me because what I hear from the opponents, largely, is: Well, my people have put money into the trust fund from the gasoline taxes and we want it spent on highways.

I can tell you, coming from New Jersey, we don't get very much of a return on the money we send down here. As a matter of fact, I am embarrassed to tell some of my constituents that we have among the lowest—perhaps the lowest—return on money we send to Washington. So we understand the concerns there. But this is in the national interest. As we hear the discussion, we say it should be to guarantee a National Highway System. The highway system is getting by far the lion's share. If a State says it would also like to be investing in intercity rail service, I think it ought to be able to do it.

Some say all the money going to rail, to Amtrak, is largely in the Northeast corridor. That may be a fact of life because most of the people in the country

are squashed into that little area, the Northeast quadrant of the United States. But also, as we look at plans, there are plans to take trains from Chicago to St. Louis. If the investments are properly made there, we will knock about 2 hours off the trip from Chicago to St. Louis. I assume that is an important route. It is a Midwest route, Chicago to St. Louis, MO—that is a pretty busy area, too. And there is congestion there: Been there, done that; I have seen it myself. Traffic on the highways is bottled up.

We are clogging the airlanes to such a point they cannot function. There was an article in the paper the other day about runway incursions. They are way up, 27 percent in just 5 months this year. That is an ominous thing to think about. We are always concerned about airplanes falling out of the sky. Our system is fundamentally safe, but runway incursions happen for a couple of reasons, not the least of which is it is just too crowded. There are too many airplanes fighting for the same space to land or to take off or for slots to permit their passengers to disembark.

We are looking at a situation now, as we heard from the Senator from Delaware, where we cannot put anymore concrete down without recognizing there is a terrific consequence to that. We talk about urban sprawl; we talk about consuming all the land that is under us. We know one thing is true: Rail is an efficient way to go. So we ought to say, OK, I will butt out of your business. If the Governor of Missouri or Governor of Illinois or the Governor of New Jersey chooses to use some of their highway funds on intercity rail and convinces their legislature to do that, we ought to agree. We ought to do it. That is usually the cry here: Let the States decide. As much as possible, I would like to see them do that.

What we see here is an excellent opportunity to present a States rights issue and allow the decisions to be made at the local scene where they are going to have the greatest impact. I hope we are going to see full support for this amendment. This is a matter of direct choice.

I yield the floor and encourage all my colleagues to support the amendment the Senator from Ohio has wisely offered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes.

Mr. SMITH of New Hampshire. I yield to the Senator 5 minutes.

Mr. BAUCUS. Mr. President, this has an intriguing, alluring, siren call: Let the Governors and State legislatures divert it. It sounds good on the surface. But like a lot of issues, let's stop and think about the actual consequences.

First of all, when we passed the last highway bill, even though we increased the amount of dollars to go from Federal gasoline taxes into the trust fund, back out to the States for highway construction, we all knew we had not even begun to fully take care of our Nation's roads, highways, and bridges. And we have not. The Department of Transportation, the Federal Highway Administration, has done study after study that shows we only meet one-half of our Nation's needs—one-half.

Some of you saw on television last night the report about all the red lights, people caught up in traffic. We know about the potholes. We know about roads and bridges and highways that are not up to snuff. What do we also know? We also know that our highways, as good as they are, are not as durable and as lasting as, say, some European highways, German highways.

Why is that? That is because so much more research and development and expense in dollars goes into that highway system to make those the best in the world. We have problems. We think we have a good highway system—it is good, but the Department of Transportation has concluded, from study after study, we are only halfway there, even with ISTEA that we passed a couple of years ago. So anybody who thinks we should start diverting money from the highway fund better think twice about whether or not we are keeping up with our Nation's highway needs. The answer is that we are not.

Second, the highway program is trusted by Americans. Why is that? Basically because Americans know the Federal gasoline tax, as well as the State gasoline tax, goes into highway construction and maintenance and that is it. A few years ago, we decided to divert 4.3 cents, which was the additional tax we put on for highways, the gasoline tax, away from general revenues in the trust fund. We wanted to restore the trust in the highway trust fund. We did that. So basically all Federal gasoline taxes go in the highway trust fund and a small percent, half a cent, go into mass transit. The rest goes into the highway trust fund. Americans know that. They know where their dollars are going. That gives Americans confidence.

Not along ago, the suggestion was made to repeal the 4.3 cents. That was during a time when gasoline prices were going up. It sounded like a good idea, repeal 4.3 cents of the Federal gasoline tax, get those highway taxes down, get those gasoline taxes down. A siren song? Sounds good on the surface. What happened? We thought about it a little more and realized it was not a very good idea and we decided not to do that. We wanted to keep the 4.3 cents in the highway trust fund, knowing in the long run that is much more in our national interest.

This trust is very important. I can see this as the beginning of a slippery slope, giving Government discretion to take money out of the fund for Amtrak. Then what is next after that? We start to nibble away at the trust.

One other point, the highway system in America is a National Highway System.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAUCUS. Mr. President, I ask to proceed for 2 additional minutes.

Mr. SMITH of New Hampshire. I yield the Senator another 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire only has 3 minutes remaining.

Mr. SMITH of New Hampshire. I yield the 3 minutes.

Mr. BAUCUS. I will take 2.

This is a National Highway System. What does that mean? President Eisenhower saw this. It was his conception. As a young soldier, he traveled across America and realized the highway system needed help. That means we know, as we travel across the country, that the highways in Montana, New Jersey, Ohio—highways around the country are all in pretty good shape. It is a National Highway System. What is going to happen? I have the highest respect for my friends from New Jersey and Delaware. What is going to happen in those States which are essentially, by comparison, Amtrak States? They are not highway States; they are Amtrak States. We know what is going to happen. Those Governors and legislators are going to say we are going to take money out of the highway trust fund. Because we don't have as many highways in our State, we are going to Amtrak.

What are Americans going to think when the highways in those States start to deteriorate? It is no longer a National Highway System. The same thing about Amtrak. One Governor says Amtrak; the one next-door says, no, not Amtrak. It gets to be quilt work, gets to be patchwork, it gets to be confused, and we do not have a national system anymore.

I think we need to expand Amtrak. I am a strong Amtrak supporter—very strong. But the way to do it is not here on the floor saying Governors decide what a national Amtrak program is. The way to do it is for the Congress of the United States to do its business and come back with a national Amtrak program. That is the way to do it.

We have a budget surplus here. Let's talk about Amtrak in the context of how we put a national Amtrak program together, and not say Governors do this and do that and sometimes some States will have a little more highway money.

Mr. President, I strongly urge my colleagues to not succumb to this siren song because in the long run, it is going to hurt us.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be given 2 minutes to speak on this amendment.

Mr. VOINOVICH. I object. I want to know——

The PRESIDING OFFICER. Objection is heard.

Mr. SHELBY. What does the Senator want to know?

Mr. VOINOVICH. I want to know on whose time?

The PRESIDING OFFICER. There are 8 minutes remaining for the proponents.

Mr. SHELBY. I asked unanimous consent that I be given time. It is on nobody's time.

The PRESIDING OFFICER. Is the Senator asking to put off the 11 o'clock vote then by unanimous consent?

Mr. VOINOVICH. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I was not going to comment on this provision today, as I am trying to expedite consideration of the transportation appropriations bill and did not want any statement by me to delay the conclusion of the Senate's consideration of the measure.

However, since I heard the chairman of the Environment and Public Works Committee and the ranking member of the Environment and Public Works Committee come out in opposition to this measure, I could not miss the opportunity to stand with them in opposition to include this provision on the Transportation appropriations bill. Often we find ourselves in disagreement on individual amendments, so when the chance arises to be on the same side with them, I did not want to miss the chance.

Further, I do believe that in this particular instance flexibility is a dangerous tool to be giving Amtrak. It is one thing to grant special dispensation in the case of increasing service or in unique circumstances, but my concern here is that Amtrak will use the provision to leverage State to shift badly needed highway dollars to simply maintaining already failing Amtrak service.

This is one of those circumstances of needing to be careful what you wish for—many States may find the they have fewer highway dollars and the same Amtrak service at the end of the day if this provision were to pass.

I urge my colleagues to reject this provision on this bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, one of the things that is a little bit disturbing to me is that there is a feeling in the Senate that somehow Governors control their States: The Governors are going to do this; the Governors are going to do that. The Governors are unable to do anything unless they have the support and involvement of their State legislatures.

I was a Governor from a donor State and fought for ISTEA and TEA–21. When I came in, we were at 79 cents. We are up to 90½ cents. I know how important money is for transportation. This is not an issue of Amtrak. I keep hearing Amtrak. I do not like Amtrak, and if we had the flexibility in my State, I am pretty sure we are not going to spend any money on rail. But I think the Governors should have an opportunity to have the flexibility to decide—with their legislatures—what is in the best interest of their people in dealing with their transportation problems.

There is one other issue that needs to be taken under consideration when talking about transportation, and that is the environmental policy of the United States. We are in a situation today where we have high gas prices. We are in a situation today where we need to put together an energy policy. Frankly speaking, rail ought to be part of the consideration in deciding that energy policy.

Some of the same people who are objecting to Governors having flexibility on rail supported welfare reform. I remember when we were down here lobbying for welfare reform. They said: If you give it to the Governors, it will be a race to the bottom. But, we got the job done. Some of the same people opposed to this are big advocates of giving Governors the opportunity to spend education dollars. That is what this is about. This is not about Amtrak. It is about flexibility. It is about States rights. It is about federalism.

The only reason I offered the amendment today is that I could not get a unanimous-consent agreement to bring up the bill, S. 1144, and it was stuck with a hold on it. With all due respect to the chairman, for whom I have the highest regard and understanding—and who was a cosponsor of this legislation, this issue of flexibility needs to be aired. We ought to have a vote on it. We ought to give the Governors the opportunity to have this flexibility.

To characterize the amendment as for rail or against—that is not the case. I am not here for that. I am here for flexibility for the Governors who have a big responsibility, and they ought to have an opportunity with their State legislatures to decide how they are going to spend this money. If they want to spend it on rail and debate it, fine. If they do not want it, let them decide that.

Mr. SCHUMER. Will the Senator yield?

Mr. VOINOVICH. I yield to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator. I support his amendment, and I want to reiterate how important this will be to our State. Because of ISTEA, our State gets a huge amount of money for road building. The Governors make that decision. We are desperately short in terms of help for rail in many parts of our State. In fact, in some of the rural areas they are looking for rail help now which they were not several years ago.

As I understand the Senator's amendment, it will simply allow each Governor to make that choice so that in my State of New York, if Governor Pataki decides he has enough, or at least a higher priority than the bottom of the rung in terms of his highway decisions and wants to put some of this money into passenger rail service, he will be allowed to do it. It is simply his decision, no mandate, and will not affect any other State if this amendment is adopted. And that would apply in each of the States; am I correct in assuming that?

Mr. VOINOVICH. That is correct.

Mr. LAUTENBERG. Mr. President, I say to the Senator from Ohio, there are approximately 2 minutes remaining. We had an understanding that we would share some time. Does the Senator need the 2 minutes? If he does, I will step aside.

Mr. VOINOVICH. I yield 2 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I will try to take only 1 minute.

This is not a new idea. This has been in Senate bills before, including ISTEA and TEA–21, and it passed with those bills. It died in conference. There was another influence working over there that prevented us from exercising our will and our judgment about what ought to happen.

With all due respect to my colleagues who oppose this, we have done this before, and we ought to have a clear opportunity to do it again.

The Senator from Ohio was so clear in his presentation. It is simply allowing the governments within the States to make decisions about how they use their highway funds. If they think they are servicing their public better by permitting them to invest in intercity rail, then, by golly, we ought to let them do it. It is better for the highway people. Those who advocate investing more in highways, how about getting more cars off the roads? Doesn't that help the highway people? Doesn't that help clear up congestion? I think so.

I understand the jurisdictional dispute. I am on the Environment and Public Works Committee, and I greatly respect the chairman. He was very clear in what he said. He does not oppose the idea, but he opposes the idea of doing it here.

It is here, and it is now, I say to the Senator, and we have to take the opportunity as it exists. I hope my colleagues will support this.

I yield whatever time remains back to the Senator from Ohio. How much time remains, Mr. President?

The PRESIDING OFFICER. A little less than 30 seconds.

Mr. VOINOVICH. I reserve my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized and has 1 minute.

Mr. SMITH of New Hampshire. Mr. President, on behalf of the majority leader, an amendment was inadvertently left off the list of eligible amendments in order to the bill. Therefore, I ask unanimous consent that a Murkowski amendment on an Alaska railroad be added to the list. This has been agreed to by the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I make a point of order that the pending amendment is legislating on an appropriations bill in violation of

rule XVI. I ask my colleagues to stand with me so that we can put a stop to this practice of legislating on appropriations bills.

Mr. VOINOVICH. Mr. President, I raise a defense of germaneness and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Chair submits to the Senate the question, Is the amendment No. 3434 germane? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—46

| | | |
|---|---|---|
| Akaka | Inouye | Nickles |
| Bayh | Jeffords | Reed |
| Biden | Johnson | Reid |
| Boxer | Kennedy | Robb |
| Bryan | Kerry | Roth |
| Chafee, L. | Kohl | Santorum |
| Cleland | Landrieu | Sarbanes |
| Coverdell | Lautenberg | Schumer |
| DeWine | Leahy | Snowe |
| Dodd | Levin | Specter |
| Durbin | Lieberman | Torricelli |
| Edwards | Lugar | Voinovich |
| Feinstein | Mikulski | Wellstone |
| Graham | Moynihan | Wyden |
| Hollings | Murkowski | |
| Hutchison | Murray | |

NAYS—52

| | | |
|---|---|---|
| Abraham | Daschle | Kyl |
| Allard | Dorgan | Lincoln |
| Ashcroft | Enzi | Lott |
| Baucus | Feingold | Mack |
| Bennett | Fitzgerald | McCain |
| Bingaman | Frist | McConnell |
| Bond | Gorton | Roberts |
| Breaux | Gramm | Sessions |
| Brownback | Grams | Shelby |
| Bunning | Grassley | Smith (NH) |
| Burns | Gregg | Smith (OR) |
| Byrd | Hagel | Stevens |
| Campbell | Harkin | Thomas |
| Cochran | Hatch | Thompson |
| Collins | Helms | Thurmond |
| Conrad | Hutchinson | Warner |
| Craig | Inhofe | |
| Crapo | Kerrey | |

NOT VOTING—2

| | |
|---|---|
| Domenici | Rockefeller |

The PRESIDING OFFICER. On this vote, the ayes are 46, the nays are 52. The judgment of the Senate is that the amendment is not germane. The amendment falls.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am going to increasingly call attention to the disorder that prevails in this Senate.

As I sat here and listened to this crowd in the well, I wondered to myself: Can you imagine Norris Cotton being in that well? Can you imagine George Aiken being in the well at that time? Can you imagine Senator Dick Russell being in the well? Can you imagine Lister Hill being there?

I don't know what the people who visit as our guests in the galleries think of this institution. It resembles the floor of a stock exchange. I can understand that once in a while people have to go in the well and ask a question. But we are supposed to vote from our seats. I do not know how many Senators know that, but there is a regulation providing that Senators shall vote from their seats. I urge the leadership on both sides to insist that that be done. I always try to vote from my seat. It doesn't present any problem for me, voting from my seat. I realize that some Senators don't get an opportunity to talk to one another until they come to the rollcalls, but we have a vast area outside the Chamber or in the Cloakrooms where they can do that.

So I am going to urge the joint leadership to insist that Senators vote from their desks. If Senators will look on page 158 of the Senate Manual under ''Senate regulations'', they will find this regulation. May I ask the Chair to read that regulation to the Senate.

The PRESIDING OFFICER. ''Votes Shall Be Cast From Assigned Desks.''

''Resolved, that it is a standing order of the Senate that during yea and nay votes in the Senate, each Senator shall vote from the assigned desk of the Senator.''

Mr. BYRD. Mr. President, parliamentary inquiry: If I or another Senator insists on that regulation being enforced, is it the Chair's intention—and I am not being personal about this, but will the Chair enforce that regulation, if a Senator asks that it be done?

The PRESIDING OFFICER. It is the duty of the Chair to enforce all the rules and regulations of the Senate.

Mr. BYRD. I thank the Chair.

I hope Senators heard the Chair. For those who are not here, I hope they will read it. I urge that the joint leadership insist on that regulation. Otherwise, I am going to insist on it. One Senator can insist on it. As I understand from what the Chair has said in his response to my parliamentary inquiry of the Chair, it is the Chair's duty to enforce the regulations.

I don't say this with any animus, but I am concerned about how the Senate appears to visitors during roll call votes. Perhaps other Senators may not be quite so concerned, but I am because it seems to be getting worse.

I thank the Chair. I thank all Senators.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, following the previous agreement, all amendments had to be filed by 11:30. I think it is a little past 11:30. We should now have all of the amendments.

At this time, I would like to review with my ranking member, Senator LAUTENBERG, all amendments that have been filed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, may we have order, please.

The PRESIDING OFFICER. The Chair calls for order in the Senate.

Ms. COLLINS. Thank you, Mr. President,

AMENDMENT NO. 3439

(Purpose: To express the sense of the Senate that the Strategic Petroleum Reserve should be used to address high crude oil and gasoline prices)

Ms. COLLINS. Mr. President, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine (Ms. COLLINS), for herself and Mr. SCHUMER, proposes an amendment numbered 3439.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title III, insert the following:

**SEC. 3___. SENSE OF THE SENATE CONCERNING USE OF THE STRATEGIC PETROLEUM RESERVE.**

(a) FINDINGS.—The Senate finds that—

(1) since 1999, gasoline prices have risen from an average of 99 cents per gallon to $1.63 per gallon (with prices exceeding $2.00 per gallon in some areas), causing financial hardship to Americans across the country;

(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 through anticompetitive means;

(4) at its meetings beginning on March 27, 2000, OPEC failed to increase petroleum production to a level sufficient to rebuild depleted inventories; and

(5) the Secretary of Energy should implement a swap plan at times, such as the present, when prices of fuel have risen because of cutbacks in the production of crude oil.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the President determines that 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.

Ms. COLLINS. Mr. President, I rise today on behalf of myself and my distinguished colleague from New York, Senator SCHUMER, to offer a sense-of-the-Senate resolution that addresses

perhaps what is the most pressing transportation problem facing America today; that is, the outrageously high cost of gasoline. Retail gasoline prices have skyrocketed over the past months to a nationwide average of $1.63 per gallon. In my hometown of Caribou, ME, a gallon of regular unleaded gas costs $1.68. And that's if you pump your own. In the Midwest, gasoline prices have exceeded $2 a gallon. Yesterday, gasoline futures hit a 9½-year high on the New York Mercantile Exchange. Yet, just last year, gasoline prices averaged only 99 cents per gallon. What a difference a year can make.

This past March, Secretary of Energy Bill Richardson assured the nation that we would enjoy declining gasoline prices over the spring and summer and promised that we would not see gasoline prices at $2 per gallon. Unfortunately, $2 is exactly what many Americans now pay for a gallon of gas.

These high prices are the result of steadily increasing crude oil prices which, in turn, have been caused by OPEC's anticompetitive activity. Since the second quarter of 1999, OPEC has cut production by over 3 million barrels per day in a deliberate attempt to raise prices. Well, the strategy has worked. Although OPEC countries sold 5 percent less oil in 1999, their profits were up 38 percent. And the profits keep rolling in.

Early last fall, Senator SCHUMER and I began warning the Clinton administration that OPEC's production squeeze would have far-reaching, detrimental impacts on our economy. At that time, oil prices already were beginning to rise, and U.S. inventories were falling. Throughout the winter, Mainers and all Americans who heat with oil suffered from the highest distillate prices in a decade.

The administration's lack of a response has been as perplexing as it is disappointing. Last winter, Secretary Richardson admitted that the ''Federal Government was not prepared. We were caught napping.'' This is an astonishing explanation for the administration's lack of leadership. And now it's time for the administration to wake up.

The administration's ''energy diplomacy'' policy has proven to be a failure.

On March 27, the OPEC nations agreed to increase production, but at a level that still falls well short of world demand. At the time, Secretary Richardson proclaimed that the administration's policy of ''quiet diplomacy'' had worked and forecast price declines of 11 to 18 cents per gallon by mid-summer. Thus far, exactly the opposite has occurred. Gasoline prices are up some 12 cents per gallon since the OPEC announcement. Now predictions are not so rosy. As the Department of Energy's Energy Information Administration candidly noted in its June 2000 short-term energy outlook, ''we now recognize that hopes for an early peak in pump prices this year have given way to expectations of some continued increases in June and possibly July.''

Moreover, the EIA's June report warns that OPEC's anticompetitive scheme could place us next winter once again in the midst of another diesel fuel and home heating oil crisis. The report predicts that world oil consumption will continue to outpace production throughout this year resulting in, and I quote, ''extremely low inventories by the end of the year, leaving almost no flexibility in the world oil system to react to a cutoff in oil supplies somewhere or an extreme cold snap during next winter.''

It is past time for this administration to shift gears from quiet diplomacy to active engagement. The oil crisis we have faced for over a year underscores the fact that this administration has no energy policy, much less one designed to address the needs of America in the 21st century. Americans deserve a long-term, sustainable, cogent energy policy. But, in the short term, they also deserve some price relief. The amendment Senator SCHUMER and I have offered would do just that.

The amendment is straightforward. It addresses the sense of the Senate that the Secretary of Energy should use his authority to release some oil from our massive Strategic Petroleum Reserve through time exchanges, or ''swaps.'' The immediate commencement of a swaps policy would bring oil prices down while providing a buffer against OPEC's supply manipulations. Moreover, a well-executed swaps plan could, over time increase our reserve from its current level of 570 million barrels, at no cost to taxpayers.

Mr. President, the swaps approach advocated by our amendment would also give the administration leverage it has refused to bring to bear on the OPEC cartel. Quiet diplomacy has not worked. OPEC already has broken a commitment it gave to Secretary Richardson to increase production further if crude oil prices hit the levels they have reached over the past month. OPEC is scheduled to meet again on June 21 in Vienna. We need to show OPEC that we will not sit idly by as the cartel manipulates our markets and gouges us at the pump. The amendment Senator SCHUMER and I have offered is designed to send a strong signal to OPEC nations and to provide relief to the American consumer.

Mr. President, I am aware this amendment is subject to a procedural point of order, and therefore, Senator SCHUMER and I will be withdrawing it. Nevertheless, it is a very important issue.

I commend the Senator from New York for his leadership in working on this issue for so many months. We will continue our efforts. We are writing, once again, to the President, to urge him to immediately implement a swap plan as proposed by our amendment.

For the sake of all Americans who have felt the squeeze of skyrocketing oil and gas prices, we sincerely hope that the time has finally come for the administration to heed our call.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank the Senator from Maine for her leadership and her comradeship on this issue.

We have been working for a long time. We are not going to rest until something is done. If what we propose is not the right course, come up with some other strategy. But clearly, as the Senator says so correctly, something is not working.

The bottom line is simple. Last year, the Senator from Maine and I predicted home heating oil prices would go through the roof. We were told by the Energy Department and others: Oh, no, don't worry. You are being alarmist.

Unfortunately, for many of our constituents and millions of Americans in other States, home heating oil prices went through the roof.

Then in the early winter, we said: Now, gasoline could go to $2 a gallon this summer if nothing is done. We had studied how much oil OPEC was putting out. We looked at rural demand. We looked at the fact that our former friends, or friends who had always been helpful—Mexico and Norway, non-OPEC Members that expanded the supply of oil—would not help anymore.

They said, as the Senator from Maine indicated, let's try some quiet diplomacy. We are not the fount of all wisdom. Why not?

On March 27, when the OPEC members met, they said they were going to prevent oil from going to $28 a barrel on the spot market. And if it went over $28 a barrel for more than 30 days, they would release additional oil and bring the price back down. In fact, they set a range, not just a ceiling. There was also a floor, $22 to $28. It was high but within the bounds of being livable for the consumers in our States who, if nothing was done, would pay $1,000 more each year for gasoline and home heating oil. That number is no different than for most of the constituents of my colleagues from other States.

If we look at what Chairman Greenspan is doing in raising interest rates, he cites oil pressure on the economy as one of the great problems we face. He said if OPEC will do this on its own, maybe that is a better way.

Oil has been above $28 for more than 30 days and the OPEC nations are saying they are not going to do anything.

Maybe swapping SPR reserves, as we are urging in the bipartisan letter we are releasing today, signed by about a dozen of our colleagues, as well as ourselves, is not the only way to go, but nobody has presented a better alternative.

If we were to release a relatively modest amount of oil from the SPR, prices would come down, the fragile unity that OPEC has shown would be broken, and there would be new cheating on OPEC's part, and the price would come down further.

We have 570 million barrels of oil sitting there. If we were to release, say, a million barrels of oil for a 45-day period, it would not deplete the reserve. Figure it out using simple mathematics. It is less than 10 percent of the reserve. Furthermore, because the market is what is called ''backwardized,'' we could actually require that we would lock in a price, that we could buy oil next April at $25 a barrel. It is simple arithmetic.

If we sell at $31 and we can buy it back next April by buying futures on the oil market for $25, not only do we achieve our main goal, which is to bring the price of oil back down and help the consumers throughout the country who are paying through the nose for gasoline, we could also actually make some money. The Government, for once, would be behaving as a private business. That is not our goal, but that would be a side benefit.

Here we are. Everything that has been said has not worked. Home heating oil did go through the roof. The price of gasoline is, in parts of the country, already above $2 a gallon. The average, as of yesterday, was $1.60-something in the rest of the country. And mark my words, heating oil next year, if we do nothing, will be much higher than it was last winter, when our constituents in the Northeast and Middle West faced unprecedented home heating oil bills.

So this resolution—I wish the point of order didn't lie against it; it does—is what is needed. I agree with my friend and colleague from Maine we ought to withdraw it. But make no mistake about it; this policy is the only policy left on the table. To those who say it may not work—which is the only argument left. They first told us it was not legal, but it was, as we proved. They had done it three times before. They told us it was unnecessary. Prices show it is necessary. Now they are saying it may not work. Guess what. It cannot be worse than what is happening now.

So I strongly urge my colleagues, if they cannot vote on our resolution because of this point of order, to sign the letter Senator COLLINS and I have authored and continue to make our case that swapping oil from the Strategic Petroleum Reserve is the best policy we have to bring the all-too-high cost of energy down and keep our economic prosperity on track.

With that, I will yield to the Senator from Maine to conclude.

The PRESIDING OFFICER. The Senator from Maine.

Mr. LEVIN addressed the Chair.

Ms. COLLINS. Is the Senator from Michigan seeking to be heard on this resolution?

Mr. LEVIN. I am.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me congratulate the Senators from Maine and New York for this resolution. Because it is a sense-of-the-Senate resolution which might be ruled not to be germane or appropriate on this bill for technical or procedural reasons, I understand they will be withdrawing it. I am sorry that is what they must do under our rules, or need to do under our rules, because this resolution of theirs really addresses one of the most critical issues my constituents in Michigan are facing. I know the Senator's constituents in Maine are facing it, and the constituents of the Senator from New York. All of our constituents are facing these skyrocketing prices which have no rational explanation—except that the oil companies have decided they are going to gouge us pricewise, although their own prices of oil per barrel have not gone up nearly as much as have the prices that they are charging us.

We have had two agencies of this Government that have said there is no logical or rational explanation for the huge increase in gas prices. The Federal Trade Commission should investigate this matter. I have asked them to investigate this matter because of the possibility of anticompetitive practices on the part of the oil and gas industry. That is within the jurisdiction of the Federal Trade Commission. Their staff, indeed, is required to undertake that inquiry.

What is going on here is intolerable. It is not a reflection of the price of oil per barrel. The prices at the pump have gone up far more, proportionally. In the absence of that kind of explanation, and in the presence of the kind of skyrocketing prices we are facing at the pump, as the Senator from Maine said—in the Midwest, in my State, now over $2 a gallon—I think the signal which is being sent by this resolution is a very important one. The letter they are sending I hope will get the signatures of every Member of this body. I have already sent the President a similar letter urging the withdrawal of some oil from the Strategic Petroleum Reserve and the later swap of oil back into that reserve. I intend to sign this letter again because I think the more of us who ask this administration to withdraw oil from the Strategic Petroleum Reserve the better, and the more likely they would do so.

I commend the two Senators for their action. I intend to forcefully join with them in their letter and to continue my own efforts, as previously indicated both with the Federal Trade Commission to obtain their investigation for potential anticompetitive practices, as well as the withdrawal issue by the Department of Energy, because I believe that is one of the ways we can fight back against the OPEC monopoly.

Mr. DURBIN. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. DURBIN. If the Senator from Michigan will yield, I commend him for his remarks and also commend the Senators from Michigan and Maine for what they have done and their leadership on this issue. This is a critically important issue in the Midwest. It is certainly an important issue in the State of Illinois. I have been back to my State and I can tell you virtually every single group I have met with—labor, business, education, ordinary families—all bring up this issue as the first concern because it hits them in the pocketbook. Families trying to drive back and forth to a job, small businesses that depend on the cost of fuel for profit—they are all concerned. I commend the Senator from Michigan for the comments he has made.

I have listened to the oil companies and their explanations about why these prices have gone up, but I have to tell you they just don't wash. They don't make sense. When you explore them and look to them you say: Sure, that might account for a 2-cent increase or a 5-cent increase. But in the Chicagoland area, it is not uncommon to find gasoline at $2.29 a gallon and higher, for the lowest cost gasoline. That does not explain it away.

Frankly, I think the oil companies are coming up with excuses. In the past, they have come up with excuses and, frankly, we have to go further. I think the Senator from Michigan is correct; the Federal Trade Commission has a responsibility here. Next Tuesday, the chairman of that Commission is going to meet with the Illinois delegation to talk about this. I hope they take the Senator's suggestion and go forward with this investigation. At this time I think we need to have the oil companies in for honest answers so families and businesses across America understand what is behind this.

I commend the Senator from Michigan, as well as the Senator from Maine, and all those who have shown leadership on this issue. It is really a matter of the quality of life for a lot of families and businesses in the Midwest—across the Nation.

Mr. LEVIN. I thank my good friend from Illinois for his comments. As always, he has his finger on the pulse of his constituents. That is the No. 1 issue with the people of Michigan at the moment, the skyrocketing price of gas at the pump. There is not even a close second. This is the first, second, and third issue on the minds of the people of Michigan and the Midwest, and obviously other parts of the country as well. We have to hold the oil companies accountable. We have to put as much pressure on them as we can. Withdrawing oil from the Strategic Petroleum Reserve is one of the ways in which we can fight back against these skyrocketing prices.

The PRESIDING OFFICER. The Senator from Michigan is recognized, Senator ABRAHAM.

Mr. ABRAHAM. Mr. President, I first thank the Senator from Maine for her steadfast efforts to raise these issues over a fairly lengthy period of time now. I also think we should, perhaps, review some of the recent history. As my colleague from Michigan just indicated, it is clearly not just in Maine or Michigan but across the country, in almost every part of the country, the No.

1 issue on people's minds today—what it costs to fill up one's automobile or sports utility vehicle with gasoline.

In my case, like many other fathers with young children, we have a minivan. When we go to the pump now, it is somewhere between $40 and $50 to fill up our tank. There seems to be a pattern in our region—Michigan, Illinois, and some of the other States in the Great Lakes—that have driven the prices even higher than the national average. I share the concerns my colleague from Michigan and colleague from Illinois have expressed with respect to why this is affecting uniquely our State. I have asked the Secretary of Energy to meet personally on this issue to find out what insights he provides.

I think a few other issues need to be discussed. First, I think the points that have been raised with respect to releasing some of the petroleum in our strategic reserve make sense. This is a way to make an immediate impact, to have an immediate impact on the supply of oil which, in turn, will relate to the price. There are a lot of things we can do that will have a long-term impact, but the short-term impact is fairly limited.

No. 1, we can tap the reserve. No. 2, we can suspend, as we have on several occasions tried to vote to do, the Federal gasoline taxes to reduce some of the costs the consumers are paying.

But I think there is an issue we need to talk about as well, that has more of a long-term consideration to it, and that is the dependency of our country on foreign sources of energy. The fact is, even if you level out the prices for the Great Lakes, if the problems in our region were to be resolved in such a fashion that we simply returned to the approximate level of the rest of the country, we would still be paying substantially higher prices than we did a year ago. There is no question the reason for that is the OPEC nations' decisions with respect to supply is the cause of these higher prices. While I think we should investigate whether it is the oil companies or anyone else who may be taking advantage of the supply situation in some inappropriate way, I think we must try to wean ourselves from the dependency we have on foreign energy sources.

I believe we have a responsibility as a Congress to work on issues related to this.

I believe the administration has a responsibility, which it has not fulfilled in over 7 years in office, to provide us with a long-term energy policy that prevents dependency from getting any worse. In the 1970s, when we had an energy crisis that led to lines at the fuel pumps, that led to shortages, we were only 35-percent dependent on foreign energy. Today, we are 55-percent dependent. At the current rate, we will hit 60 percent in the near future.

There is no question that if we place ourselves in that position, we will be at the mercy of the decisionmaking of foreign countries with respect to our energy costs. I do not think we want to be in that position as a nation. I do not think we want to have our Energy Secretary, irrespective of to which administration he or she might belong, be forced to go hat in hand, as Secretary Richardson recently was required to do, to persuade foreign countries to give America a little bit more of a supply. The only way to address that is to change policies at home that allow for domestic production to increase that will permit us to tap into alternative energy sources and to conserve more energy.

That, I believe, ought to occupy as much attention as anything else we do in this area. To address the long-term needs, in my judgment, is the top energy policy on which we should right now be focused as a Congress and as a nation.

We need a multifaceted approach. In the short run, the Strategic Petroleum Reserve can give us immediate relief on some of the prices. I believe we should, again, consider suspending the gas tax as another way to do that for the short run. Until and unless we demonstrate as a nation a commitment to increasing our own domestic production, we are going to send a signal to these other nations that they are going to have the leverage they can use when they wish to make more profits for themselves at our expense, and instead of American consumers being in charge, it will be foreign oil ministers who make those decisions.

That is wrong. I intend to fight that, and I intend to be back on the floor as much as it takes on these issues until we begin to focus on that aspect of the problem.

Let's say the national average in the region—which does not include Michigan, Ohio, and Illinois—if that average fuel price was the price in my State, $1.50 to $1.60 a gallon, it would still be too high, in my opinion. The only way it is going to change is if we address the long-term issues as well.

I thank the Senator from Maine for her amendment and her efforts. I look forward to working with her on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3439 WITHDRAWN

Ms. COLLINS. Mr. President, I thank the Senator from Michigan. He is absolutely right in that we need to pursue a long-term energy policy for this Nation, as well as to provide short-term price relief by tapping our Strategic Petroleum Reserve.

I thank all my colleagues who have supported and have spoken out in support of this resolution, but particularly my primary sponsor of the legislation, Senator SCHUMER of New York. Since a point of order will lie against the amendment, I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD) Without objection, it is so ordered.

## THE ELECTRONIC SIGNATURE ACT

Mr. LEAHY. Mr. President, I mention this only because I know we were in a quorum call and, being in a quorum call, this time would not be taken from the bill. The House of Representatives has passed overwhelmingly—I think with only four votes against it—the Electronic Signature Act. We will be taking it up in a matter of hours. I will speak further on this on the floor today, but I strongly urge my colleagues to vote for this bill.

A number of us worked closely—Republicans and Democrats alike—to craft the final package. I was one of the conferees and signed the conference report—indeed I also signed and supported the earlier report based on the agreement we achieved before the last recess weeks ago. I think that it is a good piece of legislation. I think it should pass. It includes consumer protections and balance that were lacking from the House-passed bill and builds upon the narrower provisions of the Senate-passed bill to include some additional provisions regarding record retention.

Originally, there were some who wanted to pass a digital signature bill almost for the sake of passing one. Fortunately, cooler heads prevailed in both parties but also among the industry. I think most of those in the various industries that will be affected, who want an electronic signature bill, realize they have to have something that would have consumer protection in it. Otherwise, we could see companies that do not have a strong sense of consumer ethics misuse the bill. The public reaction would be such that a subsequent Congress would wipe out all the gains we made.

What has happened now is we have written in good protections. The best companies, those companies that value their reputation and are in for the long haul, will follow these rules without any hesitation. But companies that may think of this as a chance to make profits—sudden profits—from people who are not computer literate, people who are just coming across the digital divide, they will be stopped from preying on the innocent.

I think it is a good piece of legislation, as I said. A number of us, Republicans and Democrats, worked very hard on this. Now we do have a good bill. In the Senate, Chairman MCCAIN and Senator HOLLINGS, Senator HATCH and I and Senator GRAMM and Senator

SARBANES all participated in this conference, and from the House, Chairman BLILEY and Congressman DINGELL, worked to put this together. On our side Senator WYDEN made significant contributions, as well.

I urge, when this does come to the Senate floor, that it be passed, I hope unanimously.

Mr. President, I yield the floor and 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. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI and Mr. BINGAMAN pertaining to the introduction of S. 2736 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3430

(Purpose: To provide for an additional payment from the surplus to reduce the public debt)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. VOINOVICH, Mr. GRAMS, and Mr. ENZI, proposes an amendment numbered 3430.

Mr. ALLARD. 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 _____, after line _____, insert the following:

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

SUPPLEMENTAL APPROPRIATION FOR FISCAL YEAR 2000

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2000 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $12,200,000,000.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second at this time.

Mr. ALLARD. Mr. President, I renew my request 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. ALLARD. Mr. President, the amendment that was just reported at the desk is an amendment that is cosponsored by myself, Senator VOINOVICH, Senator GRAMS, and Senator ENZI. I do want to take the time to thank them for their willingness to be a part of this very important effort to try to pay down our Nation's debt. We have two debts that are referred to frequently in debate, and I want to talk about each one of them individually. One is the burden of the national debt on America, and, as of June 14, 2000, the total national debt to the penny was $5,651,368,584,663.04.

If we look at the debt that was owed to the public, there is an equally astounding figure of $3,499,251,116,128.15.

How does this break down to each citizen's share of the national debt? If you were born today, what kind of debt would you have to face as you grew and paid for your education and started your own business and raised your family? Each citizen born today in America would owe $20,550 on the national debt; or another way of putting it, $12,724 on the debt owed to the public.

In 1961, Congress established within the Department of the Treasury the Bureau of the Public Debt, an account for citizens to repay the public debt. Our amendment is an attempt to accomplish just that. What it does, it makes a one-time payment out of the fiscal year 2000 surplus—that is the budget we are operating under right now—to the account. We have a total of about 26.5 billion surplus dollars that have come in this year. We have already obligated about $14.3 billion in an effort for emergency spending.

This includes some adjustments between spending provisions we did last year where we forwarded some of our spending. We are going to move it back so it is within each fiscal year. It included some emergency spending for Kosovo and some emergency spending for farm programs and a number of other items. That leaves $12.2 billion on the table. So this amendment says we want to take those $12.2 billion and move them into the debt repayment account that Americans can pay into now, that we established in 1961.

This holds the Senate accountable for limited emergency supplemental spending consistent with the budget, I might add. I think each of us individually in the Senate, and Members of the House, ought to make a personal commitment to try to enforce provisions of that budget. That was voted on by this body, voted out of the body. If it is going to mean anything, I think Members of the Senate have to make a concerted effort to help enforce the provisions of the budget.

The amendment I have introduced, with the help of some of my colleagues, was scored by CBO as a no-cost intergovernmental transfer. It is well within the budget rules, the rules of the Senate, and it is an important amendment. It is something we need to address. We simply have to get the debt under control. I have introduced legislation in the past that has put forth a plan whereby we try to pay down the debt over 30 years, then, later on, introduced more legislation so we go ahead and pay down the debt over 20 years.

The fact is, we are having unprecedented surpluses coming in to the Government coffers. A lot of it is because of the amount of work and labor that is happening out there. It is due to American initiative that has been propelled by the free enterprise society in which we live. It is unprecedented in the history of this country.

If we do not do something to pay down the debt now, we are going to miss a great opportunity to have a secure, a more prosperous future for the young Americans of today, our future leaders.

I hope we can adopt this amendment as a minor first step in paying down our total debt. We simply should not, as a matter of conscience, continue to increase spending year after year with a total disregard of the total debt that we have accumulated. We simply need to be doing something to pay down our national debt.

This is a small step. It is something that hopefully will begin to get this Senate to understand and this Congress to realize we ought to have a plan of 20 years to pay down the debt. It is accountability on further emergency spending. Emergency spending is not counted in the budget caps and the 302(b) allocations, and too often this spending privilege is abused. Members of the House and Senate try to put programs which they cannot put in the regular budget resolution when this Congress sets its priorities under the emergency spending programs. We need to do what we can to maintain the integrity of that budget resolution because it is the one that puts restraint on spending and puts accountability in the budgeting process.

As I mentioned before, CBO has scored this as a no-cost transfer. It is important, and it is money that is left laying on the table. At this point in time, I really believe there are few choices of what will happen with the $12.2 billion. It will either go toward debt repayment, or it will be spent. I am concerned it will be spent.

I have introduced this legislation to obligate it towards debt repayment. It is important. I ask my colleagues in the Senate to support us in the effort to pay down the debt, and I ask them to vote aye to support this amendment to pay down the debt. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, my colleague from the State of Colorado did a very good job outlining for us how important it is that we address our national debt. There is a euphoria in America today over the fact that we have a tremendous surplus. Unfortunately, the fact that we have a surplus reminds me of a Dean Martin song that went something like ''Money burns a hole in my pocket.'' Everyone is trying

to figure out how to spend this money. No one seems to be making an issue of the fact that today we have a $5.7 trillion national debt which is costing Americans approximately $600 million a day in interest.

Most Americans do not understand that 13 cents out of every Federal dollar we spend goes to pay interest. National defense gets 16 cents per dollar. Nondefense discretionary spending is 18 cents per dollar. They do not understand that we are spending more money on interest each year than we spend on Medicare, five times as much on interest as we do for education, and 15 times more than we spend on medical research.

This debt was racked up over a number of years. At a time when our economy is better than it has ever been before, when unemployment is at the lowest we have seen in anyone's memory, we should do like you, Mr. President, would do in your family and I would do in my family, or what a business person would do, and that is, in times of plenty, get rid of debt, get out from under debt.

We have an excellent opportunity to do that. Because of the expanding economy, we have a $26 billion on-budget surplus in fiscal year 2000. Think of that, $26 billion. We already allocated $14 billion of that on-budget surplus when we passed the budget resolution to deal with what I consider to be, for the most part, emergency situations.

In order to guarantee we do not spend the rest of that money, we need to stand up and be counted and pay more than lipservice to reducing our national debt. We need to pass legislation that says the remaining on-budget surplus, this $12.2 billion, is to be used to pay down the national debt. It is something that all of us should think about as being a moral responsibility.

One of the reasons I came to the Senate, was the fact that I believed we had spent money over the years on many things that, while important, we were unwilling to pay for, or, in the alternative, do without. We had a policy of ''let the next guy worry about it''; ''let the next generation worry about it.''

When I came to the Senate, I had one grandchild. Today, I have two more. Like all other Americans, I think about my grandchildren and about the legacy I want to leave to them. I remember a long time ago, almost 38 years ago, when my wife Janet and I got married. At that time, only 6 cents out of every dollar was going to pay interest on our debt. Think of it. Today it has gone up over 100 percent.

I think about the legacy we are leaving our children, and Congress, during this wonderful time of a great economy, with a low unemployment rate, should take advantage of this opportunity to take our on-budget surplus and pay down our national debt and get this burden off the backs of the young people in our country; off the backs of our children and off the backs of our grandchildren.

The other thing we need to point out to the American people is something we have kept kind of a secret. It is a secret about which nobody is talking; it has been kept quiet, and that secret is we have been spending money like drunken sailors.

In fiscal year 1998, we spent $555 billion on discretionary spending. That is before I came to the Senate. In fiscal year 1999 we increased spending to $575 billion.

In this year's budget, if we spend the entire on-budget surplus, discretionary spending will be $624 billion. Think about it, $624 billion, compared to last year's $575 billion. If my figures are correct, that is an 8.5-percent increase in discretionary spending.

I want to know how many people in this country had an 8.5-percent increase in their paycheck last year. Why is it that the Federal Government is different than most of the families in this Nation? Families should understand, the citizens of this country should understand, if we spend all of this money—and it looks like we could—and if we do not adopt this amendment that we are suggesting be adopted today, we will have increased spending by 8.5 percent.

It is time for this Congress to be willing to make tough decisions. The cynicism that I hear so often is: We need the money to get out of town.

We need to talk about our kids. We need to talk about this national debt. We need to talk about the moral responsibility that we have to America's families.

We are not asking for a lot here today. We are asking that this body stand up and be counted. I hear people every day talking about: Let's do something about the national debt. It is a problem. We should do it.

Reducing the national debt has been a principle of my party. It has been a principle of mine throughout my political career. First of all, don't go into debt. If you are in debt, get rid of it.

Here is a chance to stand up and put our actions where our mouths are, and say, yes, we do believe in reducing the national debt. We are going to take this money, put it aside, and pay down the national debt, and we are going to do it now. We are going to do it now because we know if we do not do it now, the temptation will be to spend every dime of it.

One other thing we ought to remember; and that is, in July CBO will be coming back with some new numbers and the on-budget surplus will be even higher, perhaps maybe $20 billion, $25 billion more. The question is, What are we going to do with that on-budget surplus? Are we going to keep that around so we can get out of town?

It is time to make the tough decisions. It is time to stand up and be counted.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I, again, thank my colleague from Ohio, Senator VOINOVICH, for his undying effort and diligent fight to pay down the debt. It is good to have somebody with that kind of persistence and bulldog attitude to be a team player on a very important issue such as this. I just want to commend him in a public way for his efforts.

I do not see any other Senators on the floor wanting to debate this issue. I yield the floor so the Senator from Oregon can be recognized.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon has the floor.

Mr. ALLARD. Objection.

Mr. President, was there a unanimous consent request?

The PRESIDING OFFICER. The Chair noted the objection of the Senator from Colorado.

The Senator from Oregon still has the floor.

Mr. ALLARD. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the foregoing request is granted.

AMENDMENT NO. 3433

(Purpose: To require the Inspector General of the Department of Transportation to review certain airline customer service practices and to make recommendations for reform)

Mr. WYDEN. Mr. President, I have an amendment at the desk involving the rights of airline passengers in this country.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3433.

Mr. WYDEN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 23, before the period at the end insert the following: ''*Provided*, That the funds made available under this heading shall be used by the Inspector General (1) to continue to review airline customer service practices with respect to providing consumers access to the lowest available airfare, information regarding overbooking, and all other matters with respect to which airlines have entered into voluntary customer service commitments; (2) to undertake an inquiry into whether mergers in the airline industry have caused or may cause customer service to deteriorate and whether legislation should be enacted to require that customer service be a factor in the merger review process for airlines; (3) to review the reasons for increases in flight delays, with specific reference to whether infrastructure issues or procedures utilized by the airline industry and the Federal Aviation Administration are contributing to the delays; (4) to review the airline ticket distribution system, and changes in the system, including

the proposed Internet joint venture known as 'Orbitz' and the impact such changes may have on airline competition and consumers; (5) to review whether 'Orbitz' would be, or should be, subject to Department of Transportation regulations on airline ticket computer reservation systems; and (6) to report findings and recommendations for reform resulting from these reviews and inquiries to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives by December 31, 2000, and again thereafter when the Inspector General determines it appropriate to reflect the emergence of significant additional findings and recommendations''.

Mr. WYDEN. Mr. President, almost a year ago, this country's airlines made a grand announcement about a new, although albeit voluntary, commitment to the rights of airline passengers.

I tend to look with a very skeptical eye at any promise to consumers that contains the notion of both ''voluntary'' and ''rights'' together in the same sentence.

Now, 1 year later, my conversations with Federal investigators about the work they have done, at the Senate's request, leaves me to be even more skeptical of what the airlines have promised.

What I have learned from Federal investigators is that there are more questions than answers about the quality of airline customer service, flight delays, and the airline ticket distribution system.

Frankly, as I said a year ago, the evidence indicates that the airlines' so-called customer first package has proven to be worth little more than the paper it was written on.

In fact, just recently, in the last few months, the Washington Post Business Section had a headline that said: ''Airline Service Dips n 3 of 4 Categories.'' They went on to describe what can only be categorized as a pretty bumpy operation with respect to guaranteeing the rights of passengers in this country.

I will take just a few minutes to outline what I think the central problems are, and what I have learned from Federal investigators about their work. Then I hope the Senate will support my amendment on a bipartisan basis.

First, after a year of trying to get the airlines to be straight with the American consumer with respect to finding the lowest fare available on a particular flight, I can report that finding the lowest airfare remains one of the great mysteries of our time.

On any given flight, there may be as many different fares paid as there are passengers on the plane. Finding out if the flight you want to take is overbooked is sort of like playing hide and seek. First, you have to know what to ask for. Then you need to know the difference between a flight that is oversold and a flight that is overbooked. Suffice it to say, there seem to be a fair number of people in the industry who can hardly explain that difference.

When I first called for the passage of a real, enforceable passenger bill of rights for airline consumers, I made it very clear to the Senate that I was not talking about establishing a constitutional right to a fluffy pillow on your airplane flight. I was not talking about folks being entitled to a jumbo bag of peanuts. What I was talking about has the public's right to know, the public's right to know information about basic services, just as they do in every other area of our economy.

In every other area of the economy, such as when you have a reservation for a particular item or you want to find out about how it is priced, you can get that information. You can get it whether it is on the telephone, at the counter, online, or through a variety of intermediaries. And you are told, in straightforward kinds of terms, the real reasons behind these scheduling arrangements, and prices, and the kind of information that is so relevant to the consumer.

That is not what is happening today in the airline industry, despite the grandiose pledges from folks in the industry.

For example, the annual survey by leading scholars at Wichita State who have been doing these surveys for many years came out in April and found that consumer complaints on air travel in 1999 were up 130 percent over the previous year. That study showed that 7 out of 10 airlines posted lower quality ratings than they did in the previous year.

Earlier this year, the Department of Transportation consumer division reported that the number of complaints they had received was about double that of the previous year. The complaints were up and the ratings were down after the airlines had pledged to the Congress to do better.

Suffice it to say, these professors at Wichita State are not airline industry bashers. These are individuals who, by their own description, take a very conservative orientation to these issues. Yet they found that in virtually every important area of consumer service, there had actually been a deterioration in the quality of service to airline passengers during this period since the airlines' so-called customer first pledge went into effect.

When the industry's Air Transport Association reported recently that customer satisfaction was at an all-time high, many of us struggled to find out to whom exactly they were talking. They weren't talking to the folks I sit next to on an airplane or the people I meet in ticket lines at home in Oregon or around the Pacific Northwest.

I can understand the inclination of the Senate to give the airlines some time to try to make their voluntary program work. I got my head handed to me when we had the vote in the Commerce Committee and it was 19–1 with respect to airline passenger rights. I respected that. Given the results in the Commerce Committee, I decided we ought to try to do some followup and offered several amendments that were accepted as part of this appropriations bill in the last year. I believed it was important to continue to monitor the situation to see if we would get any improvements since the industry's pledges went into effect.

What we adopted in the last appropriations bill was part of the final law. It was binding, and it gave the Transportation Department inspector general a statutory mandate to look at whether airlines are giving customers access to the lowest fares no matter what technology they used to contact the airline. It is outrageous to know that even today airline passengers can be quoted one price over the telephone and yet a much lower fare is available to them on the Internet and they aren't given that kind of information. The Department of Transportation inspector general was directed in the last appropriations bill to investigate that issue and, in addition, to make sure we monitor this question of the lowest fare.

We directed the inspector general to tell us about overbookings of flights—again, a right-to-know context. I have no problem with an airline selling a ticket to a passenger on a flight that is overbooked, if the consumer is told that the flight is overbooked at the time they are going to make the purchase. It is fairly straightforward; it is informed consent. We have found that has not been done.

The Department of Transportation inspector general is also looking at a new scheme the airlines have cooked up known as T–2. It is our understanding this is a new online pool of airfares where nearly all of the major air carriers will offer their lowest fares but which will not be accessible to those who offer travel services.

In a few weeks, the inspector general of the Department of Transportation is going to issue an interim report on the airlines' customer service commitment plans. What I have heard about this report is that the airlines are coming up short, and seriously so, with respect to following up on the commitments they made to the Congress.

For example, recent weather delays at Chicago's O'Hare Airport resulted in numerous planes being stranded on the runways for periods of 3 hours or more and as long as 8 hours. The Presiding Officer must have heard from some of his constituents on that matter. I happen to have been on the flight that was going from Chicago to Portland where some of those folks had been on the flight that had been stranded in Chicago. They told me all they had received during this extended wait was granola bars and almost no information at all about the options they had.

A recent power failure at National Airport in the Nation's Capital stranded scores of passengers without any accommodations or emergency provisions. Again, we have the consumer complaints pouring into the Department of Transportation at record levels

each month of this year, after the airline industry's voluntary pledge went into effect. This notion from the airline industry that they just need more time, give them a little bit more opportunity to make this so-called voluntary program work, is contradicted by what we have seen each month since the so-called voluntary pledges went into effect.

The customer service commitments don't even address one of the most frustrating areas of air travel; that is, the fundamental underlying issue of delays and what the airlines and the FDA will do to combat them.

It is important that we get the Department of Transportation interim report. It is going to offer the American people an unbiased view of exactly how well airlines are treating passengers. It is going to give us an independent assessment of these so-called voluntary passenger commitments.

I believe what this report is going to show is that the pledges the airline industry made are in effect a kind of cosmetic program to try to keep the Senate from enacting real passenger rights that are enforceable and truly protect the American public. I suspect what we will hear from the inspector general will be a blueprint for enforceable concrete legislation that protects the rights of passengers.

What the Senate ought to be doing is keeping the airlines' feet to the fire. That is why I am offering an amendment to this year's Department of Transportation appropriations bill that would instruct the Department of Transportation IG to continue his fact finding and information gathering in key areas that are so important to the public. I am talking about whether these customer service practices amount to anything, getting the public straight information on the lowest available fare, information about overbooking.

Importantly, for the first time the Senate would direct the Department of Transportation IG to look at the question of whether mergers in the airline industry are causing customer service to deteriorate. We ought to be looking at that issue. We ought to be looking at whether legislation should be enacted to require that customer service be a factor in granting an airline merger in this country. We have all heard so much about these airline mergers. We are having a lot of problems with customer service today. We ought to be looking at the ramifications these mergers are having on the quality of airline service in this country.

I am particularly interested in knowing whether the Senate, on a bipartisan basis, should write a law that would stipulate whether or not customer service ought to be a factor in the merger review process. In addition, this amendment would review the reasons for increases in flight delay. We have had some folks say it is the FAA's fault. We have had other folks say that it is the airline industry's fault. I think the Department of Transportation IG ought to dig into that issue. My amendment also requires a review of the airline ticket distribution system that I mentioned earlier involving T–2. Suffice it to say that there are a number of questions there about whether that is contributing to problems that consumers are having.

The bottom line is, will the Senate keep the airlines' feet to the fire? Are we going to have the Department of Transportation continue in this investigative effort to try to at least put some kind of collective focus by the Senate on how important it is to improve passenger service? We have all heard from constituents, at a time when the airlines are, in many instances, making great profits, about why it is that some of that money can't be devoted to improving passenger service.

I am not going to go through all of the recent news stories but just a few of the headlines. The Washington Post headline is ''Airline Service Dips In 3 of 4 Categories.'' The Los Angeles Times headline is ''Air Passengers 'Fed Up' With Poor Service, Survey Finds.'' They go on to cite the fact that ''Consumer complaints against airlines have more than doubled from last year.''

In conjunction with the recommendations we are getting from the Department of Transportation's IG and their leading official, who I think does a superlative job in this area, I would like to see the Senate working with the Transportation inspector general to keep the focus on trying to force these airlines to improve the quality of passenger service to the people of this country.

I have just been informed by the staff that Chairman MCCAIN and Senator HOLLINGS and Senator ROCKEFELLER would be willing to join me today in committing to send a letter asking the Department of Transportation inspector general to investigate and report to the committee on the issues that are the subject of my amendment. So that the record is clear, Chairman MCCAIN, Senator HOLLINGS, and Senator ROCKEFELLER—and they are all the leaders of the Senate Commerce Committee and spend many hours looking into these issues—have all asked that they join me in a letter to the Department of Transportation inspector general inquiring into the issues that are the subject of my amendment.

The fact that we are getting the bipartisan leadership of our committee behind this effort is very important. It is certainly important to me because all of them have great expertise regarding this issue. My inclination, frankly, is to have a vote on this amendment on the floor of the Senate to send the strongest possible message. But I note that Senator ROCKEFELLER cannot be present today. He has done extremely good and important work on a whole host of aviation issues, including the air traffic control system. As a member of the Commerce Committee and the Aviation Subcommittee, which has jurisdiction over these issues, I am going to agree this afternoon, on the basis of the fact that we will now have a bipartisan letter sent to the inspector general by the bipartisan leadership of the Commerce Committee directing that the IG look into all of the issues outlined in my amendment, to withdraw my amendment.

But I want to make it clear to people in the airline industry and the passengers that are so frustrated by these delays that this fight is going to continue. It is not being dropped. In fact, we are expanding it. As I mentioned, we are going to look, for the first time in recent years, at the ramifications of mergers on customer service. I happen to believe very strongly that mergers and customer service are inextricably linked. I think we ought to change the law and stipulate that one of the criteria on whether or not an airline merger ought to go forward is customer service.

AMENDMENT NO. 3433, WITHDRAWN

I note the absence of Senator ROCKEFELLER, who believes strongly in this. Chairman MCCAIN and the ranking Democrat, Senator HOLLINGS, have both done very important work on aviation issues. They have pledged to join with me in directing the Department of Transportation inspector general to investigate these issues. In view of that announcement that is being made today, and in view of the bipartisan support for the Department of Transportation looking into these issues, I ask unanimous consent to withdraw my amendment this afternoon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to have two articles printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Apr. 11, 2000]

AIR PASSENGERS ''FED UP'' WITH POOR SERVICE, SURVEY FINDS

(By Randolph E. Schmid)

WASHINGTON.—U.S. airlines spent a lot of time last year promising things would get better for their customers, but a new study suggests just the opposite occurred: Consumer complaints more than doubled.

''You can see that consumers are just fed up, fed up with poor service,'' Brent Bowen of the University of Nebraska at Omaha said in announcing the survey results Monday.

Consumer complaints were up 130% from 1998 to 1999, said Dean Headley of Wichita State University. They rose from 1.08 complaints per 100,000 passengers in 1998 to 2.48 per 100,000 last year.

Headley noted that improved Internet access made it easier to file complaints, but said that could not account for such a large increase.

The annual report, based on data collected by the Transportation Department, scores the air carriers on on-time performance, baggage handling, consumer complaints and denied boardings.

It found an overall decline in airline quality last year, with only baggage handling showing a slight improvement.

The airlines instituted a consumer bill of rights in December, after a year of pressure from Congress to improve service. A report to Congress by the Transportation Department's inspector general on how they are doing is scheduled for June.

Sen. Ron Wyden (D–Ore.), who pressed for legislation last year, said that if the upcoming report ''shows anything resembling what this study shows, I think we can get a real passenger bill of rights through Congress.''

''The report demonstrates that the airlines are not following through on the voluntary program,'' he said. ''They, of course, claim that it's early and they have just begun it . . . but this is an industry that again and again finds reasons to give passenger service short shrift.''

Diana Cronan of the Air Transport Assn., which represents the major airlines, noted that the airlines' voluntary ''customer first'' plan was not put into effect until the end of the year.

''We really would like to see the results next year when the plan has been in place for a full year. We really do believe that things will be better,'' she said.

Southwest Airlines ranked best overall, as it did in 1997. In 1998, the top spot went to USAirways, which fell to No. 6 in the new report.

This year, Continental finished second, followed by Delta, Northwest and Alaska Airlines. American was No. 7, followed by America West, TWA and United.

The report's only good news involved baggage handling. The study found that the industry mishandled 5.08 bags per 1,000 passengers in 1999, down from 5.16 per 1,000 a year earlier.

On the other hand, there was a drop in the portion of flights that arrived within 15 minutes of schedule. On-time performance slipped from 77.2% to 76.1% and denied boardings was virtually stable, edging from 0.87 per 10,000 passengers to 0.88.

The study was particularly critical of airlines for instituting what they called a series of anti-consumer rules designed to increase productivity.

These include tighter limits on carry-on bags, bans on carry-on food, not allowing a consumer to take an earlier connection when a seat is available and raising fees to change tickets.

''Soon, consumers will become driven by price and schedule only and regard airline loyalty as having no tangible value,'' the author concluded.

The Transportation Department, which independently reports on airline performance, found similar problems through February.

Consumers registered 1,999 complaints about the 10 largest carriers in February, slightly down from January but nearly double a year earlier.

It found that 74.8% of flights arrived on time in February—also slightly better than in January but not as good as 78.9% in February 1999.

The airlines had a mishandled baggage rate of 4.81 reports per 1,000 passengers in February, an improvement from a year earlier.

Headley acknowledged the new passenger bill of rights instituted by airlines late last year and allowed that change does take time. But, he argued, the steps promised by the airlines were things they should have been doing already.

The carriers pledged to be more forthright with passengers all the way through their travel experience. They promised to volunteer the lowest air fares or cheaper travel options when people call for reservations and to give passengers at least 24 hours to cancel ticket purchases.

They also said they would update passengers at 15- to 20-minute intervals when there are delays.

AIRLINE COMPLAINTS SOAR

Airline quality declined in 1999 despite efforts by the carriers to improve service. The 10 major U.S. airlines carried nearly 500 million domestic airline passengers in 1999. The volume of consumer complaints rose 130% over 1998. Although improved reporting may account for some of the increase, it does not account for all of it. How the major airlines fared in four categories; best performers[1] are:

| Airline | Percentage of on-time arrivals | Bumped per 10,000 passengers | Mishandled baggage per 1,000 passengers | Complaints per 100,000 passengers |
|---|---|---|---|---|
| Overall | 76.1 | 0.88 | 5.08 | 2.48 |
| Alaska | 71.0 | 0.91 | 5.75 | 1.64 |
| America West | 69.5 | 1.39 | 4.52 | 3.73 |
| American | 73.5 | 0.43 | 5.21 | 3.50 |
| Continental | 76.6 | 0.34 | 4.42 | 2.62 |
| Delta | 78.0 | 1.53 | 4.39 | 1.82 |
| Northwest | 79.9 | [1] 0.18 | 4.81 | 2.93 |
| Southwest | 80.0 | 1.38 | [1] 4.22 | [1] 0.40 |
| TWA | [1] 80.9 | 0.73 | 5.38 | 3.45 |
| United | 74.4 | 0.90 | 7.01 | 2.66 |
| US Airways | 71.4 | 0.52 | 5.08 | 3.15 |

[1] Best performers.
Sources: Airline Quality Rating 2000; Associated Press.
Researched by NONA YATES/Los Angeles Times.

[From the Washington Post, Apr. 11, 2000]

AIRLINE SERVICE DIPS IN 3 OF 4 CATEGORIES

(By Frank Swoboda)

Just when you thought air travel was bound to get better, it got worse.

A year after the nation's 10 major airlines promised to begin improving service in the face of mounting congressional threats to enact a series of passenger protections, a survey released yesterday shows that service in 1999 deteriorated in almost every category.

Arlington-based US Airways plunged from first in 1998 to sixth last year, showing poor performance in all service categories surveyed.

''We've acknowledged the issues. The numbers speak for themselves,'' said US Airways spokesman Richard Weintraub. He said government statistics since the start of the year indicate that the airline is now headed back into the ''top tier'' of airline service.

The survey—the Airline Quality Rating—is the 10th annual report by two university professors who track the level of service through government statistics gathered by the Department of Transportation.

The findings were based on an airline's on-time performance, baggage handling, consumer complaints and involuntarily denied boardings, such as when an airline overbooks a flight and forces some passengers to be denied seats for which they had already paid. The only improvement shown by the survey was a slight drop in complaints about baggage handling.

The survey tracked the statistics for 10 major airlines using the Department of Transportation's definition of ''major.'' The airlines, rated from best to worst, were: Southwest, Continental, Delta, Northwest, Alaska, US Airways, American, American West, TWA and United.

''We try to base this on pure performance, something the airline has some control over,'' said Dean Headley of Wichita State University and a coauthor of the survey with Brent Bowen, director of the Aviation Institute at the University of Nebraska in Omaha.

Headley said he was not surprised by the survey results, but that he was frustrated by the rise in complaints against the airlines, especially after they had all promised to improve service. He said the Internet has made it easier for people to complain but could not account for such a large increase in the number of complaints—up 130 percent between 1998 and 1999.

In December, after nearly a year of promising to improve service in the face of rising consumer complaints and congressional threats, the airlines adopted what they called a consumer bill of rights in an effort to head off threatened government intervention on behalf of passengers. That threat began in January 1999, when Northwest stranded a planeload of passengers on a snowy Detroit runway for nearly eight hours.

Nebraska's Bowen said the report's conclusion that overall industry quality continues to decline indicates that ''the entire airline-sponsored plan to increase customer services is failing.''

A spokeswoman for the Air Transport Association, the trade group that represents the airlines, said the voluntary bill of rights initiated by the airlines has only been in effect a few months. She said the airlines' new policy should be in place a full year before people judge whether service has improved.

The transportation department's inspector general is scheduled to issue a report to Congress in June on just how well the airlines are doing. A negative report from DOT in an election year is almost certain to rekindle calls for congressional action.

Sen. Ron Wyden (D–Ore.), an advocate of legislation to force better service from the airlines, said that if the inspector general's report mirrors the conclusions of yesterday's study, ''it really strengthens my hand.'' Wyden said yesterday's survey ''was a credible report because these fellows have been doing it a long time and they are not normally industry bashers.''

Last year, Wyden proposed a bill that would force the airlines to tell customers when a flight was overbooked and to give them information on all available fares on a specific flight. The bill would also allow passengers to get a refund if they canceled a ticket at least 48 hours before a flight.

Headley and Bowen concluded that unless airlines improve service, consumers will lose loyalty to individual carriers and ''become driven by price and schedule only.''

But Headley said that despite his concerns about deteriorating air service, he did not think setting industry service standards was the answer. ''I'm a big fan of not regulating if we can avoid it,'' he said.

Mr. ALLARD. Mr. President, I ask unanimous consent that the vote in relation to the Allard amendment be stacked to occur first in any sequence of votes that are scheduled relative to the Transportation appropriations bill. Further, I ask that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—E-SIGNATURES CONFERENCE REPORT

Mr. REID. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate considers the e-signatures conference report, the conference report be considered as having been read and it be considered under the following agreement:

Three hours to be equally divided between the chairman and ranking minority member of the Commerce Committee, or their designees, with 20 minutes each for Senators LEAHY, SARBANES, and WYDEN.

I further ask consent that following the use or yielding back of time, the conference report be laid aside and the vote occur at 9:30 a.m. on Friday on the adoption of the conference report. I further ask consent that immediately following that vote the Senate proceed to executive session for the consideration of the following nominations reported by the Judiciary Committee:

Laura Swain, U.S. District Judge for Southern District of New York; Beverly Martin, U.S. District Judge for Northern District of Georgia; Jay Garcia-Gregory, U.S. District Judge for District of Puerto Rico.

I further ask that the nominations then be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MAGNA CARTA

Mr. BYRD. Mr. President, today is a very special anniversary. One will not find it noted on most calendars. Although it lacks the familiarity of the anniversary of the writing of the Constitution, for example, it is a day well worth remembering. The 15th day of this month deserves our attention for one very fundamental reason which is quite important to this Republic and to those of us in this Chamber. It marks the birth of the idea that ours is a government of laws and not of men, and that no man, no man is above the law.

Seven hundred and eighty-five years ago, on June 15, 1215, English barons met on the plains of Runnymede, on the Thames River near Windsor Castle, to present a list of demands to their king. King John had recently engaged in a series of costly and disastrous military adventures against France. These operations had drained the royal treasury and forced King John to receive the barons' list of demands. These demands—known as the Articles of the Barons—were intended as a restatement of ancient baronial liberties, as a limitation on the king's power to raise funds, and as a reassertion of the principle of due process under law, at that time referred to in these words, ''law of the land.'' Under great pressure, King John accepted the barons' demands on June 15 and set his royal seal to their set of stipulations. Four days later, the king and barons agreed on a formal version of that document. It is that version that we know today as Magna Carta. Thirteen copies were made and distributed to every English county to be read to all freemen. Four of those copies survive today.

Several of this ancient document's sixty-three clauses are of towering importance to our system of government. The thirty-ninth clause, evident in the U.S. Constitution's Fifth and Fourteenth amendments, underscores the vital importance of the rule of law and due process of law. It reads ''No freeman shall be captured or imprisoned . . . except by lawful judgment of his peers or by the law of the land.''

Beginning with Henry III, the nine-year-old who succeeded King John in 1216, English kings reaffirmed Magna Carta many times, and in 1297 under Edward I it became a fundamental part of English law in the confirmation of the charters. (An original of the 1297 edition is on indefinite loan from the Perot Foundation and is displayed in the rotunda of the National Archives.) In 1368, that would have been under the reign of Edward III, a statute of Edward III established the supremacy of Magna Carta by requiring that it ''be holden and kept in all Points; and if there be any Statute made to the contrary, it shall be holden for none.''

In the early 1600s, the jurist and parliamentary leader Sir Edward Coke interpreted Magna Carta as an instrument of human liberty, and in doing so, made it a weapon in the parliamentary struggle against the gathering absolutism of the Stuart monarchy. As he proclaimed to Parliament in 1628, ''Magna Carta will have no sovereign.'' Unless Englishmen insist on their rights, another observed, ''then farewell Parliaments and farewell England.''

By the end of that century, through the course of civil war and the Glorious Revolution, the rights of self-government, first acknowledged in 1215, became firmly secured.

As settlers began their migration to England's colonies throughout the seventeenth and early eighteenth centuries, they took with them an understanding of their laws and liberties as Englishmen. Magna Carta inspired William Penn as he shaped Pennsylvania's charter of government. Members of the colonial Stamp Act Congress in 1765 interpreted Magna Carta to secure the right to jury trials.

After the colonies declared their independence of Great Britain, many of their new state constitutions carried bills of rights derived from the 1215 charter, Magna Carta. As University of Virginia law professor A.E. Dick Howard notes in his classic study of the subject, by the twentieth century, Magna Carta had become ''irrevocably embedded into the fabric of American constitutionalism, both by contributing specific concepts such as due process of law and by being the ultimate symbol of constitutional government under a rule of law.''

In 1975, the British Parliament offered Congress and the American people a most generous gift. To celebrate two hundred years of American independence from Great Britain, Parliament offered to loan one of Magna Carta's four surviving copies to the United States Congress for a year. The document they selected is known as the Wymes copy and is regularly displayed in the British Library. Parliament also made a permanent gift of a magnificent display case bearing a gold replica of Magna Carta.

A delegation of Senators and Representatives traveled to London in May 1976 to receive that document at a colorful and thronged ceremony in Westminster Hall. On June 3, 1976, a distinguished delegation of parliamentary officials joined their American counterparts for a gala ceremony in the Capitol Rotunda. The display case containing Magna Carta was placed near the Rotunda's center, where, over the following year, more than five million visitors had the rare opportunity to view this fundamental charter at close range.

At a June 13, 1977, ceremony concluding the exhibit, I offered brief remarks in my capacity as Senate Majority Leader. I noted that nothing during the previous bicentennial year had meant more to the nation than this gift. I recalled the Lord Chancellor's diplomatic interpretation, during the 1976 ceremony, of the reasons for the bicentennial celebrations. This is what he said:

> What happened two hundred years ago, we learned, was not a victory by the American colonies over Britain but rather a joint victory for freedom by the English-speaking world.

Today, the magnificent display case remains in the Capitol Rotunda as a reminder of our two nations' joint political heritage. I encourage my colleagues to visit this case in the rotunda and examine its panel with raised gold text duplicating that of Magna Carta. What better way could we choose to observe this very special anniversary day?

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENTS NOS. 3441, 3443, 3445, EN BLOC

Mr. SHELBY. Mr. President, I call up the following amendments and ask for their immediate adoption. They have cleared on both sides: No. 3441 on behalf of Senator MCCAIN, Nos. 3443 and 3445 on behalf of Senator TORRICELLI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], proposes amendments numbered 3443, and 3445.

The amendments are as follows:

AMENDMENT NO. 3441

(Purpose: To require a cap on the total amount of Federal funds invested in Boston's ''Big Dig'' project)

At the appropriate place insert the following:

**SEC. . CAP AGREEMENT FOR BOSTON "BIG DIG".**

No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary of Transportation and the State of Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than $8.549 billion.

AMENDMENT NO. 3443

(Purpose: To express the sense of the Senate that Congress and the President should immediately take steps to address the growing safety hazard associated with the lack of adequate parking space for trucks along Interstate highways)

At the appropriate place in title III, insert the following:

**SEC. 3___. PARKING SPACE FOR TRUCKS.**

(a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3445

(Purpose: Relating to a study of adverse effects of idling train engines)

At the appropriate place in the bill, insert the following:

**SEC. ___. STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES.**

(a) STUDY REQUIRED.—The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

Mr. SHELBY. Those amendments have been cleared on both sides. I urge the adoption of the amendments.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3441, 3443, 3445) were agreed to en bloc.

AMENDMENT NO. 3441

Mr. MCCAIN. Mr. President, my amendment is very simple and straight forward. It prevents Department of Transportation officials from authorizing project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts, until the Secretary and the State have entered into a written agreement capping the federal contribution to the project.

Mr. President, last month I chaired a four-hour hearing in the Senate Commerce Committee on the Boston Central Artery/Tunnel project—the biggest, most costly public works project in U.S. history—and commonly referred to as ''the Big Dig.'' This project has suffered from gross mismanagement and what appears to have been a complete lack of critical federal oversight. It has experienced billions of dollars in cost overruns.

The Central/Artery Tunnel project was originally estimated to cost $2.5 billion in 1985. Today it is estimated to cost U.S. taxpayers a staggering $13.6 billion.

During the Committee's hearing, there was a lengthy exchange between myself, Senator KERRY, Secretary Slater, and DOT-Inspector General Ken Mead concerning the federal obligation to this project. I argued then, as I do now, that there is no cap on the federal obligation. Senator KERRY argued there is. And Secretary Slater said we were both right!

Let me read a few lines from the May 3rd hearing transcript:

The CHAIRMAN: Mr. Secretary, is there a cap on the Federal share of the project costs?

Secretary SLATER: Mr. Chairman, there is a cap. It is true though, as you noted, and as Senator Kerry noted, that it is not in the statute or necessarily in writing.

I ask my colleagues, if it isn't in statute or in writing, then where is it? The answer is, of course, that it doesn't currently exist.

Mr. President, it is not my intent to stop the Boston project. The project should be completed as quickly and as fiscally responsibly as possible.

The purpose of my amendment is to direct the Secretary and the State of Massachusetts to do what the Secretary said he would do at the May 3rd hearing—to execute a written agreement capping the federal obligation of the project at the level announced by the Department—that is, no more than $8.549 billion.

It has been six weeks since the Secretary indicated the Department was working on an agreement to cap the funding. DOT officials informed my office again today that an agreement is in the works and I am to be assured it will include the $8.549 billion cap. Given this, I can think of no reason why not to support my amendment to spur their actions to execute the agreement sooner rather than later.

The House-passed DOT Appropriations bill includes a provision that would effectively halt the project for fiscal year 2001. My amendment would not do that. It just ensures that the promised written agreement is executed once and for all and that the American taxpayers are not on the hook of having any more gas tax dollars shifted away from other important highway infrastructure projects.

Again, there is no cap on the Federal funding share for the project. In my view, a federal cap would help ensure the project managers reign in their run-away costs and project overruns because they will not be able to expect the rest of the nation's highway dollars to be funneled into their project.

This amendment is fair, it is based on what the Secretary of DOT has promised, and it is what is already in the works. Let's help encourage the timely resolution of this important matter so that the needed continuation of construction of the Central Artery/Tunnel project is not further impeded.

Mr. KENNEDY. Mr. President, I don't oppose Senator MCCAIN's amendment. It reflects the current broad understanding about the status of the Central Artery/Tunnel project in Boston.

The Big Dig project has suffered from serious cost overruns and there is no disagreement about who will pay for those costs. The Chairman of the Massachusetts Turnpike Authority, the governor of Massachusetts, the leaders of the State legislature, the Secretary of the U.S. Department of Transportation, the Inspector General of the Department, the Massachusetts Congressional delegation, and Senator MCCAIN all agree that the total federal contribution remains as it was—$8.549 billion. It is the responsibility of the Commonwealth of Massachusetts to cover any increased costs.

The state has developed a plan to do just that, and it is a good plan. The state legislature and Governor Cellucci have worked effectively to prepare a realistic plan to pay for the increased costs of the Big Dig, without asking for

additional federal assistance, and without shortchanging important transportation projects throughout the rest of the state. The plan is currently being reviewed by the Federal Highway Administration and is likely to be approved very soon.

It is also important to appreciate all that is involved in this project, and all that it will do for Boston and the region. Work of this magnitude and duration has never before been attempted in the heart of an urban area. Unlike any other major highway project, the Central Artery/Tunnel Project is designed to maintain traffic capacity and access to residents and businesses. Using new and innovative technology, it has kept the city open for business throughout the construction.

The Big Dig is replacing the current six lane elevated roadway with eight to ten underground lanes. The project will create 150 acres of new parks and open space, including 27 acres where the existing elevated highway now stands.

This is an urgently needed project. Today, the Central Artery carries 190,000 vehicles a day with bumper-to-bumper traffic and stop-and-go congestion for six to eight hours every day. If nothing were done, the elevated highway would suffer through bumper-to-bumper conditions for 15 to 16 hours a day by the year 2000.

The new underground expressway will be able to carry 245,000 vehicles a day with minimal delays. The elimination of hours of congested traffic will reduce Boston carbon monoxide levels by 12 percent citywide. Without such improvements in its transportation, Boston would not be able to continue to grow as the center of economic activity for the state and the region.

Work on this important project is progressing effectively again. I look forward to its conclusion so that the city, state, and region can benefit from the needed improvements this project will bring.

AMENDMENTS NOS. 3432, AS MODIFIED; 3436, AS MODIFIED; 3438, AS MODIFIED; 3447, AS MODIFIED; 3451, 3452, 3453, EN BLOC

Mr. SHELBY. Mr. President, I send to the desk on behalf of myself and Senator LAUTENBERG, a package of amendments and ask for their immediate consideration: No. 3432, as modified, by Senator DOMENICI; No. 3436, as modified, for Senator REED; No. 3438, as modified, for Senator KOHL; No. 3447, as modified, for Senator DODD; an amendment, No. 3451, for Senator COCHRAN on Star Landing Road; an amendment, No. 3452, for Senator BAUCUS and Senator BURNS on highway projects on Federal land; an amendment No. 3453, for Senator NICKLES of a technical nature.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes amendments numbered 3432, as modified, 3436, as modified, 3438, as modified, 3447, as modified, 3451, 3452, and 3453, en bloc.

The amendments are as follows:

AMENDMENT NO. 3432, AS MODIFIED

Page 16, under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' after ''under this head;'' add ''and to make grants to carry out the Small Community Air Service Development Pilot program under Sec. 41743 in title 49, U.S.C.;''

Page 17, after the last proviso under the heading ''FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)'' and before the heading ''RESEARCH, ENGINEERING, AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)'' add ''*Provided further,* That notwithstanding any other provision of law, not more than $20,000,000 of funds made available under this heading in fiscal year 2001 may be obligated for grants under the Small Community Air Service Development Pilot Program under section 41743 of title 49, U.S.C. subject to the normal reprogramming guidelines.''

AMENDMENT NO. 3436,AS MODIFIED

At the appropriate place in the substituted original text, insert the following;

SEC. . Within the funds made available in this Act, $10,000,000 shall be for the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended; $2,000,000 shall be for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; $400,000 shall be allocated for passenger rail corridor planning activities to fund the preparation of a strategic plan for development of the Gulf Coast High Speed Rail Corridor; and $250,000 shall be available to the city of Traverse City, Michigan comprehensive transportation plan.

AMENDMENT NO. 3438, AS MODIFIED

(Purpose: To state the sense of the Senate regarding funding for Coast Guard acquisitions and for Coast Guard operations during fiscal year 2001)

At the appropriate place, insert the following:

SEC. ____. (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 will end in 2006.

(7) Without adequate funding, the United States Coast Guard would have to radically reduce the level of service it provides to the American public.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was $1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to recommend reductions from the funding requested in the President budget on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made or had the President's budget not included $212 million in new user fees on the maritime community. The difference between the amount of funds requested by the Coast Guard for the AC&I account and the amount made available by the Committee on Appropriations of the Senate for those acquisitions conflicts with the high priority afforded by the Senate to AC&I procurements, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in personnel benefits and fuel costs on the 2000 operating expenses account, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, provided there is sufficient budget authority, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for AC&I;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

AMENDMENT NO. 3447, AS MODIFIED

(Purpose: To provide that new starts funding shall be available for a project to re-electrify the rail line between Danbury, Connecticut and Norwalk, Connecticut)

On page 39 of the substituted original text, between lines 18 and 19, insert the following: ''Danbury-Norwalk Rail Line Re-Electrification Project''.

AMENDMENT NO. 3451

(Purpose: To make available funds previously appropriated for the Star Landing Road project in DeSoto County, MS)

At the appropriate place in bill add the following new section:

SEC. . For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto, County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancements program, if available.

AMENDMENT NO. 3452

Section 1214 of Public Law No. 105–178, as amended, if further amended by adding a new subsection to read as follows:

(s) Notwithstanding sections 117(c) and (d) of title 23, United States Code, for project number 1646 in section 1602 of Public Law No. 105–178:

(1) The non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation; and

(2) The Secretary shall not delegate responsibility for carrying out the project to a State.

AMENDMENT NO. 3453

In lieu of section 343 on p. 76, insert a new section 343 as follows:

**SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

Mr. DOMENICI. Mr. President, this amendment is to provide $20 million to support rural air service to the Department of Transportation and Related Agencies Appropriations bill for fiscal year 2001.

The Wendell H. Ford Aviation and Investment Reform Act of the 21st Century (AIR–21) included in Section 203 a provision to provide grants to attract and subsidize improved air carrier service to airports currently receiving inadequate service. The provision authorizes $20 million for grants of up to $500,000 to communities or community consortia which meet certain criteria for participation in the program.

My amendment would provide discretionary authority to the Secretary of Transportation to implement this pilot program utilizing not more than $20 million in FY 2001 for this purpose.

Mr. President, I want to emphasize how important this program is to my home State of New Mexico, particularly southeastern New Mexico where I have worked for years to bring rural air service to that part of the state. The communities of Roswell, Hobbs, Carlsbad, and Artesia have formed a consortium in anticipation of applying for federal funds under this program. The consortium has raised $200,000 in local funding and $200,000 in state funds, and can demonstrate that existing air service in that part of the state is insufficent and is accompanied by unreasonably higher fares. The southeastern New Mexico consortium is precisely the sort of applicant this grant program is intended to benefit. A similar consortium is being put together in northern New Mexico.

I urge my colleagues to support this amendment to provide badly needed air service to rural areas in the country.

Mr. BINGAMAN. Mr. President, first I want to thank my colleague, Senator DOMENICI, for his work on this amendment, and Chairman SHELBY and Senator LAUTENBERG for adding this important funding to the Transportation Appropriations Bill. Our amendment provides funding for a new program to help rural communities with inadequate or uneconomical commercial air service to attract new air carriers or to improve their existing service.

Mr. President, for a number of years, as I traveled around New Mexico, I heard from many of our community and business leaders about the importance of commercial air service to support economic development and attract new employers to rural parts of my state. To help address this problem, last year I worked with the Commerce Committee, and especially Senators ROCKEFELLER and DORGAN, to authorize a new program to help rural communities to improve their commercial air service. The authorization for this new program was included in the Wendell Ford Aviation Investment and Reform Act for the 21st Century, which Congress passed and the President signed earlier this year.

At the same time, the New Mexico State Legislature, lead by Senators Altamirano, Ingle, Jennings, Kidd, and Leavell, established a $500,000 state program to provide matching funds to communities that wanted to improve their commercial air service. Almost immediately, agreements were signed and new air service was made available to Taos and Los Alamos—cities that previously had no commercial air service. More recently, agreements have been signed with a consortium of cities in Southeastern New Mexico, including Roswell, Carlsbad, Hobbs and Lea and Eddy Counties. These are exactly the kinds of communities this program we are funding today is designed to help.

Mr. President, I am pleased the committee has found a way to fund this important program for rural communities. I want to work with the committee as the bill goes to conference to ensure that this funding is retained. I again thank Chairman SHELBY and Senator LAUTENBERG for their help.

● Mr. ROCKEFELLER. Mr. President, I come to the floor to urge the passage of the Domenici, Bingaman and Burns amendment to the Department of Transportation Appropriations Act, Senate Amendment 3432. This amendment appropriates $20 million for grants supporting the Small Community Air Service Development Pilot program, properly targeting necessary funding to needy small airports.

When I became Ranking Member of the Aviation Subcommittee, I was determined to make support of small airports a priority. This March, I helped craft the Wendell H. Ford Aviation and Reform Act of the 21st Century (FAIR–21), the Federal Aviation Administration and the Airport Improvement Program bill authorizing $40 billion for aviation funding, the largest increase in aviation funding ever. This included significant new funding for rural airports. In 1998, I had authored the Air Service Restoration Act, directing the Department of Transportation to make new priorities and incentives supporting the development of airports in small communities, which was incorporated into FAIR–21. The Domenici-Bingaman-Burns amendment builds on these efforts and makes the proposed funding a reality.

The Domenici-Bingaman-Burns amendment provides the funding small

airports need. Small airports are an essential part of our aviation infrastructure. Without improvements to our small airports, we will stymy the economic growth of less developed areas. We know transportation is vital to economic development and that improving air transportation needs more Congressional attention. Senator DOMENICI sponsored this amendment with Senators BURNS and BINGAMAN and made it a priority and possible. But I would like to especially note the work of my good friend and respected colleague, Senator BINGAMAN, who deserves tremendous credit for his assiduous efforts to make sure this funding is available. I wholeheartedly endorse this amendment and urge its adoption as part of the Department of Transportation Appropriation Act.●

Mr. SHELBY. These amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 3432, as modified; 3436, as modified; 3438, as modified; 3447, as modified, 3451, 3452, and 3453,) were agreed to, en bloc.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, this completes the amendments that the managers can clear from the list of amendments. The remaining amendments on the list either have rule XVI points of order that lie against them or the managers have been unable to clear. For all intents and purposes, we are done. I intend to urge third reading and final passage in short order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have a unanimous consent agreement we would like to enter in the near future. We are waiting to hear from one Senator prior to doing that. It is my understanding Senator BYRD is on the floor. He has some remarks he wishes to make while we are waiting for clearance from the other Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

## FATHER'S DAY

Mr. BYRD. Mr. President, I thank our very distinguished Democratic whip, Mr. REID, for his accommodation. I thank the distinguished manager of the bill, Mr. SHELBY, for his characteristic kindness and consideration.

Mr. President, this Sunday, June 18, is Father's Day. The Bible tells us to ''honor thy father and thy mother.'' I would like to take just a few minutes to pay tribute to fathers and to call particular attention to this coming Sunday, that day of special significance.

An old English proverb tells us that ''one father is more than 100 schoolmasters.'' Fatherhood is the most compelling, the most profound responsibility in a man's life.

For those of us who are fathers, there is nothing that we can do here in this Chamber that is more important than our commitment to our children. And, of course, with the greatest responsibilities, come the greatest joys and the greatest challenges. For those of us who are blessed with a long life, we learn that existence is an intricate mosaic of tranquility and difficulty. Struggles, along with blessings, are an inevitable, and instructive, part of life. A caring father prepares us for this reality. He teaches us that, in human nature, there is no perfection, there is simply the obligation to do one's best.

My foster father, Titus Dalton Byrd, my aunt's husband, gave me my name and to a great extent the best aspects—and there are a few, I suppose—of my character. His was not an easy life. He struggled to support his wife and his little foster son during the depths of the Great Depression. This Nation is today blessed with the greatest economy the world has ever known. But, for those of us who remember the terrible poverty that gripped this Nation during the 1930's, prosperity, at one time in our lives, seemed a very, very long time in coming. It seemed far, far away.

The test of character, the real test of character in a nation is how that nation responds to adversity, and the same with regard to a person, how that person responds to adversity, not only in his own life but in the lives of others.

The Roman philosopher Seneca said that ''fire is the test of gold; adversity, of strong men.''

In this respect, Titus Dalton Byrd was a great teacher. He easily could have been a bitter man, a despairing man. He could have raged at his lot in life. He could have forsaken his family. He could have forsaken his faith.

I remember as clear as if it were yesterday watching for that man, that tall black-haired man with a red mustache coming down the railroad tracks. I recall watching for him as I looked far up the tracks that led ultimately to the mine, the East Five Mine in Stotesbury where he worked. I would see him coming from afar, and I would run to meet him.

As I neared him, he would always set his dinner bucket down on a cross tie. He would lift off the top of that dinner bucket, and as I came to him, he would reach in and he would bring out a cake, a little 5-cent cake that had been bought at the coal company store.

He would reach down into that dinner bucket. He would pull out that cake and give it to me, after he had worked all day, from early morning to quitting time. And in the early days, quitting time was when the coal miner loaded the coal, loaded the slate, the rock, and cleaned up his ''place'' for the next day.

He had gone through those hours with the timbers to the right and the timbers to the left, cracking under the weight of millions of tons of earth overhead. He had sweated. He had worked on his knees, many times working in water holes because the roof of the mine was perhaps only 4 feet or 3 feet above the ground. He toiled there with a shovel, with a pick, and his calloused hands showed the result of that daily hard toil. Of course, he wore gloves and he wore kneepads so that he could make his way on the ground, on his knees, lifting the coal by the shovelful and dumping it over into the mine car. There he worked in the darkness except for a carbide lamp. It was a very hazardous and dangerous job. But when he had his lunch, he ate the rest of the food but always saved the cake.

When I ran to meet him, he would set down the dinner pail and lift off the cover and reach in and get that cake and give it to me. He always saved the cake for me.

He was an unassuming man. Unlike me, he never said very much. He took the hard licks as they came. I never heard him use God's name in vain in all the years I lived with him. Never. He never complained. When he sat down to eat at the table, he never complained at the humble fare. I never heard him complain. He was as honest as the day was long. When he died, he did not owe any man a penny. He always represented a triumph of the human spirit to me. He honored his responsibilities. He did his duty.

He could not be characterized as a literate man. He never read Emerson's essays or Milton's ''Paradise Lost'' or Bocaccio's ''Decameron,'' or the ''History of Rome.'' He could hardly read at all. I suppose the only book he ever read was the Bible. His formal education was in the school of hard knocks, but he was a wise man. He knew right from wrong.

That sounds simple, even quaint, in these sophisticated times, but it surely is not. Cicero said, ''The function of wisdom is to discriminate between good and evil.'' To genuinely know right from wrong and to honor that as the guiding force in one's life—that is not always simple. That is not always easy. Brilliant theologians of every faith on Earth will tell you that such moral discernment is a central spiritual challenge of a human life. But my dad knew right from wrong. He read his Bible, the King James' version of the Bible.

When the burdens of my dad's life were almost too heavy to bear during the desperate poverty of the Great Depression, his faith never wavered that the Creator would give him the strength he needed. Abraham Lincoln, as he contended with the overwhelming agonies of a nation torn apart by a great civil war, said of the Bible:

> This great Book . . . is the best gift God has given to man.

Mr. President, this is a lesson that great men, whether mighty or humble, have learned, and it is the lesson my dad taught me.

We live now in what has been termed the age of information. But, as we salute our fathers on this coming Sunday, this is an opportune time to again sound a note of caution for our children. Information is not the same as wisdom. Our society, including our children and our grandchildren, and our great grandchildren, is bombarded with information and entertainment, such as it is, useless, tasteless, and bewildering, much of which is geared to our basest instincts and our tawdriest impulses. It is a parade of the lowest common denominator all too often. This is the more complicated world with which parents today must contend. Parents need to instill wisdom in their children, a moral sense that will enable their children to navigate through a volatile sea of uplifting and distressing images.

My dad, like most rural people, who was not used to much, never had much, found solace and understanding in nature. He understood the generous and bountiful delights of nature. The flowers of spring, this blessed season which officially gives way to summer on June 21, call us back to the beauty and sweetness of the world, and perhaps hint at what is best within ourselves as well. Spring is the season of rebirth, the season of replenishment. I defy any cluttered, tumultuous, cacophonous television program to compete with the simple, quiet drama of the forsythias, the dogwoods, the roses, and the azaleas, to compete with a single miraculous bud.

James Russell Lowell wrote:

And what is so rare as a day in June?
Then, if ever, come perfect days;
Then Heaven tries earth if it be in tune,
And over it softly her warm ear lays:
Whether we look, or whether we listen;
We hear life murmur, or see it glisten.

As I have said, my dad was not himself a formally educated man. But, he understood and he appreciated nature, and he knew the tremendous value of an education. That is why he wanted me to go on to school. He did not want me to be a coal miner. He did not want me to earn my living in that way. He encouraged, indeed, he demanded that I study hard. He looked at that report card. He looked at that category denominated ''deportment.'' And he always said: If you get a whipping at school, I'll give you a whipping when you get home. And I knew that that one would be the worst of the two. But he loved me. I knew he loved me. That is why he threatened to whip me; it was because he loved me.

He encouraged me to study hard and to develop my mind. He wanted something better for me. He knew that education was the key that I would need to unlock the potential in my own life.

So, Titus Dalton Byrd was a model for me not only of the virtuous individual life, but of married life as well. He and my mom, my Aunt Vlurma, were married for 53 years. I do not recall ever witnessing either of them raise a voice in anger against the other. And I heard them say from time to time: We have made it a pledge that both of us would not be angry at the same time.

I have always counted myself as truly fortunate—truly fortunate—even though my life's ladder had the bottom rungs taken away. You ought to see where I lived, Mr. President. You ought some time to go with me down Mercer County and see where I lived—3 miles up the hollow, with no electricity, with no running water, the nearest hospital 15, 20 miles away, the nearest doctor the same. That was back in the days of the 2-cent stamp, the penny postcard. Some things were better; some things were not. But I have always counted myself as truly fortunate in having such exemplary role models.

A lot of people say today there are no role models anymore. Well, I had two role models in the good old man and woman who reared me.

They set the standard to which I have not always succeeded but I have always aspired. And, on May 29, my beloved wife Erma and I celebrated our 63rd wedding anniversary.

We both came from families, from mothers and fathers, who tried to bring us up right. And they inculcated into us a dedication to one's oath.

Like, I suspect, many fathers whose jobs consume so much of their time and energy, I regret the times away from my daughters when they were children. I am grateful for the capable and loving efforts of Erma who has shouldered so much of the responsibilities at my home. To the extent, limited though it may be, that I have been a good father, I am humbly indebted to Erma's having been such a wonderful mother. Our journey as a family has been a more tranquil one thanks to her patience, her understanding, and her strength.

Of course, the roles of fathers—and mothers—in some ways have changed a great deal over the course of my lifetime. Parents today are confronted with far more choices at home and work than my wife and I ever encountered when we began our family. But, one thing has not changed. One thing has, in my opinion, remained constant. Parenthood is, ideally, a partnership, a collaboration. It is a vitally important, lifelong responsibility, and best experienced, whenever possible, in the shared, balanced efforts of both parents.

No mortal soul is perfect or without fault. That is the reality of being human. We are all prey to losing our way at difficult times in our lives. But, a good father will provide his child with a map, a path to follow. The hallmark of that path, throughout life, is conscience. It is that inner moral compass that has been so essential to the greatness of our Nation, and that is, I fear, so buffeted now by an aimless, hedonistic popular culture.

The ancient truths of our fathers are perhaps more obscure in this noisy, materialistic society, but they are still there—still there—gleaming and bright. John Adams, one of the great Founding Fathers of this Nation, said:

All sober inquiries after truth, ancient and modern, divines, moralists and philosophers, have agreed that the happiness of mankind, as well as the real dignity of human nature, consists in virtue.

The material things, with all their appeal and their comfort, are, in the end, fleeting. They are all transient. I remember not so much the tangible things—other than a piece of cake perhaps—that my dad gave me, as the values that he taught me. It is the treasured, if fleeting, moments together, the lessons learned, that endure. I can say now, from the perspective of a long and full and eventful life, that that is what matters. That is the greatest gift we can receive as children, and that is the greatest gift that we can bequest as parents.

A caring father is a lifelong comfort. I remember the stoic and kindly face of Titus Dalton Byrd. He encouraged me, he protected me, and his memory still guides me.

Mr. President, I have met with Kings in my lifetime, with Shahs, with Princes, with Presidents, with Princesses, with Queens, with Senators, with Governors, but I am here to say today that the greatest man that I ever knew in my long life, the really great man that I really knew in my long life, was my dad, Titus Dalton Byrd.

He taught me, in word and in deed, to work hard, to do my absolute best.

I close with this bit of verse:

THAT DAD OF MINE

He's slowing down, as some folks say
With the burden of years from day to day;
His brow bears many a furrowed line;
He's growing old—that dad of mine.

His shoulders droop, and his step is slow;
And his hair is white, as white as snow;
But his kind eyes sparkle with a friendly light;
His smile is warm, and his heart is right.

He's old? Oh, yes. But only in years,
For his spirit soars as the sunset nears.
And blest I've been, and wealth I've had,
In knowing a man like my old dad.

And proud I am to stand by him,
As he stood by me when the way was dim;
I've found him worthy and just as fine,
A prince of men—that dad of mine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I personally appreciate the remarks of the Senator from West Virginia. I only hope that my five children will reflect upon their dad someday as he has his.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the one thing we can always count on from Senator BYRD is to throw in some good, sensible reflection as we go on battering one another, at times over sometimes important things but sometimes not so important. There is a commercial about one of the brokerage firms, that when that firm speaks, everybody listens. When Senator BYRD

speaks, everybody should listen. We have a collection of his papers on the Senate, but he has done so many other things. Just think of the voice, but look at the message, and you capture the essence of Senator BYRD. I am going to miss him terribly when I leave here.

Mr. BYRD. I thank the Senator.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENT NO. 3440

(Purpose: To condition the use by the FAA Airport Office of non-safety related funds on the FAA's completion of its investigation in Docket No. 13–95–05)

Mr. SHELBY. Mr. President, I call up amendment No. 3440 on behalf of Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Mr. MCCAIN, proposes an amendment numbered 3440.

Mr. SHELBY. 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. . ADDITIONAL SANCTION FOR REVENUE DIVERSION.**

Except as necessary to ensure public safety, no amount appropriated under this or any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13–95–05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

Mr. SHELBY. Mr. President, this amendment has been cleared on both sides of the aisle. I have talked to Senator LAUTENBERG about it. I ask for its immediate adoption.

The PRESIDING OFFICER. Is there debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3440) was agreed to.

Mr. SHELBY. 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. MCCAIN. Mr. President, I thank the managers of the Transportation Appropriations bill for accepting my amendment that would prohibit the Department of Transportation from making any airport grant to the Los Angeles International Airport until the Federal Aviation Administration concludes an investigation into illegal revenue diversion at the airport. The exception to this prohibition would be if such grants were required to ensure public safety. The investigation at issue here has been going on for more than five years without resolution, and American taxpayers deserve to know whether their money has been used for illegal purposes.

The investigation of revenue diversion about which I am concerned involves the City of Los Angeles and the Los Angeles International Airport, LAX. Unfortunately, this airport has served as the poster child for the problem of illegal revenue diversion for as long as I care to remember. In this case, a complaint was filed with the FAA in 1995 about the transfer of $59 million from LAX to the city. Despite the fact that the DOT's Office of Inspector General has periodically contacted the FAA to inquire about the status of a decision by the FAA on the complaint, no decision has been forthcoming. As the Inspector General stated in a recent memo to the FAA on this subject, 5 years should be more than sufficient time for the FAA to consider the facts in the case and render a decision.

If there is no objection, I ask unanimous consent to print the Inspector General's memo in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MCCAIN. It is with a deep sense of frustration that I am compelled to act on this matter. As many of my colleagues know, I have been fighting against the illegal diversion of airport revenues for purposes that do not serve the aviation system. In fact, four years ago I spearheaded the legislative effort in the Senate to strengthen the laws against such revenue diversions.

Because we have a national air transportation system with considerable federal investment and oversight, funded in large part by the users of the system, it is critical that airports or the bodies that control them do not use monies for non-airport purposes. We cannot allow airports to receive federal grant dollars on the one hand, and spend other airport revenues for non-aviation purposes. This type of shell game results in the misuse of the underlying grant. That is one of the principal reasons there are laws against diversions of airport revenues. Unfortunately, many cities that control airports see them as sources of cash that can be tapped for popular purposes.

Another reason that revenue diversion is harmful is that our Nation's airports are meant to be self-sustaining. By keeping monies generated by airports at those airports, we ensure that an important part of the national transportation system is kept strong. If airports are used to generate cash for local jurisdictions, the airport itself will suffer from the loss of resources. Even worse, air travelers will be effectively double taxed—once through federal aviation excise taxes, and a second time through the higher air fares that airlines will charge when their costs of maintaining the airport go up.

I stress that I am not advocating a specific result in this matter, and I trust that whatever decision or course of action the FAA may take will be made in the best interests of the country. In that vein, my amendment would allow grants to be made once the investigation is concluded, even if the determination is made that no action is necessary.

Again, I seek no preferential treatment for any of the parties in this matter. I desire only that this investigation be conducted appropriately, fairly, and in a timely manner. The delays that have occurred so far are just not acceptable.

Again, I thank my colleagues for accepting my amendment.

EXHIBIT 1

U.S. DEPARTMENT OF TRANSPORTATION,
*May 10, 2000.*

MEMORANDUM

To: Jane F. Garvey, Federal Aviation Administrator

From: Kenneth M. Mead, Inspector General

Subject: Action: Complaint by Air Transport Association Concerning Los Angeles International Airport

The Air Transport Association (ATA) requested the Inspector General's assistance in expediting resolution of ATA's formal complaint to FAA over the transfer of revenues from Los Angeles International Airport (Airport) to the City of Los Angeles (City). The complaint, filed in March 1995 pursuant to FAA's Investigative and Enforcement Procedures (14 CFR Part 13), questioned the transfer of about $59 million from the Airport to the City. These funds were the proceeds from sale of Airport property to the State of California Department of Transportation for construction of the Century Freeway. The ATA considered the transfer to be a prohibited revenue diversion in violation of Federal regulations and grant assurances.

In May 1996 we issued a Management Advisory Memorandum (Report Number R9–FA–6–011) to your Associate Administrator for Airports discussing issues which FAA needed to consider in its deliberations on the merits of the ATA complaint. We pointed out the land sold to the State of California was used for aeronautical purposes, was purchased by the Airport, and severance damages associated with the sale should be paid to the Airport. In a June 1996 reply to our memorandum, FAA agreed to consider our information and make the memorandum a part of the Record of Decision on the complaint.

Over the past several years we have periodically contacted your Office of Associate Administrator for Airports to inquire as to the status of a decision by FAA on the ATA complaint. However, no decision on the complaint has been forthcoming.

On Apri 26, 2000, we informed the Acting Associate Administrator for Airports of the ATA request and she promised to look into why it was taking so long to resolve this complaint. Five years has elapsed since ATA filed its complaint. This should be more than sufficient time for FAA to consider the facts in the case and render a decision.

Please advise us as to when FAA expects to render a decision on the ATA complaint. If

the decision is not forthcoming in the near term, please provide the estimated date of completion and an explanation for further delays.

If you have any questions, or would like additional information, please contact me at (202) 366–1959, or my Deputy, Raymond J. DeCarli, at (202) 366–6767.

Mr. SHELBY. 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. SHELBY. 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. SHELBY. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized for 5 minutes before we proceed to vote on the Allard amendment. I further ask unanimous consent that following the vote, I be recognized to offer an amendment; following the disposition of that amendment, the bill then be read a third time and the Senate then proceed to the vote on passage of the bill, as amended. I further ask unanimous consent that following that vote, the Senate then insist on its amendments and request a conference with the House; further, that Senator GORTON then be immediately recognized in order to make a motion to instruct conferees relative to CAFE.

Further, I ask unanimous consent that there be 2 hours equally divided in the usual form for debate on the motion, divided in the usual form, with an additional 15 minutes under the control of Senator LEVIN, 15 minutes under the control of Senator ABRAHAM, and 15 additional minutes for the proponents of the motion, with no amendments to the motion in order.

Finally, I ask unanimous consent that following that time, the Senate proceed to vote in relation to the motion and that the Chair then be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I want to make sure that everyone understands the minority.

We are doing our best to be cooperative here. But the original arrangement was that we would be able to spend some time on the Defense authorization bill. Under this agreement that will be entered shortly, we will be very lucky to finish a vote on the CAFE instructions to conferees by 7 o'clock tonight. That is an inappropriate time for us to begin some very serious deliberations that we have on a matter relating to Cuba, to abortion, and to military hospitals.

So I want the majority to be put on notice that we expect, next week, to have adequate time to go into these issues, and others. There has been a gentlemen's understanding between the two leaders that we would do half and half. We just haven't been getting our half over here on the authorization matters. We hope there will be something done next week to allow us to do that. Otherwise, we could have some problems.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 5 minutes.

AMENDMENT NO. 3430

Mr. LAUTENBERG. Mr. President, I want to talk about this Allard amendment because it gives an appearance of reserving $12.2 billion for deficit reduction. I support that goal, and I am not going to oppose this amendment. But I really want to make it clear that, as a practical matter, this amendment has no meaning. Nobody should fool themselves into believing otherwise.

The current budget rules already protect budget surpluses by establishing limits on discretionary spending and by requiring offsets for all new mandatory spending or tax cuts. These rules require across-the-board cuts if Congress raids any surplus by exceeding the spending caps or by violating the so-called pay-as-you-go rules. So this amendment doesn't add any new protections to those already in law, nor does it change the provisions in current law that require all surpluses to be used to reduce our public debt.

The amendment claims to promote debt reduction by depositing $12.2 billion into a trust fund that generally is used for receipts of gifts from foreign countries, the proceeds of which are automatically dedicated to debt reduction.

Well, that sounds good. I don't think it is going to do any harm. But it doesn't change anything, realistically. It is an intragovernmental transfer, taking from one end of the Government and giving it to another. It doesn't affect the bottom line, and it doesn't add any protections that don't already exist.

I point out, also, that we are on a course to reduce publicly held debt by a lot more than $12.2 billion this year. Under the budget resolution, all of the roughly $150 billion Social Security surplus, and more than $12 billion of the non-Social Security surplus, is already devoted to debt reduction. So there is roughly a $160 billion reserve for debt reduction already.

The Congressional Budget Office is expected to add another $30 billion to $40 billion in their re-estimate to that total within the next few weeks. So while we are on track to reduce the debt by potentially $200 billion this year, including perhaps $50 billion from the non-Social Security surplus, this amendment stands for the bold proposition that we should commit at least $12.2 billion for debt reduction. Again, it is likely that we are going to have a $200 billion debt reduction this year. So I don't understand, and I am not quite sure why we are doing this or why we have to define $12.2 billion as directed to debt reduction.

In sum, the amendment claims it is going to reduce debt by a lot less than we are already on track to reduce, and it doesn't have any practical effect. Perhaps it will make some folks feel good, and I am not going to object to its adoption; but this is an exercise that is unnecessary and doesn't accomplish really anything. But we are all in the process of saluting debt reduction, and this is just another salute, I guess.

I yield the floor. 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. LAUTENBERG. 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. LAUTENBERG. I yield back whatever time we have.

The PRESIDING OFFICER. Under the previous order, the question is now on agreeing to the Allard amendment No. 3430.

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 New Mexico (Mr. DOMENICI) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—95

| | | |
|---|---|---|
| Abraham | Feingold | Lugar |
| Akaka | Feinstein | Mack |
| Allard | Fitzgerald | McCain |
| Ashcroft | Frist | McConnell |
| Baucus | Gorton | Mikulski |
| Bayh | Graham | Moynihan |
| Bennett | Gramm | Murkowski |
| Biden | Grams | Murray |
| Bingaman | Grassley | Nickles |
| Bond | Gregg | Reed |
| Boxer | Hagel | Reid |
| Breaux | Harkin | Robb |
| Brownback | Hatch | Roberts |
| Bryan | Helms | Roth |
| Bunning | Hutchinson | Santorum |
| Burns | Hutchison | Sarbanes |
| Campbell | Inhofe | Schumer |
| Chafee, L. | Inouye | Sessions |
| Cleland | Jeffords | Shelby |
| Cochran | Johnson | Smith (NH) |
| Collins | Kennedy | Smith (OR) |
| Conrad | Kerrey | Snowe |
| Coverdell | Kerry | Specter |
| Craig | Kohl | Stevens |
| Crapo | Kyl | Thomas |
| Daschle | Landrieu | Thompson |
| DeWine | Lautenberg | Thurmond |
| Dodd | Leahy | Torricelli |
| Dorgan | Levin | Voinovich |
| Durbin | Lieberman | Warner |
| Edwards | Lincoln | Wyden |
| Enzi | Lott | |

NAYS—3

| | | |
|---|---|---|
| Byrd | Hollings | Wellstone |

NOT VOTING—2

| | |
|---|---|
| Domenici | Rockefeller |

The amendment (No. 3430) was agreed to.

Mr. SHELBY. 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.

WAAS

Mr. INHOFE. Would the Senator yield for a brief colloquy?

Mr. SHELBY. I yield to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding. I want to commend the chairman of the Transportation Appropriations Subcommittee for developing this legislation. I understand the constraints of the allocation given the subcommittee and I believe he and the gentleman from New Jersey have done a great job in developing a bill the entire Senate can support.

As a general aviation pilot I also want to specifically thank the Senator for his recognition throughout the legislation of the role of general aviation in the national air transportation system. As the report correctly noted, ''the FAA should not let the perfect be the enemy of the good'' and although for example the WAAS program is struggling, the legislation notes the number of satellite based applications that can be deployed here and now to enhance aviation safety.

As you move to conference, would the Chairman be willing to work with me on language for inclusion in the Statement of Managers to enhance direction to the FAA in this particular regard? Increasing the number of GPS approaches, developing databases and GPS corridors through Class B airspace will immediately improve safety for thousands of general aviation pilots.

Mr. SHELBY. I thank the Senator for yielding and for his kind words regarding our legislation. We would be pleased to work with the Senator and I support the thrust of his request.

His request tracks very closely with the subcommittee's philosophy regarding FAA modernization. Funds provided in this bill for next generation navigation should not be used solely to protect programs which our bill report details are struggling to various degrees but to deploy the immediate benefits of satellite based technologies as quickly as possible.

I thank the Senator for his interest and look forward to working with him.

Mr. INHOFE. I thank the Senator.

USE OF SMALL DUMMIES IN THE NEW CAR ASSESSMENT PROGRAM

Mrs. BOXER. I would like to ask my distinguished friend, the Senator from Alabama, about committee report language on the Fiscal Year 2001 Transportation Appropriations bill that affects the use of small dummies in the New Car Assessment Program, or NCAP. Let me quote from the relevant section of the report:

> The Committee denies the request to expand NCAP by using small size dummies in crash tests. The Committee believes that test devices should be required for use in safety standards compliance testing before being considered for inclusion in NCAP.

As my good friend knows, the National Highway Transportation Safety Administration (NHTSA) currently conducts crash tests using dummies that meet a standard for full-grown adult men, and I am concerned that this report language would prevent the public from learning how new cars would perform in crashes involving occupants of all sizes—smaller adults and children.

Mr. SHELBY. I thank the Senator from California for the opportunity to clarify the committee's intent with respect to the committee's response to NHTSA's request to test the ''feasibility of using the 5th percentile dummy'' as indicated in the budget justification. The committee intended with this report language to ensure that NCAP would be expanded to include small size dummies until those dummies are certified for use in crash tests conducted to verify compliance with federal motor vehicle safety standards. I am very supportive of the expanding the number of crash test dummies to more accurately simulate the diverse height and weight of vehicle occupants. The intent was not to prevent the agency from using small dummies nor to prevent NHTSA from acquiring test data essential. To the contrary, the committee provides additional funding in the relevant Research and Analysis contract program.

I want to underscore how important it is for members of the committee and the entire body to have accurate and consistent information from NHTSA in order to proceed with expanded NCAP tests. Indeed, the committee has received conflicting information from NHTSA regarding the readiness of small size dummies for use in crash tests.

Mrs. BOXER. I thank the Senator for his answer, and I agree that it is essential that safety dummies used in the NCAP program in fact provide adequate and reliable data to consumers and automobile manufacturers alike. I appreciate that there has been some confusion with respect to certification of the so-called small 5th percentile dummy, but I now have information from NHTSA which indicates that the dummy has been thoroughly tested and certified through the appropriate rulemaking process.

Would he under these circumstances commit to making every effort in the conference committee on the Transportation bill to change that specific report language to reflect this information from NHTSA?

Mr. SHELBY. I assure the Senator from California that I will continue to consult with NHTSA regarding the design and reliability of the small size dummies. I believe it is critical that these dummies be satisfactorily developed in time for compliance testing associated with the new advanced air bag rule in 2004.

NATIONAL PLANNING AND RESEARCH PROGRAM

Mr. COCHRAN. Mr. President, as the Senator from Alabama is aware, this bill includes funding for a number of transit planning and research grants under the National Planning and Research Program. The Committee report that accompanies the bill identifies a number of individual research projects, including several university based projects, and the amount of federal funding to be provided for each. I commend the Chairman and the Subcommittee for their support for University based research into transit and related transportation matters. I would inquire of the Chairman whether he was aware of Jackson State University's transportation research capabilities and their plan to establish an institute at the University to utilize the disciplines of information technology, engineering, environmental science, public policy and business to provide technical and other assistance to transportation planners, local governments and others involved in multimodal transportation?

Mr. SHELBY. Mr. President, I am advised that the Senator from Mississippi did bring this matter to the Subcommittee's attention and requested the Subcommittee's consideration for funding. As the Senator from Mississippi knows, the subcommittee considered a number of requests for research projects that could not be funded within the allocations. However, I share the Senator from Mississippi's view that the research program proposed by Jackson State University would make an important contribution to multi-modal transportation research.

Mr. COCHRAN. Mr. President, I appreciate the Chairman's response, and I hope he will work in conference to provide funding for the Jackson State University Transportation Institute.

BUS FACILITIES

Mr. LEVIN. Mr. President, we have before the Senate H.R. 4475, the fiscal year 2001 Appropriations Act for transportation. Included in the Senate Committee Report is the statement: State of Michigan buses and bus facilities: Despite unanimous supported agreements among the Michigan Public Transit Association, its members, and the Michigan Department of Transportation that Section 5309 bus funds to Michigan transit agencies be distributed through MDOT, designations of funds to individual transit agencies continue to be sought and proposed apart from the agreement. The Committee directs that any fiscal year 2001 discretionary bus funds for projects in Michigan be distributed through MDOT in accordance with the MPTA–MDOT agreement.

I have spoken with many local jurisdictions who do not agree that there has been an agreement that all money would go to the Michigan Department of Transportation and that there would be no specific earmarks.

I have a letter here from the President of the Michigan Public Transit Association which states that it was understood by MPTA that Michigan

transit systems be allowed to pursue their own individual earmarks. I have requested such earmarks from the Committee. I ask consent that this letter be inserted in the RECORD at the conclusion of this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. I thank the Senator from Michigan, and he is correct, there is language in the Committee Report which directs that any fiscal year 2001 discretionary bus funds for projects in Michigan be distributed through MDOT in accordance with the MPTA–MDOT agreement.

Mr. LEVIN. I ask that you consider in conference our specific requests as well as the overall allocation of $70 million for Bus Grants for Bus Dependent States.

Mr. LAUTENBERG. I assure the Senator from Michigan that specific requests will be carefully considered.

EXHIBIT 1

MICHIGAN PUBLIC TRANSIT ASSOCIATION,
*Lansing, MI, June 15, 2000.*

To: Michigan Congressional Delegation

In regard to FY 2000–01 Section 5309 earmarks to the State of Michigan, the Michigan Public Transit Association is in support of both the State's priority list for earmarks as provided to the Michigan Congressional Delegation, and will support any individual earmarks that Michigan areas have requested. There is no agreement that says that the State of Michigan will get all the earmark funds. We understand that the State of Michigan has submitted a priority list in which certain facility projects will receive the first priority, and bus replacement needs in Michigan will receive the second priority. The Michigan Public Transit Association supports Michigan Department of Transportation identification of needs and has agreed to the prioritization. We furthermore understand that transit systems will be asking for special earmarks for projects and we are supportive of all the requests. We urge the Michigan Congressional Delegation to secure the largest possible earmark to the State of Michigan, and to provide individual earmarks at the highest possible levels to transit systems in Michigan.

The above is what was agreed to between Michigan public transit systems and the Michigan Department of Transportation at meetings held in January and February of this year. It is clearly our understanding that transit systems in Michigan are allowed to pursue their own individual earmarks at the same time as we are supportive of the State receiving funds and distributing them in accordance with their agreed to priority list.

Sincerely,

PETER VARGA,
*President.*

Mr. LAUTENBERG, Mr. President, I would like one moment to ask Senator SHELBY, chairman of the Transportation Appropriations Subcommittee, a brief question. Mr. Chairman, would you agree that the Jamaica Intermodal Project in Jamaica, Queens, New York is eligible to receive bus funds along with the other projects listed in the Committee report?

Mr. SHELBY. Mr. President, I would agree.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Transportation and Related agencies Appropriations bill for fiscal year 2001.

I commend the distinguished chairman of the Appropriations Committee and the chairman of the Transportation Appropriations Subcommittee for bringing us a balanced bill within necessary budget constraints.

The Senate-reported bill provides $15.3 billion in new budget authority (BA) and $19.2 billion in new outlays to fund the programs of the Department of Transportation, including federal-aid highways, mass transit, and aviation activities. When outlays from prior-year budget authority and other adjustments are taken into account, the bill totals $14.0 billion in BA and $48.0 billion in outlays.

The Senate-reported bill is exactly at the subcommittee's 302(b) allocation for budget authority, and the bill is $310 million in outlays under the Subcommittee's 302(b) allocation.

I thank the chairman for the consideration he gave to New Mexico's transportation priorities.

Mr. President, I support the bill and urge its adoption.

I ask unanimous consent to have printed in the RECORD spending comparisons of the Senate-reported bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4475, TRANSPORTATION APPROPRIATIONS, 2001 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001, in millions of dollars]

| | General purpose | Highways | Mass transit [1] | Mandatory | Total |
|---|---|---|---|---|---|
| Senate-reported bill: | | | | | |
| Budget authority | 13,281 | ..... | ..... | 739 | 14,020 |
| Outlays | 15,663 | 26,920 | 4,639 | 737 | 47,959 |
| Senate 302(b) allocation: | | | | | |
| Budget authority | 13,281 | ..... | ..... | 739 | 14,020 |
| Outlays | 15,973 | 26,920 | 4,639 | 737 | 48,269 |
| 2000 level: | | | | | |
| Budget authority | 12,536 | ..... | ..... | 721 | 13,257 |
| Outlays | 14,635 | 24,338 | 4,569 | 717 | 44,259 |
| President's request [2]: | | | | | |
| Budget authority | 13,911 | ..... | ..... | 739 | 14,650 |
| Outlays | 15,661 | 26,677 | 4,646 | 737 | 47,721 |
| House-passed bill [2]: | | | | | |
| Budget authority | 13,735 | ..... | ..... | 739 | 14,474 |
| Outlays | 15,948 | 26,920 | 4,639 | 737 | 48,244 |
| SENATE-REPORTED BILL COMPARED TO | | | | | |
| Senate 302(b) allocation: | | | | | |
| Budget authority | ..... | ..... | ..... | ..... | ..... |
| Outlays | −310 | ..... | ..... | ..... | −310 |
| 2000 level: | | | | | |
| Budget authority | 745 | ..... | ..... | 18 | 763 |
| Outlays | 1,028 | 2,582 | 70 | 20 | 3,700 |
| President's request: | | | | | |
| Budget authority | −630 | ..... | ..... | ..... | −630 |
| Outlays | 2 | 243 | −7 | ..... | 238 |
| House-passed bill: | | | | | |
| Budget authority | −454 | ..... | ..... | ..... | −454 |
| Outlays | −285 | ..... | ..... | ..... | −285 |

[1] Although the President's request, House-passed, and Senate-reported versions of this bill all include $1.254 billion in BA for the mass transit category, there is no such allocation to compare it to, so those amounts are omitted.

[2] For comparison purposes, outlays for the highways and mass transit categories for the President's request and the House-passed bill are adjusted by the same amounts as the Senate-reported bill to reflect the difference between CBO's estimate of outlays for implementing TEA–21 and OMB's calculation of the the TEA–21 caps for those categories.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

DENVER METRO AREA

Mr. CAMPBELL. Mr. President, I seek recognition to raise an issue of importance to my home state of Colorado with the distinguished chairman of the Transportation Appropriations Subcommittee, Senator SHELBY.

I commend my friend and colleague from Alabama, Senator SHELBY, for his effective leadership on this important Transportation Appropriations bill. I take this opportunity to call to his attention a matter of highway safety in the increasingly congested Denver Metro area, particularly the I–25 ramps project near downtown Denver.

I–25 is the most congested highway artery in the State of Colorado and has more accidents per miles driven than any other traffic corridor in the State. All of the ramps in this project area are separated by inadequate distances. Funds for this project would increase these distances and therefore increase safety.

The amount of traffic directed onto the 17th Avenue and 23rd Avenue ramps off of I–25 is expected to grow to a point that would overwhelm the already unsafe traffic volumes on these ramps.

I am concerned that even today, the ramps are substandard and could be considered unsafe. Under the design recommendations of the American Association of State Highway and Transportation Officials (AASHTO), the minimum safe distance between an ON and OFF ramp is 1,600 feet. These ramps are only 435 and 750 feet apart.

The Average Daily Traffic (ADT) for these ramps is 40,800 yet the current ramps are designed for only 12,000 ADT. These ramps are currently at 340 percent over capacity and they can't handle more traffic without funding for this project.

I have been working with the Subcommittee on Transportation Appropriations to help the Denver Metro area and Colorado and very much appreciate the Chairman's assistance. A key priority for me is to improve highway safety in Metro Denver through this ramps project. Because of the budget constraints, however, the subcommittee was not able to include the project at this time. Will the Chairman be able to assist my efforts in seeking this funding as we move towards Conference?

Mr. SHELBY. Mr. President, I thank the Senior Senator from Colorado for raising the issue of highway ramps to improve safety on the roads in the Metro Denver area. Based on the Transportation Subcommittee's review of highways across the country, it is clear that Colorado, especially the Denver Metro area, has one of the fastest growth rates in the country and has specific transportation needs.

I support the Senator's request for assistance on the particular highway project he mentions, and will be happy to work with him to identify funding for this important safety and capacity project as we move towards Conference.

Mr. WYDEN. Mr. President, I rise to voice my concerns about Section 335 of the Transportation Appropriations bill.

This section flatly bans the Department of Transportation from even considering any reform of the commercial drivers' Hours of Service (HOS) regulations, which limit the time that drivers spend behind the wheel of large trucks and buses. The provision shuts off all funding for DOT current and future efforts to ensure drivers receive adequate rest. This sweeping ban on any further consideration of HOS regulations goes too far.

Section 335 would not even give DOT a chance to try to address concerns that have been raised about its proposed regulations. DOT would be prohibited from holding public hearings on the changes (several are planned for this month alone) or from even talking with drivers, law enforcement groups, and highway safety groups about the proposed changes. The measure also halts efforts to enhance HOS enforcement through on-board recorders—one of the National Transportation Safety Board's ten most wanted safety improvements.

The ban on any consideration of HOS reform also contradicts Congress' recent action to improve truck safety. Just last year Congress mandated the creation of a new truck safety agency within DOT, the Federal Motor Carrier Safety Administration. It is FMCSA's proposal to change the HOS regulations which has led to the ban in section 335 of the Transportation Appropriations bill. Moreover, in 1995, the Congress, through the medium of the Interstate Commerce Commission Termination Act (ICCTA), directed DOT to study the HOS regulations and suggest reforms. DOT and FMCSA have done so. The result of their efforts should not be the foreclosing of all debate on new driver safety rules.

Mr. FEINGOLD. Mr. President, as the Senate continues to debate this year's Transportation Appropriations bill, I am pleased to again express my support for high-speed passenger rail. Efficient high-speed passenger rail has many benefits: it helps to relieve some of our ever-increasing traffic congestion, it provides increased mobility for both business and personal travel, and it reduces pollution of the air we breathe. I have long supported a truly intermodal and effective transportation system and high-speed rail is a vital link in that chain.

Federal assistance is essential for the development of transit systems such as high-speed rail. The Federal Government has long had a major role, of course, in funding America's transportation network, from construction and maintenance of the interstate highway system to providing mass transit assistance to local governments. I believe the federal role is important because we need a coherent, responsible national transportation policy.

But I believe it is appropriate that state and local officials have the greatest role in making the important decisions about where our transportation money is spent, because they are the people who deal with the demands on all the elements of the transportation system on a daily basis. The great thing about high-speed passenger rail is that it incorporates the best of both worlds.

The Federal Government should be the partner of state and local government in transportation, where there are local, state and national interests. While it is crucial that we provide adequate funds for high-speed rail, it is also important for the Federal Government to support high-speed rail in other ways. To this end, I urge the Federal Railroad Administration to further develop its outreach activities to help promote awareness of high-speed rail as a viable option for providing dependable intercity transportation.

I am committed to supporting a sound national transportation infrastructure and to developing thoughtful, fair transportation policy that reflects the changing needs of our Nation and respects the role of state and local government as the main decision-makers. High speed passenger rail fits the bill.

Mr. CLELAND. Mr. President, as we vote today on the Transportation Appropriations bill for fiscal year 2001, I want to draw the attention of my colleagues to a remarkable achievement in the Atlanta region of my home state of Georgia. But first let me thank Chairman SHELBY and our Ranking Member, Senator LAUTENBERG, for their assistance on my state's transportation priorities in this bill.

The bill provides assistance for a number of alternative transportation projects, from water taxies to eliminating high-hazard grade crossings on the proposed Atlanta to Macon commuter rail line. We have direction to the Federal Railway Administration and funding to extend the agency's high-speed rail transportation plan from Charlotte, North Carolina, to Macon, Georgia. We have important funding to make up for a shortfall in funding to complete a regional transit study for metropolitan Atlanta, so that this fast growing region—whose motorists drive the longest distance of any metro area—can plan for a region-wide system of seamless intermodal transportation. We have the Georgia Regional Transportation Authority, GRTA, the Metropolitan Atlanta Rapid Transit Authority, MARTA, the Georgia Department of Transportation, Chatham Area Transit, and the Southern Coalition for Advanced Transportation on the eligibility list for bus funding. In addition, MARTA is eligible for New Starts mass transit rail funding. And, the maglev program to provide high-tech, high-speed fixed guideway service between Chattanooga, Tennessee, and Atlanta would receive $3 million to continue pre-construction planning in this Senate bill.

These are important projects, especially in light of the unanimous decision yesterday by the Georgia Regional Transportation Authority to approve the Transportation Improvement Program, TIP, for the Atlanta region. This was a remarkable event given the intense process that has been underway the past 12 weeks in Atlanta, culminating a two-year effort to submit a fiscally constrained, air quality conforming plan to the U.S. Department of Transportation for approval. As many of my colleagues know, the Atlanta region has been called the ''poster-child of urban sprawl.'' The region is in a conformity lapse, and, as a result, new highway and transit construction dollars are frozen until the Federal Government approves a plan that conforms with the Clean Air Act and the requirements of the Transportation Equity Act for the 21st Century.

The Atlanta region has developed and submitted a plan that has been under the closest scrutiny of any metropolitan region of the country. No other region has had to fulfill the requirements set forth by the Federal transportation agencies for not only local financial commitments, but to adopt a land-use strategy that would support the major public transportation investments called for in the TIP. In regard to these requests, let me remind my colleagues that the counties in my state are very protective of their home rule powers and rightly so, and Federal directives on local control issues are difficult to swallow.

Nevertheless, officials from the Atlanta Regional Commission, ARC, which is the metropolitan planning organization for the region, and from the Georgia Regional Transportation Authority, GRTA, our new regional agency established to implement the ARC's plan, worked with the Federal agencies to craft a process to ensure that the transportation alternatives in the TIP are successful. This 3-year TIP makes a very strong investment in alternative transportation. Half of the $1.9 billion plan is devoted to mass transit, bicycle, pedestrian and air quality improvement projects and only 10 percent is devoted to new capacity for single-occupant vehicles.

Even more important, the ARC and the GRTA are pledged to work together to implement a land use strategy that links the regional development plan with this transportation improvement program. This is an historic linkage of land-use guidelines with transportation improvements. The Atlanta Regional Development Plan calls for land use policies that strengthen town centers, foster transit-oriented development, encourage new development to be more clustered in portions of the region where new opportunities exist, protect environmentally sensitive areas, support the preservation of stable, single-family neighborhoods and encourage best development practices.

For the first time, these high-sounding goals are not just left to gather dust on a shelf. They are the guideposts for the region's transportation program. The GRTA resolution calls

the regional development plan ''an integral part of fulfilling its responsibility to manage land transportation and air quality. . . .''

Mr. President, I would like to point out that these plans for mixed-use and transit-oriented development do not mean that the GRTA is going to mandate high-density housing throughout the region. That could not be farther from the truth. What this plan sets out is that where opportunities exist along certain transportation corridors the counties should allow the free market to step in and build higher-density housing and commercial development that would attract support for transportation alternatives, such as express buses or commuter rail lines.

Let me state that many local governments have submitted written promises that they will do their part in implementing the TIP. Even more important, everybody is now fully aware of what will be expected of them. For that reason—and because the GRTA has pledged to use its influence to put the program into action—I believe moving forward is the right thing to do. I urge the Department of Transportation to move this plan forward. It is time to put solutions that improve air quality, reduce traffic congestion and provide transportation choices on the roads and railways in Atlanta.

Mr. President, at this time I ask unanimous consent that the full text of the GRTA resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE GEORGIA REGIONAL TRANSPORTATION AUTHORITY

RESOLUTION 00.6.1

Whereas, on May 10, 2000, the Georgia Regional Transportation Authority (GRTA) adopted a resolution relative to the Transportation Improvement Program for FY 2001–FY 2003;

Now, Therefore, Be It Resolved that GRTA approves the Atlanta Region Transportation Improvement Program, FY 2001–FY 2003, and further resolves:

*Land Use:* Be it further resolved that GRTA finds the policies and best development practices approved by the Atlanta Regional Commission Board on May 24, 2000, and described in ''A Framework for the Future: ARC's Regional Development Plan,'', October, 1999 to be an integral part of fulfilling its responsibility to manage land transportation and air quality; and

Be it further resolved that GRTA will use its resources and authority to cause the implementation of the policies and practices as described in ''A Framework for the Future: ARC's Regional Development Plan,'', October, 1999, and assumed and required by the RTP and the ARC Land Use Strategy commitments approved by the ARC Board on May 24, 2000, and

*Funding/Projects:* Be it further resolved that GRTA finds the prioritization, in cooperation with ARC and local governmental jurisdictions, of planning, funding and implementation of local and regional public transit (bus, rail, vanpool, carpool, and supporting infrastructure, such as a regional network of high-occupancy vehicle lanes), travel demand management programs and projects, and streets safe for walking and bicycling are important to fulfilling its responsibility to manage land transportation and air quality; and

Be it further resolved that GRTA adopts the jurisdiction-specific transportation funding assumptions detailed in the RTP/TIP and will use its resources and authority to cause the fulfillment of these local commitments assumed and required by the RTP/TIP, and

*Cooperating Local Government Status:* Be it further resolved, that GRTA's designation of cooperating local governments requires that the region's jurisdictions make satisfactory progress on the land use, fiscal and other assumptions and requirements of the RDP, RTP, TIP and the ARC Land Use Strategy commitments approved by the ARC Board on May 24, 2000, as well as regional and jurisdictional transportation and air quality goals, performance measures and targets established by GRTA, and

Be it further resolved that GRTA will establish regional and jurisdictional transportation and air quality goals, performance measures and targets prior to the next process to update/amend the TIP.

*Environmental Justice:* Be it further resolved, GRTA's approval of future TIPs require compliance of the TIP with all federal, state, and GRTA statutory and regulatory requirements for addressing the issue of environmental justice.

*Speed Study:* Be it further resolved, that GRTA, EPD, GDOT, and ARC will perform a comprehensive vehicle speed study for peak and non-peek traffic to address air quality considerations in support of the State Implementation Plan (SIP) for the non-attainment area to be completed by October 1, 2000.

Mr. LIEBERMAN. Mr. President, I rise today to express my concern about a rider that has been attached to the Transportation Appropriations bill in Congress for the past four years. The language of this rider prevents the Administration from even considering an increase to our nation's Corporate Average Fuel Economy, or CAFE. This rider was a bad idea when it was first introduced four years ago, and it is a bad idea today. This rider appears yet again in the FY2001 House Transportation Appropriations bill. I would like to voice my opposition to this rider and express my support for Senator GORTON's Motion to Instruct Conferees, which he is offering with Senators FEINSTEIN and BRYAN, that opposes the CAFE freeze.

Aside from my personal conviction about the importance of improved CAFE standards, I am troubled by this provision for another fundamental reason: this rider bars the Administration from considering—even discussing—making our cars more efficient. This Administration should be making decisions in light of all possible information, not being asked to forgo critical policy analyses simply because they are not allowed to freely evaluate different options.

Substantively, this rider forces the nation to bypass a critical opportunity to make our fleet of cars more efficient. The efficiency of our cars, or said another way, the number of miles our cars can travel on one gallon of gasoline, is important for a great number of reasons. First, because of recent and continuing increases in the price of fuel, we have felt firsthand the bite of high prices at the pump. The best answer to reducing the amount of money we spend each month on gasoline is to make our cars more efficient. We know this approach will work, because the doubling of fuel economy between 1975 and the mid 1980s saved new car purchasers an average of $3,000 in fuel over the lifetime of the car, at today's prices. The Union of Concerned Scientists estimates, for example, that if we were to raise light truck fuel economy to 27.5 miles per gallon, the most popular Sports Utility Vehicle in the country—the Ford Explorer—would go from traveling 19 miles to the gallon to traveling 34 miles to the gallon. We could achieve this for $935 in established technology, and the SUV owner would save thousands of dollars over the lifetime of the car.

Second, we need to raise CAFE standards for the sake of our national security. The United States imports more than half of its oil from foreign countries, and this dangerously limits our independence and potentially our options in times of turmoil. The dramatic rise in oil prices in recent months should be a reminder of how overly-dependent we are on OPEC, and how vulnerable we are to OPEC cartel pricing. We must raise our domestic fuel economy in order to reduce this dependence. According to the Sierra Club, raising CAFE standards would save more oil than we import from the Persian Gulf and off-shore California drilling combined.

Third, there are critical environmental gains to be made from improving the fuel economy of our vehicles. There have been a number of reports in recent weeks about the reality of global warming. A Federal Government study released earlier this week, requested by Congress four years ago, reports that global climate has become approximately one degree hotter over the past century, and many scientists believe that this warming trend will continue as humans continue to burn fossil fuels. This trend will cause very real and significant changes to our weather and climate patterns, fundamentally altering the way of life in some geographic areas. A recent study at NASA's Ames Research Center reported that the ozone layer is not recovering as fast as was previously thought, potentially due to greenhouse gas emissions. A report by Environment Canada and Parks Canada shows that some national park glaciers could disappear in 20 years due to global warming. These and other significant reports come on the heels of one another to warn us that global warming is real and that we need to pay serious attention to the problem.

The first, very important step we must take to curb greenhouse gas emissions is to reduce the amount of fossil fuels we consume in our vehicles. Improving the CAFE standards to 45 mpg for cars and 34 mpg for light trucks would save this country 3 million barrels of oil per day and prevent

hundreds of millions of tons of $CO_2$ from entering the atmosphere every year. Carbon dioxide is the major contributor to greenhouse gas emissions and to the subsequent warming of our climate. We must, I repeat we must, take this step and raise CAFE standards.

Since the 1980s, partly due to our nation's increasing use of light trucks, or Sports Utility Vehicles, the corporate average fuel economy of our fleet of vehicles has declined. According to EPA's 1999 Report on Fuel Economy Standards, there have been no improvements in fuel economy for light trucks in 19 years. This is particularly dismaying when we consider that over half the passenger vehicles sold in the U.S. now fit into the category of light trucks. We know we can do better and that the technology already exists. Using state of the art engine refinements; optimized transmission control; high strength, ''ultra-light'' steel techniques, and lower rolling resistance tires, auto manufacturers should be able to improve fuel economy drastically.

For all these reasons, we must move back toward improving the fuel economy of the vehicles in the United States. It saddens me that some of my colleagues would like to prevent this discussion from even taking place. The first step in the right direction is to uphold the Gorton/Feinstein/Bryan motion and oppose the freeze on CAFE standards. From there, we will be able to discuss appropriate measures to improve upon our vehicles, for so many reasons that make good sense.

Mr. SCHUMER. Mr. President, I rise to thank the distinguished Chairman of the Senate Appropriations Subcommittee on Transportation, Senator SHELBY, and Ranking Member, Senator LAUTENBERG, for their diligence and patience in moving this vital legislation forward. The difficulty of crafting such a comprehensive appropriations bill is considerable and they deserve congratulations. While I plan to vote for this bill, I would like to state my reservations about one particular provision—Section 335—which would preclude the Secretary of Transportation from expending any FY 2001 funds on the completion of a Federal rule pertaining to motor carrier ''Hours of Service.'' As my colleagues prepare for conference with their House counterparts, I hope they will recede to the House on this particular provision.

Mr. President, Secretary Slater recently wrote to the Appropriations Subcommittee stating his opposition to such a provision. The Secretary points out, rightly I think, that heavy trucks are a major source of accidents on our roadways. Driver fatigue often plays a major role in these accidents.

I feel that since the Department has not yet begun responding to comments on its ''Hours of Service'' Notice of Proposed Rulemaking, it is premature to terminate DOT's review. Highway Safety is one of Congress' foremost transportation priorities, as evinced by the recent creation of the Federal Motor Carrier Safety Administration.

Mr. President, it is because highway safety is so important that I ask my colleagues to drop this provision in conference. I have attached a copy of Secretary Slater's letter, and ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
*Washington, DC, June 8, 2000.*

Hon. RICHARD C. SHELBY,
*Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am advised that the Transportation Subcommittee may add a very damaging provision to the pending DOT Appropriations Bill, effectively barring the Federal Motor Carrier Safety Administration (FMCSA) from acting on comments from the public and affected industries on one of the most critical safety challenges we face—fatalities involving heavy trucks on our nation's highways and the need to update our ''Hours of Service'' rules for ensuring adequate rest for commercial drivers.

Heavy trucks are involved in almost 15 percent of all fatal highway crashes. I challenged the FMCSA last year to cut fatality levels in half by 2009. We cannot accomplish this without addressing the problem of operator error, and we know that fatigue is a critical factor in crashes. The 60-year-old rules for driver Hours of Service should be modernized. Also, new technology, such as on-board recorders may play a role in reducing the crash/fatality rates.

We have just proposed changes in a Notice of Proposed Rulemaking to change the Hours of Service rules. This proposal emphasizes rest and is science-based. We do not even have the benefit of full comment at this point, yet some are advocating that Congress intervene and prohibit analysis of the information and views we receive. This would be utterly contrary to the action Congress just took in December 1999 to set up the FMCSA as a free-standing safety regulatory agency.

We have heard from industry representatives about the pace of the rulemaking, and I am prepared to extend the comment period for 90 days to allow interested members of the public more time for in-depth analysis of the proposal's details and to clarify matters that have arisen since the proposal was issued May 2. However, I am not prepared to stop moving forward on an issue that has not been substantially addressed in 60 years and that promises so much in safety improvement. If the Subcommittee adds the amendment, it will signal an end to our efforts to address driver fatigue. I therefore strongly oppose the amendment.

Sincerely,

RODNEY E. SLATER.

Mr. REED. Mr. President, I rise in strong support of the motion to instruct conferees to reject the provision in the House version of the fiscal year 2001 Transportation Appropriations bill that freezes implementation of the Corporate Average Fuel Economy standards.

As my colleagues have stated, the House bill would, for the sixth year in a row, block the Department of Transportation from studying ways to improve CAFE standards for vehicles in the United States.

Mr. President, the National Highway Traffic Safety Administration's latest report to Congress states that cars sold in the United States in 1999 averaged 28.3 miles per gallon, down from 28.7 miles per gallon in 1998. Light trucks, which now make up about half of new passenger vehicles sold, averaged 20.7 miles per gallon, down from 20.9 in 1998.

What a shame that in an era of great technological innovation, all of the fuel economy gains from technological improvements over the last twelve years have been erased by the proliferation of larger, heavier, gas-guzzling vehicles.

As Transportation Secretary Rodney Slater said of the CAFE freeze in his June 8 letter to Chairman SHELBY, ''Because this prohibition has been in place in recent years, the Department has been unable to fully analyze this important issue. The average fuel economy of passenger cars and light trucks has decreased almost 7 percent since 1987. In fact, the average miles-per-gallon for 1999 was the lowest since 1980. CAFE is a significant policy issue that should be addressed analytically and not preemptively settled through the appropriations process.''

With fuel prices high and rising, it is especially critical that we improve CAFE standards. Lax fuel economy standards have allowed SUVs and other light trucks on the road today to be 30 percent less efficient than cars on average. This fuel economy gap caused Americans to spend $21.4 billion more for gasoline last year than if these trucks were as efficient as cars. SUV and light truck drivers in my state of Rhode Island paid an extra $55 million at the pump last year due to this gap in fuel efficiency standards.

Meanwhile, as overall fuel efficiency goes down, our nation continues to import over 55 percent of its crude oil, putting us at the mercy of the OPEC cartel. We owe it to the drivers in the Northeast who are paying over $1.70 for a gallon of gas, or those in the Midwest paying over $2.00 per gallon, to take a serious look at cutting our consumption of foreign oil by improving CAFE standards.

Nevertheless, the CAFE freeze rider has been inserted into the House DOT spending bill every year for the past 5 years, and each time that happens, Congress denies the American people the benefits of fuel-saving technologies that already exist, technologies that the auto industry could implement with no reduction in safety, power, or performance.

Shouldn't we at least give the Department of Transportation the chance to study this issue? Isn't it time to lift the gag order that has been placed on our ability to consider the costs and benefits of higher CAFE standards? I believe the answer is clearly yes.

I urge my colleagues to support this important motion.

Mrs. BOXER. Mr. President, the Fiscal Year 2001 Transportation Appropriations bill now before the Senate

contains, in my opinion, a very damaging and potentially dangerous provision. This provision would effectively bar the Federal Motor Carrier Safety Administration (FMCSA) from acting on comments from the public and other interested parties on the critical need to revise the so-called Hours of Service rules, which regulate, among other things, the number of continuous hours commercial drivers are permitted to be on the road.

Over 5,300 people are killed and 127,000 are injured each year as a result of truck-related crashes, and research shows that truck driver fatigue is a contributing factor in 30 to 40 percent of all truck-related fatalities. Moreover, the Department of Transportation (DOT) finds that fatigue is directly related to 15 percent of all fatalities involving heavy trucks.

There are both good and not-so-good parts to DOT's proposed changes to the Hours of Service rule. While I am very concerned that the proposed rule contemplates increasing the number of continuous driving hours from 10 to 12, it would also require the use of electronic on-board recorders for long haul and regional truckers, and it would require commercial drivers to follow the 24-hour circadian rhythm cycle as opposed to the currently permitted 18-hour cycle. This is important because all authoritative studies show that the human body best resets its ''clock'' when following the circadian rhythm cycle.

In response to requests from groups on all sides of this issue, DOT recently extended the comment period on the proposed rule by another 90 days. Nevertheless, language in the Transportation Appropriations bill would bring the entire rulemaking process to a halt.

Mr. President, not only is it wrong for this body to insert itself in this way in the preliminary stages of a proposed rulemaking process, I am concerned that that this provision will set highway safety initiatives back by decades. Only by keeping the rulemaking process alive can the existing 60-year-old Hours of Service rules ever be meaningfully reformed.

I understand that the House Transportation Appropriations bill contains no such provision, and it is my strong hope that this provision will be rejected in Conference Committee.

Mr. BYRD. Mr. President, I rise in support of the Fiscal Year 2001 Transportation Appropriations bill, and I compliment the Chairman of the Subcommittee, Senator SHELBY, and the Ranking Member, Senator LAUTENBERG, for the outstanding job that they have done on this measure.

Their recommendations, which were approved by a unanimous vote of the Appropriations Committee, are the best that could be done within the very tight 302(b) allocation that was provided to the Subcommittee. I am hopeful that we will be able to provide increased funding for the Transportation Subcommittee, as the bill proceeds through the Senate and its conference with the House. As is usual for the Transportation Subcommittee, the programs and activities contained in this bill are funded in as fair and balanced a way as one could expect. I am proud of the work of the managers of this bill. Very importantly, the bill continues to fully fund the highway spending levels set forth in the Transportation Equity Act for the Twenty-First Century, TEA–21. As members will recall, when that landmark legislation was debated and enacted two years ago, I joined with Senator GRAMM of Texas as well as Senators WARNER and BAUCUS, the Chairman and Ranking Member of the Subcommittee on Transportation and Infrastructure of the Environment and Public Works Committee, to provide some $26 billion in additional highway spending over the six-year life of that measure. In so doing, we put the ''trust'' back into the Highway Trust Fund. We assured the American people that the full amount of the gasoline taxes that they pay at the gas pump, and which go into the highway account of the Highway Trust Fund, will be spent on construction and rehabilitation of our Nation's highway and transit systems. Unfortunately, for the second year in a row, the Administration's budget proposed that a large portion of these Highway Trust Funds be used for non-highway purposes. Fortunately, the managers of this bill, Senators SHELBY and LAUTENBERG, found a way to reject the Administration's proposal and to continue, in full, the commitments made to the American people; namely, that all of the gasoline taxes that they pay will be fully spent, each year, for the purposes for which those taxes were collected. I am grateful to the managers of the bill for having the wisdom and the courage to reject the Administration's ill-conceived proposal for a second year in a row. I hope the Administration will get the message that this Congress is not interested in going back on the commitments it made and that the President signed into law in TEA–21, to keep the ''trust'' in the Highway Trust Fund.

Mr. President, I note that this will mark the last occasion upon which Senator LAUTENBERG will serve as the Ranking Member of the Transportation Appropriations Subcommittee. During his tenure as Chairman and Ranking Member of this Subcommittee, Senator LAUTENBERG has always been very cooperative with me in my role as Chairman and Ranking Member of the Appropriations Committee. He was no less cooperative when I served as Majority and Minority Leader of the Senate. He has demonstrated the courage to take a stand for what he believes in, throughout his Senate career, even when the votes were not there. He has performed a tremendous service to his State, as well as to his Country on many critical issues. He has worked tirelessly on a broad range of transportation issues throughout his service on the Appropriations Subcommittee on Transportation. These accomplishments range from improvements in Amtrak service, to ensuring that there are sufficient resources for the FAA, Coast Guard, mass transit and highway safety programs. When it comes to transportation issues, Senator LAUTENBERG has always been in the forefront. He has always fought valiantly to protect the lives of the American people. He was the author of the smoking ban on airplanes. He was the author of the Minimum Drinking Age Act. His tireless battle against drunk-driving, which began with that Act, has now brought us to this appropriations bill, which includes a provision establishing a national intoxication threshold of point-zero-eight (.08) blood alcohol content. The Senate will miss FRANK LAUTENBERG. We will remember him with great fondness.

The one disservice, however, that he performed for his Nation, and for the Senate, and for the Appropriations Committee, was his decision not to run again. I am sorry that he made that decision. I talked with him about the matter several times. I told him that it was simply not good for the Country. I don't say that because he is a Democrat—I say that because this man is a Senate man. This man has rendered great service. I greatly regret his decision—and I told him so, and I urged him to rethink it, because he renders the kind of service that our Country needs. I salute him for his Senate service. And, I say again, we are going to miss this man—FRANK LAUTENBERG.

Mr. President, I urge all Members to support the Fiscal Year 2001 Transportation Appropriations Bill now before the Senate.

Mr. MCCAIN. Mr. President, I wish to express my concerns over a provision included in this legislation that would effectively prevent the Department of Transportation (DOT) from continuing its work to fulfill a statutory directive to revise its regulations that limits the driving and duty time of truck and bus drivers.

The federal hours of service regulations were established in 1937. Yet, despite the vast technological advancements and dramatic changes in the motor carrier industry, those rules have remained largely unchanged after more than 60 years.

Due to the growing safety concerns stemming from truck driver fatigue and other factors, the National Transportation Safety Board has repeatedly called for the Department to develop new hours of service rules that reflect current research on truck and bus driver fatigue. Further, the ICC Termination Act of 1995 required the department to issue an Advanced Notice of Proposed Rulemaking (ANPRM) addressing motor carrier hours-of-service regulations by March 1996 and a final rule by March 1999.

Unfortunately, the Department failed to meet the time frames as required under the law. The ANPRM was not

issued until November 1996. It wasn't until April of this year that the Notice of Proposed rule was issued—a proposal not embraced by industry or safety advocates.

As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation policy, I believe it critical to allow and actually require the Department to continue its work to develop sound new rules governing motor carrier operators. I fully recognize the DOT's regulatory proposal is not acceptable in its current form. Moreover, the public needs sufficient time to analyze the proposal and the Department must clearly evaluate and understand its implications before a final rule can be issued. But the Appropriations Committee approach which prevents the DOT from doing anything in this area is simply wrong.

Section 335 of the Transportation Appropriations bill would prohibit DOT's Federal Motor Carrier Safety Administration (FMCSA) from using any funds to ''consider or adopt any proposed rule'' contained in the Notice of Proposed Rulemaking (NPRM) issued on April 24, 2000 or to ''consider or adopt'' any ''similar'' rule.

I will not and am not defending the DOT's regulatory proposal. But I do not think that preventing any further work in this area is sound judgement on our part. If the provision in this bill is allowed to stand in conference, it will effectively prevent any changes to the more than 60-year-old truck driver rules.

We must urge the DOT to move forward with reasoned regulations in lieu of the depression era regulations that today continue to dominate a technologically driven industry. The safety of the traveling public is at stake.

AMENDMENT NO. 3454

Mr. SHELBY. 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 Alabama [Mr. SHELBY] proposes an amendment numbered 3454:

At the appropriate place, insert:

SEC. . Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the ''Frank R. Lautenberg Transfer Station''; *Provided*; That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall make reference to the ''Frank R. Lautenberg Transfer Station''.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be really brief. My colleagues have said much about what Senator LAUTENBERG has contributed to the country, to the Senate, and his persistent advocacy on behalf of the State of New Jersey. I will not repeat all those things that have already been said about our distinguished colleague. What I would like to share with the Senate today is a more overlooked but important perspective in FRANK LAUTENBERG.

Senator LAUTENBERG is appropriately characterized as a Democrat. I am appropriately characterized as a Republican. You might think we would have a difficult time working together in managing the Transportation appropriations bill. Make no mistake, we have our differences, as we all do. But in the 4 years that I have shared the responsibility of managing this bill with Senator LAUTENBERG, holding hearings on Transportation appropriations issues, working to improve transportation safety, working to improve the efficiency of transportation programs, and working to develop recommendations that reflect the will of the Senate and the priorities of our colleagues, I have found FRANK LAUTENBERG to be thoughtful, decisive, reasonable, and professional. I could not ask for more from a ranking member.

I could talk about his accomplishments when he chaired this subcommittee in years past, his advocacy on behalf of Amtrak and the Coast Guard, about his legislative accomplishments to ban smoking on airline flights and to shape highway reauthorization bills, about his love of aviation, about his significant place in shaping Transportation authorization and appropriations bills during his tenure in the Senate, about his vision for improving transportation services, not just in his State of New Jersey but more broadly for the entire Northeast region of the United States.

But that would not give the full measure of his contribution. Equally, if not more important, is his commitment to making the process here work, to applying pressure in his own way to get the issues before the Senate and the Congress that are timely and that are relevant.

Many have said the Senate will miss Senator LAUTENBERG, that New Jersey will miss his influence, and that the country will miss his leadership on transportation issues. That is all true. But what I will miss most is his friendship, his advice and support on the Transportation Subcommittee on which he has labored so long.

I would like to see Senator LAUTENBERG honored in an appropriate way as he departs his service to the Senate and to the Nation's transportation system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished chairman for his very generous and appropriate gesture on behalf of Senator LAUTENBERG. Over the last months, I have had occasion to meet around the country with people who are concerned about transportation. To a person, they all voluntarily offer up the degree to which they are going to miss Senator LAUTENBERG who has been an extraordinary champion for public transportation and for aviation, as the chairman said.

Most important, speaking parochially for a moment, it is not easy to champion the rail system in a country that has been dominated by automobiles and our love affair with autos and highways. In all his years here, FRANK LAUTENBERG has been the single strongest advocate of making certain we have an alternative form of transportation.

In the Northeast particularly, we will have an accelerated rail link between New York and Boston and ultimately Washington that is due almost solely to his persistent annual guarantee that the funding is there.

That is an enormous legacy. We do not always get an opportunity in the Senate to have that kind of niche where your vision is singlehandedly implemented. Senator LAUTENBERG has done that with great commitment and great perseverance.

I thank him on behalf of everybody in New England who depends on that system to get to work, to travel, to meet their families, and to enjoy affordable opportunity to travel.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I know our colleagues are waiting to vote. I will not take more than a moment. I add my voice and congratulate the Senator from Alabama for his amendment. This amendment will be adopted unanimously, as it should. It is in recognition not only of the great contribution Senator LAUTENBERG has made to this subcommittee and to transportation policy but to the country at large on policies that go way beyond transportation, whether it is tobacco or gun safety. Whether it is an array of issues foreign or domestic, Senator LAUTENBERG has provided an insightful voice, a courageous voice.

As Democratic leader, it has been an honor and high pleasure for me to have worked with him. I am proud to have had that opportunity. I congratulate him on his extraordinary service to his country.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I add my voice as well and compliment FRANK LAUTENBERG for his accomplishments. I commend him for his fine service in the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3454.

The amendment (No. 3454) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill (H.R. 4475), as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 132 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 | Roth |
| 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

Rockefeller

The bill (H.R. 4475), as amended, was passed, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

Under the previous order, the Senator from Washington, Mr. GORTON, is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. GORTON. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 4475 be instructed, and are hereby instructed, not to accept section 318 of the bill as passed by the House of Representatives.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield myself such time as I may use.

Yesterday, both Senator BRYAN and I came to the floor to discuss this motion, the reasons for dealing with corporate average fuel economy standards in this fashion, and to give a preview as to our reasons for this vitally important motion.

Twenty-five years ago, in 1975, the Congress—an enlightened Congress, I may say—passed a certain set of requirements demanding that automobiles and small trucks on average from each manufacturer meet certain fuel efficiency standards; that is to say, that they get better gas mileage and, not at all incidentally, provide less pollution into the atmosphere of the United States.

That statute was passed, of course, in the aftermath of the oil boycott on the part of Arab countries and a steep rise in gasoline prices.

Though I am quite conservative and often critical of government regulation, I know of few, if any, regulatory regimes of the United States that were more successful. In a period of a little more than 5 years, the average fuel efficiency of automobiles in the United States for all practical purposes doubled. That proposal was passed, incidentally, over arguments that were not similar to the arguments that are made against this motion today but identical to the arguments made against this motion today.

We were told by the Ford Motor Company that the passage of such standards would mean everyone would be driving a Maverick or something smaller than a Maverick. Chrysler and General Motors followed suit. The people of the United States would not be able to buy the kinds of automobiles they were accustomed to driving and those that they were in fact driving at the present time.

Well, those predictions were so dramatically off kilter that the largest regular passenger cars manufactured today get better gas mileage than the Maverick about which they were speaking in the year 1975.

Curiously enough, however, in spite of this huge success, a success that literally saves 3 million gallons of gasoline a day in the United States, for at least the last 10 years, the House of Representatives, in its appropriation bill for the Department of Transportation, has prohibited not only the promulgation of new corporate average fuel economy standards but even their study and proposal on the part of the Department of Transportation.

The Senate, in each of those years, has been wiser. It has included no such prohibition. Regrettably, however, the Senate has without exception receded to the House position on this issue in each and every year of the last decade or two. As a consequence, the average fuel economy of our overall fleets has been decreasing rather than increasing.

Last year, the distinguished Senator from California, Mr. BRYAN from Nevada, and I introduced a sense-of-the-Senate resolution stating that we should not keep our heads in the sand any longer; We ought to allow these studies to go forward. We ended up with roughly 40 votes, a substantial and credible vote, but obviously not a majority vote of the Senate. What has happened during the course of the last year, Mr. President? Well, the most obvious occurrence has been a vast increase in the retail price of gasoline for each and every American consumer.

A year ago, we were at the end of roughly a year of abnormally low gasoline prices. The reaction earlier this year on the part of OPEC was to get that cartel together, cut back on production, and thus hugely drive up the price of gasoline. Our Secretary of Energy was sent, hat in hand, around the world to plead with OPEC countries to please produce more gasoline, please don't punish Americans by driving up retail gasoline prices so high. This is what we in the United States were reduced to—pleading with OPEC countries for a greater degree of production.

Well, they agreed to a little bit more. Prices dropped for a month or so, although nothing comparable to the increase that had preceded it. Now they are on the rise again. I believe it was Monday that the Washington Post indicated that retail prices for gasoline in the Midwest, where there are certain air pollution requirements, have gone up 30 to 50 cents a gallon in the course of 6 or 8 weeks. The same report indicated that we had 3 straight weeks of gasoline price increases all over the country, to the point where they are higher than ever before. Predictions are that they will hit $2 a gallon well before this year is over. Perhaps even more significant than this punishment of the American people with higher gasoline prices is the increased dependence the U.S. has on foreign sources of oil. Way more than 50 percent of our oil is produced overseas now, which, of course, subjects us to the effectiveness of the OPEC cartel.

That is the first thing that has taken place. The second thing is this: We were accused last year in the debate with mandating new corporate efficiency standards when we didn't know what they would be, and when they

would ignore completely the safety of automobiles that were produced and driven in the U.S. Curiously enough, that, too, was a major argument made 25 years ago: More people will be killed on the highways because we will be driving these tiny little Mavericks and subcompact automobiles.

But do you know what has happened? Death rates on our highways, per hundred million miles driven, have dropped by more than 50 percent. Why? Because the big three automobile manufacturers' technology and imagination is far more efficient than their lobbying and the points they make during the course of political campaigns. They have made automobiles safer both because there has been a demand and because there have been mandated requirements through the National Highway Traffic Safety Administration for airbags, side impact matters, and a wide range of other safety devices. It is far safer to drive with the cars that we have today, which are twice as fuel efficient as those in the mid-1970s, than it was before these standards were adopted.

Nevertheless, it is our view that safety is an appropriate consideration. So you have a different proposition before you this year than you had last year. All we are asking—so it is a very important request in this motion—is that the Senate not agree to a House prohibition that says you cannot study, propose, or promulgate new corporate average fuel-efficient standards for automobiles. To say that we can't study that in light of the technological changes in the last 20 years—it is incredible that anybody in the Senate would argue for such a proposition. No study? No proposal? No knowledge about what we are doing?

I will be one of the conferees that will be appointed as soon as this debate is over and this voice vote is taken. Mr. President, because the House, of course, will maintain its position, my view is that not only an appropriate compromise but an appropriate course of action will be to permit the Department of Transportation study and propose new corporate average fuel efficiency standards. I think they ought to be studied. I think they ought to be proposed. I think they ought to consider safety as well as fuel efficiency. But I do think it quite appropriate that they be brought back here to this body into the House of Representatives before they be promulgated. So I will accept as a compromise with the House a prohibition against promulgating new standards until next year's Transportation appropriations bill has been deliberated, passed, and signed, obviously by a new President of the United States.

We will not be running the risk of a runaway Federal agency by any stretch of the imagination. What risks will we be running? We will run the risk that we will vote on something we understand. We will run the risk that standards will be proposed that will increase the efficiency of our automobiles and lower the cost of gasoline for every American purchaser of a new car and help clean up our air—important considerations that are specific in nature and brought to us because they cannot be promulgated until we have had another chance to vote on them. I think it takes a great deal of imagination to say the United States of America, through its Department of Transportation, cannot engage in such a study and such a proposal.

The arguments you will get on the other side you already have in a Dear Colleague letter, one that says, gee, we made our cars more efficient in 1975, and now we drive more. I don't think that is a criticism. I think that is a praise of better gas mileage. Of course, oil consumption has increased in 25 years. We have more people. We have better roads. And we have better automobiles. It may very well be that will be the case, if we have even better gas mileage. But to say we ought to cause people to stop driving because gasoline is too expensive and we are not going to do anything about it is, at the very best, a bizarre argument.

The second is, of course, the very argument that there will no longer will be any choice—that cars will have to be so small that people won't be able to choose small trucks or SUVs. The Ford Motor Company has already told us it can greatly increase the fuel efficiency of SUVs. We know they can do this in the future, as they have in the past. I repeat that it is perfectly appropriate to say we will bring these standards back here to us with their actual impact before we actually pose them.

Finally, they argue that we are doing so well already with creating more efficient cars that we shouldn't undercut that kind of research going into a new generation of engine by having some kind of mandate. True. We have. In fact, I chaired another appropriations subcommittee, the Subcommittee on Interior, which finances the studies for a new generation of vehicles. I do so with great enthusiasm. But I also note that while these studies have gone on, the automobile manufacturers have done nothing to actually increase their average fuel economy on the road.

This proposal is not only not inconsistent with the studies that are going on with the cooperation of the Federal Government and the automobile manufacturers, but they are totally consistent with them. We are saying: Do a better job for Americans. Don't tell us that we will see future Secretaries of Energy every time the OPEC countries are moved to demand more money going hat in hand around the world. Use American technological genius to do the job that you did from 1975 until 1980. Produce a more efficient automobile. Don't make it less safe, make it more safe; the way you did then.

To use the old expression, if you fool me once, shame on you; fool me twice, shame on me. They attempted to fool our predecessors in 1975. They didn't succeed. They were wrong in every single argument they made in 1975. If we let them fool us twice with the same arguments, shame on us.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield to the Senator from Missouri such time as he might require.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for yielding time to me to speak on a very important issue.

In the 1970s, Congress sought to regulate fuel economy for various vehicles in the United States, and recently, as a result of the continuation of that program, there has been an effort to continue to escalate the amount of fuel economy that is demanded from companies that produce automobiles. Since CAFE was enacted, we have had a weight reduction in cars of about 1,000 pounds per car. That is the way you get better fuel economy—carry less, and reduce the weight of the car in order to get better fuel economy.

I point out that there are some very serious consequences of reducing the weight of a car by a thousand pounds. I indicate that one of those serious consequences has been highlighted in USA Today in a major feature article from July 2 of last year, ''Death by the Gallon.''

> A USA Today analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of the 1970's-era push for greater fuel efficiency which has led to smaller cars—

Read, ''lighter cars.''

For a number of reasons, I think it is in our best interest not to force our auto manufacturers to produce lighter and lighter cars—46,000 people represents 46,000 families. I think we want to be a part of a voice that says don't make it riskier to drive on the highways.

There are a number of individuals who would say: This kind of statistical analysis isn't the right thing. They say fuel economy has gone up, and the number of fatalities on our highways has gone down. Therefore, it must be that cars are safer in spite of the fact that they are lighter. Very frankly, that is a pretty primitive sort of analysis, and it is misleading. It is not correct.

I have in my hand a letter addressed to me from the Harvard Center for Risk Analysis. I will ask unanimous consent it be printed in the RECORD. I would like to read from the letter. Here is what this letter says:

> There are many powerful forces at work that have produced the overall decline in the traffic fatality rate: increasing rates of safety belt use, less drinking and driving, and a growing share of miles traveled on relatively safe Interstate highways, to name a few of those important forces.

Here is important language:

> It would be easy for these favorable forces to mask or conceal any adverse safety effects

of CAFE in overall data. In fact, our national times series analyses published in 1989 (Journal of Law and Economics, vol. 32, April 1989, pp. 112–3) show that, once these favorable effects are controlled for in a national time-series model, the average weight of the vehicle fleet is significantly and NEGATIVELY associated with the fatality rate. In other words, more vehicle weight (less fuel economy) is associated with a smaller fatality rate.

In other words, more vehicle weight and less fuel economy is associated with a smaller fatality rate.

Conversely, the more weight you have in the vehicle, the lower your fatality rate, and the more weight you take out of the vehicle, the higher your fatality rate.

Those who have suggested that this 46,000 number is not a reliable number simply are simplistically interpreting the data.

When you control for factors such as the reduction in drunk driving, when you control for the factors such as airbags and seatbelts, when you control for factors such as the increased number of miles driven on interstate highways, we still have to live with the fact that 46,000 people have died because we have mandated that vehicles be made lighter and unsafe. It is clear that this is a tremendous human toll to pay.

Due to higher gasoline prices, there are those who would argue that if we suddenly have lighter vehicles, the fuel savings will remediate the problem that we have no energy policy in the United States. I think that is less than realistic.

We need an energy policy in the United States. We need to have the opportunity to develop our own energy resources. Trying to get a few more miles per gallon on the highway and lightening our vehicles even further, subjecting more people to the fate of the 46,000 who have already died, is not going to solve the problem we have energy-wise around the world. We will solve the problem when we decide that America will make a commitment to some of its own energy and energy independence.

I rise today to oppose this motion that instructs the conferees on the part of the Senate to fight the position expressed in the House of Representatives. The House of Representatives measure properly recognizes that to take additional weight out of vehicles as a result of a mandate for additional corporate average fuel economy is unwise.

The National Highway Traffic Safety Administration, the agency that administers CAFE, found increasing the average weight of each passenger car on the road by 100 pounds saves 300 lives annually. Rather than decreasing, we might be able to increase and save lives.

A number of studies have been conducted to determine the actual effect of CAFE standards on highway safety. The Competitive Enterprise Institute found that of the 21,000 car occupant deaths that occurred last year, between 26 and 4,500 in just 1 year were attributable to the Federal Government's new car fuel economy standards. That is not consequential; 4,500 is nearly 100 people per State on average who die in car accidents because Congress is mandating weight be taken out of cars.

I ask unanimous consent to have two letters printed in the RECORD on which I will now comment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HARVARD CENTER FOR RISK ANALYSIS,
*Boston, MA, June 13, 2000.*

Senator JOHN ASHCROFT,
*Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.*

CORRECTING MISINFORMATION ABOUT FUEL ECONOMY REGULATION AND SAFETY

DEAR SENATOR ASHCROFT: During the recent House discussions of Corporate Average Fuel Economy (CAFE) regulation, there was a widely distributed letter dated May 18, 2000 by the American Council for an Energy-Efficient Economy (ACEEE) and the Center for Auto Safety (CAS). I am concerned that this letter contains some misleading statements about an important issue: The potential adverse effects of fuel economy regulation on the safety of motorists. The purpose of my letter is to correct the misinformation and offer a different perspective. I have enclosed a copy of the ACEEE/CAS letter in case you have not seen it.

There are a variety of claims in the ACEEE letter about energy savings, jobs, and technology that I am in no position to evaluate. However, I have published the critical peer-review science on the CAFE-safety issue and thus am in a strong position to offer insight into the safety risks of the CAFE program. I have four specific concerns about the ACEE letter.

Concern #1. A chart accompanying the ACEEE letter shows that the U.S. traffic fatality rate has steadily declined form 1970 to 1998 (CAFE started in 1975), a period when motor vehicle fuel economy improved substantially. The inference drawn from the chart, that improved fuel economy did not compromise the safety of motorists, is misleading.

There are many powerful forces at work that have produced the overall decline in the traffic fatality rate: increasing rates of safety belt use, less drinking and driving, and a growing share of miles traveled on relatively safe Interstate highways, to name a few of those important forces. I would be easy for these favorable forces to mask or conceal any adverse safety effects of CAFE in overall data. In fact, our national times series analyses published in 1989 (Journal of Law and Economics, vol. 32, April 1989, pp. 112–3) show that, once these favorable effects are controlled for a national time-series model, the average weight of the vehicle fleet is significantly and negatively associated with the fatality rate. In other words, more vehicle weight (less fuel economy) is associated with a smaller fatality rate.

Another important factor that ACEEE does not mention (with regard to safety) is that the light truck fleet grew rapidly in the post-CAFE period (particularly post-1985), and these light trucks tend to be larger, heavier, and more crashworthy than the passenger cars they displaced in the market. Thus, one of the reasons for the declining traffic fatality rate from 1985 to the present was the growing size and weight of the light-duty vehicle fleet, which is increasingly dominated by light trucks (minivans, cargo vans, pick-up trucks and sport-utility vehicles). Although some of these light trucks have serious safety issues associated with them (e.g., rollover risk for certain smaller SUVs), there is no question that the size of these vehicles offers more crashworthiness for the occupant than does the average passenger car (even holding constant optional safety features).

Since CAFE regulation was applied only to new vehicles and was applied more stringently to new passenger cars than light trucks, we would not expect CAFE to have a noticeable effect on the fatality rate for all vehicles (old and new, light trucks and cars) on the road, the overall data presented by ACEEE. When direct comparisons were made of fatality and injury rates in new passenger cars downsized due to CAFE and old passenger cars unaffected by CAFE, it was clearly shown that the downsizing of cars increased the fatality and injury risks to the occupants of the downsized cars. These data were published by the Highway Loss Data Institute and the Insurance Institute for Highway Safety over ten years ago.

When Dr. Robert Crandall of Brookings and I analyzed fatality rates with and without CAFE regulation, controlling for other relevant safety variables, we estimated that CAFE regulation (from 1975 to 1985) was responsible for about half of the 1,000-pound decline in the average weight of new passenger cars, which resulted, once the entire car fleet was regulated, in 2,200 to 3,900 additional fatalities to motorists per year in the USA. To the best of my knowledge, these findings have never been disputed in the peer-reviewed scientific literature.

Concern #2: The ACEEE letter asserts that the growing sales of small cars in the 1975-1985 time period were attributable to recession, oil prices and other market factors rather then CAFE regulation.

Dr. Crandall and I addressed this question explicitly in our 1989 study. In our economic analysis of the car market, we found that the average new passenger car became about 1,000 pounds lighter during this period. About half of the weight reduction was due to market forces; the other half was due to CAFE regulation.

Concern #3: The ACEEE letter asserts that the Insurance Institute for Highway Safety (IIHS) has a history of ''shoddy analysis'' on the subject of CAFE and safety.

I feel compelled to come to the scientific defense of IIHS by simply noting that IIHS has a strong scientific reputation throughout the world and, although I sometimes disagree with their inferences, I have always found IIHS's scientific work—on this topic as well as on other safety topics—to be meticulous and analytically competent. I would urge you and your colleagues to give a fair hearing to the analyses prepared by IIHS.

Concern #4: The ACEEE letter suggests that automakers, in the future, can make light trucks more fuel efficient without reducing their size or weight through technological enhancements. This statement may be correct but it is misleading because the CAFE program does not require or encourage automakers to favor technological enhancements over downsizing and weight reduction.

Reducing the size and weight of a light truck generally reduces the cost of producing the vehicle. Making the kinds of engineering changes recommended by ACEEE will generally increase the cost of producing a light truck, a point that ACEEE acknowledges. The CAFE program is designed to let automakers choose how to comply with tighter CAFE requirements, and you can be sure that there will be ''bean counters'' in Detroit and Japan who would prefer to comply with tighter CAFE rules by reducing vehicle size and weight rather than adopting costly engineering changes.

The regulatory history of CAFE shows that automakers, when confronted with tough

CAFE rules, respond with a mix of downsizing, weight reduction, and engineering innovations. For example, from model year 1974 to 1990, a period of improving new car fuel economy, the average ''shadow'' (length times width) of a new car declined by 16% and the average weight of a new car declined by 20%. Engineering improvements such as front-wheel drive and computerized fuel injection systems also increased rapidly. Although automakers ''could'' have complied primarily or even exclusively with engineering improvements, there is nothing about the design or enforcement of the CAFE program that discouraged vehicle manufacturers from reducing vehicle size and weight as part of their compliance strategy. This compliance issue is discussed in more detail in my published critique of the ''Bryan bill'' of ten years ago (JD Graham, ''The Safety Risks of Proposed Fuel Economy Legislation,'' Risk: Issues in Health and Safety, vol. 3(2), Spring 1992, pp. 95–126.) If tougher CAFE rules are now applied to light trucks, there is no reason to believe that downsizing and weight reduction will be ignored by automakers (especially since they represent a cost-SAVING compliance strategy.

It should also be noted that the letter by ACEEE touts weight reduction (e.g., through lighter steel materials) as a compliance strategy without acknowledging the safety risks of lighter materials. For example, an SUV may be more likely to rollover if it is constructed with lighter materials, and the driver of a vehicle that crashes into a guardrail is generally safer with more vehicle mass than less vehicle mass (assuming the guardrail is somewhat flexible or penetrable). Heavier vehicles do pose more risk to other motorists in two-vehicle crashes but the government's studies have demonstrated that making small cars heavier will have seven times more safety benefit than making light trucks lighter (and hence less aggressive in two-vehicle crashes).

In summary, any discussion of tighter CAFE standards should include a serious, careful evaluation of the potential safety risks. Although safety risks are important, they should not dictate the final policy choice since they need to be weighted against the benefits of enhanced fuel economy, some of them cited in the ACEEE letter.

Senator Ashcroft, I certainly hope that these thoughts are helpful. If you should use any of these comments in the policy debate, be careful to attribute the comments to me personally rather than to my Center or University. Please do not hesitate to contact me if you or your staff should have any questions or desire any additional information. You may also be interested to know that we have a working group at my Center looking into these issues, exploring new policy approaches that may save both energy and lives. We will certainly keep you in touch as we make progress on this complex regulatory issue.

Sincerely,

JOHN D. GRAHAM, Ph.D.,
*Professor and Director.*

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INSURANCE INSTITUTE FOR HIGHWAY SAFETY,
*Arlington, VA, August 27, 1999.*

Hon. JOHN ASHCROFT,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR ASHCROFT: This is in response to your letter of August 20 requesting information from the Institute about relationships between Corporate Average Fuel Economy (CAFE) standards and vehicle safety.

Although the relationships between CAFE standards and vehicle safety are difficult to quantify precisely, there is no question that the two are related because smaller/lighter vehicles have much higher occupant fatality rates than larger/heavier vehicles. But the safer larger/heavier vehicles consume more fuel, so the more ''safer'' vehicles a manufacturer sells the more difficult it becomes to meet the CAFE standards.

Institute analyses of occupant fatality rates in 1990–95 model passenger vehicles show that cars weighing less than 2,500 pounds had 214 deaths per million registered vehicles per year, almost double the rate of 111 deaths per million for cars weighing 4,000 pounds or more. Among utility vehicles the differences are even more pronounced: Those weighing less than 2,500 pounds had an occupant death rate of 330, more than three times the rate of 101 for utility vehicles weighing 4,000 pounds or more.

It is important to recognize that these differences are due to factors in addition to the greater risks to occupants of lighter vehicles in collisions with heavier ones. Even in single-vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The occupant death rate in single-vehicle crashes of cars weighing less than 2,500 pounds was 83, almost double the rate of 44 for cars weighing 4,000 pounds or more. In the lightest utility vehicles the occupant death rate was 199, again more than three times the rate of 65 for utility vehicles weighing 4,000 pounds or more.

The key question concerning the influence of CAFE standards on occupant safety is the extent to which these standards distort the marketplace by promoting additional sales of lighter, more fuel efficient vehicles that would not occur if CAFE constraints weren't in effect. Because CAFE standards are set for a manufacturer's fleet sales, it seems likely that raising these requirements for cars and/or light trucks would encourage a full-line manufacturer to further subsidize the sale of its smaller/lighter vehicles that have higher fuel economy ratings. This would help meet the new requirements while continuing to meet the marketplace demand for the manufacturer's much more profitable larger/heavier vehicles. Obviously the potential purchasers of the larger/heavier vehicles are unlikely to be influenced to purchase subsidized small/light vehicles, but at the lower ends of the vehicle size/weight spectrum these subsidies likely would produce a shift in sales towards the lightest and least safe vehicles. The net result would be more occupant deaths than would have occurred if the market were not distorted by CAFE standards.

Sincerely,

BRIAN O'NEILL,
*President.*

Mr. ASHCROFT. The 1989 Harvard University/Brookings Institution study determined that the current CAFE standard of 27.5 miles per gallon is responsible for between a 14 and 27 percent increase in the annual traffic deaths, since the new car fleet must be downsized in order to meet stricter standards.

Further, the 1992 National Academy of Sciences study concluded that the downsizing of automobiles due to fuel economy requirements has a direct impact on passenger safety. The study found ''safety and fuel economy are linked because one of the most direct methods manufacturers can use to improve fuel economy is to reduce vehicle size and weight.''

Stunning advances are being made to improve safety in other respects. To give away those advances by imposing lighter and lighter vehicles raises very, very, very serious and troubling questions.

The most troubling conclusion from the study that was conducted by the National Academy of Sciences: ''it may be inevitable that significant increases in fuel economy can occur only with some negative safety consequences.'' The National Academy of Sciences study also said, ''the CAFE approach to achieving automotive fuel economy has defects that are sufficiently grievous to warrant careful reconsideration of the approach.''

The National Academy of Sciences says careful reconsideration of this entire approach ought to be undertaken. If the National Academy of Sciences is suggesting we need to carefully reconsider this approach, I am not sure we ought to be in the business of extending the approach or enlarging that approach. These standards are killing people, yet there are those who want to make the standards even tougher, even more deadly.

Based on experience and the research, increasing CAFE standards to 40 miles per gallon, which is less than the proposal supported by the President and the Vice President, would cause up to about 57,00 deaths a year. At some point, I hope we will get the attention of policymakers and ask ourselves if we really want to sacrifice, on this altar of fuel economy, that many lives a year.

Of course, that is included in this special USA Today report. Mr. President, 46,000 people is equivalent to an entire town, such as Joplin, MO, in my home State. The deaths of 46,000 people would wipe out the entire town of Blue Springs, MO, or all of JOHNSON and Christian Counties in Missouri.

The average gas mileage for passenger vehicles in 1975 was 14 miles per gallon; today it is 20 miles per gallon. That averages 7,700 lost lives for every gallon of increased fuel efficiency. I am not sure 46,000 lives are worth it for improved fuel efficiency.

There are a number of alternatives to lightening vehicles for fuel efficiency. Some of the alternatives are in the process of being developed in the capitals of the automotive industry, whether in Detroit or other sections around the country. They relate to fuel cells. They relate to combination strategies. They relate to large flywheels that capture the momentum of a car as it stops, and as that momentum is captured in the flywheel it is regained as the car is started again. There are many things that are being done.

Some in the automotive industry say if we mandate additional fuel economy standards immediately, the research resources which are supporting the development of these new technologies will have to be shifted back over into weight reduction techniques immediately to meet demands. So instead of moving toward long-term changes in efficiency, we get to the short run,

which loses more lives and impairs our ability to develop the kind of fuel cell technology, the kind of combined energy technologies that result in safer and more efficient cars.

I asked the Insurance Institute for Highway Safety for an opinion on raising CAFE standards and the impact on highway safety. The Institute said: Even in single vehicle crashes, which account for about half of all passenger vehicle occupant deaths, people in lighter vehicles are at greater risk. The letter stated: The more safer vehicles the manufacturer sells, the more difficult it becomes to meet CAFE standards.

The idea of elevated CAFE requirements is at war with the idea of safe occupancy in the automobile. The simple idea or notion that says fatalities have been going down while weight has been going down in cars, therefore it must be safer to be in lighter cars, is a simple notion, but it is an incorrect notion. It ignores the other factors. It ignores factors such as seatbelt use, airbag deployment, divided highways, the kinds of things highway design has done to elevate safety standards.

I make one thing very clear: I am in favor of promoting cleaner air. I believe we must be responsible environmentally. However, there is a level at which we ought to consider the risk to human lives. The reason we want clean air is that dirty air impairs the health and well-being of human beings. So the reasons we are pursuing are the same. We want to save people who might be included in these gruesome statistics of 46,000 people dying. While I want to have cleaner air, I don't think it is necessarily done by putting people on the altar of lighter vehicles and having them lose their lives when we can find other ways of achieving that.

Consumers are not choosing smaller cars. They look at convenience. They look at safety. They look at where their children are going to be riding, and how they will get there. They are buying larger cars. Safety is one of the three main reasons people purchase SUVs. Small cars are only 18 percent of all vehicles on the road, but they account for 37 percent of vehicle deaths. You have to think about that for a moment. That is a startling statistic. Small cars are only 18 percent of the vehicles on the road. Yet they account for 37 percent of the vehicle deaths—or that was the figure in 1997. I doubt if the data has significantly changed.

Some people argue that the reason the small cars are troublesome is because they get into wrecks with bigger cars; they are getting into accidents with SUVs. Frankly, the facts do not support that claim. Based on figures from the National Highway Traffic Safety Board, only 1 percent of all small car deaths involved collisions with mid-size or large SUVs—1 percent. One percent of their accidents, yet their fatality rate is 37 percent; in spite of the fact they are only 18 percent of the cars on the road, 37 percent of all the traffic deaths.

Car-buying experts have said that only 7 percent of new vehicle shoppers say they will consider buying a small car. According to this source, 82 percent who have purchased small cars say they will not buy another.

Safety-conscious consumers—certainly my constituents in Missouri—understand the need for safety and are buying larger vehicles. But now Washington wants to tell residents in my State what kind of car they can buy. Washington wants to increase the level of risk, basically, that will attend driving those cars. The lighter the car, according to the National Academy of Sciences and the National Highway Traffic Safety Board, the higher the risk.

We fight drunk driving. We mandate seatbelt use. We require manufacturers to install airbags. Yet today we are being asked to tell the House we will not accept their policy of providing for Americans the opportunity of choosing cars that are heavy enough to be safer. We want to mandate, somehow, that we take additional pounds out of cars.

I was stunned by the data developed by our own agencies that said if you add 100 pounds, you save 300 lives. I suppose it is not scientifically correct to say if you took 100 pounds out, you would lose 300 lives—maybe you would. You might lose more. I would hate to be the person who had to make up the list of the 300 names, or of the thousand names, or however many names there are, of the lives that would be lost because we refused to adopt an approach which says: We have gone far enough with the Federal mandates on weight reduction and fuel economy. We should allow what is already happening in the automotive industry, a tremendous surge of research and technology, much of it spurred by our own incentives and initiatives, to develop alternative technologies which can provide for the transportation needs that we have with greater efficiency, without putting so many people at risk.

I urge my colleagues to reject this motion, the motion which would instruct the conferees not to accept section 318 of the bill as passed by the House of Representatives.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I yield such time to the distinguished senior Senator from California as she may use.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is a pleasure for me to join the Senator from Washington in this debate. I have just listened to the comments of the distinguished Senator from Missouri. I must say I profoundly differ with them. But let's for a moment say the Senator is correct. Then what is the fear of doing a study to take a look at the safety implications of SUVs and light trucks in single and multicar accidents? If the other side is so sure they are correct, they have nothing to worry about from a study being done. So why the gag order that prevents the Government from looking at this?

I submit to you, Mr. President, in direct debate with the Senator, that as fuel economy standards have gone up, fatality rates per million miles traveled have actually decreased. That decrease is rather large. I wish I had a big chart, but you can kind of see it here. These are the fuel economy on-road miles per gallon going up, and here are the fatality rates to the year 2000 actually going down.

Second, Ford Motor Company, by 2003, will have on the market a hybrid SUV which will get 40 miles per gallon. And Ford says that its 2003 version of its Escape sports utility vehicle will get twice that of other small SUVs, four times that of big ones. This comes from technology, from a hybrid powerplant, a small gasoline engine coupled to an electric motor. This SUV will get 40 miles to the gallon. Let me read a statement by the National Highway Traffic Safety Board:

> Collisions between cars and light trucks account for more than one half of all fatalities in crashes between light duty vehicles. More than 60 percent of all fatalities in light vehicle side impacts occur when the striking vehicle is a light truck. SUVs are nearly three times as likely to kill drivers of other vehicles during collisions than are cars.

According to a study by the National Crash Analysis Center, an organization funded by both the Government and the auto industry:

> Occupants of a SUV are just as likely as occupants of a car to die, once the vehicle is involved in an accident.

The explanation, of course, is that SUVs have high rollover rates; 62 percent of SUV deaths are in rollover accidents, but only 22 percent of car deaths are in rollover accidents. So you cannot say that the SUV/light truck is a safe vehicle, even as a heavier vehicle. The statistics do not support it.

Let me also say that Ford Motor Company itself, which depends on SUVs for much of its profit, has acknowledged that they cause serious safety and environmental problems. Let me quote from the New York Times:

> In its first corporate citizenship report issued at the company's annual shareholders' meeting here, Ford said that the vehicles contributed more than cars to global warming, emitted more smog-causing pollution, and endangered other motorists. The auto maker said that it would keep building them because they provide needed profit, but would seek technological solutions to the problems and look for alternatives to big vehicles.

So here is a major American manufacturer admitting that SUVs are not safer.

Let me finally, on this point, quote a GAO report:

> The unprecedented increase in the proportion of light cars on the road that occurred between 1976 and 1978, and 1986 and 1988, did not have the dire consequences for safety that would be expected if fatality rates were simply a function of car weight. Not only did the total fatality rate decrease, but the fatality rate for small cars, those at the greatest risk, if it is assumed that heavier cars

are inherently safer than lighter cars, also declined sharply.

So why be afraid of the study? If those who say safety is a problem are so sure, let's take a good look at it. Let's have unbiased sources take a look at it.

The reason I feel so strongly is because I do believe that global warming is a real and vital phenomenon; that it is taking place all across the land, and that the largest single thing we can do to reduce global warming is to reduce the emission of carbon dioxide.

By putting the same fuel efficiency standards on SUVs and light trucks as are on sedans, we essentially remove 240 million tons of carbon dioxide each year from the atmosphere.

This year's House Transportation appropriations bill once again contains the provision which prevents this issue from even being considered. This is the seventh consecutive year this gag order has appeared. Why are they so afraid of a study?

If you add to what the Senator from Washington said—and I think he is absolutely correct—that we are witnessing a new phenomenon this year in increasing gasoline prices which have exacerbated our Nation's dependence on OPEC and foreign oil, this policy does not make sense from another viewpoint. It costs the consumer more. Frankly, I am surprised there is this resistance. Since last year's debate, gasoline prices reached $2 per gallon in many parts of my State, and they are approaching $2.50 through much of the Midwest. This should harden our resolve to take a look at the situation.

Today, the United States, with only 4 percent of the world's population, consumes 25 percent of the world's energy. Our CO2 emissions from vehicles alone exceed the total CO2 emissions of carbon dioxide from all but three other countries in the world today.

My State of California is the third largest consumer of gasoline in the world, behind only the United States and Japan and ahead of virtually every other country. So California has a huge stake in this. We use more gasoline than China, Germany, and Russia. The situation is made worse by this loophole. SUVs and light trucks, which are as much passenger vehicles as station wagons and sedans, are only required today to have 20.7 miles per gallon per fleet versus 27.5 miles per gallon for automobiles.

I am an SUV owner. I own three Jeeps. I love my Jeeps, but I do not see why they should not be just as fuel efficient as the sedan we also drive. At today's prices, light truck and SUV owners are spending an additional $25 billion a year at the pump because of this loophole. If SUVs simply achieve the same fuel economy standards as automobiles, consumers would save hundreds of dollars a year and thousands of dollars over the life of a vehicle.

As this chart shows, the typical SUV burns about 861 gallons of fuel each year. The average gasoline price, if it is at $1.50 cents a gallon, costs consumers $1,290 a year. At $2, the cost increases to more than $1,700.

If we simply close this SUV loophole and require these vehicles to meet the same standards as automobiles, SUVs would burn 213 fewer gallons of gasoline a year. That is a savings of 1 million barrels of oil a year, and it is a savings of 240 million tons of carbon dioxide going into the air. It is also a savings for the consumer of $318 each year. At $2, the savings is $420 a year. The real clincher is the pollution argument, and that is, the savings of 240 million tons of CO2 from going into the air and creating a greenhouse effect that warms the Earth.

We also know that raising CAFE standards is the quickest and most single effective step we can take in this direction. I happen to believe global warming is real. I took a day and went to the Scripts Institute of Oceanography in San Diego and had a briefing. What I heard there doubly convinced me it is a real phenomenon.

The weather is getting hotter, and the ten hottest years on record have all occurred since 1986; 1980 to 1999 was the hottest 20-year period ever recorded, and 1998 was the hottest year in recorded history. Yesterday the temperature in San Francisco, a usually very cold city, was 104 degrees.

The Earth's average temperature has risen 1.3 degrees in the last 100 years, and computer models predict an increase of 2 to 6 degrees over the next century. Because of our temperate climate, the increase in the United States will be on the high end of that figure; meaning we will gain about 6 degrees in temperature over the next century.

What does that mean? That means warmer weather in my State will make water even more scarce. It means it will destroy certain agricultural crops. It means it will lead to more frequent and intense Sierra forest fires and serious flooding at certain times of the year.

In normal winters, our water gets stored in snowpacks until the spring when it is needed for drinking and farming, but warmer winters would cause significant amounts of winter precipitation to change from snow to rain, becoming runoff or, worse, floods into low-lying flood-prone areas, such as Sacramento. Drought conditions will worsen in the southern and central valley parts of my State, destroying water-dependent crops, such as rice, cotton, and alfalfa.

According to the Intergovernmental Panel on Climate Change, sea levels could rise 2 feet over the next century, further flooding low-lying areas, and greatly increasing the penetration of salt water into the California delta, the source of drinking water for 22 million people.

That is why I am concerned. It is a legitimate reason to be concerned and it is doubly legitimate if you know something that is doable and can be done with no adverse impact, is, in fact, being done by some manufacturers and foreign manufacturers, and this Congress will not even take a look at what effect it would have on pollution, what effect it would have on safety. It is an ostrich syndrome par excellence.

Mr. President, 117 million Americans live in areas where smog makes the air unsafe to breathe. Asthma of children is on the uptake, and roughly half of this air pollution is caused by cars and trucks.

If we increase fuel efficiency, we consume less gasoline. This decreases smog and air pollutants. Given all these facts, I cannot figure out why anyone would not want to at least study whether CAFE standards should be updated. For 7 years there has been a gag order: Do not even take a look; both sides are certain. Senators GORTON, BRYAN, and myself on one side; Senators ABRAHAM, LEVIN, and ASHCROFT on another. Let's settle it. Let's take a look. Let's have an independent study. Let's see who is right. It does not bother me to do that. I do not understand why it bothers anyone else.

Half of all new vehicles sold in this country are SUVs and light duty trucks, and this is what makes this so compelling. This becomes then a stranglehold on energy efficiency, and it has produced an American fleet with the worst fuel efficiency since 1980. We are going backwards because of it. We are polluting the air more because of it. We are contributing to global warming more because of it.

The United States saves 3 million barrels of oil each day because of the current fuel efficiency standards. Closing the SUV loophole adds 1 million additional barrels. That is a total savings of 4 million barrels of oil each day.

Last year, opponents of our amendment argued that boosting CAFE standards would lead to increased traffic fatalities, layoffs, and higher sticker prices. If our opponents again are so sure of their arguments, what is the harm of allowing the Department of Transportation to study the costs and benefits of higher CAFE standards?

Last year, I listened to some of my colleagues cite their concerns again about traffic safety. Based on what we heard today, I believe it is naive to think that bigger cars are simply safer.

I was going to buy a bigger car not too long ago. I watched the crash tests. I saw this expensive, heavy sedan crumple up like an accordion. I decided not to buy it; it was not safer.

The New York Times recently reported on tests conducted by the National Highway Transportation Safety Administration to demonstrate the propensity of SUVs to roll over. Here is a particularly poignant quote from the article:

> Because it is taller, heavier and more rigid than a car, an SUV or pickup is more than twice as likely to kill the driver of the other vehicle in a collision. Yet partly because these so-called light trucks roll over so often, their occupants have roughly the same chance of dying in a crash.

So not only is an SUV driver more apt to kill someone else, but that same driver is not any safer. I think this should be disturbing to anyone who gets into any moving vehicle.

With regard to job losses in the domestic auto industry, opponents of our amendment fail to offer any empirical evidence. A recent study by the nonpartisan American Council for an Energy Efficient Economy concludes that the consumer savings at the pump would actually translate to a net increase of 244,000 jobs nationwide, with 47,000 of these new jobs occurring in the auto industry. Let me repeat: The projections are, it will not mean a loss of jobs; it will mean a gain of jobs. And that gain of jobs has translated into a net increase of 244,000 jobs nationwide and 47,000 in the auto industry.

I remember when automakers told us they could not make cars safer; they could not meet the original CAFE standards; they could not add seatbelts or catalytic converters; But they did. They said regulations and mandates would drive them out of business, but they did not.

These same arguments have been recycled for decades.

In 1974, a representative for Ford Motor Company testified in front of Congress that the implementation of CAFE standards would lead to a fleet of nothing but sub-Pinto-sized automobiles. Of course, that did not happen. Our Nation's fleet of vehicles are as diverse as ever and probably more diverse. The largest sedans and station wagons today get far better fuel economy than the 1974 Pinto. It is really a tribute both to the industry and to that industry's ingenuity. It is also a tribute to the CAFE or fuel efficiency program.

One of the reasons that, for a while, the American automobile manufacturers lost their cutting edge in the 1970s was their reluctance to do the research and development necessary to build innovative new vehicles. But I am very proud to say that today's car companies are far more efficient and innovative and have the technology to increase the fuel economy of light duty trucks and SUVs to much higher levels than achieved by today's automobiles.

I am disappointed that the automotive companies continue lobbying for this gag order. To me, it is like pushing things back into the 1970s, where the Japanese made all the advances, and the American industry refused to change its models, to move with the times, to put in the research and development that is necessary to build a better automobile. I thought those days were behind us.

What do we have to lose by allowing the Department of Transportation to simply do their job and determine whether it makes sense to increase CAFE standards?

Let me just touch on a couple of the safety fallacies.

Again, in fact, vehicle fatality rates have been cut in half since CAFE standards were introduced. I pointed that out in the beginning. Only by stretches of fallacious logic do opponents contrive higher death rates to the CAFE standards.

Let me give you some of these fallacies:

First, the CAFE standards imply smaller vehicles.

The answer: Higher CAFE is achieved by technology improvement, not by downsizing.

Secondly, that lighter vehicles imply higher fatalities.

The answer: Crashworthiness is determined not by size or weight but by design. Today's compacts are safer than large cars of 20 years ago.

And finally, unbalanced risk assessment.

The answer: Studies based on harm to small-car occupants neglect the risks that larger vehicles impose or inflict on others.

So I am hopeful that because of the increase in fuel prices, because of the added cost to the consumer by the gag order, by the fact that every consumer, if this were to come to pass, would save $318, with an average cost of $1.50, and $504 with a higher cost a year, we can clearly make a showing that a study is necessary at this time.

I thank the Chair and also the Senator from Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the opponents are absent for the time being, discussing what is at least a possible settlement of this matter. As a consequence, I suggest the absence of a quorum and ask unanimous consent the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I yield myself as much time as I might need.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, we are obviously in the midst of an ongoing discussion that has been held on a number of occasions here over the issue of CAFE standards and this motion, obviously, to instruct the Senate conferees to either modify or strike the moratorium on CAFE standards in the House bill.

I rise to speak in opposition to this motion to instruct.

Let me begin, first, by outlining the case against raising corporate fuel economy standards, or CAFE. Then what I would like to discuss is what would actually happen as a matter of law if the CAFE freeze were lifted.

First, increased CAFE requirements would cost American auto workers their jobs.

They put American automobile manufacturers at a competitive disadvantage vis-a-vis foreign manufacturers. Let me explain what I mean by this.

The Federal Government currently mandates that auto manufacturers maintain an average fuel economy of 27.5 miles per gallon for cars and 20.7 miles per gallon for minivans, sport utility vehicles, and light trucks. To meet increased CAFE requirements, automakers must make design and material changes to their vehicles. Those changes cost money. They force American manufacturers to build cars that are smaller, less powerful, less popular to consumers, and, as I will indicate in a moment and as several of the preceding speakers have noted, less safe.

In 1992, the National Academy of Sciences found that raising CAFE requirements to 35 miles per gallon would increase the average vehicle's cost by about $2,500. Japanese automakers have escaped these costs because sky high gasoline prices in their home markets forced them to make smaller, lighter cars years ago. Increased CAFE requirements will continue to favor Japanese automakers, and that means they will continue to place an uneven burden on American automobile workers.

The American auto industry accounts for one in seven U.S. jobs. Steel, transportation, electronics, literally dozens of industries employing thousands upon thousands of Americans depend on the health of our auto industry. It is not just people in Michigan or people in Ohio; it is people across our Nation whose livelihoods are linked to the success of the American automobile manufacturing industry.

In their letter of June 7, the United Auto Workers wrote:

> * * * further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

In a June 9 letter, the International Brotherhood of Teamsters writes: The CAFE program has not helped manufacturers reduce U.S. consumption of gasoline.

> Instead, it has created competitive disadvantages for the very companies that provide job opportunities for millions of Americans.

I ask unanimous consent the full text of these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,

*Washington, DC, June 7, 2000.*

DEAR SENATOR: When the Senate considers the FY 2001 Transportation Appropriations bill, we understand that amendments may be offered, including the Gorton-Feinstein-Bryan clean car resolution, to eliminate or

modify the current moratorium on increases in the fuel economy standards for autos and trucks (commonly known as CAFE, the Corporate Average Fuel Economy standards). The UAW strongly opposes such amendments and urges you to vote against them.

The UAW supported the CAFE standards when they were originally enacted. We believe these standards have helped to improve the fuel economy achieved by motor vehicles (which has doubled since 1974). This improvement in fuel economy has saved money for consumers and reduced oil consumption by our nation.

However, for a number of reasons the UAW believes it would be unwise to increase the fuel economy standards at this time. First, any increase in the CAFE standard for sport utility vehicles (SUVs) and light trucks would have a disproportionately negative impact on the Big Three automakers because their fleets contain a much higher percentage of these vehicles than other manufacturers. Second, any increases in CAFE standards for cars or trucks would also discriminate against full line producers like the Big Three automakers because their fleets contain a higher percentage of full size automobiles and larger SUVs and light trucks. The current fuel economy standards are based on a flat miles per gallon number, rather than a percentage increase formula, and are therefore more difficult to achieve for full line producers. Taking these two factors together, the net result is that further increases in CAFE could lead to the loss of thousands of jobs at automotive plants across this country that are associated with the production of SUVs, light trucks and full size automobiles.

The UAW believes that additional gains in fuel economy can and should be achieved through the cooperative research and development programs currently being undertaken by the U.S. government and the Big Three automakers in the ''Partnership for a New Generation of Vehicles'' (PNGV). This approach can help to produce the breakthrough technologies that will achieve significant advances in fuel economy, without the adverse jobs impact that could be created by further increases in CAFE standards. PNGV is working. This spring, PNGV achieved one of its major goals with the introduction of a supercar concept by each of the Big Three automakers.

Accordingly, the UAW urges you to oppose any amendments that seek to eliminate or modify the current freeze on increases in motor vehicle fuel economy standards. Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
*Legislative Director.*

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INTERNATIONAL BROTHERHOOD OF TEAMSTERS—AFL–CIO
*Washington, DC, June 9, 2000.*

DEAR SENATOR: The United States Senate may soon be asked to vote on a provision that currently prevents the Department of Transportation from increasing the Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks. Opponents of this provision argue that higher standards will benefit consumers and help the U.S. reduce oil imports and gasoline consumption. We disagree, and urge you to vote against any amendments to eliminate or modify the current moratorium on these standards.

Many observers feel CAFE is a case of good intentions gone awry. The law's original purpose was to improve automotive fuel economy, and in so doing, cut our nation's dependence on foreign oil. Unfortunately, although fuel economy for cars and trucks has risen substantially over the past 25 years, our reliance on imported oil has not declined. In fact, our nation's dependence on imported oil has risen to more than 55 percent today from 35 percent in 1975 when the law was passed. By any measure, CAFE has not delivered the benefits it promised.

Even worse, CAFE produces serious side effects when it comes to American jobs. Rather than creating a level playing field for all manufacturers, the CAFE system has actually worked against U.S. manufacturers and autoworkers. The law gives small car manufacturers a competitive advantage. Of course, these manufacturers are primarily foreign-based, and they import many of the cars and light trucks that they sell. In addition, this situation has provided an incentive for the Asian automakers to enter the midsize and large car market segments at the expense of the traditional U.S. auto companies.

Domestic autoworkers need to be able to build the larger cars and trucks American consumers want. Today, American consumers are demanding the safety and utility of trucks, including vans, mini-vans, sport utility vehicles and pick-ups—a market in which U.S.-based manufacturers and autoworkers produce eight out of ten vehicles. Increases in light truck CAFE standards would erode the dominant position of U.S. manufacturers and autoworkers in this market segment. It would also adversely affect the jobs of Teamsters, who transport materials, components and finished vehicles across the country.

Increasing vehicle fuel economy is a laudable goal. But the CAFE program has not helped manufacturers achieve that objective, and it has not reduced U.S. consumption of gasoline. Instead, it has created competitive disadvantages for the very companies that provide job opportunities for millions of Americans. Consequently, we respectfully urge you to oppose any amendment to strike or modify the current moratorium on increasing CAFE standards for light trucks.

Sincerely,

MICHAEL E. MATHIS,
*Director, Government Affairs Department.*

Mr. ABRAHAM. In addition, raising CAFE standards will cost lives. On the issue of vehicle safety, for a number of years, the Federal Government has taken the lead in mandating additional safety features on automobiles in an attempt to reduce the number of lives lost in auto accidents. How ironic to learn that Federal CAFE requirements have been costing lives all this time.

The Competitive Enterprise Institute estimates that between 2,700 and 4,500 drivers and passengers die every year as a result of CAFE-induced auto downsizing. Last year, USA Today, in a special section devoted to the issue of CAFE standards and auto safety, calculated CAFE's cumulative death toll at 46,000 lives. Even the National Highway Traffic and Safety Administration, which runs the CAFE program, has recognized the deadly effects of CAFE standards. In its publication ''Small Car Safety in the 1980s,'' NHTSA explains that smaller cars are less crash worthy than large ones, even in single-vehicle accidents. Small cars have twice the death rate of drivers and passengers in crashes as larger cars, and smaller light trucks will mean even more fatalities. These trucks and SUVs have higher centers of gravity and so they are more prone to rollovers. If SUV and truck weights are reduced, thousands more will die.

On the safety issue, two additional items: First of all, it is true that since CAFE standards came into effect, the overall death rates on our roads have gotten better. However, this fails to note some pretty significant information. We have had safety belts and airbags, a variety of other safety devices included and, in some cases, mandated for usage in automobiles and other vehicles. Our roads have gotten better. For all these reasons, the overall cumulative effect in terms of safety has been better over the last 25 years. But the studies that have specifically focused on the impact of CAFE standards, the impact of lighter vehicles, the impact of less crash-resistant vehicles has shown that the problem in terms of CAFE is not to make cars and vehicles more safe but to make them less so. That is the bottom line.

Moreover, in relationship to SUVs in particular, these are vehicles that are more crash prone. Therefore, the notion of making them less safe as a product of a CAFE reform effort would be a strike at the heart of the safety of the American motorist.

In addition, increased CAFE standards reduce consumer choice. CAFE averages are determined by the buying pattern of the American public. U.S. automakers are challenged by the current CAFE standards because the American consumer has demonstrated time and again a preference for minivans and SUVs, even though alternatives that are more fuel efficient are readily available. We don't need Government mandates to force automakers to produce fuel-efficient cars. If consumers want vehicles which get better gas mileage no matter what the cost of gasoline, they have a wide choice of vehicles from which to choose.

If, as the supporters of new CAFE standards contend, consumers crave more fuel-efficient vehicles, then more small cars and vehicles would be purchased. It is supply and demand. Yet despite a variety of choices for fuel-efficient vehicles which get as much as 40 to 50 miles per gallon, these vehicles account for less than 1 percent of total vehicle sales. Why? The answer is simple: The public demands the convenience of vehicles with a larger carrying capacity and vehicles that are safer. These vehicles, minivans, and SUVs are the class of vehicle that will be eliminated should new CAFE standards be enacted, and the livelihood of the thousands of Americans employed in the production of such vehicles will be threatened.

The Americans Farm Bureau writes:

> Full size pickups are the tools of the agricultural trade and they do, indeed, haul everything from bales of hay to farm equipment to livestock feed on an every day basis. Higher CAFE standards would almost inevitably lead to less powerful engines and weaker frames and suspension or even the elimination of some full size truck models.

We should continue to let the market, not the Government, choose the

types of vehicles produced by American automobile manufacturers. Consumers will suffer if their choices are narrowed. Automakers and their employees will suffer if they are forced to make cars the public simply does not want.

Again, on the choice issue, this is precisely what happened when the CAFE standards were first adopted. In a statement before the Consumer Subcommittee of the Senate Commerce Committee, Dr. Marina Whitman of General Motors noted:

> In 1982, we were forced to close two assembly plants which had been fully converted to produce our new highly fuel efficient compact and mid-size cars. The cost of the conversions was $130 million. But the plants were closed because demands for those cars did not develop during the period of sharply declining gasoline prices.

Our automakers simply cannot afford to pay the fines imposed on them if they fail to reach CAFE standards or to build cars that Americans won't buy. In either case, the real victims are American workers and American consumers. Proponents of CAFE argue that it will reduce U.S. dependence on foreign oil and gasoline consumption. Since the program was enacted 25 years ago, the U.S. fleet average fuel economy has more than doubled. However, U.S. oil imports have risen from 36 percent to over 50 percent, and gasoline consumption has increased during that very same timeframe.

Thus raising CAFE will not reduce our dependency on foreign oil, but it will reduce job opportunities, consumer choice, and the automobile safety we presently enjoy.

Mr. President, let me explain why the entire CAFE issue itself is almost obsolete. In just a few years, American automobile workers, working individually as well as through partnerships with Government, academia, and suppliers, will be bringing to the market advanced fuel-efficient technologies—cars powered by electric, hybrid electric, clean burn, and fuel cell engines, and other promising new technologies. Toyota became the first manufacturer to mass produce a hybrid electric passenger car, the Prius, which will be on sale in the U.S. later this year. Several companies, such as Volkswagon, are already selling vehicles that utilize advanced technology to achieve 40 to 50 percent greater fuel efficiency than conventional gasoline-powered vehicles without sacrificing performance.

American automobile manufacturers are close behind. They continue to invest almost $1 billion every year in research to develop more fuel-efficient vehicles, and those efforts will soon bear fruit. In fact, just today, GM announced it will offer a fuel-efficient SUV capable of handling ethanol-based fuel. As we heard from previous speakers, the Ford Motor Company is in the process of bringing forth vehicles which will be hybrid fuel efficient within just a few years.

Clearly, there already exists fierce competition among automakers to market more fuel-efficient vehicles. So why should we even consider turning to the punitive and disruptive methods of Federal mandates through CAFE standards to increase fuel efficiency for American vehicles. This is going to happen, Mr. President. The market will drive it, and it will be done in the most efficient fashion if we allow the companies to do what they are already in the process of accomplishing, instead of grabbing control in Washington and once again dictating through a bureaucracy the way America ought to do business.

Since 1993, the Partnership for a New Generation of Vehicles has brought together Government agencies and the auto industry to conduct joint research, research that is making significant progress that will breach the gap to real world applications after 2000. By enhancing research cooperation, PNGV is helping our auto industry develop vehicles more easily recyclable, have lower emissions, and can achieve up to triple the fuel efficiency of today's mid-size family sedans—all this while producing cars that retain performance, utility, safety, and economy.

Mr. President, we are making solid progress—progress toward making vehicles that achieve greater fuel economy without sacrificing the qualities consumers demand or the safety we should all expect, progress that will render CAFE requirements obsolete.

Mr. President, I want to address the contention that lifting the CAFE freeze will simply allow the Department of Transportation to study the need to raise CAFE standards. Of course, that sounds rather benign on its face, and a study alone is something we do often around here. But the way the rules and the law are currently set up, that is simply not the case. As a matter of law, lifting the freeze will lead to higher CAFE standards on sports utility vehicles and light trucks. Public Law 94–163, the Energy Policy and Conservation Act of 1975, requires the Department of Transportation to set CAFE standards each year at—get this, Mr. President—the maximum feasible average fuel economy level.

The Secretary is not authorized to just study CAFE. The Secretary must act by regulation to set new CAFE standards each year. The last year prior to the CAFE freeze—1994—the administration began rulemaking on new CAFE standards. DOT's April 6, 1994, proposal referenced feasible higher CAFE levels for trucks of 15 to 35 percent above the current standard. Since 1995, Congress has refused to allow DOT to unilaterally increase the standards, as it has in the past.

We have recognized that it is our duty as legislators to make policy in this important area of economic and environmental concern. I believe that very strongly. I think it ought to be the Congress that steps up to the responsibility of making these kinds of determinations, which have such overriding and such pervasive impact on the economy of virtually every one of the 50 States.

Now, however, the proposal before us would move us back in the direction of delegating these critical economic decisions to the bureaucracy, the Department of Transportation. The automobile industry is a critical component of our overall economy. Indeed, the future of our economic growth depends on the continued health of the automobile manufacturing sector. That is why I believe that we in Congress should make the policy decisions related to CAFE, not regulators at the Department of Transportation, or anywhere else.

In summary, raising CAFE standards for light trucks and SUVs will cost American jobs. It will undermine our automobile industry's global competitiveness. It will compromise passenger safety. It will reduce consumer choice, and it will not reduce America's dependence on foreign oil sources. Nor, in my judgment, as I think some of our colleagues who will soon be speaking will indicate, will it make that much of an impact with respect to fuel efficiency. Therefore, I urge my colleagues to vote against this motion to instruct the conferees to strike the CAFE freeze provision.

I yield the floor and withhold the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, if the Senator from Michigan wants to speak, I will not ask for a quorum call.

Mr. LEVIN. I am prepared to go.

Mr. GORTON. The Senator may go ahead.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the CAFE law, which the House of Representatives very properly has kept on the shelf—is a bill with many flaws. I am just going to focus briefly on a couple of those flaws.

First, the CAFE law, as it is written, and which would be put back into force, does not allow for the consideration of some very highly relevant factors that should be considered in the regulatory process. One of these is safety. Senator ASHCROFT—and I believe Senator ABRAHAM—have also made reference to analyses of losses of life that have resulted from lighter vehicles.

There has been a study and analysis, which has been referred to at some length, by USA Today which shows that 46,000 people have died because of the CAFE law who otherwise would not have died. I want to read very briefly from this article:

> . . . in the 24 years since a landmark law to conserve fuel, big cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars.

This is according to the USA Today's analysis of crash data since 1975, when

the Energy Policy and Conservation Act was passed.

The Energy Policy and Conservation Act and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon versus 14 in 1975. But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

These figures can be disputed, although this is a very lengthy and very objective analysis in the USA Today of July 2, 1999.

I ask unanimous consent that this article be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A USA TODAY analysis of previously unpublished fatality statistics discovers that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

Californian James Braggs, who helps other people buy cars, knows he'll squirm when his daughter turns 16.

''She's going to want a little Chevy Cavalier or something. I'd rather take the same 10 to 12 thousand bucks and put it into a 3-year-old (full-size Mercury) Grand Marquis, for safety.

''I want to go to her high school graduation, not her funeral.''

Hundreds of people are killed in small-car wrecks each year who would survive in just slightly bigger, heavier vehicles, government and insurance industry research shows.

More broadly, in the 24 years since a landmark law to conserve fuel, big cars have shrunk to less-safe sizes and small cars have poured onto roads. As a result, 46,000 people have died in crashes they would have survived in bigger, heavier cars, according to USA TODAY's analysis of crash data since 1975, when the Energy Policy and Conservation Act was passed. The law and the corporate average fuel economy (CAFE) standards it imposed have improved fuel efficiency. The average of passenger vehicles on U.S. roads is 20 miles per gallon vs. 14 mpg in 1975.

But the cost has been roughly 7,700 deaths for every mile per gallon gained, the analysis shows.

Small cars—those no bigger or heavier than Chevrolet Cavalier or Dodge Neon—comprise 18% of all vehicles on the road, according to an analysis of R.L. Polk registration data. Yet they accounted for 37% of vehicle deaths in 1997—12,144 people—according to latest available government figures. That's about twice the death rate in big cars, such as Dodge Intrepid, Chevrolet Impala, Ford Crown Victoria.

''We have a small-car problem. If you want to solve the safety puzzle, get rid of small cars,'' says Brian O'Neill, president of the Insurance Institute for Highway Safety. The institute, supported by auto insurers, crash-tests more vehicles, more violently, than all but the federal government.

Little cars have big disadvantages in crashes. They have less space to absorb crash forces. The less the car absorbs, the more the people inside have to.

And small cars don't have the weight to protect themselves in crashes with other vehicles. When a small car and a larger one collide, the bigger car stops abruptly; that's bad enough. But the little one slams to a stop, then instantly and violently accelerates backward as the heavier car's momentum powers into it. People inside the lighter car experience body-smashing levels of force in two directions, first as their car stops moving forward, then as it reverses. In the heavier car, bodies are subjected to less-destructive deceleration and no ''bounce-back.''

The regulations don't mandate small cars. But small, lightweight vehicles that can perform satisfactorily using low-power, fuel-efficient engines are the only affordable way automakers have found to meet the CAFE (pronounced ka-FE) standards.

Some automakers acknowledge the danger. ''A small car, even with the best engineering available—physics says a large car will win,'' says Jack Collins, Nissan's U.S. marketing chief.

Tellingly, most small-car crash deaths involve only small cars—56% in 1997, from the latest government data. They run into something else, such as a tree, or into one another.

In contrast, just 1% of small-car deaths—136 people—occurred in crashes with midsize or big sport-utility vehicles in '97, according to statistics from the National Highway Traffic Safety Administration, the agency that enforces safety and fuel-efficiency rules. NHTSA does not routinely publish that information. It performed special data calculations at USA TODAY's request.

Champions of small cars like to point out that even when the SUV threat is unmasked, other big trucks remain a nemesis. NHTSA data shows, however, that while crashes with pickups, vans and commercial trucks accounted for 28% of small-car deaths in '97, such crashes also accounted for 36% of large-car deaths.

Others argue that small cars attract young, inexperienced drivers. There's some truth there, but not enough to explain small cars' out-of-proportion deaths. About 36% of small-car drivers involved in fatal crashes in 1997 were younger than 25; and 25% of the drivers of all vehicles involved in fatal wrecks were that age, according to NHTSA data.

GAS SHORTAGE WORRIES

U.S. motorists have flirted with small cars for years, attracted, in small numbers, to nimble handling, high fuel economy and low prices that make them the only new cars some people can afford.

''Small cars fit best into some consumers' pocketbooks and driveways,'' says Clarence Ditlow, head of the Center for Auto Safety, a consumer-activist organization in Washington.

Engineer and construction manager Kirk Sandvoss of Springfield, Ohio, who helped two family members shop for subcompacts recently, says that's all the car needed.

''We built three houses with a VW bug and a utility trailer. We made more trips to the lumber yard than a guy with a pickup truck would, but we got by. Small cars will always be around.''

But small cars have an erratic history in the USA. They made the mainstream only when the nation panicked over fuel shortages and high prices starting in 1973. The 1975 energy act and fuel efficiency standards were the government response to that panic. Under current CAFE standards, the fuel economy of all new cars an automaker sells in the USA must average at least 27.5 mpg. New light trucks—pickups, vans and sport-utility vehicles—must average 20.7 mpg. Automakers who fall short are fined. In return, ''CAFE has an almost lethal effect on auto safety,'' says Rep. Joe Knollenberg, R–Mich., who sides with the anti-CAFE sentiments of his home-state auto industry. Each year, starting with fiscal 1996, he has successfully inserted language into spending authorization bills that prohibits using federal transportation money to tighten fuel standards.

Even if small cars were safe, there are reasons to wonder about fuel-economy rules:

Questionable results.—CAFE and its small cars have not reduced overall U.S. gasoline and diesel fuel consumption as hoped. A strong economy and growing population have increased consumption. The U.S. imports more oil now than when the standards were imposed.

Irrelevance.—Emerging fuel technologies could make the original intent obsolete, not only by making it easier to recover oil from remote places, but also by converting plentiful fuels, such as natural gas, into clean-burning, competitively priced fuel. And new technology is making bigger, safer cars more fuel efficient. The full-size Dodge Intrepid, with V–6 engine, automatic transmission, air conditioning and power accessories, hits the average 27.5 mpg.

''Improved fuel economy doesn't necessarily mean lighter, inherently less-safe vehicles,'' says Robert Shelton, associate administrator of NHTSA.

Cost—Developing and marketing small cars siphons billions of dollars from the auto industry. Small cars don't cost automakers much less to design, develop and manufacture than bigger, more-profitable vehicles. But U.S. buyers won't pay much for small cars, often demanding rebates that wipe out the $500 to $1,000 profit.

Consumers pay, too. Though small cars cost less, they also depreciate faster, so are worth relatively less at trade-in time. And collision insurance is more expensive. State Farm, the biggest auto insurer, charges small-car owners 10% to 45% more than average for collision and damage coverage. Owners of big cars and SUVs get discounts up to 45%. ''It's based on experience,'' spokesman Dave Hurst says.

CAFE has been ''a bad mistake, one really bad mistake. It didn't meet any of the goals, and it distorted the hell out of the (new-car) market,'' says Jim Johnston, fellow at the American Enterprise Institute in Washington and retired General Motors vice president who lobbied against the 1975 law.

HERE TO STAY

CAFE is resilient, although concern over its effect on small-car safety is neither new nor narrow.

A 1992 report by the National Research Council, an arm of the National Academy of Sciences, says that while better fuel economy generally is good, ''the undesirable attributes of the CAFE system are significant,'' and CAFE deserves reconsideration.

A NHTSA study completed in 1995 notes: ''During the past 18 years, the Office of Technology Assessment of the United States Congress, the National Safety Council, the Brookings Institution, the Insurance Institute for Highway Safety, the General Motors Research Laboratories and the National Academy of Sciences all agreed that reductions in the size and weight of passenger cars pose a safety threat.''

Yet there's no serious move to kill CAFE standards.

Automakers can't lobby too loudly for fear of branding their small cars unsafe, inviting negative publicity and lawsuits. And Congress doesn't want to offend certain factions by appearing too cavalier about fuel economy. Nor, understandably, does it want to acknowledge its law has been deadly.

''I'm concerned about those statistics about small cars, but I don't think we should blame that on the CAFE standards,'' says Rep. Henry Waxman, D-Calif., who supported CAFE and remains a proponent.

Pressure, in fact, is for tougher standards.

Thirty-one senators, mainly Democrats, signed a letter earlier this year urging President Clinton to back higher CAFE standards.

And environmental lobbyists favor small cars as a way to inhibit global warming.

Although federal anti-pollution regulations require that big cars emit no more pollution per mile than small cars, environmental activists seize on this: Small engines typical of small cars burn less fuel, so they emit less carbon dioxide.

Carbon dioxide, or CO{-2}, is a naturally occurring gas that's not considered a pollutant by the Environmental Protection Agency, which regulates auto pollution.

But those worried about global warming say CO{-2} is a culprit and should be regulated via tougher CAFE rules.

Activists especially fume that trucks, though used like cars, have a more lenient CAFE requirement, resulting in more CO{-2}.

''People would be much safer in bigger cars. In fact, they'd be very safe in Ford Excursions,'' says Jim Motavalli, editor of E: The Environmental Magazine, referring to a large sport-utility vehicle Ford Motor plans to introduce in September. ''But are we all supposed to drive around in tanks? You'd be creating that much more global-warming gas. I demonize sport utilities,'' says Motavalli, also a car enthusiast and author of the upcoming book Forward Drive: The Race to Build the Car of the Future. Not all scientists agree that CO{-2} causes global warming or that warming is occurring.

SEEKING ALTERNATIVES

Worldwide, the market is big enough to keep small cars in business, despite the meager U.S. small-car market of 2 million a year. Outside the USA, roads are narrow and gas is $5 a gallon, so Europeans buy 5 million small cars a year; Asians, 2.6 million.

Automakers are working on lightweight bigger cars that could use small engines, fuel-cell electric vehicles and diesel-electric hybrid power plants that could run big cars using little fuel.

But marketable U.S. versions are five, or more likely 10, years off. That's assuming development continues, breakthroughs occur and air-pollution rules aren't tightened so much they eliminate diesels.

Even those dreamboats won't resolve the conflict between fuel economy and safety. Their light weight means they'll have the same sudden-stop and bounce-back problems as small cars. Improved safety belts and air bags that could help have not been developed.

IIHS researchers Adrian Lund and Janella Chapline reported at the Society of Automotive Engineers' convention in Detroit in March that it would be safer to get rid of the smallest vehicles, not the largest.

Drawing on crash research from eight countries, Lund and Chapline predicted that if all cars and trucks weighing less than 2,500 pounds were replaced by slightly larger ones weighing 2,500 to 2,600 pounds, there would be ''nearly 3% fewer fatalities, or an estimated savings of more than 700 lives'' a year. That's like trading a 1989 Honda Civic, which weighs 2,000 pounds, for a '99 Civic, at 2,500 pounds.

Conversely, the researchers conclude, eliminating the largest cars, SUVs and pickups, and putting their occupants into the next-size-smaller cars, SUVs and pickups would kill about 300 more people a year.

MARKET SKEPTICISM

U.S. consumers, culturally prejudiced in favor of bigness, aren't generally interested in small cars these days:

Car-buying expert Bragg—author of Car Buyer's and Leaser's Negotiating Bible—says few customers even ask about small cars.

Small-car sales are half what they were in their mid-'80s heyday. Just 7% of new-vehicle shoppers say they'll consider a small car, according to a 1999 study by California-based auto industry consultant AutoPacific. That would cut small-car sales in half. Those who have small cars want out: 82% won't buy another.

To Bragg, the reasons are obvious: ''People need a back seat that holds more than a six-pack and a pizza. And, there's the safety issue.''

That hits home with Tennessee dad George Poe. He want car shopping with teen-age daughter Bethanie recently and, at her insistence, came home with a 1999 Honda Civic.

''If it would have been entirely up to me, I'd have put her into a used Volvo or, thinking strictly as a parent, a Humvee.''

Mr. LEVIN. Mr. President, I have heard already one speaker contest some of the facts that are set forth in the USA Today article. But it seems to me that, at a minimum, it is relevant to discuss the question of safety, to study the question of safety, to look at whether or not there are additional traffic deaths that result from lighter cars. Surely, at a minimum, any law which seeks to regulate in this area should look at the kind of analysis which has been done-which shows 46,000 people have died.

Now, I am not an expert in this area. I don't know if 46,000 people have died or not. I do know that serious objective analysis by serious objective people have reached that conclusion and the CAFE law, which would be triggered into effect unless this freeze is continued, as the House of Representatives proposes, doesn't allow for consideration of safety.

It seems to me that any regulatory process should look at all of the costs and all of the benefits before we regulate. But when we look at the CAFE laws that would be put back into effect unless the position of the House of Representatives is adopted, they require that at least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation—this isn't optional, this is mandatory—shall prescribe by regulation a standard which shall be the maximum feasible average fuel economy level that the manufacturers can achieve in that model year.

None of the four or five factors listed in the law that should be considered on decisions on maximum feasible average fuel economy has to do with safety. It seems to me that kind of a narrow approach, which is just focused on some of the factors which should go into the regulatory process, is not the kind of approach which a proper regulatory process should adopt.

I emphasize that the CAFE law isn't a study. This is a mandate.

No. 1, every year there must be a decision by the Department of Transportation as to the maximum feasible average fuel economy level for the model year, and it is mandatory.

No. 2, it does not provide for consideration of highly relevant factors.

I have no problem myself with a study that looks at all the relevant factors. Quite the opposite. I think it is perfectly appropriate, provided we don't prejudge the outcome of the study and lift the freeze before we find out what the outcome of the study is. I don't have any problem with a study that looks at all of the factors objectively and then makes a recommendation.

I have plenty of problems with telling any agency of this Government that, based on a restricted list of relevant factors, they should mandate something every year on the automobile manufacturers. That excludes this current law. This CAFE law excludes highly relevant factors that should be considered.

That is point No. 1.

At the top of the list of considerations is the question of safety.

In addition to that, we have in this law which, in my judgment, unfairly discriminates against the U.S. automobile industry. That includes both the manufacturers and the people who manufacture parts.

I would like to give one example of what I mean.

Take two vehicles. These are two sport utility vehicles—the GM Sierra and Toyota Tundra. Both of these vehicles are about the same weight. One of them is slightly more fuel efficient than the other; that is, the GM Sierra. But the way the CAFE law is designed it has absolutely no impact on the imports. It has a huge impact on domestic manufacturers.

Because of the way the CAFE law is written, even though the GM vehicle is slightly more fuel efficient than the Toyota vehicle, Toyota can sell 309,000 of those Tundras without any penalty. GM can't sell one of its vehicles without a penalty.

It seems to me that this kind of disparate impact has to be looked at. No study worth its salt, and no study that is worthy of being called objective or fair, could ignore the disparate impact which the CAFE law has added. If it is put back into effect, it will continue to have a discriminatory effect on the American automobile manufacturers because of the way it is designed. It doesn't look at each vehicle weight class. Instead, it looks at the manufacturer and its total fleet.

The result is that you have some manufacturers producing vehicles no more efficient than other manufacturers that have absolutely no effective limit on what they can sell—you have the other manufacturers—and it is the American manufacturer—that are discriminatorily impacted because of the nature of their fleet. The American-made vehicles are just as fuel efficient, or perhaps slightly more fuel efficient. Yet they have to pay the price in terms of loss of market share. They have to pay a penalty. They have no room to sell vehicles the same weight as the imports can sell with no effective limits whatsoever.

People can give the arguments on the other side of this issue. That is fair enough. But the problem is—if I am right, and I believe I am right—that the discriminatory impact on the

ican manufacturers and parts producers cannot be taken into consideration as part of the annual CAFE imposition. That is not on the list of things that go into the definition of ''feasible average fuel economy'' because the Secretary is told that he or she must prescribe the ''maximum feasible average fuel economy,'' and then defines it in such a way that it excludes the discriminatory impact of the CAFE law on American manufacturers.

The CAFE law is flawed in many ways. It has some very negative consequences, in my judgment, and in the judgment of others in terms of safety, loss of life and discriminatory impact on American automobile manufacturers and parts producers.

One other thing: Not only do the imports have this huge amount of room to sell their heavy vehicles while General Motors, using this particular analysis, cannot sell any without penalty, but they can also bank so-called ''credits'' under the CAFE law. Because they can bank credits—again, we are comparing vehicles that are the same weight where the GM vehicle is slightly more fuel efficient—then because of the way in which the law is designed, Toyota could sell 1.6 million of those vehicles without any penalty; General Motors, none.

This is the original 309,000 that I made reference to, and these are the addition of so-called ''banked credits.''

There are many discriminatory, disparate, and, I hope, unintended consequences of CAFE. But I wasn't here in the early seventies when this law was drafted. I can only say I hope the consequences which I described are unintended.

The better approach to this entire issue, it seems to me, is for Government and the private sector to cooperate in a partnership for a new generation of vehicles. That is what is now underway. That partnership is producing some extraordinarily positive results.

That research approach-that voluntary cooperative partnership- harnesses the ingenuity and the energy of business, partially funded with the Government, to achieve the policy goal which we all want—which is more fuel-efficient cars, and cars that are also safer. And we don't want at the same time to unfairly damage the American automobile industry.

How much time does this Senator have left on his 15 minutes?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. LEVIN. The better alternative for increasing SUV and light truck fuel economy from both an environmental and equity perspective is aggressive investment in fuel efficiency research projects. The Partnership for a New Generation of Vehicles, PNGV, provides an example of the pay-off from programs that harness the energy and ingenuity of government and business to achieve this policy goal.

The goal of PNGV is to improve national manufacturing competitiveness, implement technologies that increase the fuel efficiency of and improve emissions for conventional vehicles, and develop technologies for a new class of vehicles with up to 80 mpg without sacrificing the affordability, utility, safety, and comfort of today's midsize family sedans.

For the five years that this program has existed (it is currently in its sixth year), the average annual government contribution has been about $250 million per year. The average annual private sector contribution by the Big Three has been in excess of $900 million per year.

PNGV fuel-efficient technologies, such as lightweight materials, advanced batteries, and fuel cell and hybrid electric propulsion systems, are already appearing on experimental concept vehicles shown by automakers at recent auto shows.

Under PNGV, U.S. automakers will have production-ready prototypes by 2004. Some of the technology from this aggressive research will be transferable to the light duty truck fleet.

I urge Members to vote against this resolution.

I yield the floor.

Mr. GORTON. I yield such time as the distinguished Senator from Nevada, Mr. BRYAN, desires.

Mr. BRYAN. 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. BRYAN. 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. BRYAN. Mr. President, I realize this debate has raged on for some period of time this afternoon. I will simply make a couple of points in support of the motion to instruct conferees.

Fuel economy affects Americans in a very practical way. We have seen in recent weeks the escalating prices of gasoline, prices that have caused Americans who come to the gas station real sticker shock. These are some of the numbers we have seen: $1.54 a gallon on the east coast; in my own part of the country, $1.59. Those numbers appear to be going up.

The effect of this is to require American families who are dependent upon automobiles for transportation—that is most of the people who live in a western State, such as my own in Nevada —to have less spendable income for other family needs and requirements. If it is possible to reduce the amount of money they spend by increasing fuel economy—that is, getting more miles to the gallon—it makes sense for every family, not only in my own State, but across the Nation.

We are proposing lifting the gag rule, to strip the blindfold off, to unplug our ears, and simply allow the Department of Transportation to examine the technology of the past 25 years—because it has been 25 years since we have applied new fuel economy standards in America—and see if we can't get better fuel economy and still leave a full range of vehicle choice to American consumers.

I find it hard to believe that is not a win-win for everyone. It is a win for the consumer. It is a win for the American automobile industry. It is a win for the economy. Not only do we get better fuel economy and save costs for the American motorist, but we can also help to reduce our dependence on foreign oil.

We are held vulnerable and hostage to a certain extent. We see that every time OPEC tweaks up or tweaks down the production quotas with an instantaneous response in the market. That is what has happened with respect to these increases.

OPEC recognizes how vulnerable we are. We import 54 percent of the oil consumed in this country; 40 percent of that is attributable to the automotive sector. OPEC knows, because of our dependence on imported oil, if they can get their own act together to impose some production restraints, they reduce their production, the cost to the consumer who is filling up his or her car with gasoline is going up. If we can be a little less vulnerable by reducing the amounts of oil we import, won't that be a good thing?

That is precisely what occurred in the 1970s. We were vulnerable then, as we are now, to events that occurred. We had the embargo, the fall of the Shah of Iran, and our economy was sent into a tailspin. Indeed, economically, the 1970s were a very difficult time for our country, as people who lived during that era will recall.

By passing the CAFE legislation of 1975, we reduced the amount of oil we consumed each and every day by some 3 million barrels. We are suggesting fuel economy standards are beginning to decline.

If one looks at the recent numbers, one will see that after two decades of progress, fuel economy averages are declining. In 1975, we got less than 14 miles per gallon on average. That peaked during 1988, 1999, and it has declined. The reason it is declining is that Americans are choosing to purchase trucks and sport utility vehicles. That is their choice. Light trucks and sport utility vehicles make up nearly 50 percent of the market.

Shouldn't we be able to look at the technology of the last 25 years and apply that and see if we might not get fuel economy that would make it possible for Americans to drive light trucks, sport utility vehicles, and get better fuel economy? Is there anything wrong with that? I am hard pressed to come up with an argument in opposition to that.

Here is what we have. From the time I was a child, I have been infatuated with the automobile. I have shared on this floor on many occasions the excitement I experienced as a youngster each new model year, going down to

the local dealership, peering in the dealership, and wondering what that year's model was going to be.

If I have been improvident in terms of my expenditures, probably in no area is that more evident than I have loved automobiles. I have purchased them, and I love them. So I do not speak as a Senator who has an antipathy to the automobile. I love my cars. I am very dependent, and I recognize most Americans are as well.

I say with great respect that this is an industry that has almost a Pavlovian response when it comes to suggestions that technology ought to be applied to improved fuel efficiency or some aspect of technology. The auto industry had fought us for decades on airbags. I am privileged to join the distinguished Senator from Washington on this issue. He and I were instrumental in the conference of the reauthorization of the highway bill a decade ago to get that legislation requiring airbags. Today, many Americans survive auto accidents, and of those who have had injuries, their injuries are much less than might have been expected but for airbags.

The industry resisted catalytic converters and the industry resisted tenaciously in the 1970s this legislation that we called Corporate Average Fuel Economy.

I realize that is ancient history, but is it? One gets a sense of deja vu on the floor when one listens to the arguments against even permitting the examination of new CAFE requirements. The motion to strike simply deletes reference to a rider that has been added to the Transportation appropriations bill each and every year since 1995 that says that the Department of Transportation may not consider moving forward on new fuel economy standards.

The sponsors of this action do not seek to establish a numerical standard but simply to say let the Department of Transportation examine the technology and see if a new standard could be imposed that would enable us to apply technology, reduce the number of gallons of gas we need to operate our vehicles, save consumers money, reduce our dependence on imported oil, and also to clean up our air.

These are public policy issues. One is reducing our dependence on foreign oil. Another is reducing the trade imbalance, which every economist will tell you is a point of vulnerability in an economy which has extraordinarily performed in 112 consecutive months of economic expansion—without precedent in American history. But continued trade deficits of this magnitude are a problem. About a third of those trade deficits are attributable to the amount of oil we import. We could reduce our dependency.

There is not an American city of any size that is not concerned about air pollution. Most scientists will tell you, whether or not they have fully subscribed to the global warming theory, that it is not a good thing for us to continue to pump as much carbon dioxide into the atmosphere as we are. With better fuel economy, we would reduce those emissions as well.

What is the response? Unfortunately, the industry has chosen to invoke scare tactics. In farm country they are telling America's farmers they may not be able to get and use a pickup truck. For those recreationists who tow vehicles, whether they are boats or horse trailers, they are saying they may no longer be able to participate in this particular avocation—whether it is boating or horseback riding—because we are not going to be able to build a vehicle that will pull a trailer, that will allow them to transport their boat to the lake, or their horse to an event where they want to race or show that horse.

They are telling others it will be impossible for us to produce the sport utility vehicles that they love, whether they love them for comfort, convenience, or to get out on the back trails of America and do a little off-road driving. They will not be able to do that as well.

Does this sound familiar? Those arguments, cast in the context of the 1970s, were the arguments that were advanced by the auto industry then. I must say, if the past is prologue, this would be a classic example.

In the testimony on the CAFE legislation in 1974, the Ford Motor Company testified as follows, referring to CAFE, which would have and did ultimately double the fuel economy that automobiles get, from less than 14 to more than 27 miles per gallon, in a decade.

> This proposal would require a Ford product line consisting of either all sub-Pinto-sized vehicles—

Ford's smallest vehicle in the 1970s—

> or some mix of vehicles ranging from a sub-sub-compact to perhaps a Maverick.

That was a small vehicle as well, slightly larger than the Pinto. That was 1974. All one need do is change the words ''sub-Pinto-sized and Maverick,'' and add in there ''light trucks and sport utility vehicles,'' that we would not be able to offer those if this proposal were advanced, and we would have the contemporary argument, the argument that is made in the year 2000.

Chrysler Motors said:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact-size cars. . . .

Does the resonance sound familiar to any of us? It was a pretty familiar line of argument.

And General Motors said:

> This legislation would have the effect of placing restrictions on the availability of 5- and 6-passenger cars.

Nobody wanted that. Those were all tactics that the industry employed to frighten the American public. I am sure none of the sponsors, in 1974—and I was not a Member of this body—intended to deprive Americans of vehicle choice. I do not think anybody had in mind to prevent American families from purchasing station wagons or four-door, full-size, six-passenger sedans. I can assure you, the distinguished Senator from California, Mrs. FEINSTEIN, and the distinguished Senator from Washington, Mr. GORTON, we do not. We do not preclude or attempt to preclude it. In fact, some of us own sport utility vehicles and we want the element of choice. All we are saying is please give us an opportunity to look at the technology that would be available. Those owners of those sport utility vehicles, if we could get 4 or 5 or 10 miles per gallon more, would pay a lot less when they go to fill up at the gas pump.

I say to my colleagues, whether you believe there is a precise number you can achieve, in terms of increased fuel economy—and some have indicated we could double that once again—or whether you believe improvements more incremental and modest are possible, under the current legislation, it will be impossible for us to do so because of a rider that restrains our ability to do so. That simply does not make much sense.

So all we are asking for is an opportunity for the Department of Transportation to examine that technology. One would have to be a neo-Luddite to believe that in 25 years, a quarter of a century in which more technology advancements have occurred than in any 25 years of recorded history, of recorded civilization, that somehow the auto industry is not able to take advantage of some of those technology improvements.

So we simply ask for this opportunity. I hope my colleagues will support our position. I know as I speak, there are some discussions occurring off the floor that may lead to a compromise. I hope such a compromise will be possible. But it is a compromise that ought to let the technology, not the politics of scare and fright, dictate what a public policy for America ought to be. If we can improve that, and reduce the cost that motorists have to use their cars for work or recreation, if we can make America less dependent on imported oil, if we can ease the balance of payments that creates a potential threat to future economic expansion, if we can reduce the amount of carbon dioxide that goes into the atmosphere, would that not be a good thing? Wouldn't Americans—Democrats, Republicans, Independents, libertarians—embrace that concept? Wouldn't the far left and the far right move to the political center and say, yes, that makes sense?

I believe it is possible. All we seek is the opportunity to let American technology try. I suppose, if I have a quarrel with my friends in the auto industry, it is that they have less confidence than I do in themselves and their ability. Let me say, what they did from 1975 to 1987 was extraordinary. They doubled fuel economy—doubled it. And they doubled it at the same time they provided a full range of vehicle choice.

By the early 1990s, the largest automobile built by the Ford Motor Company—the largest automobile—got better fuel economy than the smallest Ford automobile produced in 1975, the little Pinto. That is something about which to rejoice. I say congratulations.

I am proud as an American that that kind of technology was possible, and I simply say to an industry that in 1974 believed it could accomplish nothing: Have confidence in yourself. Let all of those entrepreneurial juices flow, and we know, when given a chance, American industry produces technological marvels that are the envy of the world; give us that chance. That is what we ask of our colleagues.

I reserve the remainder of my time, as we are working on negotiations. How much time remains on each side?

The PRESIDING OFFICER. Senator GORTON has 15 minutes; the opponents have 38 minutes.

Mr. BRYAN. I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I have only a relatively short period of time left. The distinguished Senator from New Jersey, Mr. LAUTENBERG, is coming to speak on our side of this issue, so I will make only one or two points briefly.

I listened with great interest to each of the opponents to my motion. It seems to me, as was the case a year ago, that they emphasized overwhelmingly the impact of new fuel efficiency standards on automobile safety. In fact, those arguments would have been entirely persuasive if this were a proposal requiring lighter automobiles and small trucks. It, of course, is not. It is a proposal to allow a study of whether or not corporate fuel economy standards should be increased.

My view, and that of my distinguished colleagues from California and Nevada, is that this can be accomplished without downsizing automobiles or small trucks. Interestingly enough, many of the comments on the part of the opponents to our motion in effect said so, that great technical strides have been made in this connection, strides that we encourage.

But I simply want to make it clear that the goal of the proponents of this motion is to end the prohibition against even studying whether or not we should improve these fuel efficiency standards. To that end, there have been very serious negotiations in the course of the last hour or so among members of the contending parties, and it is at least possible we will be able to reach an agreement that will be approved on the part of all of those who have debated this issue here today.

I have every hope that that is the case because it will allow us to go forward with studies but will see to it that Congress plays the significant role—that it is playing right here today—in being permitted or required to take action before any new fuel efficiency standards become the law of the land.

With that, Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise to support the Gorton-Feinstein motion to instruct. This states that the House CAFE freeze rider ought not to be accepted by the Senate in conference.

When CAFE standards were first passed in the late 1970s, light trucks made up only 20 percent of the market. Back then, light trucks were used mainly for hauling. They did not often travel through congested urban and suburban areas. But all that has changed.

Today, light trucks—the category that includes SUVs and minivans—represent half of all vehicles sold. They produce 47 percent more global warming pollution than do cars. Each light truck goes through an average of 702 gallons of gas per year. That compares to 492 gallons per year for cars. Goodness knows what is happening now as we look at these prices, recognizing that our consumption of fuel is way above what it had been, importing more from what at times are very unfriendly sources. We are just on a consumption kick that is affecting our way of life but particularly our environment. I will talk more about that in a minute.

Even with the tremendous increase in the number of SUVs, the Senate continues to accept the House's CAFE freeze rider. By the way, just as a note of explanation, CAFE refers to the gas consumed and the emissions by the vehicles about which we are talking. We are talking about CAFE standards; that is, to try to have the amount of fuel consumed reduced and to try to reduce the emissions that are affecting our environment and the quality of our air.

The result of the House's CAFE freeze has meant serious consequences for American families' pocketbooks, jobs, and the environment. There is a myth floating around that CAFE standards hurt the American family. The truth is, sensible CAFE standards helps our families. It is a simple concept. If your car or your SUV uses less gas, you save money and you do less harm to the environment in which your families live. Between 1975 and 1980, when the fuel economy of cars doubled, consumers with fuel-efficient cars saved $3,000 over the lifetime of the car. That translated into $30 billion of savings in America for families to spend on items other than gas.

Jobs are also an important part of this discussion. The opposition keeps insisting that CAFE standards are going to hurt employment, particularly in the auto industry. A study by the American Council for an Energy Efficient Economy says that money saved at the gas pump and reinvested throughout the economy would create a quarter of a million jobs, 244,000 in this country, including 47,000 in the auto industry.

Another benefit of CAFE standards is in fighting the most daunting environmental challenge of our time: global warming. Passenger cars, SUVs, and light trucks accounted for 18 percent of U.S. greenhouse gas emissions in 1998. It is a major contributor to the problem of global warming. A recent National Academy of Sciences study finds that global warming trends are undoubtedly real. In December, a British Meteorological Office study said that 1999 was the fifth warmest year on record and that 7 of the hottest 10 years on record occurred in the 1990s. That tells us something. It tells us we ought to get our heads out of the sand and do something about it. That 10 years in the 1990s was the hottest decade of the millennium, also this winter.

I traveled to the South Pole in January because I wanted to see what we were doing about trying to protect ourselves against negative environmental change. When you see this beautiful ice continent and recognize the contribution it makes to the entire global environment and you hear the water rushing off as the ice melts—a condition that is not supposed to exist; it is supposed to stay hard ice; 70 percent of the world's fresh water supply is stored in the ice there—it is a very bad sign.

If we look at our families and our world, we say: What is happening? If that continues to mix with the saline, it is a terrible and ominous sign to which we should pay attention.

In Australia, a continent thousands of miles away from Antarctica, the Australians pride themselves in recreational water sports, things of that nature. Children going to the beach in Australia today have to wear hats. They have to wear full-body bathing suits because of the high incidence of skin cancer. Australia today has the highest incidence of skin cancer of any advanced country in the world. It is a terrible tragedy; it has such grim warnings attached to that.

We still are not paying proper attention. This winter, two gigantic icebergs, collectively about two-thirds the size of New Jersey—one the size of

Rhode Island and another the size of Delaware—broke off from Antarctica. One day we are going to see an iceberg the size of the State of Texas. Then everybody is going to say: Woe be unto us. Why didn't we pay attention when our environment was deteriorating literally in front of our eyes? Why didn't we pay attention when it was predicted that water levels would rise, that temperatures would rise, that a place like New York City could almost have tropical type weather?

We just saw that in a report the other day. When are we going to pay attention to the alarm we hear sounding off day after day? We choose to ignore that threat and say: Go on, spend it, use those big vehicles and burn as much gas as you want and issue as much contamination as you want. It is our problem, and it is our responsibility.

Scientists project a rise in sea level of 4 to 12 inches on the mid-Atlantic coast in the next 30 years—not 100 years, not 50 years, 30 years away. My little grandchildren who were in the gallery today will be 35 years of age. That is hardly old. That is when it looks as if we will be experiencing the worst of what ignoring the consequences of this process will mean.

Scientists also tell us higher seas will lead to greater storm surges, more coastal damage, even from relatively modest storms.

CAFE is essential for fighting this danger. A recent analysis shows that CAFE standards could be raised to over 40 miles per gallon for new cars and light trucks by 2010. This would result in emissions reductions of 396 million metric tons of carbon dioxide below business-as-usual projections, which is 6 percent of our current emissions.

I don't like to get into those kinds of astronomical figures because they don't always mean much. When we think of 396 million metric tons of carbon dioxide, that is a lot. But when we think of the poor air quality days, where it is hard for those who are elderly to go out and conduct normal travel and normal exercise, normal living, it makes it difficult for them to breathe and be as active as they like. We have few other opportunities for attacking global warming as dramatically and as cost-effectively as controlling auto fuel efficiency.

I urge my colleagues to think about this problem, to be able to say to their constituents: Yes, we are concerned. We want you to have the comfort. We want you to be able to have the cars you prefer to drive. You are spending your hard-earned money. But let's make them as efficient as we can.

It is something our geniuses in the automobile industry—and they are geniuses; they have built an incredible population of vehicles and conveniences—can make better. We have seen all kinds of samples of that. If we encourage them and know that everybody is going to be in the same competitive bind or competitive environment, they will do it.

I ask our colleagues to vote in favor of the Gorton-Feinstein motion. We have few other opportunities for attacking global warming as dramatically and as cost-efficiently as controlling auto fuel efficiency.

I will take a minute more, and I ask that my colleague from Louisiana be just a little more patient. I beat her to the microphone. That is what happens. It wasn't a foot race, but it was just a coincidence of circumstances.

Since I have been in the Senate 18 years, many wonderful things have happened. I have seen the benefit of things we have done legislatively have an impact on folks back home. Whether it is no smoking in airplanes or mentoring programs or drug control programs in public housing or computers in schools—I come out of the computer industry—all have a direct effect.

The health programs we have and the education programs have been terrific. Today, I was personally rewarded by an expression of friendship and appreciation, led by Senator SHELBY from Alabama. He is my colleague, a Republican. He used to be a Democrat. We are still friends, even though his party affiliation changed. He did something today that both shocked and humbled me. He asked that a new facility being built in New Jersey, a railroad terminal, a railroad station, where all of the railroads in New Jersey—and we have a lot of rail passenger lines—come together so that people can choose an option for going to New York City or for going to Newark Airport or for going to the beach for recreation or commuting between cities in New Jersey—he asked it be named for me, and I am, indeed, grateful. I was surprised, nevertheless flattered.

Comments by Senator BYRD and Senators JOHN KERRY, CHRIS DODD, BARBARA MIKULSKI, and TOM DASCHLE were all laudatory. I was pleased to have two of my children and grandchildren in the balcony. It was a coincidence because they live a distance away, in the State of Florida. They were here to see their grandfather. One of my grandchildren, who is 5 years old, said, ''Are they doing anything down there?'' I said, ''Perhaps you would not notice it, but they are.'' So they were here to see it. It was a happy moment for me and my family. I am grateful to my colleagues who voted for it. There was no objection when it was offered.

While I will miss this place, I will leave it with so many fond memories of opportunities to serve that are rewarded in much more specific ways than having a naming process attached to it. No one has ever exemplified that more thoroughly and more deeply than has Senator ROBERT BYRD, who sits in the Chamber at this moment, who is always talking about the nobility of the service we perform here, about the opportunity we have to give something back, showing our appreciation for being in this country, for being in this democracy, for being able to be in the position that we are to do the things we do.

So I am grateful. With that, I know I will make the Senator from Louisiana grateful by yielding the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me say to my colleague from New Jersey how much we are going to miss his service and his leadership. I know several of my colleagues spoke earlier today on naming the train station after him. It was very appropriate; he has been such a leader in the area of transportation, particularly mass transportation, particularly in regard to how those transportation methods affect our environment. I was happy to join my colleagues today in doing that. I have really enjoyed working with him in my time here. I thank the Senator for the great service he has rendered to Louisiana. He has been a good friend to us when we have come to this floor and to meetings about things important to our State and our region of the country.

Mrs. BOXER. Mr. President, I want to commend my colleague from California for offering this motion. The motion instructs the Senate conferees to the Transportation Appropriations bill to reject the anti-environment CAFE rider.

This anti-environment rider has been included in the Transportation bill for the past four years. The rider prohibits the Transportation Department from even looking at the need to raise the nearly decade old CAFE standards.

The existing standards have saved more than 3 million barrels of oil per day. We know that raising the CAFE standards is possible and would save more oil. For example, requiring sport utility vehicles (SUVs) and other light trucks to meet the same standard that applies to passenger cars would save approximately 1 million barrels of oil per day.

Because SUVs are coming to dominate the new car market, we must make this change. But under the CAFE rider, the Transportation Department can't even think about it. They can't even study it.

Instead of moving forward to raise CAFE standards, what do some want to do to relieve our dependence on foreign oil? Some propose opening the California coasts to offshore oil drilling. Others propose opening up the Arctic National Wildlife Refuge to drilling.

Why put our natural heritage at risk when we know we could save oil by making modest changes to CAFE standards?

It's good energy policy and good environmental policy.

Mr. President, raising CAFE standards is one critical step toward restoring sanity to our energy policy. In addition to this step, I have been advocating several other proposals.

First, we need to invest more in energy efficiency and renewable energy. Over the past five years, Congress has appropriate 22 percent less than requested by the President for energy efficiency and renewable energy.

Second, we need vigorous enforcement of the anti-trust laws on oil companies. For several years I have been concerned about the practices of the oil companies on the West Coast and in my State of California. Several times I have called on the FTC to investigate possible anti-trust violations.

Just this week, the government began investigating the dramatic jump in gasoline prices in the midwest. There is apparently no external justification for these huge price spikes.

Third, we should place a moratorium on oil company mergers. By definition, mergers mean less competition and less competition means higher prices.

Fourth, we should prohibit the export of Alaska North Slope crude oil. The GAO reported that the lifting of the ban in 1995 increased the price of crude oil by about a dollar per barrel.

I hope that my colleagues will join with me in supporting this CAFE motion. It is good energy policy and good environmental policy.

Mr. BURNS. Mr. President, thank you for the opportunity to address an issue today that means an awful lot to Montanans. That issue is the very right to have access to a choice of cars and trucks that will meet the rigorous needs of rural life. I don't know how many of those listening today have driven in Montana, but it is a much different story than driving in more densely populated states. CAFE standards have a huge effect on Montanans in a lot of different ways that many people here today would not understand.

Today, some of my colleagues have cited statistics about the impact of large vehicles harming occupants of smaller vehicles. This is extremely unfortunate, but large vehicles are not a luxury. For many of us they are a necessity. Just as 18 wheeled diesel trucks keep our country's goods moving on our interstate system, large vehicles are a necessity to keep our rural economies alive. Hauling a heifer to market just is not feasible in a Geo Metro.

Now, in the Washington, D.C. area, there are many more small, economical cars on the road than there are in Havre, Montana. But, I have to remind you that in Montana we have winter for a large part of the year. A long, cold winter with plenty of snow and ice. It is the kind of weather that makes 4-wheel drive a life saving device. When you are driving your family down the road in the middle of December and the weather is miserable and cold, you want to be confident you will all be safe. This generally means a sturdy vehicle with four-wheel drive. It'll help you stay on the road, which is important considering it could be a very long time before you see anyone else, and the nearest town could be 80 miles away. If you are unfortunate enough to slide off of a two-lane road in the black of night it is nice to know your family will be protected. This is the reality in parts of Montana, as hard as it is for some of my colleagues in the Senate to imagine.

Similarly, when you live in an area of Montana that is geographically isolated, and there are very few that are not, you need to be prepared to buy more than one bag of groceries at a time. Maybe you need to buy a month's worth of groceries, and feed for the animals, and fence posts, any other odds and ends you might need and bring them all home at the same time. How you will fit that all into a little car is a mystery. You'd better leave the kids home, that's for sure

Besides that fact that stricter CAFE standards could hurt rural Montanans and the general safety issues that concern me, I think there is more at stake here. We are basically telling consumers that they have no right to choose the car they want to drive. This isn't right. In recent years, the American automobile industry has made great strides in developing better cars in every possible way. On the whole, our cars are becoming safer, and cleaner than ever before. This ingenuity is what makes American industry great.

We have done a good job of making sure the manufacture of automobiles is consistent with the environmental goals we want to reach. But to step aside and allow federal regulators to enact a blanket policy that punishes those people who use large vehicles as a necessity of every day life, and stifle the right to choice for rural consumers, is the wrong approach.

Mr. FEINGOLD. I support the Senate motion to instruct the Conferees on fuel economy standards. This issue has been controversial in my state, and I believe its effect on automobile fuel economy standards is not well understood.

My vote today is about Congress getting out of the way and letting a federal agency meet the requirements of federal law originally imposed by Congress. I support this motion because I am concerned that Congress has for more than 5 years blocked the National Highway Traffic Safety Administration (NHTSA), part of the federal Department of Transportation (DOT), from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards by legislative rider since Fiscal Year 1996. The motion instructs the Conferees not recede to Section 318 of the House bill.

As I made clear last year, I have made no determination about what fuel economy standards should be. NHTSA is not required under the law to increase fuel economy standards, but it is required to examine on a regular basis whether there is a need for changes to fuel economy standards. NHTSA has the authority to set new standards for a given model year taking into account several factors: technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, and the need to conserve energy. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. After NHTSA makes a recommendation, if it does so, I will then consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested Wisconsin citizens about their perspectives on NHTSA's recommendation.

However, just as the outcome of NHTSA's assessment should not be prejudged, the language of the House rider certainly should not have so blatantly pre-judged and precluded any new objective assessment of fuel economy standards. Section 318 of the House bill, identical to last year's language, states:

> None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

The House language effectively prevents NHTSA from collecting any information about the impact of changing the fuel economy standards in any way. Under the House language, not only would NHTSA be prohibited from collecting information or developing standards to raise fuel economy standards, it couldn't collect information or develop standards to lower them either. The House language assumes that NHTSA has a particular agenda, that NHTSA will recommend standards which can't be achieved without serious impacts, and uses an appropriations bill to circumvent the law's requirements to evaluate fuel efficiency and maintain the current standards again for another fiscal year. I cannot support retaining this rider in the law.

The NHTSA should be allowed to provide Congress with information about whether fuel efficiency improvements are possible and advisable. Congress needs to understand whether or not improvements in fuel economy can and should be made using existing technologies. Congress should also know which emerging technologies may have the potential to improve fuel economy. Congress also needs to know that if improvements are technically feasible, what is the appropriate time frame in which to make such changes in order to avoid harm to our auto sector employment. I don't believe that Congress should confuse our role as policymakers with our obligation to appropriate funds. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

I deeply respect the views of those who are concerned that a change in fuel economy would threaten the economic prosperity of Wisconsin's automobile industry. I have heard strongly

from my state that a sharp increase in fuel economy standards, implemented in the very near term, will have serious consequences. I want to avoid consequences that will unduly burden Wisconsin workers and their employers. In the end, I would like to see that Wisconsin consumers have a wide range of new automobiles, SUVs, and trucks available to them that are as fuel efficient as can be achieved while balancing energy concerns with technological and economic impacts. That balancing is required by the law. I fully expect NHTSA to proceed with the intent to fully consider all those factors.

In supporting this motion, I take the position that the agency responsible for collecting information about fuel economy be allowed to do its job, in order to help me do my job. I expect them to be fair and neutral in that process and I will work with interested Wisconsinites to ensure that their views are represented and the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. KERRY. Mr. President, I ask unanimous consent that the distinguished minority whip be permitted to proceed for a unanimous consent and that I then be accorded the floor immediately following.

Mr. MCCAIN. For how long?

The PRESIDING OFFICER. For 4 minutes.

Mr. MCCAIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding an agreement is worked out so we do not need a vote.

Mr. GORTON. That is correct. We are prepared to implement that agreement now, if we have permission.

Mr. REID. We have a unanimous consent agreement that has been worked on all day that is now ready to be entered, next week.

Mr. GORTON. That is also correct.

Mr. REID. Could we proceed with either one of the two unanimous consent agreements?

Mr. GORTON. With the permission of the Senator from Massachusetts.

Mr. KERRY. Mr. President, it may be my remarks will be shorter. If they take a brief period of time, I am happy to let that go forward, with the understanding that I will have the floor immediately after.

Mr. REID. I say to my friend from Massachusetts that people literally have been waiting all day. We need something on the record indicating there will be no votes.

Mr. KERRY. I am happy to accommodate my colleagues. It will probably be shorter if they start and do it rather than talk about doing it.

MOTION TO INSTRUCT CONFEREES, AS MODIFIED

Mr. GORTON. Mr. President, I have at the desk a revised motion to instruct the conferees on the Transportation appropriations bill. I ask unanimous consent it be in order to consider it and it be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I ask unanimous consent the reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

I move that conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) be instructed, and are hereby instructed, to accept section 318 of the bill as passed by the House of Representatives, but to authorize the Department of Transportation, pursuant to a study by the National Academy of Sciences in conjunction with the DOT, to recommend, but not to promulgate without approval by a Joint Resolution of Congress, appropriate corporate average fuel efficiency standards;

Provided, however, that any such study shall include not only those considerations outlined in 49 USC section 32902(F) but also the impact of any such proposal on motor vehicle safety, any disparate impact on the U.S. automotive sector, and the effect on U.S. employment in the automotive and related sectors, and any other factors deemed relevant by the National Academy of Sciences or the committee of conference.

The National Academy of Sciences shall complete its study no later than July 1, 2001, and shall submit the study to Congress and the Department of Transportation.

Mr. GORTON. Mr. President, essentially we have had a debate over the refusal to allow anybody in the Transportation appropriations bill to be used to study, propose, or promulgate new corporate average fuel economy standards. The proponents of the original instruction have stated they did not wish for the Department of Transportation to be authorized to promulgate any such new rules without the consent of Congress or without another vote in Congress but that they felt it inappropriate to prevent studying what technology now permits us to do with respect to such standards.

This revision simply allows the House provision to go into effect with respect to the old 1975 law. However, it also tells the conferees to authorize a study by the National Academy of Sciences in conjunction with the Department of Transportation that by July 1 of next year will recommend but will not promulgate, without approval by a joint resolution of Congress, appropriate corporate average fuel economy standards.

It also expressly states that they shall consider safety—which was a major part of the debate here—and the impact on the automobile and manufacturing business in the United States.

It will last only, of course, for the fiscal year 2001 because this is an appropriations bill, but we hope by that time we will have something that we can debate that will be real in nature rather than just theoretical.

I ask unanimous consent my motion be considered a motion for me, for my distinguished colleague from Nevada, Mr. BRYAN; the Senator from California, Mrs. FEINSTEIN; and the three Members who have debated against this, both Senators from Michigan, and the Senator from Missouri, Mr. ASHCROFT.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to be clear that this language instructs the conferees to accept section 318 in the House bill. Those are the words in this motion.

In addition, one of the specific factors in the study we look at is ''the disparate impact, if any, on the U.S. automotive sector.'' Then it issues the words, ''and any other factors deemed relevant by the National Academy of Sciences or the committee of conference.''

My question to the Senator from Washington is whether or not in his judgment the fairly lengthy list of factors which are relevant to this question, which are set forth in Senate bill 2685, a bill which was introduced, I believe, by Senators ASHCROFT and ABRAHAM, myself, and a number of others, whether in his judgment those factors would be included as being relevant in any study?

Mr. GORTON. Mr. President, I answer my friend from Michigan that I believe the widest range of considerations should be a part of this study, including, of course, those that the Senator from Michigan has set forth, and for that matter anything else the National Academy of Sciences considers to be relevant.

Mr. LEVIN. And the answer specifically is what?

Mr. GORTON. The answer to the question was yes.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. REID. Mr. President, I have the floor. I have imposed upon my friend from Massachusetts. This was supposed to be just a brief dialog while we entered a unanimous consent request. He only requested 4 minutes and he has yielded to get this done. We have now taken 8 or 9 minutes. I don't think that is fair.

Mr. ABRAHAM. I ask unanimous consent following the statement of the Senator from Massachusetts, after his 4 minutes, we then return to consideration of the motion to instruct, and that I be permitted to speak at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I wonder if we could enter the unanimous consent request?

Mr. LEVIN. Has this motion been adopted?

The PRESIDING OFFICER. No motion has been adopted.

Mr. LEVIN. I suggest this motion be agreed to if there is no further debate.

Mr. ABRAHAM. I object.

Mr. LEVIN. And the speech of the Senator from Michigan, relative to the motion, be inserted prior to adoption of the motion.

Mr. BRYAN. I ask my colleague to suspend. We have run into a couple of

potential language issues that I need a couple of minutes to explore. I can assure my colleague it is not my purpose to delay, but there are some language changes here that we need to check out.

The PRESIDING OFFICER. The Senator from Massachusetts has the right to reclaim the floor.

Mr. KERRY. Mr. President, I had a feeling my 4 minutes was going to be shorter than their 4 minutes. But here is what I am willing to do. I want to try to accommodate my colleagues. I think it is important. I know how important these critical moments are. You want to try to make it work when you can.

Mr. REID. Will the Senator yield?

Mr. KERRY. I yield to the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I know we want to move as quickly as possible to the digital signature, e-signature legislation. Obviously, we have to finish the action on the proposed motion to instruct. My comment on the proposal submitted by the Senator from Washington is that I think it moves in a very positive direction.

I have introduced legislation in the Senate for the past several Congresses, attempting to establish what I consider to be a more appropriate way of considering issues related to corporate average fuel economy. Specifically, I feel the current considerations are not broad enough. We do not take into account—as I indicated in my speech earlier today—the impact on employment in the United States and, more specifically, in the automotive industry. We do not take into account safety; we do not take into account similar factors that matter to the people I represent.

The proposal is to have a study conducted by the National Academy of Sciences that would look specifically at those considerations, as well as many others that the Academy or the conference committee would recommend—as the Senator from Washington indicated in the colloquy with my colleague from Michigan—and other criteria that we have included in legislation that I have introduced in this and previous Congresses.

The other thing which I have always felt is relevant to this process is how the role of Congress should be enhanced. I mentioned this earlier today in my remarks. I believe something as directly significant to the economy of the United States as the automobile industry, and specifically the CAFE standards' impact on that industry, are issues that Congress ought to have an ultimate role in addressing. I am happy the provisions here would subject any changes—at least in this fiscal year—to the approval of Congress by a joint resolution. I think that makes a lot of sense, because that would put the elected officials of this country—not the unelected bureaucrats of this country—in the position of making the significant determinations that will impact our economy.

For both those reasons I think this approach makes sense for this fiscal year. It keeps intact the freeze which we have had in recent years, so there will not be an increase or change in corporate average fuel economy standard generated through the process that has existed under United States Code. But at the same time, it does provide those who wanted a study the opportunity to have one conducted by the National Academy of Sciences. It also gives Congress a much more direct role in any changes that might occur during the upcoming year. And it does, I think, acknowledge the very important criteria beyond simply the question of appropriate levels of fuel economy—criteria like safety, criteria like employment. Criteria that relate to our economy would also be taken into consideration.

So I believe this makes sense as now submitted to this body. I hope we can quickly act on it.

The PRESIDING OFFICER. The question is on agreeing to the motion, as modified.

The motion, as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. SHELBY, Mr. DOMENICI, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. LAUTENBERG, Mr. BYRD, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. INOUYE conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Nevada had a question about the duration of the motion that was just agreed to. It probably would have been better to have stated that it expires on September 30, 2001, as does the entire bill on that date. I know he wished my assurance and the assurance of the people on the other side, Senator LEVIN, that it is our intention, and we will make that clear in any final conference committee report that this is a 1-fiscal-year provision only and that the entire provision expires at the end of fiscal year 2001.

Mr. BRYAN. Mr. President, I thank the Senator for his comments. To be sure, we are saying the entire provision, as I understand the observation of the Senator from Washington, all the language incorporated in this motion will expire September 30, 2001.

Mr. GORTON. The Senator is correct.

Mr. BRYAN. May I ask the Senator one other question?

Mr. GORTON. Certainly.

Mr. BRYAN. There was some discussion about the use of the words ''recommend'' and ''proposed.'' Can the Senator state his intention with respect to that language?

Mr. GORTON. The Senator from Michigan asked we use ''recommend'' rather than ''proposed.'' I think it is a distinction without a difference. The operative language here is nothing can go into effect unless Congress has approved it. Whether it comes in the form of a recommendation from the Department of Transportation or proposal from the Department of Transportation, Congress has to approve it.

Mr. LEVIN. Will the Senator yield?

Mr. BRYAN. I will be happy to yield to the Senator from Michigan.

Mr. LEVIN. Perhaps our recollection is different, but I am not sure it makes a major difference. My recollection is in the original draft of this motion, the Senator from Washington had used the word ''recommend.'' I may be wrong on this, but this is my recollection, which I have shared with my good friend from Nevada so we are all straight with each other, as we always are.

The word at some point was changed to ''proposed,'' and then a number of us on this side of the issue urged the word ''recommend'' be used instead of ''proposed'' to avoid any implication that this was a proposed rulemaking. That was the reason that word did have some relevance. There is no intention here that there be a proposed rulemaking which be authorized in any way by this motion. The word ''proposed'' could create an implication which was unintended, whereas the word ''recommend'' does not have that implication.

That was my recollection. If I am wrong on that, then I certainly want my friend from Nevada to know historically that was my recollection, and that is what I represented to him.

Mr. BRYAN. I appreciate the explanation of the Senator from Michigan. I say with great respect, I believe and I recall—and I may be in error as well—that the language ''proposed'' was originally offered by my friend from Michigan. I know he has a different recollection, and we are not, obviously, going to resolve it. I know he has been acting in good faith, and I know he knows I have been asking in good faith.

Mr. LEVIN. That question, of whether the words ''recommend'' or ''proposed,'' in any event, was explicitly discussed among all of us who were involved in this revised motion, and it was important to those of us who opposed the original motion that the word ''recommend'' be used for the reason I just gave.

If the recollection of the Senator from Washington is the word ''proposed'' originally was made by me, if in fact that is true, so be it. That is not my recollection. Nonetheless, it did become an issue in discussion whether the word be ''proposed'' or ''recommend,'' and it became important to those of us opposing the motion that the word ''recommend'' be used to avoid that implication which everybody said was not intended.

Mr. GORTON. In one minor respect, the senior Senator from Michigan is in error. My own handwritten first draft said ''proposed.'' I simply acceded to the recommendation of the Senator from Michigan that we use the word ''recommend.''

Clearly, what we are speaking about is the promulgation of a rule, and nothing can be promulgated by the Department of Transportation without approval of a joint resolution of Congress. So whether it recommends or proposes, they are going to have to come here before any rule takes place.

In connection with my earlier answer, all of these bars are off in a year. We will be right back here next year, I hope maybe not debating the same issue. I hope we may have been able to reach a conclusion on it.

Finally, the point of all these words, what we are now doing is instructing our conferees to a conference with the House of Representatives, and it is the words and the requirement that come out of that conference committee, of course, that will govern actual future action.

My intention as a member of that conference committee, and perhaps the only one in this colloquy who is a member of that conference committee, will be to see to it that we have a very thorough study of this subject. I hope, like my colleagues from Michigan, that it will recommend stronger corporate average fuel economy standards, but I am willing to listen to the experts in that connection. If it does, I will support them in this body, but if something else happens, we will be debating this issue again next year. The law that applies to corporate average fuel economy standards today will apply when this fiscal year is over once again, and the same kind of rulemaking will take place then.

I hope I have not spoken too long on this subject, but I think we ought to get on with it now and do the job that needs to be done.

Mr. ABRAHAM. Mr. President, I wish to indicate I was actually speaking on the floor at the time that the initial exchange of documents took place, but from the point at which I concluded my remarks and began discussing this issue with the Senator from Michigan and the Senator from Washington, it was certainly my understanding that the intention, and certainly our side's intention, in urging the word ''recommend'' be employed was to make precisely the distinction which my colleague from Michigan just indicated. Certainly there was an important element to that change from my point of view, as I know there was from his.

I am hopeful as the process moves forward that it will do so in the constructive way we have outlined. We ought to make clear a rulemaking procedure is where ''a proposed set of rules'' would be the term of art used. For a study, which is what we intended here—a recommendation is different from the proposal that might stem from an actual rulemaking. That is my interpretation of the discussions in which I at least took part.

## UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I have a statement on behalf of the majority leader.

I ask unanimous consent that immediately following the disposition of the motion to instruct the conferees, the Senate turn to the e-signatures conference report under the previous consent.

I further ask consent that when the Senate resumes the DOD authorization bill at 3 p.m. on Monday, it be considered under the following terms:

That the pending B. Smith amendment and the Warner amendment be laid aside and Senator KENNEDY be recognized to offer his amendment regarding hate crimes, and immediately following that offering, the amendment be laid aside and Senator HATCH or his designee be recognized to offer his hate crimes amendment.

I further ask that the two amendments be debated concurrently and that no amendments be in order to either amendment prior to the votes in relation thereto and that the vote occur in relation to the Hatch amendment to be followed by the Kennedy amendment following the vote in relation to the Murray amendment on Tuesday.

I also ask that at 9:30 a.m. on Tuesday, Senator DODD be recognized to offer his amendment relative to a Cuba commission and there be 120 minutes equally divided on the amendment prior to a motion to table and no amendments be in order prior to the vote, with the vote occurring in a stacked sequence following the two votes ordered regarding hate crimes.

I further ask consent that at 11:30 a.m. on Tuesday, the Dodd amendment be laid aside and Senator MURRAY be recognized to offer her amendment relative to abortions and there be a time limit of 2 hours under the same terms as outlined above with the vote occurring at 3:15 p.m. on Tuesday.

I further ask consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. on Tuesday in order for the weekly party conferences to meet.

I also ask that there be 4 minutes of debate prior to each vote in the voting sequence on Tuesday and no further amendments be in order prior to the 3:15 p.m. votes.

I finally ask consent that the Senate proceed to S. 2522, the foreign operations appropriations bill following the disposition of the above mentioned amendments and any amendments thereto and no call for the regular order serve to displace this bill, except one made by the majority leader or minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the conference report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 761), to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes, having met, after full and free conference, have agreed that to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings at pages H4115–18 of the RECORD of June 8, 2000.)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I promised I would not go in front of Senator WYDEN.

I yield to the Senator from Oregon.

Mr. MCCAIN. How long does the Senator from Oregon need?

Mr. WYDEN. I was contemplating speaking about 5 minutes. But, again, I do not want to inconvenience my colleagues.

Mr. MCCAIN. I yield 5 minutes to the Senator from Oregon, followed by 2 minutes to the Senator from Massachusetts, and then those of us on the beleaguered majority will have our say.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the conference agreement on digital signatures that is going to be overwhelmingly approved tomorrow morning may be the big sleeper of this Congress, but it certainly was not the ''big easy.''

The fact of the matter is, when we started on this in March of 1999, Senator ABRAHAM and I envisioned a fairly simple interim bill. We were looking at electronic signatures to make sure that in the online world, when you sent an electronic signature, it would carry the same legal weight as a ''John Hancock'' in the offline world.

But as we prepared—after this passed the Commerce Committee—to move forward with a pretty innocuous bill, the financial services and insurance industries came to us with what we thought was a very important and thoughtful concept; and that was to revolutionize e-commerce, to go beyond establishing the legal validity of e-signatures to include electronic records, keeping important records electronically. We were told by industry—and correctly so—that this would give America a chance to save billions and billions of dollars and thousands of

hours, as our companies chose to spend their funds on matters other than paper recordkeeping.

At the same time, the consumer groups that sought this proposal were extremely frightened. They saw this as an opportunity for unscrupulous individuals to come on in and rip off senior citizens, to foreclose on people's homes, to cut off health insurance, and things of that nature, by just perhaps an e-mail into cyberspace.

Chairman MCCAIN is here. This is truly a bipartisan effort in every respect. I had a chance to work with my senior colleagues on this side, Senator LEAHY, Senator HOLLINGS, Senator SARBANES, and our friend Senator KERRY, who is here. And let me tell you, it ultimately took three Senate committees 8 months and thousands of hours to get it done. We had to bring together key principles of what is known as the old economy, such as consumer protection and informed consent, and fuse them together with the principles of the new economy and the online world, and the chance to save time and money through electronic records and electronic signatures.

What we tried to say, on this side of the aisle, and what we were able to get a bipartisan agreement around, is the proposition that consumer rights are not virtual rights. We have to make sure—and we have it in this legislation—that the protections that apply offline would apply online. We were able to do it without enduring all kinds of unnecessary redtape and bureaucracy. I wanted the bill to unleash the potential of electronic signatures and records for industry without shattering a cornerstone of American commerce: the right of individual consumers to have meaningful and informed consent and to keep accurate records of their contracts and transactions.

I believe the conference agreement before the Senate has met the challenge of protecting consumer rights in the new economy.

Consumer rights are not virtual rights. Consumers must enjoy the same basic rights in the online world as they have in the off-line world. Through the electronic consumer consent provision in Section 101(c) that I authored with Senators LEAHY, HOLLINGS and SARBANES, I believe we have adequately translated offline consumer protections into online consumer protections.

Let me just spend a minute describing this key provision of the conference agreement. This provision requires that consumer consent must be meaningful. We all know of cases where someone said, ''Just e-mail me that document,'' only to have that person call later, saying ''Gee, I couldn't open the document, can you fax it to me?'' I can't recall how many times this exact thing happened to our own staff during the negotiation of this agreement.

Meaningful consumer consent doesn't mean being given a pageful of hardware and software specification gobbledygook. It means consenting electronically so that a consumer knows he or she can receive, read and retain the information in an electronic record.

Section 101(c) provides that if a statute, regulation or other rule of law requires that information relating to a transaction be provided or made available to a consumer in writing, the vendor can use electronic means if the consumer, prior to consenting, has been given a clear and conspicuous statement of his or her rights. The consumer must be informed of the option of getting the record on paper, and what the consequences are if he or she later withdraws the electronic consent in favor of returning to paper records. Some vendors, for example, may be able to achieve considerable savings by using electronic records, and offer customers a much more attractive price for doing business online rather than through traditional paper and snail mail. But a vendor might not want to be locked into a lower price if the buyer reverts to paper later in the life of the contract. This provision will assure a consumer will be informed up front of any change in the cost if the consumer withdraws consent to receive records electronically subsequent to consummation of the contract. This could happen, for instance, if a consumer finds he cannot access the documents electronically, or the vendor chooses to upgrade his software and the consumer does not want to go to the expense of upgrading his system to accommodate the change.

The consumer must also be informed of the hardware and software necessary to access and retain records electronically, how to withdraw electronic consent, how to update information needed to contact the consumer electronically, the categories of records that will be provided or made available electronically, how a consumer may request a paper copy of an electronic record and whether a fee will be charged for such copy. If a vendor changes the electronic system used to obtain the original consent electronically, the vendor must obtain the consent electronically again using the new system and the same two-way consent process.

Most importantly, the consumer must consent electronically or confirm his or her consent electronically in a manner that reasonably demonstrates that the consumer can access the information in the electronic form that will be used to provide the information. This is critical. ''Reasonably demonstrates'' means just that. It means the consumer can prove his or her ability to access the electronic information that will be provided. It means the consumer, in response to an electronic vendor enquiry, actually opens an attached document sent electronically by the vendor and confirms that ability in an e-mail response.

It means there is a two-way street. It is not sufficient for the vendor to tell the consumer what type of computer or software he or she needs. It is not sufficient for the consumer merely to tell the vendor in an e-mail that he or she can access the information in the specified formats. There must be meaningful two-way communication electronically between the vendor and consumer.

At the heart of these provisions is the concern—shared by many in the industry as well—that electronic communication, e-mail, is not as reliable or as ubiquitous as traditional first class mail. Until advances in electronic mail technology eliminate such concerns and until the vast majority of Americans are comfortable using the technology of the New Economy, consent to use electronic records requires special care and attention. Because of such concerns, there are some areas where the use of electronic notice and records are simply not appropriate today. Section 103 of the conference agreement recognizes this by continuing to require paper notice. These areas include shutting off a consumer's utilities, canceling or terminating health insurance or benefits or life insurance benefits, foreclosing on someone's primary residence, recall of a product that risks endangering health or safety and documents required to accompany the transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials. What happens, for example, if a hazmat truck loaded with toxic waste spills its cargo, endangering a community, and the only notice about the hazardous cargo was posted on the company's website? Is it fair to allow a mortgage lender to foreclosure on someone's home just because their ISP went out of business and they weren't receiving their payment notices electronically? The exceptions we fought for in this section of the conference agreement will protect consumers.

Before paying tribute to those who worked so hard on this bill. I believe it is important to the legislative history to say a brief word about the process. This is necessary because, unfortunately, statements are being made or inserted in the RECORD and colloquies are being offered that seek to weaken, undermine and even directly contradict the actual words of the text of the Conference Agreement. This appears to come from some quarters that do not share the majority view of those who signed the Conference documents. As one of the principal sponsors of the Senate measures, S. 761, I am compelled to point out that the actual text of the legislation can and should stand on its own.

The negotiations that led to the final legislative document were very difficult and contentious. Because of this, part of the agreement on the final language included a commitment—a sort of ''gentleman's agreement'' if you will—from all the signers of the Conference Agreement not to prepare the normal Statement of Managers that accompanies a Conference document. There is no Statement of Managers for

S. 761, and no one should pretend there is. As one of the key managers for the Senate, I can attest that I did not participate in negotiating such a document, not did I acquiesce to one prepared by another party or parties or sign one.

The conference agreement is the product of many, many long days and nights of negotiations. Commerce Committee Chairman MCCAIN, Ranking Democrat Senator HOLLINGS, Senators LEAHY and SARBANES, and Senator ABRAHAM all contributed to this product. The efforts of our distinguished colleagues in the House, Commerce Committee Chairman BLILEY and Ranking Democrat JOHN DINGELL, were critical in this process. I would also like to recognize some of the key staff and Administration officials who did yeoman work to produce this agreement. In particular, Senator HOLLINGS' Counsel, Mosses Boyd, and his Commerce Committee Staff Director, Kevin Kayes, Senator LEAHY's outstanding Judiciary counsel, Julie Katzman, Senator SARBANES' Banking Staff, Marty Gruenberg and Jonathan Miller. Chairman MCCAIN's very able and patient counsel, Maureen McLaughlin, and Senator ABRAHAM's lead staffer on this bill, Kevin Kolevar. Sarah Rosen-Wartell of the White House staff and Commerce Department General Counsel Andy Pincus also deserve praise for their hard work on this bill.

This conference agreement came perilously close on more than one occasion to running off the rails, but each time the will was found to resume negotiations and try to bring the conference to a close. This is also a tribute to the hard work of a handful of consumer and industry groups who did not want to give up on the process. I urge my colleagues to vote for this agreement, which lays another important cornerstone for electronic commerce.

At the end of the day, this is not a perfect bill. I do not think any of the conferees would argue that it is. But it is a very good bill. It is a very good bill because, as a result of three Senate committees and thousands of hours, we took key principles of what was known as the old economy—consumer protection, informed consent, making sure that the vulnerable, the elderly, and people for whom the home and health care are lifeline concerns—we ensured that they will be protected, while at the same time allowing those in the financial services industry, who came to us with sensible suggestions for saving time and money—by taking records from paper to the electronic world—to have their concerns addressed, while at the same time being true to fundamental values of consumer protection and the fusing together of the new and the old economy. That is what I think makes this legislation so special.

Chairman MCCAIN is here. He and his staff did an extraordinary job, as did Senator ABRAHAM. I cannot say enough good things about four senior Democrats—Senator LEAHY, Senator SARBANES, Senator HOLLINGS, and Senator KERRY—because they helped us champion those consumer protection principles that were so important and helped us get this bill done right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I join my colleague from Oregon in expressing support for what we have achieved here. I begin by thanking Senator MCCAIN, Senator SARBANES, and Senator HOLLINGS for their leadership. They helped to create the climate within which we were able to finally get together with the House leadership.

But also I thank the distinguished Senator from Oregon. He is extraordinarily knowledgeable in this arena and very creative. And he works hard at it. He really has helped to shape the outcome of this in a significant way. I think he has done a very good job of outlining the tensions that existed here.

Many of us thought, at the outset of this endeavor, that we could accomplish this quickly. We ran into, as he said, complications along the road. The key to many of us was that even as we provided the legal capacity for electronic signatures to take place and certain recordkeeping to take place, we did not want to diminish the rights of our citizens to have access to information about them, we did not want their ability to be able to make corrections to be diminished somehow. We did not want to diminish their right to know about themselves or about their own transactions in a way that would diminish their position in the marketplace. And that is a difficult thing. We worked through that. I think we are still going to be working through that for some time.

But the important thing is that this phenomenon, this revolution that is taking place in America and across the globe in how we do business, needed to be——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. Will the Senator yield me 30 more seconds?

Mr. MCCAIN. I yield the Senator 30 more seconds.

Mr. KERRY. That revolution needed to be able to continue in its most creative form and, frankly, with the best upside possible for the people to whom we are all accountable, who are the consumers, the citizens, and the people who ultimately we want to have benefit from this. I think this legislation is very positive in that regard.

I thank the chairman of the Commerce Committee, Senator MCCAIN, for his leadership and his courtesy in letting the usually mostly abused and beleaguered minority take a dominant position at the outset of the debate. It is characteristic of him that he allowed us to do that. It is a very momentary glimpse of freedom we are not used to. We thank him for that. It is just whetting our appetite and only makes us work harder to have that dominant position forever.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I appreciate both my friend from Oregon and my friend from Massachusetts for their work on this bill. I appreciate their comments. It is a great pleasure to work with both of them on the Commerce Committee.

I think sometimes it is worthy of note, in these days of tension, that on the Commerce Committee we have a great habit of working in a bipartisan fashion. I would argue that no bill that I know of has been reported out of our committee that was not a bipartisan effort. No bill has been reported out, that I know of in the years that I have been the chairman, that was strictly along party lines.

Mr. President, tonight the Senate considers the conference report for S. 761, the Electronic Signatures in Global and National Commerce Act. Before I summarize the bill, I want to note for the RECORD the importance of this measure.

The bipartisan legislation would be a significant achievement for this Congress and the American people. Today in America we are in the midst of a phenomenal transformation from the industrial age to the information age.

Even as we speak, Americans are on the Internet, browsing, researching, and experiencing in ever-greater numbers. They are also buying. In fact, electronic commerce is one of the principle engines driving our Nation's unprecedented economic growth. For example, Forrester Research has estimated that consumer spending online will total $185 billion by 2003. During this past holiday season alone, online merchants transacted an estimated $5–7 billion dollars worth of commerce—a 300% increase in business from 1998.

But one great barrier to the continued growth of Internet commerce is the lack of consistent, national rules governing the use of electronic signatures. A majority of States have enacted electronic authentication laws, but no two of these laws are the same. This inconsistency deters businesses and consumers from using electronic signature technologies to authorize contracts or transactions.

This bipartisan legislation can eliminate this unnecessary barrier to the growth of electronic commerce by providing consistent, fair rules governing electronic signatures and records.

This bill will do the following:

It would ensure that consistent rules for validating electronic signatures and transactions apply throughout the country. Thus providing industry with the legal certainty needed to grow electronic commerce.

It empowers businesses to replace expensive warehouses full of awkward and irreplaceable paper records with electronic records that are easily searched or duplicated. Moreover,

State and Federal agencies are prohibited from requiring a business to keep paper records except under extreme circumstances—where they can show a compelling government interest. To prevent abuses of electronic record-keeping, however, the bill also authorizes regulatory agencies to define document integrity standards that are necessary to insure against fraud.

It would also ensure that private commercial actors get to choose the type of electronic signatures that they want to use. This will ensure that the free market—not government bureaucrats—will determine which technologies succeed. To that end, the legislation also prohibits States or Federal agencies from according ''greater legal status or effect'' to one specific technology.

And this bill recognizes that without consumer confidence, the Internet can never reach its full potential. Thus, this bill empowers consumers to conduct transactions or receive records electronically without foregoing the benefits of State consumer disclosure requirements.

Specifically, the bill would provide that when consumers choose to conduct transactions or receive records electronically, electronic records can satisfy laws requiring a written consumer disclosure if: consumers have been given a statement explaining what records they are agreeing to receive electronically, the procedures for withdrawing consent, and any relevant fees, and consumers consent, or confirm consent electronically, in a manner that reasonably demonstrates that they can actually access the information.

The goal of these consumer protection provisions is basic fairness. To that end, if a business changes hardware or software requirements in a way that precludes the consumer from accessing or retaining the records, the consumer can withdraw consent—without a fee.

But the bill also ensures that these consumer protections do not become unduly burdensome as technology advances. Thus, for example, the bill provides that a Federal regulatory agency can exempt categories of records from the consumer consent provisions if this would eliminate a substantial burden on e-commerce without jeopardizing consumers.

I also note that the bill directs the Secretary of Commerce and the Federal Trade Commission to report to Congress on the benefits and burdens of the bill's consumer protection provisions. It also directs the Secretary of Commerce to report to Congress within 12 months on the effectiveness of delivering consumer notices via email.

This is important legislation, and my colleague from Michigan, Senator ABRAHAM, is to be commended for his foresight in introducing this legislation. He is responsible for the formulation of it. He has shepherded it through for many months. I commend him for his work on this legislation. It is safe to say this legislation and conference report would not be here today if not for the efforts of Senator ABRAHAM. I also commend Senators STEVENS, BURNS, WYDEN, LEAHY, HOLLINGS and SARBANES for their commitment to bipartisan agreement on the critical issues raised by this legislation. And, I thank Chairman BLILEY and ranking member DINGELL in the House, for their dedication and leadership on this issue.

Reaching a bipartisan agreement on the issues raised by this legislation has not been easy. In fact, the conferees to this bill have spent months considered the often-conflicting views of various industries, consumer protection groups, State governments and federal agencies.

Needless to say, the bill that emerged from this broad and contentious process had to try to strike a fair balance between the often-conflicting interests of these groups. As a result, some factions may have had doubts about the bill because they thought that a narrower or partisan legislative process might have produced a bill more slanted towards their narrow interests.

But that sort of thinking is short-sighted and fatally flawed: Where this legislation is concerned, a narrow or partisan approach would have jeopardized the growth of electronic commerce. This would have harmed businesses, consumers and the national economy—including the same special interests that a narrower approach might have sought to favor.

We must recognize that this bill represents one step in the continuing—and unfinished—process of integrating electronic transactions and the Internet into the mainstream of American commerce. This process of integration must continue if we are to continue to enjoy the unprecedented economic growth that e-commerce and technology have helped bring to this country.

But electronic commerce cannot continue to grow and develop without broad support from consumers, businesses and governments. Consumers will not support electronic commerce if they discover that electronic transactions strip them of traditional protections.

Nor will businesses support electronic commerce if they cannot realize the cost savings it offers. Finally, governments may not enact laws supporting electronic commerce should such transactions strip their citizens of rights that they have previously enjoyed.

Electronic signatures legislation must, therefore, balance the interests of these various groups without unduly favoring any of them: it must give electronic commerce the certainty it needs to grow while preserving the consumer protections that States have chosen to apply in paper-based commercial transactions.

The broad and bipartisan support enjoyed by this legislation is the surest sign that it has achieved its most important objective: It has struck a fair balance between competing interests that will ensure continued broad support for the growth of electronic commerce.

Mr. President, the Electronic Signatures in Global and National Commerce Act is a positive, confidence-creating tool that will allow the Internet to continue to develop towards its full potential as a conduit for information, communication and commerce. It will enable businesses and consumers alike to rely on digital signatures regardless of their physical location. Uniform standards for digital signatures will decrease costs while increasing certainty and consumer confidence. The value of these public benefits should not be underestimated.

In closing, I want again to thank Chairman BLILEY, and Ranking Member DINGELL in the House for all of their work. In the Senate, I note the hard work of the ranking member of the committee, Mr. HOLLINGS, Senator WYDEN, and others. Without their efforts this bill would not be before us today. I especially, again, recognize the incredible job done by Senator ABRAHAM, the original sponsor of the legislation, the original shepherd, the person who played a key and vital role in the formulation of these final agreements.

Given the importance of these issues to consumers, businesses and our global economy, I urge my colleagues to support this legislation.

I ask unanimous consent that a listing of the groups that support S. 761 be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS THAT SUPPORT S. 761

1. Business Software Alliance.
2. Microsoft.
3. America Online.
4. Information Technology of America.
5. American Express Company.
6. DLJDirect.
7. American Bankers Association.
8. Citigroup.
9. Information Technology Industry Council.
10. American Electronics Association.
11. Fannie Mae.
12. Freddie Mac.
13. National Association of Realtors.
14. Oracle.
15. Cable & Wireless.
16. Sallie Mae.
17. US Chamber of Commerce.
18. Real Estate Roundtable.
19. Consumer Mortgage Coalition.
20. Mortgage Bankers Association.
21. Electronic Financial Services Council.
22. Intuit.
23. Federal Express.
24. National Association of Manufacturers.
25. Coalition for Electronic Authentication.
26. America's Community Bankers.
27. Investment Company Institute.

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally going to be considering the conference report on S. 761, the Electronic Signatures and Global and National Commerce Act.

I wish to be compassionate this Thursday evening. Tomorrow when the delayed votes occur, I will be in Vermont. But I am never sorry to be in Vermont. I will regret missing the final tally. I was honored to serve as a conferee and to help develop the conference report. I signed the conference report. I supported final passage. I go back to my native State secure in the knowledge that this will pass overwhelmingly with strong bipartisan support.

The legislation is intended to permit and encourage the continued expansion of electronic commerce and promote public confidence in the integrity and reliability of online commerce. These are worthy goals—goals I have long sought to advance. For example, in the last Congress, many of us worked together to pass the Government Paperwork Elimination Act. That gave a framework for the Federal Government's use of electronic forums and also electronic signatures.

Many of us have worked together in a very successful, bipartisan effort to promote the widespread use of inscription and to relax outdated export controls in this critical technology for ensuring the confidentiality and integrity of online communications and storing of computer information. We have areas as diverse as enhancing copyright, to patent potential for technology, to addressing the problems of cybercrime. We have been able to work together in a constructive, bipartisan way to make real progress to allow electronic commerce to flourish.

The conference report is a product of such bipartisan cooperation. We all know there were some bumps along the way. At one point, industry representatives were warned against even speaking with Democrats. Fortunately, those warnings were not heeded, and the final product is bipartisan.

I commend Chairman BLILEY from the other body, and Chairman MCCAIN from this body, for making this a real conference in which all conferees—Republicans and Democrats—had an opportunity to air their concerns and contribute to the final report.

All of us might have written some provision differently. But the conference report is, as conference reports should be, a solid and reasonable consensus bill that brought in the best of each of us.

It will establish a Federal framework for the use of electronic signatures for contracts and records to preserve essential safeguards and protect consumers.

It is geared to the five basic principles articulated by the Democratic Senators in a letter dated March 28, 2000, which assures effective consumer consent for the replacement of paper notices with electronic notices.

It ensures that electronic records are accurate.

It enhances legal certainty for electronic signatures.

It avoids unnecessary litigation.

It avoids unintended consequences in areas outside the scope of the bill by providing clear Federal regulatory authority.

It avoids facilitating predatory or unlawful practices.

This is not rocket science. But they want to make sure the American people can trust the electronic world as they trust paperwork. The American public have enough concern when they go online. They worry whether their privacy will be protected and whether damage by a computer virus will hurt their computer, whether a computer hacker will steal personal information or adopt their identity, wreak havoc with their good name, or whether their children will meet a sexual predator. These are all drags on electronic commerce and show the people have to be concerned.

The AARP found that of consumers over the age of 45, half of them worry that electronic contracts will give them less protection than paper contracts. That is what we want to avoid.

The United States has been the incubator of the Internet throughout its infancy. And the world closely watches whenever we in our country debate or enact policies that affect the Internet. That is another reason why we must act carefully and intelligently when we pass Internet-related laws. The rest of the world watches and follows our example.

We have produced a charter for the next growth phase of e-commerce. This bill will be closely watched, widely read, and will be emulated across the world. Because of that and because most Americans want to make sure we can take our consumer laws for granted, we are presented the most significant consumer issues of a decade or longer. We have improved what the bill almost became considerably, to the benefit of consumers and in the interests of the smooth and sensible forward progress of Internet commerce.

This bill does strike a constructive balance. It advances electronic commerce but doesn't terminate or mangle the basic rights of consumers.

Mr. President, I am pleased that the Senate is finally considering the conference report on S. 761, ''The Electronic Signatures in Global and National Commerce Act''. I wish that we could pass it tonight. Tomorrow, when the delayed vote occurs, I will be in Vermont. While I am never sorry to be in Vermont, I will regret missing the final tally. I was honored to serve as a conferee and help develop the conference report. I signed the conference report and support its final passage. I go back to my native State secure in the knowledge that it will pass overwhelmingly.

This legislation is intended to permit and encourage the continued expansion of electronic commerce and to promote public confidence in the integrity and reliability of online promises. These are worthy goals, and they are goals that I have long sought to advance.

For example, in the last Congress, many of us worked together to pass the Government Paperwork Elimination Act, which established a framework for the federal government's use of electronic forms and electronic signatures. Many of us have worked together in a successful bipartisan effort to promote the widespread use of encryption and relax out-dated export controls on this critical technology for ensuring the confidentiality and integrity of online communications and stored computer information. In areas as diverse as enhancing copyright and patent protections for new technologies and updating our criminal laws to address new forms of cybercrime, we have been able to work together in a constructive, bipartisan way to make real progress on a sound legal framework for electronic commerce to flourish.

The conference report is the product of such bipartisan cooperation. I think we all know that there were some bumps along the way. At one point, industry representatives were warned against even speaking with any Democrats. But the final product is bipartisan. It is an example of Congress at work rather than at loggerheads. It is legislators legislating rather than politicians posturing and unnecessarily politicizing important matters of public policy.

I commend Chairman BLILEY and Chairman MCCAIN for making this a real conference, in which all conferees, Republican and Democratic, had an opportunity to air their concerns and contribute to the final report. We all might have written some provisions differently, but the conference report is a solid and reasonable consensus bill that will establish a Federal framework for the use of electronic signatures, contracts, and records, while preserving essential safeguards protecting the Nation's consumers.

The conference report adheres to the five basic principles for e-sign legislation articulated by the Democrat Senators in a letter dated March 28, 2000.

It ensures effective consumer consent to the replacement of paper notices with electronic notices.

It ensures that electronic records are accurate, and relevant parties can retain and access them.

It enhances legal certainty for electronic signatures and records and avoids unnecessary litigation by authorizing regulators to provide interpretive guidance.

It avoids unintended consequences in areas outside the scope of the bill by providing clear federal regulatory authority for records not covered by the bill's ''consumer'' provisions.

And, it avoids facilitating predatory or unlawful practices.

These principles are not rocket science but are simply intended to ensure that the electronic world is no less safe for American consumers than the paper world. The American public has enough concern when they go online. They worry whether their privacy will

be protected, whether a damaging computer virus will attack their computer, whether a computer hacker will steal their personal information, adopt their identity and wreak havoc with their good names, or whether their kids will meet a sexual predator. These worries are all serious drags on electronic commerce.

An AARP survey of computer users over the age of 45 released on March 31st found that almost half of respondents already think that electronic contracts would give them less protection than paper contracts, while only one-third believe they would have the same degree of protection. With this conference report, we have avoided aggravating consumers' worries. Companies doing business online want to reassure consumers and potential customers that their interests will be protected online, not heighten their concern about electronic commerce. Our conference report should be helpful in this regard.

Mr. President, the United States has been the incubator of the Internet through its infancy. The world closely watches whenever we debate or enact policies that affect the Internet, and that is another reason why we must act carefully and intelligently whenever we pass Internet-related laws. What we have produced here is the charter for the next growth phase of e-commerce, and this bill will be closely read and widely emulated. Because of the potential this bill had for eviscerating scores of basic state consumer protection laws that most Americans today take for granted, this bill also has presented us with perhaps the most significant consumer issues of a decade or longer—not for what, thank goodness, this bill is in its final form, but for what this bill nearly became in its earlier stages. To the benefit of consumers and in the interest of the smooth and sensible forward progress of Internet commerce, this bill largely strikes a constructive balance. It advances electronic commerce without terminating or mangling the basic rights of consumers.

Before I discuss specific provisions of the conference report, I note that I saw in the CONGRESSIONAL RECORD of the House proceedings a statement by Chairman BLILEY that is formatted like a managers' statement of a conference report. I feel I must clarify that those are Mr. BLILEY's views, not a statement of the managers. In fact, I saw it for the first time today, when I picked up the CONGRESSIONAL RECORD, and have not yet had a chance to study it thoroughly.

I will now describe how the conference report gives effect to the Democratic Senators' five basic principles.

First, the conference report will ensure informed and effective consumer consent to the replacement of paper notices and disclosures with electronic notices and disclosures, so that consumers are not forced or tricked into receiving notices and disclosures in an electronic form that they cannot access or decipher.

Under the House bill, a business could obtain a consumer's ''consent'' simply by specifying the hardware and software needed to access the notices and disclosures. This approach would have done little or nothing to protect technologically unsophisticated consumers, who may not know whether they have the necessary hardware and software even if the technical specifications are provided.

I maintained that any standard for affirmative consent must require consumers to consent electronically to the provision of electronic notices and disclosures in a manner that verified the consumer's capacity to access the information in the form in which it would be sent. Such a mechanism provides a check against coercion, and additional assurance that the consumer actually has an operating e-mail address and the other technical means for accessing the information.

Section 101(c) of the conference report requires the use of a technological check, while leaving companies with ample flexibility to develop their own procedures. The critical language, which Senator WYDEN and I developed and proposed, provides that a consumer's consent to the provision of information in electronic form must involve a demonstration that the consumer can actually receive and read the information. Section 101(c) also provides that if there is a material change in the hardware or software requirements needed to access or retain the information, the company must again verify that the consumer can receive and read the information, or allow the consumer to withdraw his or her consent without the imposition of any conditions, consequences or fees. In addition, prior to any consent, a consumer must be notified of his or her rights, including the right to receive notices on paper and any available option for reverting to paper after an electronic relationship has been established.

Senator GRAMM has criticized the conference report on the ground that its technological check on consumer consent unfairly discriminates against electronic commerce. But those most familiar with electronic commerce have never seriously disputed the need for a technological check. In fact, many high tech firms have acknowledged that it is good business practice to verify that their customers can open their electronic records, and many already have implemented some sort of technological check procedure. I am confident that the benefits of a one-time technological check far outweigh any possible burden on e-commerce, and it will greatly increase consumer confidence in the electronic marketplace.

Let me make special note of section 101(c)(3), a late addition to the conference report. Without this provision, industry representatives were concerned that consumers would be able to back out of otherwise enforceable contracts by refusing to consent, or to confirm their consent, to the provision of information in an electronic form. At the same time, however, companies wanted to preserve their autonomy as contracting parties to condition their own performance on the consumer's consent. For example companies anticipated that they might offer special deals for consumers who agreed not to exercise their right to paper notices. Section 101(c)(3) makes clear that failure to satisfy the consent requirements of section 101(c)(1) does not automatically vitiate the underlying contract. Rather, the continued validity of the contract would turn on the terms of the contract itself, and the intent of the contracting parties, as determined under applicable principles of State contract law. Failure to obtain electronic consent or confirmation of consent would, however, prevent a company from relying on section 101(a) to validate an electronic record that was required to be provided or made available to the consumer in writing.

I should also explain the significance of section 101(c)(6), which was added at the request of the Democratic conferees. This provision makes clear that a telephone conversation cannot be substituted for a written notice to a consumer. For decades, consumer laws have required that notices be in writing, because that form is one that the consumer can preserve, to which the consumer can refer, and which is capable of demonstrating after the fact what information was provided. Under appropriate conditions, electronic communications can mimic those characteristics; but oral notice over the telephone will never be sufficient to protect consumer interests.

Second, the conference report will ensure that electronic contracts and other electronic records are accurate and that relevant persons can retain and access them. Consumers must be able to retain electronic records and must have some assurance that they provide reasonable guarantees of the accuracy and integrity of the information that they contain.

Under section 101(e) of the conference report, the legal effect of an electronic contract or record may be denied if it is not in a form that can be retained and accurately reproduced for later reference and settlement of disputes. This means that the parties to a contract may not satisfy a statute of frauds requirement that the contract be in writing simply by flashing an electronic version of the contract on a computer screen. Similarly, product warranties must be provided to purchasers in a form that they can retain and use to enforce their rights in the event that the product fails.

Third, the conference report will enhance legal certainty for electronic signatures and records and avoid unnecessary litigation by authorizing Federal and State regulators to provide

interpretive guidance. Even with the representation on this conference of Members from committees of varied jurisdiction, we could not begin to think of every circumstance that might arise in the future as to which this legislation will apply. It was therefore essential to provide regulatory agencies with sufficient flexibility and interpretive authority to implement the statutes modified by the legislation.

Most importantly, the conference report preserves substantial authority for Federal and State regulators with respect to record-keeping requirements. In a letter dated May 23, 2000, the Department of Justice expressed concern that an early draft of the conference report, produced by certain Republican conferees, would ''seriously undermine the government's ability to investigate, try and convict criminals who alter or hide required records in programs such as Medicare, Medicaid, and federal environmental laws.'' The Department explained:

> Record Retention. As presently drafted, the bill leaves the public at risk for serious waste, fraud, and abuse. For example, under the current bill, there is nothing to prevent a Medicare contractor from retaining its financial records on a spreadsheet (such as Excel or Quattro Pro). However, because those programs generally contain no security features to monitor changes to the files they create, anyone could change one number on a spreadsheet, which would then change all other numbers affected by the impermissible entry, reflecting a financial picture different from the reality. The government could have its hands tied in seeking to establish rules to ensure that such records could not be altered.

The Department's concerns regarding the Federal Government were shared by the States, whose regulators need and deserve the same flexibility as Federal regulators. This is particularly true in areas where the States are the primary regulators, as they are with respect to insurance and State-chartered banks. Having pressed this point throughout the conference, I am pleased that the final report treats Federal and State regulators with equal respect, and that it has won the support of the National Conference of State Legislatures.

Under earlier drafts of this conference report, as in H.R. 1714 as passed by the House, a requirement that a record be retained could be met by retaining an electronic record that accurately reflected the information set forth in the record ''after it was first generated in its final form as an electronic record.'' By striking that final phrase, we made clear that agencies, through their interpretive authority, can ensure that electronic records remain accurate throughout the period that they are required by law to be retained. For additional certainty, we expressly authorized agencies to set performance standards to assure the accuracy, integrity, and accessibility of records that are required to be retained and, if necessary, to require retention of a record in paper form. We also delayed the effective date of the Act with respect to record retention requirements, to give agencies time to put in place appropriate regulations designed to assure effective and sustainable record retention, and to prevent companies from retaining materials in any easily alterable form that they chose until regulations are forthcoming. Together, these changes will avoid facilitating lax record-keeping practices that could impede the enforcement of program requirements, anti-fraud statutes, environmental laws, and many other laws and regulations.

Fourth, the conference report will avoid unintended consequences for laws and regulations governing ''records'' outside its intended focus on business-to-consumer and business-to-business transactions. I was seriously concerned that the sweeping legislation passed by the House would allow hazardous materials transporters to provide truckers with the required description of the materials via electronic mail, so that key information might not be available to clean-up crews in the event an accident disabled the driver. Similarly, I worried that the House bill would allow employers to provide OSHA-required warnings on a Web site rather than on a dangerous machine.

The conference report raises no such concerns. For one thing, it specifically excludes from its scope any documents required to accompany the transportation or handling of hazardous materials, pesticides, and other toxic or dangerous materials. For another thing, it expressly preserves all Federal and State requirements that information be posted, displayed or publicly affixed. In addition to allaying concerns about OSHA-warnings, this provision ensures that the bill will not inadvertently undermine Federal and State labeling requirements, such as requirements that poisonous products be labeled with the skull and crossbones symbol.

Perhaps more importantly, the scope of the legislation has been narrowed. As reported by the conference committee, the bill covers signatures, contracts and records relating to a ''transaction'' in or affecting interstate or foreign commerce, with the critical term—''transaction''—defined to mean ''an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons.'' The conferees specifically rejected including ''governmental'' affairs in this definition. Thus, for example, the bill would not cover records generated purely for governmental purposes, such as regular monitoring reports on air or water quality that an agency may require pursuant to the Clean Air Act, Clean Water Act, Safe Drinking Act, or similar Federal or State environmental laws.

Fifth and finally, the conference report avoids the problem created by many earlier drafts, including the House bill, of potentially facilitating unfair and deceptive practices. It does this through a broad savings clause which clarifies that the bill does not limit any legal requirement or prohibition other than those involving the writing, signature, or paper form of a contract. Laws—including common law rules—that prohibit fraud, unfair or deceptive trade practices, or unconscionable contracts are not affected by this Act. A wrongdoer may not argue that fraudulent conduct that complies with the technical requirements of section 101(c) is beyond the reach of anti-fraud laws. By the same token, a consumer is always entitled to assert that an electronic signature is a forgery, was used without authority, or otherwise is invalid for reasons that would invalidate the effect of a signature in written form.

This legislation has come a long way in conference. It is far from the reckless bill it was in danger of becoming. Still, it is far from perfect. As a general matter, I believe it may still be unduly preemptive of State regulatory and record-keeping authority. It is ironic that the same Members who claim to be vigilant guardians of States' rights are so quick to impose broad Federal mandates on the States when it suits their political interests. The majority has failed to explain why the expansion of the Internet justifies jettisoning the federalist principles that have governed our Republic for more than two centuries. I have worked hard, in connection with this bill and others, to preserve State authority in areas traditionally reserved to the States, particularly where there is no conflict between the Federal goals and State jurisdiction. We should preempt State authority only when there is a demonstrated need to establish a national standard, and even then, only for as long as is necessary.

That being said, the conference report appropriately rejects the massively preemptive approach taken by earlier versions of this legislation, including the House-passed bill. As the National Governors' Association observed in a letter to Congress dated March 14, 2000, ''H.R. 1714's ambiguity with respect to preemption [was] very troubling''. It authorized States to ''modify, limit, or supersede'' the Federal statute by adopting the Uniform Electronic Transactions Act (UETA), but then rendered this authorization irrelevant by stating that no State law (including UETA) was effective to the extent that it was inconsistent with the Federal statute or technology specific.

By contrast, the conference report does not preempt the laws of those States that adopt UETA, so long as UETA is adopted in a uniform manner. Such exceptions to UETA as a State may adopt are preempted, but only to the extent that they violate the principle of technological neutrality or are otherwise inconsistent with the Federal statute. This affords States considerable flexibility; for example, a

State may enact UETA to incorporate the consumer consent procedures set forth in section 101(c).

In addition, section 104(a) of the conference report expressly preserves governmental filing requirements. Federal agencies are already working toward full acceptance of electronic filings, pursuant to the schedule established by the Government Paperwork Elimination Act. I am confident that State agencies will follow our lead. Until they are technologically equipped to do so, however, they have an unqualified right under section 104(a) to continue to require records to be filed in a tangible printed or paper form.

I have a number of other concerns about the conference report. In particular, I am troubled that the conference report fails to provide a clear Federal rule—or, indeed, any rule at all—concerning how it is intended to affect requirements that information be sent, provided, or otherwise delivered. The absence of a delivery provision is particularly conspicuous given the fact that the prototype for this legislation does include such a provision. Section 8(a) of UETA provides that if a law requires information to be sent in writing to another person (but does not specify a particular method of delivery), the requirement is satisfied if the information is sent in an electronic record that the recipient can retain. Under section 8(b), if a law requires information to be sent by a specified method—whether by regular U.S. Mail, express mail, registered mail, certified mail, or another method—then the information must be sent by the method specified in the other law, except that parties may contract out of regular mail requirements to the extent permitted by the other law. UETA also contains a detailed rule for determining when an electronic record is sent, and when it is received.

The conference report touches upon the issue of delivery in section 101(c)(2)(B), but only with respect to specified methods that require verification or acknowledgment of receipt, such as registered or certified mail. What happens to State law requirements that a notice be sent by first-class mail or personal delivery? How about a law that requires information to be provided, sent, or delivered in writing, but does not specify a particular method of delivery? I raised these questions during the conference, but the conference report provides few answers.

The conference report does provide some guidance in the case of States that enact UETA. In such States, section 8(a) of UETA will govern with respect to general delivery requirements, and section 8(b)(2) of UETA will govern with respect to requirements that information be delivered by a specified method, subject to section 102(c) of the federal legislation. Section 102(c) prevents States that enact UETA from circumventing the federal legislation through the imposition of new nonelectronic delivery methods. Thus, States enacting UETA may continue to prescribe specific delivery methods, so long as there is an electronic alternative for any nonelectronic delivery methods.

This leaves the question of how the Federal legislation will affect Federal delivery requirements and State delivery requirements in non-UETA States. Because our bill is silent on this question, and because repeal and preemption by implication are disfavored, a court or agency interpreting the legislation could reasonably conclude that these Federal and State delivery requirements remain in full force and effect. Indeed, this interpretation is practically compelled by the plain language of the legislative text. It does, however, have the potential to undermine one of our key legislative objectives—that is, the elimination of unintended and unwarranted barriers to electronic commerce. For this reason, it will be tempting to discern in this legislation some sort of plan to permit electronic delivery of information whenever delivery is required by law, even when the law specifies a particular method by which delivery must be made. Let me assure the courts and regulators that have occasion to read these words that this legislator had no such plan.

Had we in fact addressed this issue in conference, my goal would have been to ensure that any specific requirement that information be sent or delivered not be relaxed or weakened through this Act. I believe an electronic method of delivery should be at least as reliable, secure, and effective as the method it replaces. Thus, a law that requires information to be delivered to a person by first class mail should not be satisfied simply by posting the information on a Web site; at a minimum, the person must also be notified of the location and availability of the information. Nor is information delivered, in my view, if it is electronically posted for an unreasonably short period of time, or sent electronically in a manner that inhibits the ability of the recipient to store or print the information.

Having failed to address the issue of delivery, we may be compelled to revisit the issue at a later date. We will, by then, have the benefit of the Commerce Department's study under section 105(a) of the conference report, regarding the effectiveness and reliability of electronic mail as compared with more traditional methods of delivery.

Another troubling provision in the conference report appears at the end of section 101, and concerns the liability of insurance agents and insurance brokers. This provision appeared for the first time in a conference draft produced by the Republican conferees on May 15th. In its original incarnation, this provision gave insurance agents and brokers absolute immunity from liability if something went wrong as a result of the use of electronic procedures. This was not just a shield from vicarious liability, or even from negligence; rather, it was an absolute shield, which would protect insurance agents and brokers from their own reckless or even wilful conduct. No matter that insurance agents and brokers are perfectly capable of protecting themselves through their contracts with insurance companies and their customers. Senator HOLLINGS and I opposed the provision as unnecessary and indefensible as a matter of policy, and we succeeded in transforming it into a clarification that insurance agents and brokers cannot be held vicariously liable for deficiencies in electronic procedures over which they had no control. In this form, the provision remains in the bill as a stark reminder of the power of special interests.

Section 104(d)(1) is another political compromise that blemishes this conference report, although I believe its actual impact will be negligible. It provides that Federal agencies may exempt a specified category or type of record from the consumer consent requirements of section 101(c), but only if such exemption is ''necessary'' to eliminate a ''substantial'' burden on electronic commerce, and it will not increase the material risk of harm to consumers. While Chairman BLILEY indicated in his floor statement yesterday that this test should not be read as too limiting, the opposite is true. The test is, and was intended to be, demanding. The exemption must be ''necessary,'' and not merely ''appropriate,'' as Chairman BLILEY suggested. It should also be noted that the conferees considered and specifically rejected language that would have authorized State agencies to exempt records from the consent requirements.

Finally, I want to discuss the concept of technology neutrality that is so central to this bill. This legislation is, appropriately, technology neutral. It leaves it to the parties to choose the authentication technology that meets their needs. At the same time, it is undeniable that some authentication technologies are more secure than others. Nothing in the conference report prevents or in any way discourages parties from considering issues of security when deciding which authentication technology to use for a particular application. Indeed, such considerations are wholly appropriate.

Pursuant to the Government Paperwork Elimination Act, passed by the previous Congress, the Office of Management and Budget (OMB) has adopted regulations to permit individuals to obtain, submit and sign government forms electronically. These regulations direct Federal agencies to recognize that different security approaches offer varying levels of assurance in an electronic environment and that deciding which to use in an application depends first upon finding a balance between the risks associated with the loss, misuse or compromise of the information,

and the benefits, costs and effort associated with deploying and managing the increasingly secure methods to mitigate those risks.

The OMB regulations recognize that among the various technical approaches, in an ascending level of assurance, are ''shared secrets'' methods (e.g., personal identification numbers or passwords), digitized signatures or biometric means of identification, such as fingerprints, retinal patterns and voice recognition, and cryptographic digital signatures, which provide the greatest assurance. Combinations of approaches (e.g., digital signatures with biometrics) are also possible and may provide even higher levels of assurance.

In developing this legislation, the conference committee recognized that certain technologies are more secure than others and that consumers and businesses should select the technology that is most appropriate for their particular needs, taking into account the importance of the transaction and its corresponding need for assurance.

Mr. President, the benefits of electronic commerce should not, and need not, come at the expense of increased risk to consumers. I am delighted that we have been able to come together in a bipartisan effort in which Democrats and Republicans in the Senate and House are joining in s-sign legislation that will encourage electronic commerce without sacrificing consumer protections. I want to commend Senator HOLLINGS, Senator SARBANES and Representative DINGELL, the ranking Democrats on the other Committees participating in the House-Senate Conference, for their leadership and steadfast efforts on behalf of our dual objectives. I thank Chairman BLILEY and Chairman MCCAIN for allowing the conference process to work and to result in a report that so many of us can support. I also want to praise Senator WYDEN for his dedication to this project and for never losing sight of the need to create a balanced bill. It has been a privilege to work with all of these distinguished Members on this landmark legislation.

I am profoundly grateful to the Administration for its work on this legislation. Andy Pincus, Sarah Rosen Wartell, Michael Beresik, Gary Gensler, and Gregory Baer, in particular, have devoted countless hours to ensuring that the conference report will create a reasonable and responsible framework for electronic commerce.

I would also like to thank the Senate and House staff who worked so hard to bring this matter to a reasonable conclusion. On my staff, Julie Katzman and Beryl Howell. In addition, Maureen McLaughlin, Moses Boyd, Carol Grunberg, Marty Gruenberg, Jonathan Miller, Kevin Kayes, Steve Harris, David Cavicke, Mike O'Rielly, Paul Scolese, Ramsen Betfarhad, James Derderian, Bruce Gwinn, Consuela Washington, and Jeff Duncan—all deserve credit for their role in crafting the consensus legislation that the Senate passes today. Thanks, too, to House Legislative Counsel Steve Cope, for his technical assistance and professionalism throughout this conference.

This conference report enjoys strong bipartisan and bicameral support. It passed the House of Representatives yesterday by an overwhelming majority. It has been well received by industry and consumer representatives alike, by the States as well as by the Administration. I urge its speedy passage into law.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I am proud to rise this evening to discuss legislation that I am very confident we will pass tomorrow—the conference report to S. 761, the Electronic Signatures and Global National Commerce Act. This is the culmination of nearly two years' effort, and I deeply appreciate all of the generous assistance on the part of my colleagues who helped move this bill through the legislative process.

I believe that hindsight will prove this to be one of the most important pieces of legislation to emerge from the 106th Congress. This legislation will eliminate the single most significant vulnerability of electronic commerce, which is the fear that everything it revolves around—electronic signatures, contracts, and other records—could be rendered invalid solely by virtue of their being in ''electronic'' form, rather than in a tangible, ink and paper format.

This bill will literally supply the pavement for the e-commerce lane of the information superhighway. What we do today truly changes tomorrow, and I am certain that this legislation will prove to have a tremendous positive impact on electronic commerce—and on the general health of our economy—for decades to come.

Mr. President, thanks to the development of secure electronic signatures and records, individuals, businesses, and even governments are increasingly able to enter transactions without ever having to travel—whether the travel is a short drive across town or a thousand-mile flight. They are turning on a computer and opening e-mail, rather than scheduling drop-offs at mailboxes or pick-ups from courier services.

They are able to transact now, rather than ''tomorrow, before 10AM'', or over the next few days, depending on mail volume (and, of course, except for on Sunday). They are paying transactions costs in the fractions of cents, rather than in 33 cent increments. And as we move forth into the electronic world, ''they'' will increasingly include even the smallest businesses and consumers, who will find themselves able to take advantage of many of the technologies and efficiencies available only to the largest of firms.

Even now, consumers are realizing the time and cost benefits of electronic commerce at a rapidly escalating rate. On-line catalogs are everywhere, all the time, and always in competition to provide the best service at the lowest price. And for the average family in America, on-line lending and real estate brokerage services are making the most significant of all purchases—the purchase of a family home—available over the Internet. Changes to home-buying over the near term will be dramatic. Rapid document and service delivery will reduce a transaction typically measured in days or weeks to minutes or hours, and the ability of a consumer to quickly assess the rates offered by scores of lenders will increase competition and lower mortgage costs and rates for every consumer. Mr. President, Franklin Raines, the Chairman and CEO of Fannie Mae, told an investor conference in May that ''. . . the application of electronic commerce to the U.S. mortgage finance industry should help the U.S. homeownership rate reach 70 percent over the next decade.'' Mr. President, and Chairman Raines, I look forward to that future.

But for e-commerce to continue growing, we must have a consistent, predictable, national framework of rules governing the use of electronic signatures and records. Current legal inconsistencies are deterring businesses from fully utilizing electronic signature technologies. And the ability of one court, in one jurisdiction, to rule against the validity of a contract solely because of its electronic form threatens to destabilize the entirety of electronic commerce—bringing down the whole house of cards.

The National Conference of Commissioners on Uniform State Law has developed a uniform system for the use of electronic signatures. Their product, the Uniform Electronic Transactions Act, or UETA, is an excellent piece of work and I look forward to its enactment in all fifty states. But as some state legislatures are not in session next year, and as other states face more immediately pressing issues, it will likely take three to four years for all the states to enact the UETA.

That is a long time in the high-technology sector—far too long to permit, when this Congress possesses the ability to bridge the gap.

With this in mind, Mr. President, in November of 1998—shortly after the passage of the first electronic signature legislation, the Government Paperwork Elimination Act, which I also co-authored with my friend, Senator WYDEN—I initiated a series of discussions with both industry and states for the purpose of developing a plan to foster the continued growth of electronic signatures and electronic commerce. In January of 1999, my staff had produced draft legislation which I invited Chairman BLILEY to consider introducing in the House of Representatives. Over the next several months, Senator WYDEN and I worked with Republicans and Democrats in both chambers to refine this legislation. On March 25 of 1999,

Senators WYDEN, MCCAIN, BURNS, LOTT, and I introduced the ''Millennium Digital Commerce Act'' (S. 761); Representative ANNA ESHOO introduced the House companion later that day. My staff continued to consult with Chairman BLILEY in order to refine our substantive approach to this issue, and his electronic signature legislation, H.R. 1714, was introduced on May 6, 1999. As I noted, S. 761 was the first electronic signature bill introduced in the 106th Congress. Thanks to the gracious assistance of Chairman MCCAIN, our bill received its first hearing in the Senate Commerce Committee on May 27 of last year. On June 23 it was passed out of the Commerce Committee on a unanimous 19–0 vote. I would note that the version of the bill passed out by the Committee included provisions regarding both electronic signatures and electronic records.

During the fall of 1999, we made several attempts to pass this bill by unanimous consent agreement in the Senate, but unfortunately, we were unable to proceed because several Members had concerns relating to the inclusion of electronic records in the legislation. Given our need to accommodate the Senate's schedule, we made a decision to pass a substitute bill that excluded the records provisions, and the Abraham-Wyden-Leahy substitute amendment passed the Senate unanimously on November 19, 1999.

At the time the Senate passed S. 761, Senator LOTT and I made clear our intention to work for inclusion of electronic records provisions in the final bill. I am pleased to say that with much effort, the bill is being passed today as conceived nearly two years ago—granting legal certainty to both electronic records and signatures.

Mr. President, at this point I would like to speak to several of the key principles of this legislation, which I believe will provide the legal framework needed for the continued growth of e-commerce.

The general rule of this legislation ensures the legal certainty of e-commerce in very clear, targeted terms: ''a signature, contract, or other record . . . may not be denied legal effect, validity, or enforceability solely because it is in electronic form''.

Mr. President, the word ''solely'' is pivotal in this context: it means that electronic writings are not to be discriminated against, but instead are to be judged according to existing principles of contract law.

With this language, the ''achilles heel'' of all of e-commerce is protected—the ''electronic'' nature of a contract will not be used to attack the validity of a contract.

Mr. President, I view this as my single most important contribution to the future of electronic commerce, and would like to thank Senators MCCAIN, WYDEN, GRAMM, and HATCH for their counsel and support in writing this section of the legislation.

This section of the legislation was added to ensure that no ambiguity existed with respect to our treatment of existing contract law. Although we strongly believe that our General Rule is formulated in the least onerous incarnation, Section 101(b) clarifies that principles of contract law, which have been established over a millennium of commerce, remain in effect and should continue to guide transactions nationwide. It is the strong belief of the conference that the decision whether or not to participate in electronic commerce is completely voluntary, and if the parties decide to do so, the bill grants parties to a transaction the freedom to determine the technologies and business methods to employ in the execution of an electronic contract or other record.

Under the consent provisions, a consumer must affirmatively consent to the provision of records in electronic form, and there must be a reasonable demonstration that the consumer can access electronic records. For the immediate future, the conference envisions this ''electronic consent'' to take the form of either a web-page based consumer affirmation, or a reply to a business' electronic mailing which includes an affirmation by the consumer that he or she could open provided attachments. I eagerly await future technology developments that render the burdens this section imposes on consumers and businesses obsolete.

This provision, in combination with the simple fact that the use of electronic records by a consumer and right to contract generally are completely voluntary, should ensure that no consumer will be forced by any business to accept any electronic document that the consumer does not wish to receive.

It is well worth noting that the term ''consumer'' does not include business-to-business transactions, which will allow businesses to take full advantage of the efficiency opportunities presented by this legislation.

As I have noted, the central purpose of this legislation is to establish a nation-wide baseline for the legal certainty of electronic signatures and records. The States themselves have recognized the need for uniformity in laws governing e-commerce, and in July of last year, the National Conference of Commissioners on Uniform State Law (NCCUSL) reported out model legislation designed to unify state law in a market-oriented, technology-neutral approach. I believe that the eventual adoption of UETA by all 50 states in a manner consistent with the version reported by NCCUSL will provide the same national uniformity which is established in the Federal legislation. For that reason, and at my insistence, when a state adopts the ''Uniform Electronic Transactions Act'' (UETA) as reported by NCCUSL, the federal preemption provided in this bill is superceded. In the meantime, the preemption contained in the Federal Act will ensure a uniform standard of legal certainty for both electronic signatures and electronic records.

Mr. President, I would like to address two additional points related to preemption. First, UETA includes a provision that permits a state to prescribe ''delivery methods'' for various records. I saw this as a potential loophole to the bill, which would allow a state to circumvent the intent of the general rule and require that an electronic document be delivered via physical methods—most likely ''first class'' mail. It should be clear to all that the federal legislation would not permit such a delivery method requirement, and we have specified as much in the preemption section. Second, I believed that the House version of the preemption was unnecessarily overbroad, and went so far as to seriously hamper the ability of a state or local government to perform those governing functions entrusted to it by the citizens. I am pleased that the conference agreed with my opinion, and that the language was changed in response.

The ''consumer protection'' provisions of this legislation specify that any notice of product recalls or cancellation, or termination of utility services, among other items, are to be excluded from the scope of this legislation. This means, of course, that the validity of these notices may be denied solely because they are in electronic form. I hope that industry does not shy away from providing these notices electronically—as well as in paper—as it seems to me that electronic ''anyplace, anytime'' notification of a product recall or utility shutoff would be extremely valuable. Especially to a resident of northern Michigan on business or vacation travel, whose furnace was subject to recall during the dead of winter.

Mr. President, because of the benefits of ''anyplace, anytime'' notice—and especially in light of the strong consent provisions in the bill—I believe consumers should be free to choose to receive any type record electronically, even those expressly precluded in this legislation. I hope the appropriate regulatory agencies will utilize the authority granted in this bill to allow all records, even those precluded from electronic transmission by this legislation, to be sent electronically.

The Legislation does not prevent states from establishing standards for electronic transactions with their constituents. Just as the Government Paperwork Elimination Act provided the Federal government the authority to set standards for electronic regulatory filing and reporting, so too should the States have the ability to set standards for electronic submission with a State or political subdivision. And, like any business, the Federal government and the States also have the ability to establish procedures and standards for procuring goods and services online.

The bill directs the Department of Commerce and Office of Management and Budget to report on Federal laws and regulations that might pose barriers to e-commerce and report back to

Congress on the impact of such provisions and provide suggestions for reform. Such a report will serve as the basis for Congressional action, or inaction, in the future.

This was one of the final sections of the language to be modified in response to my concerns. The original proposal by the Administration to deny legal validity for records required to be retained by Federal or State law or regulation until October 1, of 2001 was, in my opinion, needlessly excessive and punitive to those consumers and businesses prepared to leap now into the electronic age. I maintained that Federal and State agencies should be provided only six months time to develop standards to ensure document validity and integrity, so as to not inappropriately burden the private sector. Objective individuals outside the process with experience in developing and implementing regulations at the Federal and State level assured me that six months was feasible. In the end, however, we effectively agreed upon an eight-month delayed implementation. And finally, language which House negotiators insisted upon which would have needlessly created an uneven playing field for the financial services industry was also dropped at my request.

Since the Internet is inherently an international medium, consideration must be given to the manner in which the U.S. will conduct business with overseas governments and businesses. This legislation therefore sets forth a series of principles for the international use of electronic signatures. In the last year, U.S. negotiators have been meeting with the European Commissioners to discuss electronic signatures in international commerce. In these negotiations, the U.S. Department of Commerce and the State Department have worked in support of an open system governing the use of authentication technologies. Some European nations oppose this concept, however. For example, Germany insists that electronic transactions involving a German company must utilize a German electronic signature application. I applaud the Administration for their steadfast opposition to that approach. This bill will bolster and strengthen the U.S. position in these international negotiations by establishing the following principles as the will of the Congress:

One, paper-based obstacles to electronic transactions must be eliminated.

Two, parties to an electronic transaction should choose the electronic authentication technology.

Three, parties to a transaction should have the opportunity to prove in court that their authentication approach and transactions are valid.

Four, the international approach to electronic signatures should take a non-discriminatory approach to electronic signature. This will allow the free market—not a government—to determine the type of authentication technologies used in international commerce.

Mr. President, it is my hope that adoption of these principles will increase the likelihood of an open, market-based international framework for electronic commerce.

Mr. President, two years ago I believed that if we, as a body, could maintain a spirit of bipartisanship and a strong commitment to principles of free commerce, that we were poised to produce the landmark accomplishment of this Congress. Well we took these commitments seriously, and I believe our work product will be hailed for generations to come as the grounds upon which the dream of a prosperous new economy became a reality—and well beyond our expectations.

I am pleased to say that we have already begun work on the next legislative effort to help this nation shift to the electronic world, addressing the apportionment of liability for violations of duty and trust, and the protection of information and user confidentiality in electronic commerce. Mr. President, I welcome the help of my colleagues who have been with me in the effort to protect electronic signatures and records, I look forward to again working closely with the states and industry, and I hope to deliver to the American public corresponding legislation that is as well-contemplated and effective as S. 761 in the next Congress.

Before I close, there are a number of individuals whom I would like to thank for their hard work, and without exception, for their endurance. First, I would like to recognize Chairman MCCAIN for his assistance and dedication to this effort. The Chairman was one of the original cosponsors of this legislation, and lent a great deal of support well before any of the current attention was being paid to the issue of the legal certainty of electronic commerce. Senator MCCAIN's constant momentum eliminated many obstacles over the past 18 months and kept this process moving forward.

Without his efforts and those of Mark Buse and Maureen McLaughlin of the Senate Commerce Committee staff, I certainly wouldn't be making this statement today.

I would also like to sincerely thank my friend, Senator PHIL GRAMM, Chairman of our Banking Committee, whose dedication to those important principles of economic freedom was a key ingredient in guiding our legislation through the past year and a half.

The expertise which he and his staffers Geoff Gray and Wayne Abernathy brought to the table was absolutely indispensable. Senator GRAMM ensured that this legislation's propound impact on the financial services industry will be a positive one.

I also want to acknowledge our Judiciary chairman, Senator HATCH, who I understand will not be participating in the final vote on this legislation tomorrow due to another commitment, but he and his staff likewise worked very closely with us throughout this effort.

The support and counsel of Senator WYDEN, my partner in introducing this bipartisan bill last year, has also been essential to bridging the conceptual differences between colleagues on both sides of the aisle. Despite the different approaches we occasionally endorsed, I could always count on his sincere efforts to find common ground on this legislation. Senator WYDEN and his legislative director, Carole Grunberg did yeoman's work on this bill, and for that I wish to express my true appreciation.

I also commend Senator PAT LEAHY and his counsel, Julie Katzman for their contributions to this bill. Indeed, we worked hard in putting together the ingredients that made up the Senate version of this legislation, the final amendment which was adopted by the Senate when we passed this last year. Senator LEAHY's continuing interest, involvement, and support were very important to our success.

I must also express my gratitude to the Senate leadership for their patience as well as their persistence in moving this legislation. I truly appreciate the assistance of Dave Hoppe, Jack Howard, Jim Sartucci, and Rene Bennett of the Senate Majority Leader's staff.

I would also like to give thanks to Massachusetts Governor Paul Cellucci for his assistance and support through the process of drafting this legislation. Massachusetts should be proud of the work done by their Governor and his staff on this bill, especially the Governor's Special Counsel for e-commerce, Daniel Greenwood, to assure that state and federal law governing e-commerce are complimentary.

Finally, I would like to recognize the efforts of three members of my own staff who are here tonight. My legislative assistant, Kevin Kolevar, my Judiciary Committee Counsel, Chase Hutto, and my Administrative Assistant Cesar Conda.

I thank them for their tireless efforts and loyalty, and recognize they possess both the tremendous vision necessary to conceive of this legislation back in November of 1998, and the dedication to bring it to the point of final passage today.

I would just indicate that without these three gentleman and their hard work, numerous impasses that seemed to have doomed this legislation would not have been surmounted. Their willingness to creatively examine the problems we were confronting and come up with new approaches that offered all the participants an opportunity to work together to find a common ground were absolutely indispensable to this success. I certainly can attest to the long hours that were put in by these individuals to make sure that we completed this project and that we are in a position to pass this legislation.

As people look back on this effort, and I think they will with a sense that

this was an important achievement, all three of these individuals will be accorded the praise they deserve for their efforts.

In closing, let me urge my colleagues to support final passage of the conference report tomorrow morning. I believe that we are passing a very important, landmark piece of legislation that will provide a stimulus to the new economy the likes of which we have not previously seen. I believe it is one of the most important steps we can take as a Congress to remove some of the barriers and impediments that might prevent us from fully enjoying the benefits of the new technologies, and I believe that as it becomes the law of the land, and subsequently as it is used as a basis for the entering into of transactions through e-commerce, we will look back on these achievements with great pride. I am happy to have been part of it. I thank all of my colleagues who made this possible.

Mr. ROBB. Mr. President, I rise today in strong support of the conference report on the Millennium Digital Commerce Act, a bill which I believe will help us remove one of the most imposing barriers to the growth of electronic commerce—the lack of a way to verify the validity of contracts entered into over the web.

As the Internet becomes more ubiquitous in society and the lines between paper and electronic worlds blur, it is crucial that we find ways to adapt older regulatory structures such as contract law to the new world of Internet commerce. By providing a framework for digital signatures, the Millenium Digital Commerce Act will do just that, and I'm pleased that we're about to send it to the President's desk for signature.

I'm particularly pleased that the conferees were able to work through some of the complicated consumer protection issues on this bill. Throughout the conference negotiations, there were those who suggested that we should use this bill to relax some of our most important consumer protection laws. I appreciate the efforts of Senators LEAHY, MCCAIN, ABRAHAM and others in working to temper these efforts, and believe that the final product is much better for it.

While I strongly support this legislation, I regret that a prior commitment will prevent me from being here tomorrow to vote in favor of it. In my absence, I urge each of my colleagues to support this landmark agreement, which will help the Internet realize its full potential.

Mrs. BOXER. Mr. President, last night the other body overwhelmingly approved the conference report accompanying S. 761, the Electronic Signatures in Global and National Commerce Act, by a vote of 426–4. The Senate is expected to take the report up soon.

I support the conference report on S. 761 because paper-less transactions will give our Information Age economy a boost, and allow persons to shop for goods and services once unavailable on the Internet.

The ability to make binding contracts online, that reach across state borders, will drive down transaction costs. The financial industry alone expects to save millions of dollars a year due to efficiencies derived from electronic signatures.

Consumers will save money and time, also. With electronic signatures persons will no longer need to sign certain contracts in person or communicate via mail. Now, persons will be able to enter into contracts and purchase items, like care loans, from the comfort of their own homes. Certainly, consumers will save money with this new level of competition, and save time conducting their daily affairs.

As people are able to conduct more and more business transactions online, I think we'll look back one day and try to remember what it was like without electronic signatures.

Mr. President, I look forward to this bill becoming law.

Mr. GRAMM, Mr. President, I rise today in support of the conference report on S. 761, the Electronic Signatures in Global and National Commerce Act, also known as the E–SIGN bill. The bill establishes a uniform national standard for treating electronic signatures, contracts and disclosures are legally binding in the same way that physical signatures, paper contracts and paper disclosures are legally binding. The bill will allow American businesses to become more efficient and productive through use of the Internet and other forms of electronic commerce, rather than being forced to use paper for all binding agreements. Further, it will expand for consumers everywhere the availability of products and services as well as permit tremendous time savings. With consumers no longer bound by expensive and time-absorbing requirements to complete transactions through the mail or in person, consumer costs will decline and choices will grow. Working from home computers, people will increasingly be able to pay bills, apply for mortgages, trade securities, and purchase goods and services wherever and whenever they choose. The reach of the consumer will extend around the globe.

Mr. President, Senator SPENCER ABRAHAM deserves the lion's share of the credit for this legislation. He began this process back in 1998, fathering not only the Senate bill, but subsequently generating interest on the House side. He continued providing technical and drafting assistance throughout the process. Without Senator ABRAHAM's persistence, and his clear, constant vision of what we need to accomplish, there would be no bill.

This legislation will have a profound impact on the financial services industries. ''Electronic records'' is the term in the legislation that would encompass the disclosures that banks and other financial services companies must provide to consumers. Unlike the Senate bill, the House-passed bill included references to ''electronic records'' throughout the provisions of the bill. By including electronic records along with electronic signatures, the House bill extended the scope of the bill to cover disclosures required under various laws and regulations.

Far more than other industries, financial services companies such as banks, insurance companies and securities firms are impacted by these disclosure laws. Not only these industries, but these disclosure laws themselves fall under the jurisdiction of the Banking Committee. I am pleased that members of the Banking Committee were able to serve on the conference committee to ensure that these provisions were drafted in an appropriate and workable fashion.

There remain some problems with the bill, but I do not believe them to be overwhelming. There are those who are fearful of the electronic market place, and that fear found its expression in the debates in the conference committee. It found its expression in provisions in this bill that apply standards to electronic commerce that are not applied to paper commerce. That is not unusual. Every major technological advance has met with fear before its full benefits were embraced. It may seem odd, but not over one hundred years ago there was a very spirited congressional debate about whether it was safe to buy an automobile for transporting the President. Voices were loudly raised in Congress that automobile transportation was not safe, that it was too risky to let the President be transported in anything other than a horse-drawn carriage. Governments passed restrictions on automobile use that should silly to us today.

I believe that many of the fears that have been raised about electronic commerce will very soon sound silly. In fact, many of them do not make much sense today. That is why I am pleased that this legislation will allow the regulators to remove many of these onerous restrictions if the fears prove unfounded, as I expect that they will. And as I expect the fear to prove unfounded, I expect the regulators to act vigorously to remove unnecessary restrictions and requirements. Electronic commerce should labor under no greater regulatory restrictions than does the quill pen, if this is to be a system for the twenty-first century.

We will watch very closely the development of electronic commerce. If this legislation proves to put an unnecessary burden on electronic commerce, and if the regulators fail to act, or if legislation is needed, we will then take vigorous action in the Congress to correct the situation and make the purposes of this legislation a reality.

Mr. LAUTENBERG. Mr. President, this bill includes a critical measure to make .08 the national drunk driving standard.

Chairman SHELBY and I both care deeply about improving transportation

across this country, but we also share a commitment to making sure our transportation systems are as safe as possible. One of the most important things we can do to keep our families safe on our nation's roads is to keep drunk drivers off those roads.

Mr. President, the Senate already voted in favor of the .08 standard in 1998. The Senate overwhelming passed the Lautenberg-DeWine .08 amendment to TEA–21 by a vote of 62–32.

But, ultimately, the American public did not get the safety legislation that they deserved when a national .08 standard was not included in the final TEA–21 conference report that was sent to the President.

The TEA–21 conference report removed the Senate-passed .08 standard and replaced it with an incentive grant program, that, while well intentioned, frankly is not working. Only two states have passed .08 BAC since TEA–21 was enacted two years ago and it seems very unlikely that any other state will be motivated by the incentive grants over the next few years.

Mr. President, we have learned with other effective drunk driving legislation such as the minimum 21 drinking age and zero tolerance that weak incentive programs do not work—but national standards do.

I would assure my colleagues that the .08 provisions in this bill today do not alter the TEA–21 incentive grant program. So if your state is receiving incentive grant funds, you will continue to receive every cent you are entitled to under the current program.

For over a decade—in both Republican and Democratic Administrations, the National Highway Traffic Safety Administration has been telling Congress that the .08 standard is the best way to ensure safety on our roads and lower the number of fatalities which result from drunk driving.

In fact, the National Highway Traffic Safety Administration (NHTSA) estimates that a national .08 standard will save approximately 500 lives per year.

Make no mistake—drivers at .08 are drunk and should not be on the road. According to NHTSA, at .08, drivers are impaired in their ability to steer, brake, change lanes, use good judgment and focus their attention.

Their ability to perform these critical tasks may decrease by as much as 60 percent.

We must keep these drivers off the road in order to keep our families safe.

I am grateful to my colleagues for including the .08 provisions in this bill today. Now we look to the House of Representatives to follow our lead and work with us to produce a conference report that retains this critical safety legislation.

I yield the floor.

Mr. HOLLINGS. Mr. President, I rise to speak in favor of the passage of the conference report on S. 761, the electronic signatures bill. This legislation was originally considered and reported by the Commerce Committee. The initial purpose of the legislation was to legalize the use of digital signatures for contracting electronically, mostly via the internet. The States for several years had been working on adopting a model law—the Uniform Electronic Transaction Act (UETA)—which was to be adopted by the States for the purpose of creating uniformity. This process was to be akin to the adoption of the Uniform Commercial Code (UCC). However, a number of industries, most notably those in the high-tech field, felt that it could take years for all States to adopt the model law. Thus, they sought Federal preemption. Bills eventually were introduced in both Chambers. Senator ABRAHAM introduced the legislation in the Senate, and Congressman BLILEY introduced legislation in the House (H.R. 1714).

As noted, the Senate bill—introduced on March 25, 1999—was referred to and considered by the Commerce Committee. After holding a hearing on May 27, 1999, the committee reported the bill on June 23, 1999. At that time, we were advised that the general purpose of the bill was to establish a Federal temporary and backup law, so as to ensure the national use of electronic signatures until the model law was adopted by the States.

During the committee's consideration of S. 761, I indicated that I did not have a problem with establishing uniformity; however, because the legislation ultimately affects State contract law, I was concerned about preserving the right of States to adopt their own laws, given that States already were working on the adoption of a model law. In the field of commercial law, the States had a similar experience with the UCC. Thus, I saw no reason to prevent the States from adhering to the same process with respect to digital signatures. I made it clear to Senator ABRAHAM that I would not support the bill—in fact, that I would seek to block its passage—if the legislation did not preserve the autonomy of States to adopt the model law that they were considering. I also sought to make sure States were able to adopt the model law in a manner consistent with their consumer protection laws. Senator ABRAHAM and I were able to come to an agreement so as to ensure that the legislation, as reported by the committee, was consistent with these principles. The legislation was unanimously reported by the committee on June 23, 1999.

Once reported, Senator LEAHY worked to procure a number of changes designed to ensure the non-applicability of the bill to certain agreements, including marital and landlord tenant relationships. The legislation was passed by the Senate on November 19, 1999.

I should note that before final passage of the bill, I objected to its passage by unanimous consent because of the inclusion of language providing that the legislation applied to the business of insurance. I objected because that language was not in the Senate bill as reported by the Commerce Committee, but more significantly, I objected because insurance companies are regulated by the States. Because the matter had not been addressed by the Commerce Committee, and because insurance is under the jurisdiction of the Commerce Committee, I wanted some clarification on the issue, and assurance that the issue of State insurance regulation would be addressed in the legislative conference on the bill. Senator ABRAHAM, through a colloquy, agreed that the issue would be addressed during conference discussions.

The House bill—H.R. 1714—was passed last November as well. It, however, was more extensive, and severe, than the Senate bill. It did not provide regulatory flexibility to the States to allow them to adopt the model law in conformance with their consumer protection laws; it included provisions regarding Government electronic filing and record keeping—which was beyond the original purpose of the legislation; and provisions specifying the manner in which consumers' consent could be obtained for the use of electronic signatures. Reservations and opposition to the bill were heard from state officials and the consumer community.

These groups had a right to be concerned about the bill. The legislation, pursuant to its ''consent provisions'' would have allowed consumers to be easily induced into giving their consent to contract electronically, even if they didn't own or have access to a computer. In other words, pursuant to certain inducements by a commercial entity—i.e., through an offer that the consumer could get the product cheaper if he or she agreed to a transaction electronically—consumers could have been placed in positions whereby they walked away from a commercial agreement in person without any paper or documentation and potentially no means of accessing the actual contents of the agreement later, including any additional notices or disclosures they're required to receive with consumer purchases. With respect to the record retention requirements that states impose on commercial entities, such as insurance companies, the legislation, would have substantially undermined the ability of States to ensure that businesses retained important documents, such as financial statements and records, and that States retained access to those documents.

The conference discussions on the bill began between the Senate and House immediately after the Senate conferees were appointed in March of this year. Subsequently, however, the majority staff of the Senate and House began to convene among themselves. On May 15, the majority presented a draft conference agreement to the Democratic Members. After reviewing the document, I made it clear that not only would I not support the proposal, but if offered up, I would do all I could to kill the measure. I should note, however, that every other Democratic

Member of the conference—Senators LEAHY, SARBANES, WYDEN, KERRY, INOUYE, and ROCKEFELLER as well as Congressman DINGELL and Congressman MARKEY—in addition to the administration, opposed the measure. In light of this opposition, the majority Members, and the high-tech industry, knew they would not achieve passage of the proposal.

The problems with the draft include the following:

Similar to the House bill, it would have allowed businesses to induce consumers into signing and consummating contracts electronically even in face to face transactions. Consequently, a person could walk away from a major agreement without any paperwork. The actual agreement would have been e-mailed to the purchaser. In that situation, however, the consumer would have no way of proving that the document that he or she received by e-mail is the deal that he or she actually agreed to. Moreover, there would be no paperwork on warranties and no guarantee that a person could access the documents if that person doesn't own a computer or doesn't have the proper computer software of hardware.

Additionally, the draft provided that after a consumer consented, in the event a company changed the hardware or software that prevented the consumer from receiving or reviewing the document, the burden would have been on the consumer, not the company to purchase the correct hardware and software.

The draft also included the onerous record retention provisions of the House bill.

After the draft was rejected by the Democratic Members, I suggested to my friend, TOM BLILEY, the chairman of the Conference, that the only way a bill was going to pass this year was that it had to be an agreement of a bipartisan nature. Given that Congressman BLILEY's bill was so far different from where most Democrats were, I knew that if we could come to an agreement, we could achieve a bipartisan measure. He agreed. I suggested that he meet with a group of Democratic Members and the representatives of the administration to develop a bipartisan draft to present to the conference. He agreed to this recommendation as well. Subsequently, his staff met with Democratic staff members and representatives of the administration and eventually constructed a bipartisan Conference draft. That document included major revisions of the consumer consent, preemption and record retention provisions. Those provisions provided significantly more protections to consumers and protections of state regulatory authority.

When the draft was first presented to the conference, there were objections. However, it led to a second bipartisan discussion between the Democratic Members, along with the Administration and the two Republican principals, Congressman BLILEY and Senator MCCAIN—who also recognized the need for a bipartisan consensus. Through the efforts of Senator MCCAIN, we eventually were able to agree on a final draft of the bipartisan measure.

I am proud to say that the final conference report includes major protections for consumers and the States. Does it include all I would have liked for it to? Of course not. However, it does represent a commendable effort by Republican and Democratic conferees to put forth a law that accomplishes the original goal of establishing a legal framework for the new digital world, while maintaining important protections for American consumers. I have joined with Senators SARBANES and WYDEN introducing an explanatory statement of the legislation, which details how the bill affects consumers and State governments. I would, however, like to highlight a few important provisions:

(1) The agreement ensures that consumers, when giving consent to do a transaction electronically, before their consent can be valid, must be informed of their right to receive records in paper, and of the right to withdraw their consent once given, and that there be some demonstration that the consumer can actually access and retain the document.

(2) It ensures that consumers are able to withdraw consent to receive their required notices under the contract in the event the provider changes the hardware or software in a manner which prevents the consumer from accessing and retaining the document, without costs and fees.

(3) It preserves state unfair and deceptive trade practices laws, so as to ensure that the use of electronic signatures and electronic transactions cannot be used to evade the requirements and prohibitions of these laws.

(4) It preserves important aspects of Federal and State record retention laws and requirements, and gives States some reasonable time to conform their regulations in light of the legislation's affirmation of electronic record retention by regulated industries.

Mr. President, I would like to commend Congressman BLILEY, and Senator MCCAIN for their efforts to forge an agreement on the legislation. I also want to commend all my Democratic colleagues and their staff, and the representatives of the administration for their admirable work on this legislation.

Mr. SARBANES. Mr. President, I am very pleased to be able to bring to the floor of the Senate this conference report of S. 761, the Electronic Signatures in Global and National Commerce Act, along with my colleagues from the Commerce and Judiciary Committees.

First and foremost, the success of this effort is the result of the leadership of Chairman BLILEY and Chairman MCCAIN. Their commitment to working in a bipartisan manner ultimately carried the day.

I also want to thank Senator HOLLINGS, Senator LEAHY, Senator WYDEN, and Representative DINGELL. Without the leadership exhibited by these 4 members, and the long hours, hard work, and dedication of their key staff (Moses Boyd, Kevin Kayes, Julie Katzman, Carol Grunberg, Consuela Washington, and Bruce Gwinn) we would never have reached this agreement.

Finally, the Administration, through its representatives from the Commerce and Treasury Departments (Andy Pincus and Gary Gensler), as well as the White House (Sarah Rosen-Wartell), played a crucial and constructive role in putting together the package we have before us.

Mr. President, I support this bipartisan conference report. This new law creates a solid legal foundation upon which electronic commerce can grow and prosper, with benefits for many consumers and businesses.

It is apparent to all of us that more and more business will be done on-line in the future, and that this will be true both for business-to-business commerce and for consumer transactions.

We need to be mindful, however, that while this trend will likely continue, many Americans do not today participate in the electronic world. Indeed, they cannot participate in this world in any meaningful way.

To make this point, I want to share with my colleagues the findings of a July, 1999 Commerce Department report entitled ''Falling Through the Net: Defining the Digital Divide.''

First, about 70 percent of Americans do not yet have access to the internet;

Urban households with incomes of $75,000 and higher are more than twenty times more likely to have access to the internet than rural households at the lowest income levels and they are more than nine times more likely to have a computer at home;

Whites are more likely to have access to the internet from home than Blacks or Hispanics have from any location;

Regardless of income level, Americans living in rural areas lag on internet access. At the lowest income levels, those in urban areas are more than twice as likely to have access than rural families with the same income.

These facts are alarming. More distressing, is the fact that, as bad as these numbers are, the trends are moving in the wrong direction. The Commerce Department reports that the digital divide is actually growing.

For example, the gap between white and minority households has grown 5 percentage points in just one year, from 1997 to 1998.

The gap, based both on education and income increased by 25 and 29 percent in the past year, respectively.

These dramatic and disturbing findings underline the importance of ensuring that, as we move to an electronic world, we make sure that longstanding consumer protections survive the transition. Many of us made clear from the

beginning that our goal was to ensure equivalent consumer protections for transactions conducted in the paper and electronic worlds. We have largely achieved that goal.

First among these protections is the common sense provision incorporated in the report that consumer consent to engage in electronic commerce be given electronically. This is a protection against unscrupulous and abusive practices as well as inadvertent mistakes by well meaning vendors.

Electronic consent will greatly enhance the consumer confidence to do business on-line, without resulting in additional burden on businesses—they are, after all, already committed to communicating with the consumer electronically.

The best demonstration of the importance of electronic consent is the fact that the initial conference draft that was provided to Conferees was circulated via e-mail. Yet, despite the fact that our staff is more technologically sophisticated than the average American consumer, many of them were unable to download the document and had to have paper copies hand delivered.

Now, imagine if that was a notice of change in mortgage servicing, or a notice that health insurance benefits are being cut back, or that auto insurance is being cancelled. That family could very well find itself with a sick child on no health insurance.

Electronic consent would have avoided that problem by ensuring that the consumer is able to read the records provided.

Electronic consent is not, as some people have sought to portray it, relevant only for a transitional period. Compatibility among systems is always important to check, given the significance of the records being transmitted. In addition, the U.S. mail is free to receive and comes to your door. You do not need a computer to receive the mail. You do not need to pay for an internet service provider, and you do not need to go to a public library to fain access to a computer if you don't have one at home. For all these reasons, electronic consent will be as important in the future as it is today.

Other concerns I had have also been addressed in this report.

We have provided both federal and state agencies with the authority to interpret and issue guidance on the proposed law. Providing this interpretive authority will provide businesses with a cost-effective way of getting guidance in how to implement the new law. Without this authority, these questions would have to have been answered by the courts, after extensive and expensive litigation. We have avoided that problem.

the conference report gives law enforcement agencies of federal and state governments the authority they need to detect and combat fraud, including the ability to require the retention of written records in paper form if there is a compelling governmental interest in law enforcement.

Let me raise one specific example, among many, of where this provision ought to be exercised. The Securities and Exchange Commission should use this provision to require brokers to keep written records of agreements required to be obtained by the SEC's penny stock rules. Investors in the securities markets have been the victims of penny stock abuse for more than a decade. The SEC must exercise every tool at its disposal to fight this kind of fraud.

Finally, we narrowed the scope of the legislation to ensure that certain notices that simply cannot effectively be made electronically, such as documents carried by vehicles hauling hazardous materials, will continue to be in paper form.

As many of you know, it was not at all clear that we were going to be able to deliver this bipartisan, largely consensus product to the floor. There were many times when negotiations threatened to unravel.

But we stuck to it; we continued to show a willingness to consider and reconsider many issues that came up, even after agreement on many of those issues was achieved. Eventually, we were able to close the few remaining gaps and come to a final compromise.

Mr. President, these changes make this a good piece of legislation worthy of our support. I urge all my colleagues to do so, and, once again, commend the leaders who brought this effort to a successful conclusion.

Finally, I ask unanimous consent to insert for the RECORD some more specific observations on a number of provisions of the legislation on behalf of Senator HOLLINGS, Senator, WYDEN, and myself. I think this will be helpful given the fact that no statement of managers was included with the final legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATORS HOLLINGS, WYDEN, AND SARBANES REGARDING THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

We want to make a number of points about some of the important provisions in the Act we are passing today.

1. *Scope of Requirement.* Section 101 (a). In recommending that the Senate vote to pass this legislation, we would like to clarify for members the kind of transactions that are covered by the bill. You will note that the definition of ''transaction'' includes business, commercial, or consumer affairs. The Conferees specifically rejected including ''governmental'' transactions. Members should understand that this bill will not in any way affect most governmental transactions, such as law enforcement actions, court actions, issuance of government grants, applications for or disbursement of government benefits, or other activities that government conducts that private actors would not conduct. Even though some aspects of such Governmental transactions (for example, the Government's issuance of a check reflecting a Government benefit) are commercial in nature, they are not covered by this bill because they are part of a uniquely Governmental operation. Likewise, activities conducted by private parties principally for governmental purposes are not covered by this bill. Thus, for example, the act of collecting signatures to place a nomination on a ballot would not be covered, even though it might have some nexus with commerce (such as the signature collectors' contract of employment).

*General Rule of Validity.* Section 101(a)(1) and (2). The Conferees added the word ''solely'' in both sections 101(a)(1) and (2) to ensure that electronic contracts and signatures are not inadvertently immunized by this Act from challenge on grounds other than the absence of a physical writing or signature. Companies and consumers should only be able to agree to reasonable electronic signature technologies. As the definition of the electronic signature makes clear, the electronic signature is only valid under this Act if the person intended to sign the contract. A person accepting an electronic signature should have a duty of care to determine if the signature really was created by the person to whom it is attributed.

*Preservation of Rights and Obligations.* Section 101(b)(1). The Conferees added a new Section 101(b)(1) which provides that this Title I does not ''limit, alter, or otherwise affect any requirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that contracts or other records be written, signed, or in nonelectronic form.'' This savings clause makes clear that existing legal requirements that do not involve the writing, signature, or paper form of a contract or other record are not affected by Title I. As a result, laws or regulations or common law rules that prohibit fraud or unfair trade or deceptive practices or unconscionable contracts are not affected by this Act. The use of the word ''solely'' throughout section 101(a) is intended to ensure a contract, notice or disclosure which is provided electronically gains no additional validity or sanctity against challenge just because it is in electronic form. The validity of a consent obtained as the result of an unfair or deceptive practice can be challenged and found to be invalid, in which case any records which were provided electronically will be deemed to not have been provided to the consumer. Thus, for example, a transaction into which a consumer enters electronically is still subject to scrutiny under applicable state and Federal laws that prohibit unfair and deceptive acts and practices. So, if a consumer were deceived or unfairly convinced in some way to enter into the electronic transaction, state and Federal unfair and deceptive practices laws might still apply even though the consumer was properly notified of their rights under Section 101(c) and consented to the electronic notices and contract was properly obtained. In other words, compliance with the Act's consumer consent requirements does not make it unnecessary for the transaction and parties to the transaction to comply with other applicable statutes, regulations or rules of law. The basic rules of good faith and fair dealing apply to electronic commerce.

*Preservation of Rights and Obligations.* Section 101(b)(2). The Act specifically avoids forcing any contracting party—whether the Government or a private party—to use or accept electronic records and electronic signatures in their contracts. Thus, for example, where the Government makes a direct loan, the bill would not require the use or acceptance of electronic records or signatures in the loan transaction, because the Government would be a party to the loan contract. The Conferees recognized that, in some instances, parties to a contract might have

valid reasons for choosing not to use electronic signatures and records, and it is best to allow contracting parties the freedom to make that decision for themselves.

*Protections Against Waste, Fraud and Abuse.* Sections 101(b)(2), 102(b) and 104(b)(4). Members should note that several provisions of the Conference report are designed to address concern about protecting taxpayers from waste, fraud and abuse in connection with government contracting or other instances in which the government is a market participant. For example, Sections 101(b)(2), 102(b) and 104(b)(4) and others give agencies significant latitude to accept, reject, or place conditions on the use of electronic signatures and records when the government is acting like a market participant.

*Consent to Electronic Records.* Section 101(c)(1). The House bill included an amendment that required that consumers affirmatively consent before they can receive records (included required notices and disclosures and statements) electronically that are legally required to be provided or made available in writing. Special rules apply to electronic transactions entered into by consumers. It is the Congress' intent that the broadest possible interpretation should be applied to the concept of ''consumer.'' The definition in Section 106(1) is intended to include persons obtaining credit and insurance, even salaries and pensions—because all of these are ''products or services which are used primarily for personal, family or household purposes'' as the word is defined in the Act. Amongst the other changes to this section made in Conference, the Conferees added an important new element: Section 101(c)(1)(C) of the Conference Report requires that the consumer ''consents electronically, or confirms his or her consent electronically, in a manner that reasonably demonstrates that the consumer can access information in the electronic form that will be used to provide the information that is the subject of the consent.'' The purpose of this provision is to ensure that, when consumers agree to receive notices electronically, that they can actually open, read, and retain the records that they will be sent electronically. The Act requires that consumers consent electronically—or confirm their consent electronically—in either case, in a manner that allows the consumer to test his capacity to access and retain the electronic records that will be provided to him. The consumer's consent to receive electronic records is not valid unless it is confirmed electronically in a manner meeting the specific requirements of Section 101(c)(1)(C)(ii).

Today, many different technologies can be used to deliver information—each with its own hardware and software requirements. An individual may not know whether the hardware and software on his or her computer will allow a particular technology to operate. (All of us have had the experience of being unable to open an e-mail attachment.) Most individuals lack the technological sophistication to know the exact technical specifications of their computer equipment and software. It is appropriate to require companies to establish an ''electronic connection'' with their customers in order to provide assurance that the consumer will be able to access the information in the electronic form in which it will be sent. This one-time ''electronic check'' can be as simple as an e-mail to the customer asking the customer to confirm that he or she was able to open the attachment (if the company plans to send notices to the customer via e-mail attachments) and a reply from the customer confirming that he or she was able to open the attachment. This responsibility is not unduly burdensome to e-commerce. As a matter of good customer relations, any legitimate company would want to do confirm that it has a working communications link with its customers.

*Preservation of Consumer Protections.* Section 101(c)(2)(A). The Conferees preserved an important provision from the House bill which provides that: ''nothing in this title affects the content or timing of any disclosure or other record required to be provided or made available to any consumer under any statute, regulation, or other rule of law.'' State and federal law requirements on delivering documents have not been addressed in this Act. The underlying rules on these issues still prevail. It is our view that records provided electronically to consumers must be provided in a manner that has the same expectation for the consumer's actual receipt as was contemplated when the state law requirement for ''provided'' was passed. So, for example, if a statute requires that a disclosure be provided within 24 hours of a certain event and that the disclosure include specific language set forth clearly and conspicuously. That requirement could be met by an electronic disclosure if provided within 24 hours of that event, which disclosure included the specific language, set forth clearly and conspicuously. However, simply providing a notice electronically does not obviate the need to satisfy the underlying statute's requirements for timing and content.

Section 101(c)(3) is a narrow saving clause to preserve the integrity of electronic contracts: just because the consumer's consent to electronic notices and records was not obtained properly does not mean that the underlying contract itself is invalid. This provision only affects electronic records, it simply means that an electronic consent which fails to meet the requirements of section 101(c) does not create a new basis for invalidating the electronic contract itself.

*Retention of Contracts and Records.* Section 101(d)(1) and Section 104(b)(3). The Conferees added provisions that state: ''if a statute, regulation, and other rule requires that a contract or other record relating to a transaction . . . be retained,'' the requirement is met by retaining an electronic record of the information that ''accurately reflects the information'' and ''remains accessible'' to all who are entitled to it ''in a form that is capable of being accurately reproduced for later reference. . . .'' Moreover, Federal or State regulatory agencies may interpret this requirement to specify performance standards to ''assure accuracy, record integrity, and accessibility of records that are required to be retained.'' Moreover, these performance standards can be specified in a manner that does not conform to the technology neutrality provisions, provided that the requirement serves, and is substantially related to the achievement of, an important governmental objective. These record retention provisions are essential to the capacity of Federal and State regulatory and law enforcement agencies to ensure compliance with laws. For example, the only way in which a government agency can determine if participants in large government programs are complying with financial and other requirements of those programs may be to require that records be retained in a form that can be readily accessible to government auditors. Similarly, agencies must be able to require that companies implement anti-tampering protections to ensure that electronic records cannot be altered easily by money launderers or embezzlers or others seeking to hide their illegal activity. Without the ability of these agencies to ascertain program compliance through electronic record retention, taxpayers could be exposed to far greater risk of fraud and abuse. Similarly, bank and other financial regulators need to require that records be retained in order that their examiners can insure the safety and soundness of the institutions and their compliance with all relevant regulatory requirements.

*Accuracy and Ability to Retain Contracts and Other Records, 101(e).* The Conferees added new language in section (e) of 101 to establish that a contract or record which is required under other law to be in writing loses its legal validity unless it is provided electronically to each party in a manner which allows each party to retain and use it at a later time to prove the terms of the record.

*Exemptions to Preemption.* Section 102(a) allows a state to ''modify, limit or supersede section 101'' in one of two ways: (1) by passing the Uniform Electronic Transactions Act (''UETA'') as approved and recommended for enactment by the National Conferences of Commissioners on Uniform State Laws in 1999, or (2) by passing another law which specifies the requirements for use or acceptance of electronic records and electronic signatures which is consistent with this Act. These choices for states are not mutually exclusive. Of course, the rules for consumer consent and accuracy and retainability of electronic records under this Act shall apply in all states that pass the Uniform Electronic Transaction Act or another law on electronic records and signatures in the future, unless the state affirmatively and expressly displaces the requirements of federal law on these points. A state which passed UETA before the passage of this Act could not have intended to displace these federal law requirements. These states would have to pass another law to supercede or displace the requirements of section 101. In a state which enacts UETA after passage of this Act, without expressly limiting the consent, integrity and retainability subsections of 101, those requirements of this Act would remain in effect. The general provisions of UETA, such as the requirement for agreement to receive electronic records in UETA are not inconsistent with and do not displace the more specific requirements of section 101, such as the requirement for a consumer's consent and disclosure in section 101(c).

It is important to note that Section 103(b) lists certain notices which are exempted from the coverage of section 101 (such as notices of cancellation of utility service or insurance coverage). The legal result is that section 101 simply does not apply to the notices listed in section 103. Under section 102(a) a state only has the authority to modify, limit or supercede the coverage of section 101. We specifically intend that a state may not use its authority under section 102, to authorize solely electronic records of those notices listed in section 103.

*Prevention of Circumvention.* Section 102©. Section 8(b)(2) of UETA allows States to impose delivery requirements for electronic records. Section 102(c) has the limited purpose of ensuring that the state does not circumvent Titles I or II of this Act by imposing nonelectronic delivery methods. Thus, provided that the delivery methods required are electronic and do not require that notices and records be delivered in paper form, States retain their authority under Section 8(b)(2) of UETA to establish delivery requirements.

We believe that Title II of this Act separately addresses transferable records by establishing rules for creating, retaining and providing these records electronically. This Act places no limitation on a state's right to add consumer protections to transferable records.

*Preservation of Existing Rulemaking Authority.* Section 104(b). This Act will affect requirements that are imposed by Federal and State statutes, regulations, and rules of law. No one agency that is charged with interpreting its provisions; instead, under Section

104(b), regulatory agencies that have authority to interpret other statutes may interpret Section 101 with respect to those statutes to the extent of their existing interpretative authority. This provision provides important protection to both affected industry and consumers. It is impossible to envision all of the ways in which this Act will affect existing statutory requirements. This interpretative authority will allow regulatory agencies to provide legal certainty about interpretations to affected parties. Moreover, this authority will allow regulatory agencies to take steps to address abusive electronic practices that might arise that are inconsistent with the goals of their underlying statutes. For example, if a broker were to deceive a person into pledging equity in their home for a loan based on false representations about the loans terms and conditions, the broker's action could be challenged under any applicable statute that prohibited such deception and false representations, even if the consumer executed the loan documents electronically and consented to the use of the electronic contract and records in compliance with the terms of this Act. Without this authority, predators might argue that this Act somehow immunizes the abusive practice, notwithstanding the underlying statutory requirement, and consumers and competitors would have to wait for resolution of the issue through litigation.

I would also like to clarify the nature of the responsibility of government agencies in interpreting this bill. As the bill makes clear, each agency will be proceeding under its preexisting rulemaking authority, so that regulations or guidance interpreting section 101 will be entitled to the same deference that the agency's interpretations would usually receive. This is underlined by the bill's requirements that regulations be consistent with section 101, and not add to the requirements of that section, which restate the usual *Chevron* test that applies to and limits an agency's interpretation of a law it administers. Giving each agency authority to apply section 101 to the laws it administers will ensure that this bill will be read flexibly, in accordance with the needs of each separate statute to which it applies.

Any reading under which courts would apply an unusual test in reviewing an agency's regulations would generate a great deal of litigation, creating instability and needlessly burdening the courts with technical determinations. Likewise, because these regulations will be issued under preexisting legal authority, and challenges to those regulations will proceed through the methods prescribed under that preexisting authority, whether pursuant to the Administrative Procedure Act or some other statute. Again, this will ensure that any challenges to such regulations are resolved promptly and minimize any resulting instability and burden. Of course, such regulations must satisfy the requirements of the Act.

I yield the floor. 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. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VICTIMS OF GUN VIOLENCE

Mr. KERRY. Mr. President, it has been more than a year now since the Columbine tragedy, and still regrettably our friends on the other side of the aisle refuse to act on commonsense, sensible gun legislation. I understand the divisions in the Senate and in the country on the issue of guns. I am certainly not unmindful of the truth to some people's assertions regarding the degree to which personal responsibility enters into the actions of anybody with respect to guns.

Obviously, we need to create greater accountability on a personal level with respect to those actions. But common sense tells every single American that there are also basic things we can do to make this country safer for our children, things we can do to keep guns out of the hands of our children, things we can do to make our schools safer, ways in which guns themselves can become safer. I am deeply troubled by the numbers of people, particularly the number of children who have been wounded or killed by gunfire since Columbine, and who are killed and wounded by gunfire each year in this country.

All we are asking is that the juvenile justice conference meet, that the Senate do its business, that they finish the business, issue their report, and that the Congress have the courage and the willingness to vote on the conference report.

Until we do act, many of us on this side of the aisle—I would say the Democratic caucus—is prepared to read the names of those who have lost their lives to gun violence over the past year. We will continue to do so every single day that the Senate is in session.

The following are the names of people who were killed by gunfire, 1 year ago today:

Latonia Davis, 21, Charlotte, NC; Jacob B. Dodge, 24, Madison, WI; Elvin R. Dugan, 33, Oklahoma City, OK; Marcus E. Gray, 39, Chicago, IL; Dante Green, 26, Washington, DC; Dwayne Pate, 32, Washington, DC; Charles Vullo, 42, Houston, TX; Brandon Williams, 3, Hollywood, FL; Lennox Williams, 49, Hollywood, FL; Mae William, 44, Hollywood, FL; Unidentified male, 63, Portland, OR.

I hope my colleagues will join in releasing the juvenile justice bill from its prison and empowering the Senate to do its job and to pass the juvenile justice bill, which will make this country safer for our children.

I yield the floor.

## DEFENSE APPROPRIATIONS ADD-ONS, INCREASES, AND EARMARKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that my list of add-ons, increases, and earmarks to the fiscal year 2001 Defense appropriations bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE APPROPRIATIONS FOR FY 2001 ADD–ONS, INCREASES AND EARMARKS

[In millions of dollars]

| TITLE II—OPERATIONS AND MAINTENANCE | |
|---|---|
| Army: | |
| Military Gator | 5 |
| GCCS–USFK | 11.3 |
| HEMTT vehicle recapitalization | 10 |
| Maintenance Automatic Identification Technology | 2 |
| LOGTECH | 0.5 |
| Fort Wainwright utilidors | 10 |
| Fort Greely runway repairs | 7 |
| Hunter UAV | 5 |
| Rock Island UPC subsidy | 11.5 |
| Watervliet UPC subsidy | 11.5 |
| Air Battle Captain | 1.25 |
| Joint Assessment Neurological Exam equipment | 1.5 |
| JCALS | 10 |
| Biometrics support | 8 |
| Army conservation and ecosystem management | 2 |
| Information Assurance–USFK IT security | 2 |
| Rock Island Bridge repairs | 2.5 |
| Fort Des Moines, Historic OCS memorial | 2 |
| Memorial Tunnel, Consequence management | 5 |
| Mounted Urban Combat Training, Fort Knox, Kentucky | 4 |
| Industrial Mobilization Capacity | 68 |

DEFENSE APPROPRIATIONS FOR FY 2001 ADD–ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

| | |
|---|---|
| (Charlestown Naval Auxiliary Landing Field—The Committee encourages the Corps of Engineers to complete the remaining environmental remediation work at this site as expeditiously as possible) | |
| Navy: | |
| C–12 Spares Program | 5 |
| Shipyard Apprentice Program | 12 |
| Meteorology and oceanography | 7 |
| UNOLS | 5 |
| Ship Disposal Project | 16 |
| Mark 53 (NULKA) training and support | 4.3 |
| NUWC MBA program | 2 |
| JMEANS–N, Naval War College, Newport RI | 1 |
| Biometrics Support | 3 |
| MTAPP | 2 |
| Pearl Harbor Shipyard | 24 |
| Inturnescent Fire Protective Coatings | 3 |
| Information Technology Center (New Orleans) | 7 |
| Public Service Initiative | 1 |
| Navy benefit Center | 3 |
| (Hunter's Point Naval Shipyard—the Committee is concerned about the status of environmental remediation at Hunter's Point in San Francisco. SECNAV will report to this committee n.l.t. Jan 15, 2001 on the status of the project) | |
| Marine Corps: | |
| Joint Service NBC Defense Equipment Surveillance | 3.7 |
| Lightweight Maintenance Enclosures | 10 |
| Polartec cold weather gear | 5 |
| ECWCS | 4 |
| Air Force: | |
| B–52 attrition reserve | 36.9 |
| Keesler AFB, MI Weatherproofing | 2.8 |
| University Partnering for Operational Support | 4 |
| TACCSF upgrades and operations | 5.1 |
| PACAF Airlift Support | 3.5 |
| RPM Eielson AFB, AK, utilidors | 10 |
| Hickam AFB, HI alternative fuel vehicle program | 1 |
| Biometrics support | 3 |
| Iodine 131 experimentation | 5 |
| Iodine medical monitoring | 2 |
| MTAPP | 4 |
| Elmendorf AFB, AK | 10 |
| College/Officer candidate initiative | 1.5 |
| Advanced 3–D for Portable Flight Planning Software (PFPS) | 2 |
| O&M Defense-Wide: | |
| Civil-Military Programs | 24.1 |
| DLA Aging Aircraft Program | 15 |
| OEA, Adak AK Reuse support | 7 |
| OEA, Fitzsimmons Army Hospital | 10 |
| OEA, Charleston Naval Shipyard, Bldg. 234 | 10 |
| OSD, Pacific Command regional initiative | 20 |
| OSD, Clara Barton Center | 1.5 |
| DoDDEA, Galena MT IDEA | 4 |
| Legacy/Navy Historical Preservation, Lake Champlaign | 15 |
| Middle-East Regional Security Issues | 1 |
| Institute for Defense Computer Security and Information Protection | 10 |
| Information Security Scholarship Program | 20 |
| American Red Cross for Armed Forces Emergency Services | 5 |
| Bosque Redondo Memorial, New Mexico | 2 |
| Army National Guard: | |
| Distributed learning project | 65.7 |
| Additional full-time support technicians | 20.5 |
| School house support | 7 |
| Extended cold weather clothing system | 12 |
| Fort Harrison, MT infrastructure improvements | 2 |
| Air National Guard: | |
| C–130 operations | 5 |
| Defense Systems Evaluation (DSE) White Sands NM | 2.5 |
| Project Alert | 3.5 |
| AlaskAlert | 1.5 |
| Recruiting | 6 |
| New Jersey Forest Fire Service | 0.093 |
| Environmental Restoration, Formerly Used Defense Sites—Formerly Used Defense Sites (FUDS) Army Corps of Engineers | 45 |

TITLE III—PROCUREMENT

| | |
|---|---|
| Army: | |
| Ammunition Production Base Support (Arms Initiative) | 20 |
| Weapons and Tracked Combat Vehicles: Carrier Modifications | 10 |
| Abrams Full-Crew Interactive Skills Trainer Development | 5 |
| Weapons of Mass Destruction Civil Support Teams (WMD–CST) | 3.7 |
| Special Purpose Vehicles | 11.3 |
| Navy: | |
| ITALD | 20 |
| MK–45 Mod 4 Guns | 30 |
| SMAW Common Practice Round | 5 |
| MSC Thermal Imaging System | 8 |
| Shipboard Air Traffic Control on-board Training Devices | 4 |
| JEDMICS | 4 |
| Info Systems Security Program (ISSP) | 3 |
| Passive Sonobuoys | 3 |
| AN/SSQ–62 DICASS | 3 |
| AN/SSQ–101 ADAR | 3 |
| Joint Tactical Combat Training System | 5 |
| Rotational Training Range Upgrade | 5 |
| NULKA | 4.3 |
| Submarine Training Device Mods Data Management & Conv. | 2.5 |
| MTVR Trucks | 10 |
| Armed Forcer Recruiting Kiosks | 2 |
| Cryptology Readiness Trng Support: Signalwork | 4 |
| Marine Corps Procurement: | |
| Bayonets | 2 |

DEFENSE APPROPRIATIONS FOR FY 2001 ADD–ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

| | |
|---|---|
| M203 Tilting Bracket | 2 |
| ULCANS Command Post System | 5 |
| Aluminum Mesh Tank Liner | 1 |
| Air Force Procurement: | |
| F–15 E–Kit Engine Mods | 48 |
| Survivability Enhancements | 26.9 |
| F–16 Digital Terrain System | 16.5 |
| F–16 OBOGS retrofit | 5 |
| C–17 Maintenance Trng System | 11 |
| C–40 (1) plus-up for ANG | 52 |
| C–130 Simulator | 7.5 |
| RC–135 Reengining (2) | 59 |
| COBRA BALL digital processing | 9 |
| RIVET JOINT mission trainer | 15.5 |
| U–2 SYERS | 3 |
| COMPASS CALL block 30/35 mission crew simulator | 23.7 |
| ALE–50 Towed Decoys | 23.1 |
| Hydra Rockets | 15 |
| MOU–93 Conical Tail Fin | 1 |
| HMMWV, Armored | 10 |
| COMSEC equipment | 4 |
| Unmanned Threat Emitter Combat Training Ranges | 21.4 |
| Laser Eye Protection | 2.5 |
| Supply Assets Tracking System | 10 |
| Emergency Support Heli-Basket | 4 |
| Missile Procurement: Maverick Re-configurations | 5 |
| U–2 Aircraft Production | 3 |
| Procurement Defense-Wide: | |
| Advanced Seal Delivery System | 3.3 |
| Automatic Document Conversion, Defense Supp. Activities | 15 |
| Integrated Bridge System for SOF Rigid Inflatable Boats | 7 |
| NAVSCIATTS Collateral Equip | 2.75 |
| C2A1 Canister | 1.8 |
| M291 Decontamination Kits | 2.5 |
| Chemical Biological Defense Program (Contamination Avoidance) | 1.8 |
| TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION | |
| R,D,T,E (Army): | |
| Defense Research Sciences (Cold Regions Mil. Engineering) | 1.25 |
| Defense Research Sciences (Force Protection from Terr. Weaps) | 3 |
| Defense Research Sciences | 4.25 |
| University and Industry Research Centers | 6.5 |
| Industrial Preparedness: Printed Wiring Board Manufacturing Tech. | 5 |
| Display Performance & Environmental Evaluation Laboratory | 3 |
| Applied Research: | |
| Materials Technology | 13 |
| Missile Technology | 8 |
| Modeling and Simulation Technology | 5 |
| Combat Vehicle and Automotive Technology | 23.5 |
| Ballistic Technology | 6 |
| Joint Service Small Arms Program | 5 |
| Weapons and Munitions Technology | 5 |
| Electronic and Electronic Devices | 10.6 |
| Countermine Systems | 5.4 |
| Environmental Quality Technology | 6 |
| Military Engineering Technology | 11.5 |
| Warfighter Technology | 2 |
| Medical Technology | 26.5 |
| Silicon Carbide Research | 15 |
| Applied Technology Development: | |
| Warfighter Advanced Technology | 5 |
| Medical Advanced Technology | 56.5 |
| Missile and Rocket Advanced Technology | 22 |
| Demonstration and Validation: | |
| Army Missile Defense Systems Integration | 80 |
| Tank and Medium Caliber Ammunition | 15 |
| Advanced Tank Armament System (ATAS) | 150 |
| Night Vision System Advanced Development | 5.1 |
| Aviation—ADV DEV | 5 |
| Operational Test of Air-Air Starstreak Missile | 12 |
| Engineering and Manufacturing: | |
| EW Development | 18 |
| Engineer Mobility Equipment Development | 15 |
| Night Vision Systems—ENG DEV | 1.5 |
| Combat Feeding, Clothing and Equipment | 3.5 |
| Joint Surveillance/Target Attack Radar System | 4 |
| Aviation-ENG DEV | 5 |
| Weapons and Munitions—ENG DEV | 9 |
| Medical Material/Medical Biological Defense Equipment | 3 |
| Landmine Warfare/Barrier—ENG DEV | 30 |
| Radar Development | 5 |
| Firefinder | 10 |
| Information Technology Development | 4 |
| RDT&E Management: | |
| Threat Simulator Development | 4.9 |
| Concepts Experimentation Program | 5 |
| Survability/Lethality Analysis | 16 |
| DOD High Energy Laser Test Facility | 24.4 |
| Munitions Standardations, Effectiveness and Safety | 2 |
| Management Headquarters (Research and Development) | 3 |
| MLRS Product Improvement Program | 16 |
| Aerostat Joint Project Office | 2 |
| Aircraft Modifications/Product Improvement Program | 12 |
| Tactical Unmanned Aerial Vehicles | 7 |
| End Item Industrial Preparedness Activities | 15 |
| R,D,T & E Navy: | |
| Air and Surface Launched Weapons Tech.-Free Electron Laser | 5 |
| Air and Space Launched Weapons Tech-Pulse Detonation Engine | 7 |

DEFENSE APPROPRIATIONS FOR FY 2001 ADD–ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

| | |
|---|---|
| Reentry Systems Application for Advanced Technology Vehicle | 2 |
| Innovative Stand-Off Door Breaching Munitions | 4.5 |
| Surface Ship & Submarine HM&E Advanced Technology | 5 |
| Navy Information Technology Center, New Orleans | 8 |
| Ship Submarine & Logistics: | |
| Bio-degradable Polymers | 1.25 |
| Non-Magnetic, Stainless Steel Adv Double Hull | 5 |
| 3DP Metal Fabrication Process | 5 |
| Bio-environmental Hazards Research Program | 3 |
| Marine Corps Landing Force Technology—Cent./threat/ops Communications, Command & Control, Intell, Surveillance | 3 |
| Hyperspectral Research | 3 |
| Networking Program, ACIN, Camden, NJ | 15 |
| UESA Signal Processing | 10 |
| Tactical Component Network Demonstration | 10 |
| E–2C RMP Littoral Surveillance | 15 |
| Chemical Agent Warning Network | 3 |
| Materials, Electronic & Computer Technology: | |
| Materials, Electronics, & Computer Tech. Program | 2 |
| Advanced Materials Processing Center | 5 |
| Wood Composite Technology Project | 1.5 |
| Innovative Communications Materials | 2 |
| Intermediate Modules Carbon Fiber Qualification | 2 |
| Nanoscale Science & Technology Program | 3 |
| Composite Storage Module | 3 |
| Advanced Materials Innovative Communications Materials | 2 |
| Compatible Processor Upgrade Program (CPUP) | 5 |
| Oceanographic and Atmospheric Technology: | |
| Littoral Acoustic Demonstration Center (LADC) | 2 |
| Distributed Marine Environmental Forecasting System | 3 |
| Dual Use Applications Program: Energy and Environmental Technology Initiative | 2 |
| Air Systems and Weapons Advanced Technology: | |
| Precision Strike Navigator | 5.7 |
| Digitization of FA–18 Aircraft Technical Manuals | 5.2 |
| Surface Ship & Submarine HM&E Advanced Technology: | |
| Laser Welding and Cutting | 2.8 |
| Virtual Test Bed | 2 |
| Supply Chain Best Practices Program | 2 |
| Marine Corps Advanced Technology Demonstration (ATD): Marine Corps Combat Development Command, Project Albert | 4 |
| Manpower, Personnel and Training ADV TECH DEV: RIT Center for Integrated Manufacturing | 3 |
| Environmental Quality and Logistics Advanced Tech.: | |
| Ocean Power Technology | 3 |
| Hybrid Lidar-Radar | 3 |
| Geotrack Positioning Technology Program | 7.5 |
| Smart Base Initiative | 2.7 |
| Visualization of Technical Information | 2 |
| Undersea Warfare Advanced Technology: Magnetrestrictive Transduction | 3 |
| Advanced Technology Transition: | |
| Vectored Thrust Ducted Propeller | 3.2 |
| HYSWAC | 5 |
| USMC ATT Initiative | 10 |
| C3 Advanced Technology: National Technology Alliance | 15 |
| Air/Ocean Tactical Applications: National Center of Excellence Hydrography | 2.5 |
| ASW Systems Development: Advanced Periscope Detection | 5 |
| Shipboard System Component Development: MTTC/IPI | 8 |
| Advanced Submarine System Development: | |
| Enhanced Performance Motor Brush | 2 |
| Conformal Acoustic Velocity Sonar (CAVES) | 5 |
| Common Towed Arrays | 5 |
| C128 Advanced Composite Submarine Sail | 2.5 |
| Ship Preliminary Design and Feasibility Studies: Shipboard Simulator for USMC | 20 |
| Marine Corps Assault Vehicles | 17.5 |
| Marine Corps Ground Combat/Support System: | |
| SMAW Follow-on | 3 |
| High Mobility Artillery Rocket Systems | 17.3 |
| Space and Electronic Warfare (SEW) Architecture and Engineering Support: Collaborative Integrated Information Technology | 4 |
| Multi-Mission Helicopter Upgrade Development: Advanced Threat Infrared Countermeasures | 4 |
| SSN–688 and Trident Modernization: Antenna Technology Improvement | 5 |
| Ship Contract Design/Live Fire T&E: Nuclear Aircraft Carrier Design and Product Modeling | 10 |
| Ship Self Defense—EMD: Anti-ship Missile Decoy System | 2.1 |
| Medical Development: | |
| Smart Aortic Arch Catheter | 1.5 |
| Coastal Cancer Control | 5 |
| Major T&E Investment: Fleet Air Training | 3 |
| Marine Corps Program Wide Support: USMC University | 1 |
| Consolidated Training Systems Development: Joint Tactical Combat Training | 5 |
| HARM Improvement: Quick Bolt, ACDT Program | 5 |
| Navy Science Assistance Program: | |
| LASH | 10 |
| Range Airship | 9 |
| RWR Antenna Replacement and System Enhancement | 1 |
| Marine Corps Communication Systems: Joint Enhanced Core Communication System | 3 |
| Joint C4ISR Battle Center (JBC): Interoperability Process Software Tools | 2 |
| Airborne Reconnaissance Systems: Hyperspectral Modular Upgrades to Airborne Recon. System | 4 |
| Space Activities: SPAWAR SATCOM Systems Integration Initiative | 2 |
| Modeling and Simulation Support: SPAWAR | 5 |
| Air Force: | |
| (USAF) Research, Development, Test and Evaluation: Basic Research-Defense Research Sciences | 2 |
| Applied Research: | |
| Materials | 24.6 |
| Aerospace Flight Dynamics | 0.552 |
| Human Effectiveness Applied Research | 6 |
| Aerospace Propulsion | 12.1 |
| Space Technology | 10.6 |
| Advanced Technology Development: | |
| Advanced Materials for Weapon System | 3.5 |
| Advanced Aerospace Sensors | 12 |
| Flight Vehicle Technology | 3.827 |

DEFENSE APPROPRIATIONS FOR FY 2001 ADD–ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

| | |
|---|---|
| Aerospace Structures | 6.2 |
| Crew Systems and Personnel Protection Technology | 5 |
| Flight Vehicle Technology Integration | 3 |
| Advanced Spacecraft Technology | 20.415 |
| Maui Space Surveillance System (MSSS) | 15 |
| Advanced Weapons Technology | 12 |
| Environmental Engineering Technology | 2 |
| Aerospace Info Tech Sys Integration | 0.6 |
| Intercontinental Ballistic Missile—DEM/VAL | 19.2 |
| LaserSpark Countermeasures Program | 5 |
| Extended Range Conventional Air-launched Cruise Missile Program | 43 |
| XSS–10 Micro-Missile Technology Program | 12 |
| Engineering and Manufacturing Development: | |
| B–2 Advanced Technology Bomber | 5 |
| EW Development | 8 |
| Life Support Systems | 2.75 |
| Combat Training Ranges | 4 |
| Integrated Command & Control Applications (IC2A) | 4.8 |
| Intelligence Equipment | 5.3 |
| RDT&E for Aging Aircraft | 7 |
| RDT&E Management Support: Major T&E Investment | 5 |
| Operational Systems Development: | |
| B–52 Squadrons | 10 |
| A–10 Squadrons | 2 |
| F–16 Squadrons | 1 |
| F–15 Squadrons | 5 |
| Compass Call | 10 |
| Extended Range Cruise Missile | 20 |
| Theater Battle Management (TBM) C41 | 5 |
| Joint Surveillance and Target Attack Radar System | 7.2 |
| Information Systems Security Program | 5 |
| MILSATCOM Terminals | 3 |
| NAVSTAR Global Positioning System (Space & Controls) | 10.7 |
| Dragon U–2 (JMIP) | 6 |
| Endurance Unmanned Aerial Vehicles | 18 |
| Airborne Reconnaissance Systems | 15.7 |
| Manned Reconnaissance Systems | 11 |
| Industrial Preparedness | 3 |
| Productivity, Reliability, Availability, Maintain. Pro | 9 |
| C–5 Aircraft Modernization/Reliability Enhancement Program | 92.5 |
| Defense—Wide Research, Development, Test & Eval. | |
| Support Technologies—Applied Research: | |
| Photoconduction on Active Pixel Sensors | 7 |
| Laser Communication Demonstration | 5 |
| Shipboard High Precision Lidar System | 2 |
| Bottom Anti-Reflective Coatings | 2.5 |
| Wide Band Gap Materials | 2 |
| ALGL/STRIKER | 6 |
| Spatio-temporal Database Research | 6 |
| Logistics R & D Tech. Demo. Silicon-Based Nanostructures | 2 |
| High Energy Laser R,D,T & E | 50 |
| Generic Logistics Research and Development Tech. Demo. | 0.3 |
| Special Reconnaissance Capabilities (SRC) Program | 2 |
| Support Technologies—Advanced Technology Dev.: | |
| Silicon Thick Film Mirror Coatings | 5 |
| Atmospheric Interceptor Technology | 15 |
| Comprehensive Advanced Radar Tech. | 5 |
| Excalibur Target & Component Technologies Program | 3 |
| RF/IR Data Fusion Testbed | 3.2 |
| Wideband Gap Semiconductor | 10 |
| Explosives Demilitarization Technology | 5 |
| BMD Technical Operations | 33.5 |
| PMRF TMD Upgrades | 11.5 |
| Optical-Electro Sensors | 5 |
| Range Data Fusion Upgrade Project | 2 |
| ESPIRIT | 2 |
| Advanced Multi-Sensor Fusion Testbed | 1.5 |
| Advanced Research Center/Sim Center | 6.5 |
| Defense Wide RDT&E | |
| Basic Research: | |
| Defense Research Sciences | 11.6 |
| University Research Initiatives | 10 |
| Def. Experimental Prog. to Stimulate Competitive Research | 15.141 |
| Chemical and Biological Defense Program | 5 |
| Ballistic Missile Defense Org. of International Cooperation | 6 |
| Environmental Security Technical Certification Program | 5 |
| Strategic Environmental Research & Development Program | 5 |
| Information Technology Center | 20 |
| Solid State Dye Laser Project | 7 |
| Military Personnel Research | 4 |
| Applied Research: | |
| Support Technologies—Applied Research | 18.5 |
| Historically Black Colleges and Universities (HBCU) | 3.5 |
| Lincoln Laboratory Research Program | 2.1 |
| Chemical and Biological Defense Program | 8 |
| Remotely Controlled Combat Systems Initiative | 199 |
| Integrated Command and Control Tech. | 7 |
| Materials and Electronics Technology | 6 |
| Chem-Bio Advanced Materials Research | 3.5 |
| Advanced Tech. Development: | |
| Explosives Demilitarization Tech. | 10.7 |
| Support Tech-Advanced Tech. Dev. | 41.2 |
| Advanced Aerospace Systems | 4.115 |
| Chemical and Biological Defense Program—Advanced Dev. | 9.1 |
| Special Technical Support | 5 |
| Generic Logistics R&D Tech. Demonstrations | 14 |

DEFENSE APPROPRIATIONS FOR FY 2001 ADD–ONS, INCREASES AND EARMARKS—Continued

[In millions of dollars]

| | |
|---|---|
| Strategic Environmental Research Program | 0.2 |
| Advanced Electronics Tech. | 6.5 |
| Advanced Concept Tech. Demonstrations | 5 |
| High Performance Computing Modernization Program | 13.5 |
| Joint Wargaming Simulation Management Off. | 8 |
| Agile Port Demonstration | 5 |
| Demonstration and Validation: | |
| Joint Robotics Program | 5 |
| Advanced Sensor Applications Program | 15.5 |
| CALS Initiative | 7 |
| Environmental Security Technical Certification Program | 0.5 |
| BMD Tech. Operations | 33.5 |
| Engineering and Manufacturing Development: | |
| Chemical and Biological Defense Program | 3.5 |
| Information Systems Security Program | 2.5 |
| RDT&E Management Support: | |
| General Support to C3I | 6 |
| Foreign Material Acquisition and Exploitation | 48.1 |
| Defense Technology Analysis | 3 |
| Operational Systems Development: | |
| Information Systems Security Program | 1.8 |
| Defense Imagery and Mapping Program | 4 |
| Committee Recommendations: | |
| Central Test & Evaluation Investment Dev. (CTEIP) | 15.5 |
| Roadway Simulator | 13.5 |
| Big Crow Operations | 7 |
| Magdalena Ridge Observatory | 10 |
| Digital Video Laboratory | 5 |
| Live Fire Testing | 1.5 |
| Reality Fire-fighting Training | 1.5 |
| TITLE V—''BUY AMERICA'' PROVISIONS FOR THE NATIONAL DEFENSE SEALIFT FUND | |
| TITLE VI—OTHER DOD APPROPRIATIONS | |
| Pine Bluff Arsenal | 1.5 |
| Outcomes Management Demonstration at WRAMC | 10 |
| Pacific Islands Health Care Referral Program | 8 |
| Automated Clinical Practice Guidelines | 7.5 |
| Hawaii Federal Health Care Network (PACMEDNET) | 7 |
| Clinical Coupler Demonstration Project | 5 |
| CoE for Disaster Management and Humanitarian Assistance | 5 |
| Tri-Service Nursing Research Program | 4 |
| Defense and Veterans Head Injury Program | 3.5 |
| Graduate School of Nursing | 2 |
| Brown Tree Snakes | 1 |
| Alaska Federal Health Care Network | 1 |
| Biomedical Research Center Feasibility Study | 1 |
| Oxford House DOD Pilot Project | 0.75 |
| Uniformed Services University of the Health Sciences | 6.3 |
| Breast Cancer Research Program (BCRP) | 175 |
| Prostate Cancer Research Program (PCRP) | 100 |
| Ovarian Cancer Research Program (OCRP) | 12 |
| Peer Reviewed Medical Research Program (PRMRP) | 50 |
| Committee Adjustments (Counternarcotics): | |
| National Guard Counterdrug Support | 20 |
| Gulf States Initiative | 14.8 |
| Regional Counterdrug Training Academy | 2 |
| Marijuana Eradication | 6.1 |
| Tethered Aerostat Radar System (TARS) | 10 |
| EO/IR Sensors for Air National Guard OH–58 Aircraft | 5 |
| WV Air National Guard C–26 Aircraft Support | 6.3 |
| WV Air National Guard Counterdrug Program | 3.2 |
| Northeast Regional Counterdrug Training Center | 5 |
| Counternarcotics Center at Hammer | 10 |
| Source and Transit Zone Interdiction Operations | 15 |
| Drug Enforcement Policy Support | 23 |
| TITLE VII—AGENCIES | |
| (Health Benefits of Cranberries—Committee urges SECDEF to take steps to increase the Department's use of cranberry products in the diet of on-base personnel and troops in the field) | |
| Committee Recommendation: Kaho'olawe Island Conveyance | 60 |
| TITLE VIII—GENERAL PROVISIONS | |
| National Center for the Preservation of Democracy | 20 |
| [(Studies Japanese-American's imprisoned during WWII)—SEC. 8009 Patients from Micronesia may receive medical services pending Secretary of the Army approval, at Army facilities in Hawaii, assuming the action is beneficial for Army graduate medical programs—SEC. 8016 ''Buy America'' provisions for Welded Shipboard Anchor and Mooring Chain 4″ in diameter or less] | |
| SEC. 8031 Civil Air Patrol | 21.4 |
| [SEC. 8033—''Buy America'' provisions for carbon, alloy or armor steel Health Benefits of Cranberries—Committee urges SECDEF to take steps to increase the Department's use of cranberry products in the diet of on-base personnel and troops in the field. SEC. 8062 ''Buy America'' provisions for Ball and Roller Bearings—SEC. 8064 ''Buy America'' provisions for Super Computers—SEC. 8067 The Army shall use the former George AFB, CA, as the airhead for the National Training Center at Fort Irwin. SEC. 8079 SECDEF may waive reimbursement of costs for attendance at the Asia-Pacific Center by critical personnel—SEC. 8085 ''Buy America'' provisions for Construction of Public Vessels, Clothing & Textiles, & Food—SEC. 8092 ''Buy America'' provisions for ADC(X) Main Propulsion Engines & Propulsors] | |
| SEC. 8123 National D-Day Musueum | 2.1 |
| SEC. 8124 Chicago Public Schools conversion of Bronzeville Armory | |
| Total | 4,367,493,000.00. |

## WIC FOR MILITARY FAMILIES

Mr. LEAHY. Mr. President, the Department of Defense authorization bill that we will resume on Monday contains a ''buried gem.'' This is an amendment that several Senators from both sides of the aisle have been working on for some time. In addition, many members in the other body also have been very supportive of this effort in general.

This ''buried gem'' is a provision that will allow military personnel and dependents stationed overseas to participate in a program very similar to the WIC—the Women, Infants and Children—nutrition program. The WIC program in this country has enjoyed full, bipartisan support for many years, and this new provision provides that our forces abroad will be entitled to benefit from a very similar program with eligibility calculated under very similar rules.

The chairman of the Senate Agriculture, Nutrition and Forestry Committee, Senator LUGAR, and the ranking member, Senator HARKIN, along with the chairman of the nutrition subcommittee, Senator FITZGERALD, worked together with me and other members of the Committee on this WIC in the military issue. We received valuable input on this recent amendment from the DOD and the military liaison offices, as well as from the Department of Agriculture. We are grateful for that assistance.

I know that many of us worked together last year on this issue also. Last year, I introduced the bill, Strengthening Families in the Military Service Act of 1999 (S. 1162), which was designed to provide WIC benefits to military personnel and to certain civilian personnel, stationed overseas.

In my floor statement on May 26 of last year, I noted that ''if it makes sense to allow those stationed in the United States to participate in WIC, it makes sense to allow those stationed overseas to have the important nutritional benefits of that program. Why should families lose their benefits when they are moved overseas?''

A former staff person, Janet Breslin, who worked for me as Deputy Chief of Staff of the Senate Agriculture Committee and now is stationed in Japan with her husband, sent me a note saying:

> WIC can make all the difference to an at-risk baby or pregnant mother. There is a specific need here in Okinawa. Our young families make the long trip to Japan to represent their country. They are separated from family and friends back home. Because we have limited base housing, some are forced to live off-base for months or a year. During this time the family faces the high cost of living in Japan, especially high utility fees and food costs. For many, huge phone bills home put many families in a financial pinch.
>
> If these at-risk families were in the United States, they would qualify for WIC, which would provide nutritious dairy and other food products for the family. However, due to a legal quirk, WIC is not available for Americans on overseas military bases.
>
> This effort, by you and others, would help reduce the pressure on these young families, improve the health of mother and baby, and enhance the quality of life for Americans serving their country halfway around the world.

Janet perfectly summarized why we should provide WIC to our military personnel overseas.

My bill, and the amendment included in the DOD bill, provide that the Secretary of Defense will administer such a program under rules similar to the WIC program administered by the Secretary of Agriculture within the United States.

For 26 years the WIC program has provided nutritious foods to low-income pregnant, post-partum and breast-feeding women, infants, and children who are judged to be at a nutritional risk.

It has proven itself to be a great investment: For every dollar invested in the WIC program, an estimated $3 is saved in future medical expenses. WIC has helped to prevent low birth weight babies and associated risks such as developmental disabilities, birth defects, and other complications. Participation in the WIC program has also been linked to reductions in infant mortality.

These same benefits should be provided overseas to military families who are serving our country, living miles from their homes on military bases in foreign lands, and whose nutritional health is at risk. If they were stationed within our borders, their diets would be supplemented by the WIC program, and they would receive vouchers or packages of healthy foods, such as fortified cereals and juices, high protein products, and other foods especially rich in needed minerals and vitamins.

My staff has been in direct contact with military officials on this matter and they have expressed a strong desire for this reform. I know that many Vermonters stationed overseas want WIC benefits to be offered at their bases. We should not turn our backs on these Americans stationed abroad.

My bill last year, and this amendment, disregard the value of in-kind housing assistance in calculating eligibility which increases the number of women, infants and children that can participate and makes the program similar to the program in the United States. This is the correct approach—let's not shortchange our service personnel stationed overseas.

The average monthly food cost would be around $30 to $35 for each participant, based on Department of Defense estimates of the cost of an average WIC food package in military commissaries. As many as 40,000 to 50,000 persons could be eligible for this program, but it is uncertain how many of those would apply. In the United States, 80 percent of those who are eligible actually apply.

Administration costs—which include medical, health and nutrition assessments—are likely to be about $10 per month per participant. We know from experience that each dollar spent on WIC is a very wise investment, which is why I am very pleased that this amendment was accepted today.

I want to thank several Senate staff members who have worked on this issue, including Ed Barron and Elizabeth Darrow on my staff, Dave Johnson and Carol Dubard with Chairman LUGAR, Mark Halverson and Lowell Unger with Senator HARKIN, and Terry Van Doren with Senator FITZGERALD. Joe Richardson of CRS was also very helpful, as he has been over the years.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 14, 2000, the Federal debt stood at $5,643,728,718,133.89 (Five trillion, six hundred forty-three billion, seven hundred twenty-eight million, seven hundred eighteen thousand, one hundred thirty-three dollars and eighty-nine cents).

One year ago, June 14, 1999, the Federal debt stood at $5,608,265,000,000 (Five trillion, six hundred eight billion, two hundred sixty-five million).

Five years ago, June 14, 1995, the Federal debt stood at $4,905,557,000,000 (Four trillion, nine hundred five billion, five hundred fifty-seven million).

Ten years ago, June 14, 1990, the Federal debt stood at $3,122,390,000,000 (Three trillion, one hundred twenty-two billion, three hundred ninety million).

Fifteen years ago, June 14, 1985, the Federal debt stood at $1,766,279,000,000 (One trillion, seven hundred sixty-six billion, two hundred seventy-nine million) which reflects a debt increase of almost $4 trillion—$3,877,449,718,133.89 (Three trillion, eight hundred seventy-seven billion, four hundred forty-nine million, seven hundred eighteen thousand, one hundred thirty-three dollars and eighty-nine cents) during the past 15 years.

## ADDITIONAL STATEMENTS

### JOHN JAMES DALEY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an extraordinary Vermonter, John James Daley, who passed away last night at the age of 76. Mr. Daley leaves behind a devoted wife, a loving family and a grieving community which will miss his leadership and example.

Jack, as he was known, was born in my hometown of Rutland, Vermont on June 21, 1923 to John M. and Bridget C. Daley. He attended Norwich University and proudly served as a member of the United States Marine Corps in the Phillippines and other parts of Asia. He found his niche as a public servant in 1956 when he was elected to the Rutland Board of Aldermen. From there he served as mayor for two years from 1961 to 1965, becoming the youngest man ever to have held the position.

In November of 1965 Jack was elected Lieutenant Governor of Vermont and served two terms with Governor Phil Hoff. Jack continued his career as a role model and advisor when he joined the Rutland Public School system as a teacher for many years. Through his lectures and by acting as a role model, he enriched the minds of our Vermont youth as he taught history, citizenship and American government. In 1981

Jack returned to the office of mayor and from there continued his legacy as he was reelected in 1983 and 1985. He continued to represent the interests of his hometown as he sought and served two terms in the Vermont House representing Rutland District 6–2.

Jack was a devoted family man. More than fifty years ago he married another Rutland native, Mary Margaret Creed. Together they became the proud parents of eleven children, nine girls and two boys. Mary's everlasting energy allowed her not only to raise their own eleven children but tirelessly work as a nurse in the nursery at the Rutland Hospital helping to care for the children of others. Ceaseless in her dedication, she continues to help out when needed despite her retirement.

Today, I pay tribute to the accomplishments of this public servant, father, husband and my friend, John James Daley. Today, Rutland and the entire state of Vermont grieve for a great man. Farewell, Jack. You will be truly missed.●

## NATIONAL SERVICE—LEARNING LEADER SCHOOL AWARD WINNERS

● Mr. KENNEDY. Mr. President, the Corporation for National Service recently announced the winners of the second annual National Service—Learning Leader Schools Program, a Presidential Award that recognizes schools for excellence in service-learning.

Learn and Serve America, one of the three national service programs of the Corporation for National Service, is sponsoring the Leader Schools initiative. In its second year, the Leader Schools program is honoring 34 middle schools and 32 high schools in 31 states for thoughtfully and effectively combining academic subjects with community service in a way that benefits students, teaches civic responsibility, and strengthens communities.

Service-learning is expanding in the United States. The Department of Education found that in 1984, only 27 percent of all high schools had school-sponsored community service projects and only 9 percent offered service-learning. By the 1998–99 school year, those numbers rose to a remarkable 83 percent and 46 percent, respectively.

Three schools in Massachusetts—Wareham High School and Wareham Middle School in Wareham and Tantasqua Regional Junior High School in Fiskdale have been leaders in our state on service-learning and were honored as National Service Learning Leader Schools this year. I commend each of these schools for the important work they have accomplished in making community service an integral part of school life. These schools are impressive models for Massachusetts and for the nation.

The Leader Schools program is not simply an awards program. The schools being honored are making a two year commitment to assist other schools through mentoring and coaching, thereby contributing to the spread of service-learning throughout the country.

The Corporation for National Service also administers AmeriCorps, the domestic Peace Corps that is engaging Americans in extensive, service activities in this country. In addition, the Corporation administers the National Senior Service Corps which enables nearly half a million Americans age fifty-five and older to share their time and talents to help solve local problems.

All of these outstanding programs are achieving great success under the strong leadership of our former colleague in the Senate, Harris Wofford, the chief executive officer of the Corporation.

The sixty-six Leader Schools will be honored in a ceremony at the Kennedy Center this week. These schools are true leaders in education reform. I commend them for their academic achievements and their contributions to our country through community service, and I ask the list of the Leader Schools may be printed in the RECORD.

### 2000 NATIONAL SERVICE—LEARNING LEADER SCHOOLS

Academy for Science and Foreign Language, Huntsville, AL; Eureka Senior High School, Eureka, CA; Irvington High School, Fremont, CA; Howard High School of Technology, Wilmington, DE; Wakulla Middle School, Crawfordville, FL; Neptune Middle School, Kissimmee, FL; Bay High School, Panama City, FL; Taylor County High School, Perry, FL; Carol Shores High School, Tavernier, FL; Waiakea High School, Hilo, HI; Punahou School, Honolulu, HI; President George Washington Middle School, Honolulu, HI; Bettendorf High School, Bettendorf, IA; Resurrection High School, Chicago, IL; Field Middle School, Northbrook, IL, Paoli Senior High School, Paoli, IN; Warren Central High School, Bowling Green, KY; North Laurel Middle School, London, KY; East Jessamine Middle School, Nicholasville, KY; Tantasqua Regional Jr. High School, Fiskdale, MA; Wareham High School, Wareham, MA; Wareham Middle School, Wareham, MA;

Phillips Middle School, Phillips, ME; Lahser High School, Bloomfield Hills, MI; Romulus High School, Romulus, MI; Fulton Academy, Fulton, MO; Tupelo Middle School, Tupelo, MS; Chief Joseph Middle School, Bozeman, MT; Lewistown Junior High School, Lewistown, MT; Ramsey Street Alternative Middle School, Fayetteville, NC; Ferndale Middle School, Highpoint, NC; Piedmont High School, Monroe, NC; Woodbury Middle School, Salem, NH; Woodsville High School, Woodsville, NH; Cranford High School, Cranford, NJ; Academy of the Holy Angels, Demarest, NJ; Terence C. Reilly Middle School, Elizabeth, NJ; Delsea Regional Middle School, Franklinville, NJ; Hoboken Charter School, Hoboken, NJ; John F. Kennedy Memorial High School, Iselin, NJ; Linden High School, Linden, NJ; Opportunity School, Reno, NV; Scotia-Glenville Junior High School, Scotia, NY;

W.T. Clarke Middle School, Westbury, NY; Russell F. Hobart Middle School, Painesville, OH; Hastings Middle School, Upper Arlington, OH; Jones Middle School, Upper Arlington, OH; The Environmental Middle School, Portland, OR; Tillamook Junior High School, Tillamook, OR; Lamberton Middle School, Carlisle, PA; Parkway West Alternative Center for Education, Oakdale, PA; Feinstein High School for Public Service, Providence, RI; D.R. Hill Middle School, Duncan, SC; Britton's Neck High School, Gresham, SC; Pickens Middle School, Pickens, SC; Wren Middle School, Piedmont, SC; Camp Creek School, Greeneville, TN; Harpeth Hall School, Nashville, TN; Quest High School, Humble, TX; Weatherford High School, Weatherford, TX; Box Elder Community High School, Brigham City, UT; Evergreen Junior High, Salt Lake City, UT; William E. Waters Middle School, Portsmouth, VA; River Bluff Middle School, Stoughton, WI; WVDE at Davis Stuart School, Lewisburg, WV; Morgantown High School, Morgantown, WV.●

## TRIBUTE TO SUSAN SYGALL

● Mr. HARKIN. Mr. President, July 26 will mark the 10th Anniversary of the Americans with Disabilities Act. In the next few weeks we'll be holding a number of events here in Washington and around the country to celebrate the ADA. And right now it looks like we can start our party a little early.

I just found out that yesterday, Susan Sygall, a woman with a disability, received a MacArthur Foundation Fellowship. Each year, the MacArthur Foundation awards 20 or so unrestricted $500,000 grants to, and I quote, ''talented individuals who have shown extraordinary originality and dedication. . . .'' These so-called ''genius grants'' are among the most prestigious in the world.

Susan is the Executive Director of Mobility International USA. Mobility International's mission is to empower people with disabilities, particularly women, through international exchange, and by providing information, technical assistance, and training to ensure the inclusion of people with disabilities in international exchange and development programs.

Right now, Mobility International is, among other things, facilitating a program to develop relationships between the disability communities in Vietnam and in the United States. Some of Susan's genius must have rubbed off on us in the Foreign Operations Committee because we encouraged USAID to fund disability rights programs in Vietnam. I hope that we can help the program again this year.

I strongly believe that for all of America's economic and military might, our greatest strength will always be our democratic principles. Those principles have served as the foundation for aspiring democracies everywhere. As our own democracy matures, and the ADA is a testament to that, it is essential that we export the lessons we have learned.

I have seen personally how the ADA has fostered disability rights activism around the world and as the 10th Anniversary approaches I can think of no better person to honor than Susan Sygall. A civil rights law is only as great as the people who bring it to life every day. That's why when I hear about people like Susan, I know that the ADA's future is in good hands.●

COMMEMORATING THE 150TH ANNIVERSARY OF THE TOWN OF SEYMOUR, CONNECTICUT

● Mr. DODD. Mr. President. I rise today to pay tribute to the town of Seymour, nestled in the Lower Naugatuck Valley of Connecticut. Located in New Haven County with the Lower Housatonic River nearby, Seymour offers its residents a wide variety of recreational activities, history, industry, and a strong sense of community with an emphasis on education. Seymour was formally founded on June 24, 1850, when the town's council held its first meeting. I rise today to congratulate Seymour on its Sesquicentennial anniversary, 150 years as a town, and to reflect for just a few moments on the rich history of this town.

The Naugatuck Valley increased in importance during the early 1800s because of its valuable natural resources and industrial growth. Due to different manufacturing concerns and the desire to separate and become their own community, the town of Seymour, then called Humphreysville, petitioned the state legislature to become the town of ''Richmond.'' Thomas H. Seymour, who was the Governor of the state of Connecticut, promised the people that if the town was named in his honor, the bill would be accepted immediately. Evidently, the good people of the town agreed, for shortly thereafter the town of Seymour was formally constituted.

Throughout the years, companies have prospered and grown in Seymour, paralleled by the development and expansion of the town itself. The H.P. & E. Day Company began in Seymour in 1865, and has developed into the Waterman Pen Company of France, producers of some of the world's finest fountain pens. Telegraph cables that could be placed underwater were developed by Austin Goodyear Day in Seymour in the mid-nineteenth century, and continue to be produced by the Kerite Company, presently located on Day Street. With the vital shipping lanes of the Housatonic River, as well as the region's railroads and factories, Seymour flourished throughout the late nineteenth century, and within the town a broad range of products—from copper to paper to bottled spring water—was produced. Outside of the industrial diversity of Seymour, one is immediately aware of the natural beauty of the area. Not only is the Housatonic River one of New England's greatest assets, but it also provides recreational activities such as canoeing and fishing for local residents.

I have had the pleasure of visiting the town of Seymour on many occasions, and am always impressed with the natural beauty and spectacular resourcefulness of the residents. One thing that has lingered in my mind from past visits is the strong sense of community, and the emphasis on the importance of education. Seymour offers residents an abundance of entertainment and activities through the Seymour Recreation Commission, a strong police force led by Police Chief Michael E. Metzler, the Seymour Senior Center, cultural and performing arts events through the Seymour Culture and Arts Commission, and celebrations of important national holidays such as Memorial Day through local events and parades. In the realm of education, Superintendent Eugene A. Coppola has continued to uphold the fine reputation of local schools, which have seen recent increases in test scores, state-of-the-art expansion of Bungay Elementary School, the strengthening of the core curriculum, and a majority of students participating in extracurricular activities. One of the most important facets of the school system in Seymour is the DARE program, instilling in students the importance of remaining drug-free.

Seymour in the year 2000 is in many respects a great American town. It is a place where businesses can prosper, where families can thrive, and where a sense of community permeates everyday life. In recognizing this important anniversary in the life of the town, we pay homage to all those who have in the past contributed to making Seymour the outstanding place it is today. And we congratulate those current residents who pause on this occasion not only to remember the past, but who dedicate themselves to the future success and vitality of this remarkable town they call home.●

## MESSAGE FROM THE HOUSE

At 12:40 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 bill, in which it requests the concurrence of the Senate:

H.R. 4577. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

## MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent and referred as indicated on June 14, 2000:

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated on June 14, 2000:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education; to the Committee on Health, Education, Labor, and Pensions.

## 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–9218. A communication from the Executive Director of Government Affairs, Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the report of financial statements for calendar years 1998 and 1999; to the Committee on the Judiciary.

EC–9219. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on federal government energy management and conservation programs, fiscal year 1998; to the Committee on Energy and Natural Resources.

EC–9220. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled ''Deposition of Air Pollutants to the Great Waters''; to the Committee on Environment and Public Works.

EC–9221. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the notice of establishing and adjusting schedules of compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC–9222. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the audited fiscal years 1998 and 1999 financial statements of the U.S. Mint; to the Committee on Banking, Housing, and Urban Affairs.

EC–9223. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of the Financial and Administrative Activities of the Taxicab Assessment Fund for Fiscal Years 1997, 1998, and 1999''; to the Committee on Governmental Affairs.

EC–9224. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Status of the Washington Convention Center Authority's Implementation of D.C. Auditor Recommendations''; to the Committee on Governmental Affairs.

EC–9225. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on birth defects and developmental disabilities programs at the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

EC–9226. A communication from the Chairman of the President's Committee On Employment of People With Disabilities, transmitting, pursuant to law, a report entitled ''Programs That Work Producing People at Work''; to the Committee on Health, Education, Labor, and Pensions.

EC–9227. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, the report on improvements to claims processing under the Tricare Program; to the Committee on Armed Services.

EC–9228. A communication from the Principal Deputy Under Secretary of Defense, transmitting, pursuant to law, the report on the Cooperative Threat Reduction (CTR) Multi-Year Program Plan for fiscal year 2000; to the Committee on Armed Services.

EC–9229. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9230. A communication from the Chair of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9231. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through

March 31, 2000; to the Committee on Governmental Affairs.

EC–9232. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9233. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9234. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9235. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9236. A communication from the Administrator of the U.S. Agency For International Development, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9237. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 11: A bill for the relief of Wei Jingsheng.

S. 150: A bill to the relief of Marina Khalina and her son, Albert Mifakhov.

S. 451: A bill for the relief of Saeed Rezai.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1078: A bill for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1513: A bill for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 2019: A bill for the relief of Malia Miller.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

Delmond J.H. Won, of Hawaii, to be a Federal Maritime Commission for the term expiring June 30, 2002.

J. Randolph Babbitt, of Virginia, to be a Member of the Federal Aviation Management Advisory Council for a term of three years.

Robert W. Baker, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years.

Geoffrey T. Crowley, of Wisconsin, to be a Member of the Federal Aviation Management Advisory Council for a term of two years.

Robert A. Davis, of Washington, to be a Member of the Federal Aviation Management Advisory Council for a term of two years.

Kendall W. Wilson, of the District of Columbia, to be a Member of the Federal Aviation Management Advisory Council for a term of one year.

Edward M. Bolen, of Maryland, to be a Member of the Federal Aviation Management Advisory Council for a term of two years.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Jeffrey D. Kotson and ending Kimberly Orr, which nominations were received by the Senate and appeared in the Congressional Record on April 25, 2000.

By Mr. HATCH for the Committee on the Judiciary.

Julio F. Mercado, of Texas, to be Deputy Administrator of Drug Enforcement.

Beverly B. Martin, of Georgia, to be United States District Judge for the Northern District of Georgia.

Jay A. Garcia-Gregory, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

James L. Whigham, of Illinois, to be United States Marshall for the Northern District of Illinois for the term of four years.

Laura Taylor Swain, of New York, to be United States District Judge for the Southern District of New York.

Daniel G. Webber, Jr., of Oklahoma, to be United States Attorney for the Western District of Oklahoma.

Russell John Qualliotine, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

## 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. GRAMM:

S. 2732. A bill to ensure that all States participating in the National Boll Weevil Eradication Program are treated equitably; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANTORUM (for himself, Mr. KERRY, and Mr. SARBANES):

S. 2733. A bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FITZGERALD:

S. 2734. A bill to amend the United States Warehouse Act to authorize the issuance of electronic warehouse receipts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. BAUCUS, Mr. KERREY, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. THOMAS, Mr. HARKIN, Mr. ROBERTS, Mr. JOHNSON, Mr. COCHRAN, and Mrs. LINCOLN):

S. 2735. A bill to promote access to health care services in rural areas; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2736. A bill to provide compensation for victims of the fire initiated by the National Park Service at Bandelier National Monument, New Mexico; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 2737. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, extend the authorization of appropriations, and improve the administration of that Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Mr. FRIST, and Mr. ENZI):

S. 2738. A bill to amend the Public Health Service Act to reduce medical mistakes and medication-related errors; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. HELMS, Mr. MOYNIHAN, Mr. ROTH, Mr. THURMOND, and Mr. WARNER):

S. 2739. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Governmental Affairs.

By Ms. LANDRIEU:

S. 2740. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and to increase the limit on deductible IRA contributions, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, Mr. ROBERTS, Mr. LEVIN, Mr. KERREY, Mr. GRASSLEY, and Mr. CRAIG):

S. 2741. A bill to amend the Agricultural Credit Act of 1987 to extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of Oregon (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BURNS, Mr. SANTORUM, Mr. GORTON, Mrs. HUTCHISON, Mr. ALLARD, Mr. BENNETT, Mr. COVERDELL, Mr. GREGG, Mr. HELMS, Mr. THOMAS, Mr. INHOFE, Mr. MACK, Mr. WARNER, Mr. BUNNING, Mr. LOTT, Mr. MCCONNELL, Mr. CRAPO, and Mr. ROBERTS):

S. 2742. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes; read the first time.

By Mr. KENNEDY (for himself, Mr. DODD, and Mrs. MURRAY):

S. 2743. A bill to amend the Public Health Service Act to develop an infrastructure for creating a national voluntary reporting system to continually reduce medical errors and improve patient safety to ensure that individuals receive high quality health care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT:

S. 2744. A bill to ensure fair play for family farms; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2745. A bill to provide for grants to assist value-added agricultural businesses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ASHCROFT:

S. 2746. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Con. Res. 123. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMM:

S. 2732. A bill to ensure that all States participating in the National Boll Weevil Eradication Program are treated equitably; to the Committee on Agriculture, Nutrition, and Forestry.

THE BOLL WEEVIL ERADICATION EQUITY ACT

• Mr. GRAMM. Mr. President, today I am introducing the Boll Weevil Eradication Equity Act. Boll weevil infestation has caused more than $15 billion worth of damage to the United States cotton crop, and the nation's cotton producers lose $300 million annually. Texas is the largest cotton producing state in the nation, yet the scope of this problem extends beyond Texas. The ability of all states to eradicate this pest would stop future migration to boll weevil-free areas and prevent reintroduction of the boll weevil into those areas which have already completed a successful eradication effort.

We must continue to build upon the past success of the existing program that authorizes the Animal and Plant Health Inspection Service of the United States Department of Agriculture to join with individual states and provide technical assistance and federal cost-share funds. This highly successful partnership has resulted in complete boll weevil eradication in California, Florida, Arizona, Alabama, Georgia, Virginia and North Carolina. These states received an average federal cost-share of 26.9 percent, with producers and individual states paying the remaining cost.

Since 1994, however, the program has expanded into Texas, Mississippi, Arkansas, Louisiana, Tennessee, Oklahoma and New Mexico, but the federal appropriation has remained relatively constant. The addition of this vast acreage has resulted in dramatically reducing the federal cost share to only 4 percent, leaving producers and individual states to fund the remaining 96 percent. This is not fair to the states now participating in the program because federal matching funds to the states enrolled in the early years of the program constituted almost 30 percent of eradication costs.

The National Cotton Council estimates that for every $1 spent on eradication, cotton farmers will accrue about $12 in benefits. The bill I am introducing today will authorize a federal cost share contribution of not less than 26.9 percent to the states and producers which still must contend with boll weevil infestation. I urge my colleagues to join this effort to ensure that these producers receive no less support than that which was provided during the earlier stages of the program.

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. 2732

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Boll Weevil Eradication Equity Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) as of the date of enactment of this Act, infestation by Anthonomus grandis (commonly known as the ''boll weevil'') has caused more than $15,000,000,000 in damage to cotton crops of the United States and costs cotton producers in the United States approximately $300,000,000 annually;

(2) through the National Boll Weevil Eradication Program (referred to in this Act as the ''program''), the Animal and Plant Health Inspection Service of the Department of Agriculture partners with producers to provide technical assistance and Federal cost share funds to States in an effort to eradicate the boll weevil;

(3) States that enrolled in the program before 1994 have since been able to complete boll weevil eradication and were provided a Federal cost share that accounted for an average of 26.9 percent of the total cost of eradication;

(4) States that enrolled in the program in or after 1994 account for 65 percent of the national cotton acreage and are now provided an average Federal cost share of only 4 percent, placing a tremendous financial burden on the individual producers;

(5) the addition of vast acreage into the program has resulted in an increased need for Federal cost share funds;

(6) a producer that participates in the program today deserves not less than the same level of commitment that was provided to producers that enrolled in the program before 1994; and

(7) the ability of all States to eradicate the boll weevil would prevent further migration of the boll weevil to boll weevil-free areas and reintroduction of the boll weevil in those areas having completed boll weevil eradication.

**SEC. 3. BOLL WEEVIL ERADICATION ASSISTANCE.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall provide funds to pay at least 26.9 percent of the total program costs incurred by producers participating in the program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as are necessary for fiscal years 2001 through 2004.•

By Mr. SANTORUM (for himself and Mr. SARBANES):

S. 2733. A bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families; to the Committee on Banking, Housing, and Urban Affairs.

AFFORDABLE HOUSING FOR SENIORS AND FAMILIES ACT

• Mr. SANTORUM. Mr. President, I rise with great pride to introduce the Affordable Housing for Seniors and Families Act. I am very pleased to say that Senator KERRY of Massachusetts and Senator SARBANES are original cosponsors of this bill.

Even as our national economy flourishes, many Americans are struggling to find safe, decent, sanitary, affordable housing. HUD estimates that 5.4 million families are either paying over half of their incomes for rent or living in substandard housing. Of these households, 1.4 million, or 26%, are elderly or disabled. The scarcity of affordable housing is particularly troubling for seniors and the disabled who may require special structural accommodations in their homes.

As Vice Chairman of the Subcommittee on Housing and Transportation, and as a member of the Aging Committee, I feel a heightened sense of urgency in helping these special populations find housing. Thus, I am pleased to offer a bill which: reauthorizes federal funding for elderly and disabled housing programs; expands supportive housing opportunities for these special populations; codifies options to enhance the financial viability of the projects; assists sponsors in offering a ''continuum of care'' that allows people to live independently and with dignity; offers incentives to preserve the stock of affordable housing that is at risk of loss due to prepayment, Section 8 opt-out, or deterioration; and modernizes current laws allowing the FHA to insure mortgages on hospitals, assisted living facilities, and nursing homes. Together, I believe these measures will help to fill the critical housing needs of elderly and disabled families.

On September 27, 1999, the House of Representatives overwhelmingly approved the Preserving Affordable Housing for Senior Citizens in the 21st Century Act (H.R. 202) by a vote of 405–5.

Several aspects of H.R. 202, which protected residents in the event that their landlords did not renew their project based Section 8 contracts, were included in the FY 2000 VA-HUD appropriations bill. The legislation I offer today is modeled on the House-passed bill, without the preservation provisions that have already been enacted. I would like to take a few moments to highlight the major provisions of this bill.

The Section 202 elderly housing program and the Section 811 disabled housing program each provide crucial affordable housing for very low-income individuals, whose incomes are 50 percent or below of the area median income. By law, sponsors, or owners, of Section 202 or Section 811 housing must be non-profit organizations. Many sponsors are faith-based. The Affordable Housing for Seniors and Families Act will increase the stock of Section 202 and 811 housing in several ways. First, it reauthorizes funding for Section 202 and 811 housing programs in the amount of $700 million and $225 million, respectively, in FY 01. Such sums as are necessary are authorized for FY 02 through FY 04. Second, it creates an optional matching grant program that will enable sponsors to leverage additional money for construction. Third, it allows Section 202 housing sponsors to buy new properties.

This legislation also codifies options giving owners financial flexibility to use sources of income besides the Section 202 and Section 811 funds. For instance, by requiring HUD to approve prepayment of the 202 mortgages, this bill allows sponsors to build equity in their projects, which can be used to leverage funding for capital improvements or services for tenants. It gives sponsors maximum flexibility to use all sources of financing, including federal money, for construction, amenities, and relevant design features. In order to raise additional outside revenue and offer a convenience to tenants, owners are permitted to rent space to commercial facilities. In the cases of both Section 202 and 811 housing, owners may use their project reserves to retrofit or modernize obsolete or unmarketable units. Finally, this bill allows project sponsors to form limited partnerships with for-profit entities. Through such a partnership, sponsors can also compete for the Low Income Housing Tax Credit, and build larger developments.

The importance of providing a ''continuum of care'' for seniors and disabled persons to continue living independently is addressed in the Affordable Housing for Seniors and Families Act. For example, this bill helps seniors stay in their apartments as they become older and more frail by authorizing competitive grants for conversion of elderly housing and public housing projects designated for occupancy by elderly persons to assisted living facilities. Responding to obstacles the handicapped face in finding special-needs housing, it allows private non-profits to administer tenant-based rental assistance for the disabled. It also ensures that funding will continue to be invested in building housing for the disabled by limiting funding for tenant-based assistance under the Section 811 program to 25% of the program's appropriation. Funding for service coordinators, who link residents with supportive or medical services in the community, is authorized through FY 04. Moreover, service coordinators are permitted to assist low-income elderly or disabled families in the vicinity of their projects. Seniors who live in their own houses will be assisted by a provision in Title V which allows them to maximize the equity in their homes by streamlining the process of refinancing an existing federal-insured reverse mortgage.

Title IV of this legislation focuses on preserving the existing stock of federally assisted properties as affordable housing for low and very low-income families. Each year, 100,000 low-cost apartments across the country are demolished, abandoned, or converted to market rate use. For every 100 extremely low-income households, having 30% or less of area median income, only 36 units were both affordable and available. Even in rural areas, the potential loss of assisted, affordable housing is very real due to prepayment of mortgages, opt-out of assisted housing programs upon contract expirations, frustration with government bureaucracy, or simply a recognition that the building would be more profitable as market-rate housing. Title IV responds with a matching grant program to assist state and local governments who are devoting their own money to affordable housing preservation. Likewise, it authorizes a competitive grant program to assist nonprofits in buying federally assisted property.

Current law allowing the Federal Housing Administration (FHA) to insure mortgages on hospitals, nursing homes, and assisted living facilities has become outdated. Title V modernizes the law and removes barriers to using FHA insurance for such facilities. Likewise, it recognizes the integrated nature of healthcare by allowing the FHA to provide mortgage insurance for ''integrated service facilities,'' such as ambulatory care centers, which treat sick, injured, disabled, elderly, or infirm persons.

Mr. President, I urge my colleagues to cosponsor this important bipartisan legislation. In closing, I would like to express my gratitude to Senator KERRY for working closely with me on this important legislation. I also would like to thank Senator SARBANES for his cosponsorship.

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. 2733

*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 ''Affordable Housing for Seniors and Families Act''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Regulations.
Sec. 3. Effective date.

TITLE I—REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Sec. 101. Prepayment and refinancing.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Sec. 201. Supportive housing for elderly persons.
Sec. 202. Supportive housing for persons with disabilities.
Sec. 203. Service coordinators and congregate services for elderly and disabled housing.

TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Subtitle A—Housing for the Elderly

Sec. 301. Matching grant program.
Sec. 302. Eligibility of for-profit limited partnerships.
Sec. 303. Mixed funding sources.
Sec. 304. Authority to acquire structures.
Sec. 305. Mixed-income occupancy.
Sec. 306. Use of project reserves.
Sec. 307. Commercial activities.
Sec. 308. Mixed finance pilot program.
Sec. 309. Grants for conversion of elderly housing to assisted living facilities.
Sec. 310. Grants for conversion of public housing projects to assisted living facilities.
Sec. 311. Annual HUD inventory of assisted housing designated for elderly persons.
Sec. 312. Treatment of applications.

Subtitle B—Housing for Persons With Disabilities

Sec. 321. Matching grant program.
Sec. 322. Eligibility of for-profit limited partnerships.
Sec. 323. Mixed funding sources.
Sec. 324. Tenant-based assistance.
Sec. 325. Use of project reserves.
Sec. 326. Commercial activities.

Subtitle C—Other Provisions

Sec. 341. Service coordinators.

TITLE IV—PRESERVATION OF AFFORDABLE HOUSING STOCK

Sec. 401. Matching grant program for affordable housing preservation.
Sec. 402. Assistance for nonprofit purchasers preserving affordable housing.
Sec. 403. Section 236 assistance.
Sec. 404. Preservation projects.

TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES

Sec. 501. Rehabilitation of existing hospitals, nursing homes, and other facilities.
Sec. 502. New integrated service facilities.
Sec. 503. Hospitals and hospital-based integrated service facilities.
Sec. 504. Home equity conversion mortgages.

**SEC. 2. REGULATIONS.**

The Secretary of Housing and Urban Development (referred to in this Act as the ''Secretary'') shall issue any regulations to carry

out this Act and the amendments made by this Act that the Secretary determines may or will affect tenants of federally assisted housing only 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). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

**SEC. 3. EFFECTIVE DATE.**

(a) IN GENERAL.—The provisions of this Act and the amendments made by this Act are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this Act or the amendments made by this Act to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this Act or the amendments made by this Act under such provisions and amendments and subsection (a) of this section.

## TITLE I—REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

**SEC. 101. PREPAYMENT AND REFINANCING.**

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) SOURCES OF REFINANCING.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) USE OF UNEXPENDED AMOUNTS.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) USE OF CERTAIN PROJECT FUNDS.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) BUDGET ACT COMPLIANCE.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

## TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

**SEC. 201. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.**

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section $700,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (c)(4) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.''.

**SEC. 202. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.**

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section $225,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002, 2003, and 2004. Of the amount provided in appropriation Acts for assistance under this section in each such fiscal year, 5 percent shall be available only for providing assistance in accordance with the requirements under subsection (d)(5) (relating to matching funds), except that if there are insufficient eligible applicants for such assistance, any amount remaining shall be used for assistance under this section.''.

**SEC. 203. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.**

There is authorized to be appropriated to the Secretary $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002, 2003, and 2004, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

## TITLE III—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

### Subtitle A—Housing for the Elderly

**SEC. 301. MATCHING GRANT PROGRAM.**

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), in the second sentence, by inserting ''or through matching grants under subsection (c)(4)'' after ''subsection (c)(1)''; and

(2) in subsection (c), by adding at the end the following:

''(4) MATCHING GRANTS.—

''(A) IN GENERAL.—

''(i) 15 PERCENT MINIMUM.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 15 percent of the amount of assistance provided pursuant to this paragraph for the project.

''(ii) PREFERENCE.—In providing assistance under this paragraph, the Secretary shall take into consideration the degree to which the applicant will supplement that assistance with amounts from sources other than this section and, all other factors being equal, shall give preference to applicants whose supplemental assistance is equal to the highest percentage of the amount of assistance provided pursuant to this paragraph for the project.

''(B) REQUIREMENT FOR NON-FEDERAL FUNDS.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of more dwelling units than would have been constructed absent such contributions.

''(C) INCOME ELIGIBILITY.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by elderly persons who are not very low-income persons in a number such that the ratio that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project

under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.''.

**SEC. 302. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.**

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).''.

**SEC. 303. MIXED FUNDING SOURCES.**

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended by striking ''non-Federal sources'' and inserting ''sources other than this section''.

**SEC. 304. AUTHORITY TO ACQUIRE STRUCTURES.**

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking ''from the Resolution Trust Corporation''; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking ''RTC PROPERTIES'' and inserting ''ACQUISITION''; and

(B) by striking ''from the Resolution'' and all that follows through ''Insurance Act''.

**SEC. 305. MIXED-INCOME OCCUPANCY.**

(a) IN GENERAL.—The first sentence of section 202(i)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(i)(1)) is amended by striking ''and (B)'' and inserting the following: ''(B) notwithstanding subparagraph (A) and in the case only of a supportive housing project for the elderly that has a high vacancy level (as defined by the Secretary, except that such term shall not include vacancy upon the initial availability of units in a building), consistent with the purpose of improving housing opportunities for very low- and low-income elderly persons; and (C).''.

(b) AVAILABILITY OF UNITS.—Section 202(i) of the Housing Act of 1959 (12 U.S.C. 1701q(i)) is amended by adding at the end the following:

''(3) AVAILABILITY OF UNITS.—In the case of a supportive housing project described in paragraph (1)(B) that has a vacant dwelling unit, an owner may not make a dwelling unit available for occupancy by, nor make any commitment to provide occupancy in the unit to—

''(A) a low-income family that is not a very low-income family unless each eligible very low-income family that has applied for occupancy in the project has been offered an opportunity to accept occupancy in a unit in the project; and

''(B) a low-income elderly person who is not a very low-income elderly person, unless the owner certifies to the Secretary that the owner has engaged in affirmative marketing and outreach to very low-income elderly persons.''.

(b) CONFORMING AMENDMENTS.—Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by inserting before ''in accordance with this section'' the following: '', and for low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B),'';

(B) in the first sentence of paragraph (2), by inserting after ''elderly persons'' the following: ''or by low-income elderly persons (to the extent such occupancy is made available pursuant to subsection (i)(1)(B))''; and

(C) in paragraph (3), by inserting after ''very low-income person'' the following: ''or a low-income person (to the extent such occupancy is made available pursuant to subsection (i)(1)(B))'';

(2) in subsection (d)(1), by inserting after ''elderly persons'' the following: '', and low-income elderly persons to the extent such occupancy is made available pursuant to subsection (i)(1)(B),''; and

(3) in subsection (k)—

(A) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) LOW-INCOME.—The term 'low-income' has the meaning given the term 'low-income families' under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).''.

**SEC. 306. USE OF PROJECT RESERVES.**

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

''(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

**SEC. 307. COMMERCIAL ACTIVITIES.**

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

**SEC. 308. MIXED FINANCE PILOT PROGRAM.**

(a) AUTHORITY.—The Secretary shall carry out a pilot program under this section to determine the effectiveness and feasibility of providing assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for housing projects that are used both for supportive housing for the elderly and for other types of housing, which may include market rate housing.

(b) SCOPE.—Under the pilot program the Secretary shall provide, to the extent that sufficient approvable applications for such assistance are received, assistance in the manner provided under subsection (d) for not more than 5 housing projects.

(c) MIXED USE.—The Secretary shall, for a project to be assisted under the pilot program—

(1) require that a minimum number of the dwelling units in the project be reserved for use in accordance with, and subject to, the requirements applicable to units assisted under section 202 of the Housing Act of 1959, such that the ratio that the number of dwelling units in the project so reserved bears to the total number of units in the project is not less than the ratio that the amount of assistance from such section 202 used for the project pursuant to subsection (d) bears to the total amount of assistance provided for the project under this section; and

(2) provide that the remainder of the dwelling units in the project may be used for assistance to persons who are not very low-income.

(d) FINANCING.—The Secretary may use amounts provided for assistance under section 202 of the Housing Act of 1959 for assistance under the pilot program for capital advances in accordance with subsection (c)(1) of such section and project rental assistance in accordance with subsection (c)(2) of such section, only for dwelling units described in subsection (c)(1) of this section. Any assistance provided pursuant to subsection (c)(1) of such section 202 shall be provided in the form of a capital advance, subject to repayment as provided in such subsection, and shall not be structured as a loan. The Secretary shall take such action as may be necessary to ensure that the repayment contingency under such subsection is enforceable for projects assisted under the pilot program and to provide for appropriate protections of the interests of the Secretary in relation to other interests in the projects so assisted.

(e) REPORT.—Not later than 2 years after assistance is initially made available under the pilot program under this section, the Secretary shall submit to Congress a report on the results of the pilot program.

**SEC. 309. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.**

Title II of the Housing Act of 1959 is amended by inserting after section 202a (12 U.S.C. 1701q–1) the following:

**''SEC. 202b. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.**

''(a) GRANT AUTHORITY.—The Secretary of Housing and Urban Development may make grants in accordance with this section to owners of eligible projects described in subsection (b) for 1 or both of the following activities:

''(1) REPAIRS.—Substantial capital repairs to a project that are needed to rehabilitate, modernize, or retrofit aging structures, common areas, or individual dwelling units.

''(2) CONVERSION.—Activities designed to convert dwelling units in the eligible project to assisted living facilities for elderly persons.

''(b) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—An eligible project described in this subsection is a multifamily housing project that is—

''(A) described in subparagraph (B), (C), (D), (E), (F), or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)), or (B) only to the extent amounts of the Department of Agriculture are made available to the Secretary of Housing and Urban Development for such grants under this section for such projects, subject to a loan made or insured under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

''(B) owned by a private nonprofit organization (as such term is defined in section 202); and

''(C) designated primarily for occupancy by elderly persons.

''(2) UNUSED OR UNDERUTILIZED COMMERCIAL PROPERTY.—Notwithstanding any other provision of this subsection or this section, an unused or underutilized commercial property may be considered an eligible project under this subsection, except that the Secretary may not provide grants under this section for more than 3 such properties. For any such projects, any reference under this section to dwelling units shall be considered to refer to the premises of such properties.

''(c) APPLICATIONS.—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

''(1) a description of the substantial capital repairs or the proposed conversion activities for which a grant under this section is requested;

''(2) the amount of the grant requested to complete the substantial capital repairs or conversion activities;

''(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

''(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

''(d) FUNDING FOR SERVICES.—The Secretary may not make a grant under this section for conversion activities unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility, which may be provided by third parties.

''(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

''(1) in the case of a grant for substantial capital repairs, the extent to which the project to be repaired is in need of such repair, including such factors as the age of improvements to be repaired, and the impact on the health and safety of residents of failure to make such repairs;

''(2) in the case of a grant for conversion activities, the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve, with a special emphasis on very low-income elderly persons who need assistance with activities of daily living;

''(3) the inability of the applicant to fund the repairs or conversion activities from existing financial resources, as evidenced by the applicant's financial records, including assets in the applicant's residual receipts account and reserves for replacement account;

''(4) the extent to which the applicant has evidenced community support for the repairs or conversion, by such indicators as letters of support from the local community for the repairs or conversion and financial contributions from public and private sources;

''(5) in the case of a grant for conversion activities, the extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

''(6) in the case of a grant for conversion activities, the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

''(7) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

''(f) DEFINITIONS.—In this section—

''(1) the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)); and

''(2) the definitions in section 202(k) shall apply.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004.''.

**SEC. 310. GRANTS FOR CONVERSION OF PUBLIC HOUSING PROJECTS TO ASSISTED LIVING FACILITIES.**

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following:

**''SEC. 36. GRANTS FOR CONVERSION OF PUBLIC HOUSING TO ASSISTED LIVING FACILITIES.**

''(a) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to public housing agencies for use for activities designed to convert dwelling units in an eligible projects described in subsection (b) to assisted living facilities for elderly persons.

''(b) ELIGIBLE PROJECTS.—An eligible project described in this subsection is a public housing project (or a portion thereof) that has been designated under section 7 for occupancy only by elderly persons.

''(c) APPLICATIONS.—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

''(1) a description of the proposed conversion activities for which a grant under this section is requested;

''(2) the amount of the grant requested;

''(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

''(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

''(d) FUNDING FOR SERVICES.—The Secretary may not make a grant under this section unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility.

''(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

''(1) the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve;

''(2) the inability of the public housing agency to fund the conversion activities from existing financial resources, as evidenced by the agency's financial records;

''(3) the extent to which the agency has evidenced community support for the conversion, by such indicators as letters of support from the local community for the conversion and financial contributions from public and private sources;

''(4) extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

''(5) the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

''(6) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

''(f) DEFINITION.—In this section, the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004.''.

**SEC. 311. ANNUAL HUD INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.**

Subtitle D of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13611 et seq.) is amended by adding at the end the following:

**''SEC. 662. ANNUAL INVENTORY OF ASSISTED HOUSING DESIGNATED FOR ELDERLY PERSONS.**

''(a) IN GENERAL.—The Secretary shall establish and maintain, and on an annual basis shall update and publish, an inventory of housing that—

''(1) is assisted under a program of the Department of Housing and Urban Development, including all federally assisted housing; and

''(2) is designated, in whole or in part, for occupancy by elderly families or disabled families, or both.

''(b) CONTENTS.—The inventory required under this section shall identify housing described in subsection (a) and the number of dwelling units in such housing that—

''(1) are in projects designated for occupancy only by elderly families;

''(2) are in projects designated for occupancy only by disabled families;

''(3) contain special features or modifications designed to accommodate persons with disabilities and are in projects designated for occupancy only by disabled families;

''(4) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by elderly families;

''(5) are in projects for which a specific percentage or number of the dwelling units are designated for occupancy only by disabled families; and

''(6) are in projects designed for occupancy only by both elderly or disabled families.

''(c) PUBLICATION.—The Secretary shall annually publish the inventory required under this section in the Federal Register and shall make the inventory available to the public by posting on a World Wide Web site of the Department.''.

**SEC. 312. TREATMENT OF APPLICATIONS.**

Notwithstanding any other provision of law or any regulation of the Secretary, in the case of any denial of an application for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for failure to timely provide information required by the Secretary, the Secretary shall notify the applicant of the failure and provide the applicant an opportunity to show that the failure was due to the failure of a third party to provide information under the control of the third party. If the applicant demonstrates, within a reasonable period of time after notification of such failure, that the applicant did not have such information but requested the timely provision of such information by the third party, the Secretary may not deny the application solely on the grounds of failure to timely provide such information.

**Subtitle B—Housing for Persons With Disabilities**

**SEC. 321. MATCHING GRANT PROGRAM.**

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (b)(2)(A), by inserting ''or through matching grants under subsection (d)(5)'' after ''subsection (d)(1)''; and

(2) in subsection (d), by adding at the end the following:

''(5) MATCHING GRANTS.—

''(A) IN GENERAL.—

''(i) 15 PERCENT MINIMUM.—Amounts made available for assistance under this paragraph shall be used only for capital advances in accordance with paragraph (1), except that the Secretary shall require that, as a condition of providing assistance under this paragraph for a project, the applicant for assistance shall supplement the assistance with amounts from sources other than this section in an amount that is not less than 15 percent of the amount of assistance provided pursuant to this paragraph for the project.

''(ii) PREFERENCE.—In providing assistance under this paragraph, the Secretary shall take into consideration the degree to which the applicant will supplement that assistance with amounts from sources other than this section and, all other factors being equal, shall give preference to applicants whose supplemental assistance is equal to

the highest percentage of the amount of assistance provided pursuant to this paragraph for the project.

''(B) REQUIREMENT FOR NON-FEDERAL FUNDS.—Not less than 50 percent of supplemental amounts provided for a project pursuant to subparagraph (A) shall be from non-Federal sources. Such supplemental amounts may include the value of any in-kind contributions, including donated land, structures, equipment, and other contributions as the Secretary considers appropriate, but only if the existence of such in-kind contributions results in the construction of more dwelling units than would have been constructed absent such contributions.

''(C) INCOME ELIGIBILITY.—Notwithstanding any other provision of this section, the Secretary shall provide that, in a project assisted under this paragraph, a number of dwelling units may be made available for occupancy by persons with disabilities who are not very low-income persons in a number such that the ration that the number of dwelling units in the project so occupied bears to the total number of units in the project does not exceed the ratio that the amount from non-Federal sources provided for the project pursuant to this paragraph bears to the sum of the capital advances provided for the project under this paragraph and all supplemental amounts for the project provided pursuant to this paragraph.''.

**SEC. 322. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.**

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

''Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).''.

**SEC. 323. MIXED FUNDING SOURCES.**

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended by striking ''non-Federal sources'' and inserting ''sources other than this section''.

**SEC. 324. TENANT-BASED ASSISTANCE.**

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

''(4) TENANT-BASED RENTAL ASSISTANCE.—

''(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

''(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

''(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937.''; and

(2) in subsection (l)(1)—

(A) by striking ''subsection (b)'' and inserting ''subsection (b)(2)'';

(B) by striking the last comma and all that follows through ''subsection (n)''; and

(C) by adding at the end the following: ''Notwithstanding any other provision of this section, the Secretary may use not more than 25 percent of the total amounts made available for assistance under this section for any fiscal year for tenant-based rental assistance under subsection (b)(1) for persons with disabilities, and no authority of the Secretary to waive provisions of this section may be used to alter the percentage limitation under this sentence.''.

**SEC. 325. USE OF PROJECT RESERVES.**

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

''(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.''.

**SEC. 326. COMMERCIAL ACTIVITIES.**

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: ''Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.''.

**Subtitle C—Other Provisions**

**SEC. 341. SERVICE COORDINATORS.**

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking ''**MULTIFAMILY HOUSING ASSISTED UNDER NATIONAL HOUSING ACT**'' and inserting ''**CERTAIN FEDERALLY ASSISTED HOUSING**'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''(E) and (F)'' and inserting ''(B), (C), (D), (E), (F), and (G)''; and

(B) in the last sentence—

(i) by striking ''section 661'' and inserting ''section 671''; and

(ii) by adding at the end the following: ''A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.'';

(3) in subsection (d)—

(A) by striking ''(E) or (F)'' and inserting ''(B), (C), (D), (E), (F), or (G)''; and

(B) by striking ''section 661'' and inserting ''section 671''; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking ''to carry out this subtitle pursuant to the amendments made by this subtitle'' and inserting the following: ''for providing service coordinators under this section'';

(2) in subsection (d), by inserting ''(''' after ''section 683(2)''; and

(3) by adding at the end following:

''(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.''.

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking ''and (F)'' and inserting the following: ''(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)''.

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after ''response,'' the following: ''education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),''; and

(B) by adding at the end the following:

''(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

''(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

''(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

''(A) informs such residents of—

''(i) the prevalence of telemarketing fraud targeted against elderly persons;

''(ii) how telemarketing fraud works;

''(iii) how to identify telemarketing fraud;

''(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

''(v) how to report suspected attempts at telemarketing fraud; and

''(vi) their consumer protection rights under Federal law;

''(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

''(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally

assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.''.

## TITLE IV—PRESERVATION OF AFFORDABLE HOUSING STOCK

### SEC. 401. MATCHING GRANT PROGRAM FOR AFFORDABLE HOUSING PRESERVATION.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) availability of low-income housing rental units has declined nationwide in the last several years;

(B) as rents for low-income housing increase and the development of new units of affordable housing decreases, there are fewer privately owned, federally assisted affordable housing units available to low-income individuals in need;

(C) the demand for affordable housing far exceeds the supply of such housing, as evidenced by recent studies; and

(D) the efforts of nonprofit organizations have significantly preserved and expanded access to low-income housing.

(2) PURPOSES.—The purposes of this section are—

(A) to continue the partnerships among the Federal Government, State and local governments, nonprofit organizations, and the private sector in operating and assisting housing that is affordable to low-income persons and families;

(B) to promote the preservation of affordable housing units by providing matching grants to States and localities that have developed and funded programs for the preservation of privately owned housing that is affordable to low-income families and persons; and

(C) to minimize the involuntary displacement of tenants who are currently residing in such housing, many of whom are elderly or disabled persons and families with children.

(b) DEFINITIONS.—In this section:

(1) CAPITAL EXPENDITURES.—The term ''capital expenditures'' includes expenditures for acquisition and rehabilitation.

(2) LOW-INCOME AFFORDABILITY RESTRICTIONS.—The term ''low-income affordability restrictions'' means, with respect to a housing project, any limitations imposed by law, regulation, or regulatory agreement on rents for tenants of the project, rent contributions for tenants of the project, or income-eligibility for occupancy in the project.

(3) PROJECT-BASED ASSISTANCE.—The term ''project-based assistance'' has the meaning given such term in section 16(c) of the United States Housing Act of 1937 (42 U.S.C. 1437n(c)), except that such term includes assistance under any successor programs to the programs referred to in such section.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(5) STATE.—The term ''State'' means each of the several States and the District of Columbia.

(c) AUTHORITY.—The Secretary shall, to the extent amounts are made available in advance under subsection (k), award grants under this section to States and localities for low-income housing preservation and promotion.

(d) APPLICATIONS.—The Secretary shall provide for States and localities (through appropriate State and local agencies) to submit applications for grants under this section. The Secretary shall require the applications to contain any information and certifications necessary for the Secretary to determine who is eligible to receive such a grant.

(e) USE OF GRANTS.—

(1) ELIGIBLE USES.—

(A) IN GENERAL.—Amounts from grants awarded under this section may be used by States and localities only for the purpose of providing assistance for acquisition, rehabilitation, operating costs, and capital expenditures for a housing project that meets the requirements under paragraph (2), (3), (4), or (5).

(B) FACTORS FOR CONSIDERATION.—In selecting projects described in subparagraph (A) for assistance with amounts from a grant awarded under this section, the State or locality shall—

(i) take into consideration—

(I) whether the assistance will be used to transfer the project to a resident-endorsed nonprofit organization;

(II) whether the owner of the project has extended the low-income affordability restrictions on the project for a period of more than 15 years;

(III) the extent to which the project is consistent with the comprehensive housing affordability strategy approved in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) for the jurisdiction in which the project is located;

(IV) the extent to which the project location provides access to transportation, jobs, shopping, and other similar conveniences;

(V) the extent to which the project meets fair housing goals;

(VI) the extent to which the project serves specific needs that are not otherwise met by the local market, such as housing for the elderly or disabled, or families with children;

(VII) the extent of local government resources provided to the project; and

(VIII) such other factors as the Secretary or the State or locality may establish; and

(ii) States receiving funds shall ensure that, to the maximum extent practicable, projects in both urban and rural areas in the State receive assistance.

(2) PROJECTS WITH HUD-INSURED MORTGAGES.—A project meets the requirements under this paragraph only if—

(A) the project is financed by a loan or mortgage that is—

(i) insured or held by the Secretary under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715l(d)(3)) and receiving loan management assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) due to a conversion from section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

(ii) insured or held by the Secretary and bears interest at a rate determined under the proviso of section 221(d)(5) of the National Housing Act (12 U.S.C. 1715l(d)(5)); or

(iii) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(B) the project is subject to an unconditional waiver of, with respect to the mortgage referred to in subparagraph (A)—

(i) all rights to any prepayment of the mortgage; and

(ii) all rights to any voluntary termination of the mortgage insurance contract for the mortgage; and

(C) if the low-income affordability restrictions on the project are for less than 15 years, the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend those restrictions, including any such restrictions imposed because of any contract for project-based assistance for the project, for a period of not less than 15 years (beginning on the date on which assistance is made available for the project by the State or locality under this section).

(3) PROJECTS WITH SECTION 8 PROJECT-BASED ASSISTANCE.—A project meets the requirements under this paragraph only if—

(A) the project is subject to a contract for project-based assistance; and

(B) the owner of the project has entered into binding commitments (applicable to any subsequent owner)—

(i) to continue to renew such contract (if offered on the same terms and conditions) until the later of—

(I) the last day of the remaining term of the mortgage; or

(II) the date that is 15 years after the date on which assistance is made available for the project by the State or locality under this subsection; and

(ii) to extend any low-income affordability restrictions applicable to the project in connection with such assistance.

(4) PROJECTS PURCHASED BY RESIDENTS.—A project meets the requirements under this paragraph only if the project—

(A) is or was eligible low-income housing (as defined in section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (42 U.S.C. 4119)) or is or was a project assisted under section 613(b) of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 4125(b));

(B) has been purchased by a resident council or resident-approved nonprofit organization for the housing or is approved by the Secretary for such purchase, for conversion to homeownership housing under a resident homeownership program meeting the requirements under section 226 of such Act (12 U.S.C. 4116); and

(C) the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend such assistance for not less than 15 years (beginning on the date on which assistance is made available for the project by the State or locality under this section) and to extend any low-income affordability restrictions applicable to the project in connection with such assistance.

(5) RURAL RENTAL ASSISTANCE PROJECTS.—A project meets the requirements of this paragraph only if—

(A) the project is a rural rental housing project financed under section 515 of the Housing Act of 1949 (42 U.S.C. 1485); and

(B) the restriction on the use of the project (as required under section 502 of the Housing Act of 1949 (42 U.S.C. 1472)) will expire not later than 12 months after the date on which assistance is made available for the project by the State or locality under this subsection.

(f) AMOUNT OF STATE AND LOCAL GRANTS.—

(1) IN GENERAL.—Subject to subsection (g), in each fiscal year, the Secretary shall award to each State and locality approved for a grant under this section a grant in an amount based upon the proportion of such State's or locality's need for assistance under this section (as determined by the Secretary in accordance with paragraph (2)) to the aggregate need among all States and localities approved for such assistance for such fiscal year.

(2) DETERMINATION OF NEED.—In determining the proportion of a State's or locality's need under paragraph (1), the Secretary shall consider—

(A) the number of units in projects in the State or locality that are eligible for assistance under section 6 that, due to market conditions or other factors, are at risk for prepayment, opt-out, or otherwise at risk of being lost to the inventory of affordable housing; and

(B) the difficulty that residents of projects in the State or locality that are eligible for assistance under subsection (e) would face in

finding adequate, available, decent, comparable, and affordable housing in neighborhoods of comparable quality in the local market, if those projects were not assisted by the State or locality under subsection (e).

(g) MATCHING REQUIREMENT.—

(1) IN GENERAL.—The Secretary may not award a grant under this section to a State or locality for any fiscal year in an amount that exceeds twice the amount that the State or locality certifies, as the Secretary shall require, that the State or locality will contribute for such fiscal year, or has contributed since January 1, 2000, from non-Federal sources for the purposes described in subsection (e)(1).

(2) TREATMENT OF PREVIOUS CONTRIBUTIONS.—Any portion of amounts contributed after January 1, 2000, that are counted for purposes of meeting the requirement under paragraph (1) for a fiscal year may not be counted for such purposes for any subsequent fiscal year.

(3) TREATMENT OF TAX INCENTIVES.—Fifty percent of the funds used for the project that are allocable to tax credits allocated under section 42 of the Internal Revenue Code of 1986, revenue from mortgage revenue bonds issued under section 143 of such Code, or proceeds from the sale of tax-exempt bonds by any State or local government entity shall be considered non-Federal sources for purposes of this subsection.

(h) TREATMENT OF SUBSIDY LAYERING REQUIREMENTS.—Neither subsection (g) nor any other provision of this section may be construed to prevent the use of tax credits allocated under section 42 of the Internal Revenue Code of 1986 in connection with housing assisted with amounts from a grant awarded under this section, to the extent that such use is in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) and section 911 of the Housing and Community Development Act of 1992 (42 U.S.C. 3545 note).

(i) REPORTS.—

(1) REPORTS TO SECRETARY.—Not later than 90 days after the last day of each fiscal year, each State and locality that receives a grant under this section during that fiscal year shall submit to the Secretary a report on the housing projects assisted with amounts made available under the grant.

(2) REPORTS TO CONGRESS.—Based on the reports submitted under paragraph (1), the Secretary shall annually submit to Congress a report on the grants awarded under this section during the preceding fiscal year and the housing projects assisted with amounts made available under those grants.

(j) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue regulations to carry out this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2001 through 2004.

**SEC. 402. ASSISTANCE FOR NONPROFIT PURCHASERS PRESERVING AFFORDABLE HOUSING.**

(a) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) a substantial number of existing federally assisted or federally insured multifamily properties are at risk of being lost from the affordable housing inventory of the Nation through market rate conversion, deterioration, or demolition;

(2) it is in the interests of the Nation to encourage transfer of control of such properties to competent national, regional, and local nonprofit entities and intermediaries whose missions involve maintaining the affordability of such properties;

(3) such transfers may be inhibited by a shortage of such entities that are appropriately capitalized; and

(4) the Nation would be well served by providing assistance to such entities to aid in accomplishing this purpose.

(b) GRANTS.—The Secretary may make grants, to the extent amounts are made available for such grants, to eligible entities under subsection (c) for use only for operational, working capital, and organizational expenses of such entities and activities by such entities to acquire eligible affordable housing for the purpose of ensuring that the housing will remain affordable, as the Secretary considers appropriate, for low-income or very low-income families (including elderly persons).

(c) ELIGIBLE ENTITIES.—The Secretary shall establish standards for eligible entities under this subsection, which shall include requirements that to be considered an eligible entity for purposes of this section an entity shall—

(1) be a nonprofit organization (as such term is defined in 104 of the Cranston-Gonzalez National Affordable Housing Act);

(2) have among its purposes maintaining the affordability to low-income or very low-income families of multifamily properties that are at risk of loss from the inventory of housing that is affordable to low-income or very low-income families; and

(3) demonstrate need for assistance under this section for the purposes under subsection (b), experience in carrying out activities referred to in such subsection, and capability to carry out such activities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE AFFORDABLE HOUSING.—The term ''eligible affordable housing'' means housing that—

(A) consists of more than four dwelling units;

(B) is insured or assisted under a program of the Department of Housing and Urban Development or the Department of Agriculture under which the property is subject to limitations on tenant rents, rent contributions, or incomes; and

(C) is at risk, as determined by the Secretary, of termination of any of the limitations referred to in subparagraph (B).

(2) LOW-INCOME FAMILIES; VERY LOW-INCOME FAMILIES.—The terms ''low-income families'' and very low-income families'' have the meanings given such terms in section 3(b) of the United States Housing Act of 1937.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, and 2004.

**SEC. 403. SECTION 236 ASSISTANCE.**

Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)) is amended—

(1) in paragraph (2), by striking ''Subject to paragraph (3) and notwithstanding'' and inserting ''Notwithstanding''; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

**SEC. 404. PRESERVATION PROJECTS.**

Section 524(e)(1) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''amounts are specifically'' and inserting ''sufficient amounts are''.

## TITLE V—MORTGAGE INSURANCE FOR HEALTH CARE FACILITIES AND HOME EQUITY CONVERSION MORTGAGES

**SEC. 501. REHABILITATION OF EXISTING HOSPITALS, NURSING HOMES, AND OTHER FACILITIES.**

Section 223(f) of the National Housing Act (12 U.S.C. 1715n(f)) is amended—

(1) in paragraph (1)—

(A) by striking ''the refinancing of existing debt of an''; and

(B) by inserting ''existing integrated service facility,'' after ''existing board and care home,'';

(2) in paragraph (4)—

(A) by inserting ''existing integrated service facility,'' after ''board and care home,'' each place it appears;

(B) in subparagraph (A), by inserting before the semicolon at the end the following: '', which refinancing, in the case of a loan on a hospital, home, or facility that is within 2 years of maturity, shall include a mortgage made to prepay such loan'';

(C) in subparagraph (B), by inserting after ''indebtedness'' the following: '', pay any other costs including repairs, maintenance, minor improvements, or additional equipment which may be approved by the Secretary,''; and

(D) in subparagraph (D)—

(i) by inserting ''existing'' before ''intermediate care facility''; and

(ii) by inserting ''existing'' before ''board and care home''; and

(3) by adding at the end the following:

''(6) In the case of purchase of an existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) the Secretary shall prescribe such terms and conditions as the Secretary deems necessary to assure that—

''(A) the proceeds of the insured mortgage loan will be employed only for the purchase of the existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility or any combination thereof) including the retirement of existing debt (if any), necessary costs associated with the purchase and the insured mortgage financing, and such other costs, including costs of repairs, maintenance, improvements, and additional equipment, as may be approved by the Secretary;

''(B) such existing hospital (or existing nursing home, existing assisted living facility, existing intermediate care facility, existing board and care home, existing integrated service facility, or any combination thereof) is economically viable; and

''(C) the applicable requirements for certificates, studies, and statements of section 232 (for the existing nursing home, existing assisted living facility, intermediate care facility, board and care home, existing integrated service facility or any combination thereof, proposed to be purchased) or of section 242 (for the existing hospital proposed to be purchased) have been met.''.

**SEC. 502. NEW INTEGRATED SERVICE FACILITIES.**

Section 232 of the National Housing Act (12 U.S.C. 1715w) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''are not acutely ill and'';

(B) in paragraph (2), by striking ''nevertheless''; and

(C) by adding at the end the following:

''(4) The development of integrated service facilities for the care and treatment of the elderly and other persons in need of health care and related services, but who do not require hospital care, and the support of health care facilities which provide such health care and related services (including those that support hospitals (as defined in section 242(b))).'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''acutely ill and not'';

(B) in paragraph (4), by inserting after the second period the following: ''Such term includes a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide.'';

(C) in paragraph (6)—

(i) by striking subparagraph (A) and inserting the following:

''(A) meets all applicable licensing and regulatory requirements of the State, or if there is no State law providing for such licensing and regulation by the State, meets all applicable licensing and regulatory requirements of the municipality or other political subdivision in which the facility is located, or, in the absence of any such requirements, meets any underwriting requirements of the Secretary for such purposes;''; and

(ii) in subparagraph (C), by striking ''and'' at the end;

(D) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(8) the term 'integrated service facility' means a facility—

''(A) providing integrated health care delivery services designed and operated to provide medical, convalescent, skilled and intermediate nursing, board and care services, assisted living, rehabilitation, custodial, personal care services, or any combination thereof, to sick, injured, disabled, elderly, or infirm persons, or providing services for the prevention of illness, or any combination thereof;

''(B) designed, in whole or in part, to provide a continuum of care, as determined by the Secretary, for the sick, injured, disabled, elderly, or infirm;

''(C) providing clinical services, outpatient services, including community health services and medical practice facilities and group practice facilities, to sick, injured, disabled, elderly, or infirm persons not in need of the services rendered in other facilities insurable under this title, or for the prevention of illness, or any combination thereof; or

''(D)(i) designed, in whole or in part to provide supportive or ancillary services to hospitals (as defined in section 242(b)), which services may include services provided by special use health care facilities, professional office buildings, laboratories, administrative offices, and other facilities supportive or ancillary to health care delivery by such hospitals; and

''(ii) that meet standards acceptable to the Secretary, which may include standards governing licensure or State or local approval and regulation of a mortgagor; or

''(E) that provides any combination of the services under subparagraphs (A) through (D).'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''board and care home,'' after ''rehabilitated nursing home,'';

(ii) by inserting ''integrated service facility,'' after ''assisted living facility,'' the first 2 places it appears;

(iii) by inserting ''board and care home,'' after ''existing nursing home,''; and

(iv) by striking ''or a board and care home'' and inserting '', board and care home or integrated service facility'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting before '', including'' the following: ''or a public body, public agency, or public corporation eligible under this section''; and

(ii) in subparagraph (B), by striking ''energy conservation measures'' and all that follows through ''95–619)'' and inserting ''energy conserving improvements (as defined in section 2(a))''.

(C) in paragraph (4)(A)—

(i) in the first sentence—

(I) by inserting '', and integrated service facilities that include such nursing home and intermediate care facilities,'' before '', the Secretary'';

(II) by striking ''or section 1521 of the Public Health Service Act'' and inserting ''of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),'';

(III) by inserting '', or the portion of an integrated service facility providing such services,'' before ''covered by the mortgage,''; and

(IV) by inserting ''or for such nursing or intermediate care services within an integrated service facility'' before '', and (ii)'';

(ii) in the second sentence, by inserting ''(which may be within an integrated service facility)'' after ''home and facility'';

(iii) in the third sentence—

(I) by striking ''mortgage under this section'' and all that follows through ''feasibility'' and inserting the following: ''such mortgage under this section unless (i) the proposed mortgagor or applicant for the mortgage insurance for the home or facility or combined home or facility, or the integrated service facility containing such services, has commissioned and paid for the preparation of an independent study of market need for the project'';

(II) in clause (i)(II), by striking ''and its relationship to, other health care facilities and'' and inserting ''or such facilities within an integrated service facility, and its relationship to, other facilities providing health care'';

(III) in clause (i)(IV), by striking ''in the event the State does not prepare the study,''; and

(IV) in clause (i)(IV), by striking ''the State or''; and

(V) in clause (ii), by striking ''or section 1521 of the Public Health Service Act'' and inserting ''of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),'';

(iv) by striking the penultimate sentence and inserting the following: ''A study commissioned or undertaken by the State in which the facility will be located shall be considered to satisfy such market study requirement. The proposed mortgagor or applicant may reimburse the State for the cost of an independent study referred to in the preceding sentence.''; and

(v) in the last sentence—

(I) by inserting ''the proposed mortgagor or applicant for mortgage insurance may obtain from'' after ''10 individuals,'';

(II) by striking ''may'' and inserting ''and''; and

(III) by inserting a comma before ''written support''; and

(D) in paragraph (4)(C)(iii), by striking ''the appropriate State'' and inserting ''any appropriate''; and

(4) in subsection (i)(1), by inserting ''integrated service facilities,'' after ''assisted living facilities,''.

**SEC. 503. HOSPITALS AND HOSPITAL-BASED INTEGRATED SERVICE FACILITIES.**

Section 242 of the National Housing Act (12 U.S.C. 1715z–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B) and striking ''and'' at the end;

(B) in paragraph (2), by striking ''respectfully'' and all that follows through the period at the end and inserting ''given such terms in section 207(a), except that the term 'mortgage' shall include a parity first mortgage or parity first deed of trust, subject to such terms and conditions as the Secretary may provide; and''; and

(C) by adding at the end the following:

''(3) the term 'integrated service facility' has the meaning given the term in section 232(b).'';

(2) in subsection (c), by striking ''title VII of'' and inserting ''title VI of'';

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after ''operation,'' the following: ''or that covers an integrated service facility owned or to be owned by an applicant or proposed mortgagor that also owns a hospital in the same market area, including equipment to be used in its operation,'';

(B) in paragraph (1)—

(i) in the first sentence, by inserting before the period at the end the following: ''and who, in the case of a mortgage covering an integrated service facility, is also the owner of a hospital facility''; and

(ii) by adding at the end the following: ''A mortgage insured hereunder covering an integrated service facility may only cover the real and personal property where the eligible facility will be located.'';

(C) in paragraph (2)(A), by inserting ''or integrated service facility'' before the comma; and

(D) in paragraph (2)(B), by striking ''energy conservation measures'' and all that follows through ''95–619)'' and inserting ''energy conserving improvements (as defined in section 2(a))'';

(E) in paragraph (4)—

(i) in the first sentence—

(I) by inserting ''for a hospital'' after ''any mortgage''; and

(II) by striking ''or section 1521 of the Public Health Service Act'' and inserting ''of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary),'';

(ii) by striking the third sentence and inserting the following: ''If no such State agency exists, or if the State agency exists but is not empowered to provide a certification that there is a need for the hospital as set forth in subparagraph (A) of the first sentence, the Secretary shall not insure any such mortgage under this section unless: (A) the proposed mortgagor or applicant for the hospital has commissioned and paid for the preparation of an independent study of market need for the proposed project that: (i) is prepared in accordance with the principles established by the Secretary, in consultation with the Secretary of Health and Human Services (to the extent the Secretary of Housing and Urban Development considers appropriate); (ii) assesses, on a marketwide basis, the impact of the proposed hospital on, and its relationship to, other facilities providing health care services, the percentage of excess beds, demographic projections, alternative health care delivery systems, and the reimbursement structure of the hospital; (iii) is addressed to and is acceptable to the Secretary in form and substance; and (iv) is prepared by a financial consultant selected by the proposed mortgagor or applicant and approved by the Secretary; and (B) the State complies with the other provisions of this paragraph that would otherwise be required to be met by a State agency designated in accordance with section 604(a)(1) of the Public Health Service Act, or other applicable Federal law (or, in the absence of applicable Federal law, by the Secretary). A study commissioned or undertaken by the State in which the hospital will be located shall be considered to satisfy such market study requirement.''; and

(iii) in the last sentence, by striking ''feasibility''; and

(4) in subsection (f), by inserting ''and public integrated service facilities'' after ''public hospitals''.

**SEC. 504. HOME EQUITY CONVERSION MORTGAGES.**

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

(1) by redesignating subsection (k) as subsection (*l*); and

(2) by inserting after subsection (j) the following:

''(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 an actuarial study conducted by the Secretary.

''(5) 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.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding sections 2 and 3 of this Act, the Secretary shall issue any final regulations necessary to implement the amendments made by subsection (a) of this section, which shall take effect not later than the expiration of the 180-day period beginning on the date of enactment of this Act.

(2) PROCEDURE.—The regulations under this subsection 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).●

Mr. KERRY. Mr. President, today, along with my colleagues, Senators SANTORUM and SARBANES, I am introducing legislation which will help address the lack of affordable housing for the most vulnerable Americans—the elderly, disabled persons, and low-income families. This bill closes a number of gaps in the federal housing assistance programs for these families, and ensures that programs designed to promote affordable housing can do so in this rapidly expanding economy.

As our economy flourishes at an unprecedented rate, many Americans have prospered. However, as the economy grows, so too does the gap between rich and poor. Instead of finding opportunities in this new economy, some Americans have found closed doors. This is especially true for low-income people who are being squeezed out of tight housing markets in my home state of Massachusetts and around the Nation.

Although a majority of elderly Americans live in decent, adequate and affordable housing, millions of elderly households require some assistance in order to afford housing that meets their needs. In fact, there are eight elderly people waiting for each unit of assisted elderly housing in this country. Fourteen percent of people in Massachusetts are over 65 years of age, and one out of every ten of these elderly persons has an income below the poverty level.

This bill expands upon the current program of providing affordable housing, increasing housing opportunities for low-income elderly and disabled persons, and bringing the program up-to-date. As Americans grow older, housing programs must be altered to address the changing needs of a generation that is living longer, and aging in place. This bill enables existing housing to be converted to assisted living facilities to meet the needs of the elderly and disabled.

Assisted living is the fastest growing type of elderly housing in the U.S., and this legislation ensures that this supportive, and increasingly necessary living arrangement, is available to all elderly and disabled Americans, regardless of income. By 2030, 20 percent of this Nation's population will be over the age of 65, compared with only 13 percent of the population today. As we make strides in medicine to allow older people to live longer, more active lives, we must also make sure that the services and structures are in place to support elderly Americans. This bill is a step in this direction.

This bill also encourages the leveraging of federal funds, helping to increase the stock of affordable housing. Public dollars alone are unable to meet the needs of low-income families. This legislation makes it easier for federal funds for disabled and elderly housing to be combined with other sources of funding, including the Low-Income Housing Tax Credit, and private funds.

Not only will this bill increase the supply of affordable housing for the elderly and disabled, it will help to preserve affordable housing for all low-income households. A record high number of households, 5.4 million, have worst case housing needs, paying over 50 percent of their income to housing costs or living in substandard housing. This is a 12 percent increase since 1991. At the same time that more Americans are finding it increasingly difficult to find suitable and affordable housing, the federal government has not been doing enough to preserve the affordable housing that exists.

A number of provisions aim to ensure that affordable housing is preserved. This bill allows uninsured 236 project owners to retain their excess income for use in the project, helping to keep these owners in the program and ensuring that the units will remain affordable. In addition, this bill includes the preservation bill introduced earlier this Congress by Senator JEFFORDS and myself, S. 1318, to provide matching grants to States and localities devoting resources to the preservation of affordable housing. Cities, like Boston, which have dedicated a substantial amount of funds to the production and preservation of affordable housing units, would receive federal funds to assist in their efforts under this provision, ensuring that an even greater number of units are preserved.

I hope that this critical legislation will attract broad support. At this time of prosperity, we cannot forget that while many Americans have benefited, there are still too many people who cannot afford to meet their basic housing needs. These people cannot be overlooked in this era of economic growth. This legislation ensures that they won't be.

Mr. SARBANES. Mr President, I come to the floor today in support of the Affordable Housing for Seniors and Families Act introduced by Senators KERRY and SANTORUM.

This bill expands upon critical housing programs for both elderly and disabled Americans. The Nation's population of elderly is growing rapidly. Between 1980 and 1997, the number of people over the age of 65 grew by 33 percent. AARP estimates that by 2030, 20 percent of the population will be over 65 years of age, compared to only 13 percent of the population today. We need to have programs in place to assist growing numbers of seniors.

AARP also estimates that there will be 2.8 million elderly people who, by 2020, will have difficulty performing a number of basic functions such as eating, bathing, and dressing. As American's age, traditional housing will have to change to accommodate the unique needs of those in their golden years. This bill will ensure that additional housing opportunities exist where these Americans can receive the services they need. This legislation allows

traditional elderly and disabled housing to be converted to assisted living facilities, to meet these growing needs.

We must not only work to ensure that adequate services are available, we must work to increase the affordable housing stock. A recent study conducted by HUD indicates that 1.7 million low-income elderly are in urgent need of affordable housing. Nearly 7.4 million elderly households pay more than they can afford on housing, and there are more than eight elderly people waiting for every unit of assisted elderly housing.

In addition, HUD estimates that 1.4 million disabled Americans have worst case housing needs, meaning they pay over half of their income for housing or live in substandard housing. The Consortium for Persons with Disabilities conducted a study in 1998 which showed that there was not one housing market in the U.S. where a disabled person receiving SSI benefits could afford rent based on federal guidelines.

The federal government is not doing enough to meet the needs of these low-income people. This legislation assists us in meeting these needs. It expands access to capital from both federal and non-federal sources for elderly and disabled housing programs, helping to create new housing opportunities for these communities. Providers of elderly and disabled housing will be able to link with the Low-Income Housing Tax Credit, a crucial source of affordable housing funding, and other private funds.

This bill also ensures that the affordable housing which exists in this country is maintained. This crucial stock of housing will be preserved through a matching grant preservation program authored by our colleagues, Senators KERRY and JEFFORDS, which will reward States and localities spending resources to preserve affordable housing by giving them federal dollars to assist in their efforts. This provision will help to ensure that as we increase the stock of affordable housing on the front end, we are not losing units on the back end—our goal is to increase available housing, not maintain the status quo.

This bill is a step in the right direction towards providing necessary housing opportunities for those Americans that are too often forgotten. And many people in this nation enjoy the benefits of a prospering economy, so too are many Americans being left behind. This legislation will ensure that more Americans have the opportunity to live in safe and decent housing.

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By Mr. FITZGERALD:

S. 2734. A bill to amend the United States Warehouse Act to authorize the issuance of electronic warehouse receipts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE WAREHOUSE IMPROVEMENT ACT OF 2000

• Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to revitalize and streamline the federal program governing agricultural commodity warehouses. This legislation, entitled the ''Warehouse Improvement Act of 2000,'' will make U.S. agriculture more competitive in foreign markets through efficiencies and cost savings provided by today's computer technology and information management systems.

The Warehouse Act was originally enacted in 1916, and was subsequently amended in 1919, 1923, and 1931. However, since that time, the authorizing legislation for this program has seen little change. At the same time, U.S. agriculture and our society has seen drastic changes since the early part of the 20th century. Computer technology has revolutionized our world and laptops and handheld computers have become almost commonplace. Now is the time for us to bring USDA's agricultural warehouse program out of the dark ages and into the information age.

The U.S. Warehouse Act does not mandate participation by warehouse operators that it regulates; it simply offers those who apply and qualify for licenses an alternative to state regulation. Currently, warehouse licenses may be issued for the storage of cotton, grain, tobacco, wool, dry beans, nuts, syrup and cottonseed. According to the U.S. Department of Agriculture, 45.5 percent of the U.S. off-farm grain and rice storage capacity and 49.5 percent of the total cotton storage capacity is licensed under the Warehouse Act. In general, these paper warehouse receipts that are issued under the Warehouse Act are documents of title and represent ownership of the stored commodity.

The Warehouse Improvement Act of 2000 will make this program more relevant to today's agricultural marketing system. The legislation would authorize and standardize electronic documents and allow their transfer from buyer to seller across state and international boundaries. This new paperless flow of agricultural commodities from farm gate to end-user would provide significant savings and efficiencies for farmers across the Nation.

In 1992, the Congress directed the Secretary of Agriculture to establish electronic warehouse receipts for only the cotton industry. Since that time participation in the electronic-based program has grown to over half of the U.S. cotton crop. In 1996, for example, nearly 12 million bales of cotton, out of the total crop of approximately 19 million bales, were represented by electronic warehouse receipts. Recently, the cotton industry estimated that this electronic system saves them 5 to 15 dollars per bale, a savings of over $275 million per year. The legislation that I introduce today extends this electronic warehouse receipt program to all agricultural commodities covered by the U.S. Warehouse Act. This reduced paperwork, increased efficiency, and substantial time savings will certainly make U.S. agriculture more competitive in world markets, giving our U.S. farmers the upper hand.

In the short year and a half I have served in the U.S. Senate, I have introduced two bills that have been delivered to the President's desk to help bring the United States Department of Agriculture into the information age. First, S. 1733, the Electronic Benefit Transfer Interoperability and portability Act of 2000, which improves the electronic benefits transfer system that has provided significant savings and efficiency to the food stamp program, was signed into law on February 11 of this year (P.L. 106–171). And second, S. 777, the Freedom to E-File Act, requires USDA to set up a system to allow farmers to file all USDA required paperwork over the internet. This legislation unanimously passed both the House and Senate recently and is currently awaiting the President's signature. The legislation I am introducing today follows these two pieces of legislation by requiring USDA to use computer technology and information management systems to better serve farmers and the American public.

The Warehouse Improvement Act of 2000 is a positive step toward moving the Department of Agriculture from the computer technology ''dirt road'' to the information superhighway of the 21st century. It is common sense legislation and I look forward to working with my colleagues on this issue as the legislative session moves forward. I would also like to thank a number of the Senate Agriculture Committee staff who have worked tirelessly on this issue, including Michael Knipe and Bob White on Senator LUGAR's staff and Terry Van Doren on my staff. They have worked to build consensus among the USDA and the agricultural industry to bring about these needed changes to improve the efficiency of our grain marketing system. In fact, this legislation enjoys the support of USDA, the Association of American Warehouse Control Officials, the National Grain and Feed Association, the American Far Bureau Federation, and various other commodity groups.

I ask unanimous consent that the bill be printed in the RECORD following the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2734

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Warehouse Improvement Act of 2000''.

**SEC. 2. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.**

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

**''SECTION 1. SHORT TITLE.**

''This Act may be cited as the 'United States Warehouse Act'.

**''SEC. 2. DEFINITIONS.**

''In this Act:

''(1) AGRICULTURAL PRODUCT.—The term 'agricultural product' means an agricultural

commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

''(2) APPROVAL.—The term 'approval' means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

''(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

''(4) ELECTRONIC DOCUMENT.—The term 'electronic document' means a document authorized under this Act generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

''(5) ELECTRONIC RECEIPT.—The term 'electronic receipt' means a receipt that is authorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

''(6) HOLDER.—

''(A) IN GENERAL.—The term 'holder' means a person, as defined by the Secretary, that has possession in fact or by operation of law of a receipt or any electronic document.

''(B) INCLUSION.—The term 'holder' includes a person that has possession of a receipt or electronic document as a creditor of another person.

''(7) PERSON.—The term 'person' means—

''(A) a person (as defined in section 1 of title 1, United States Code);

''(B) a State; and

''(C) a political subdivision of a State.

''(8) RECEIPT.—The term 'receipt' means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(10) WAREHOUSE.—The term 'warehouse' means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

''(11) WAREHOUSE OPERATOR.—The term 'warehouse operator' means a person that is lawfully engaged in the business of storing or handling agricultural products.

**''SEC. 3. POWERS OF SECRETARY.**

''(a) IN GENERAL.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

''(1) each warehouse operator licensed under this Act;

''(2) each person that has obtained an approval to engage in an activity under this Act; and

''(3) each person claiming an interest in an agricultural product by means of an electronic document or electronic receipt subject to this Act.

''(b) COVERED AGRICULTURAL PRODUCTS.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

''(c) INVESTIGATIONS.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

''(d) INSPECTIONS.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

''(e) SUITABILITY FOR STORAGE.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

''(f) CLASSIFICATION.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

''(g) WAREHOUSE OPERATOR'S DUTIES.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator's care of and responsibility for agricultural products stored or handled by the warehouse operator.

''(h) SYSTEMS FOR CONVEYANCE OF TITLE IN AGRICULTURAL PRODUCTS.—The Secretary may approve 1 or more systems under which title in agricultural products may be conveyed and under which documents relating to the shipment, payment, and financing of the sale of agricultural products may be transferred, including conveyance of receipts and any other written or electronic documents in accordance with a process established by the Secretary.

''(i) EXAMINATION AND AUDITS.—The Secretary may conduct an examination, audit, or similar activity with respect to—

''(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

''(2) any State agency that regulates the storage of an agricultural product by such a person; or

''(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

''(j) LICENSES FOR OPERATION OF WAREHOUSES.—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

''(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

''(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

''(k) LICENSING OF OTHER PERSONS.—

''(1) IN GENERAL.—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

''(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

''(B) to sample such an agricultural product;

''(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

''(D) to weigh such an agricultural product and certify the weight of the agricultural product.

''(2) CONDITION.—As a condition of a license issued under paragraph (1), the licensee shall agree to comply with this Act (including regulations promulgated under this Act).

''(l) EXAMINATION OF BOOKS, RECORDS, PAPERS, AND ACCOUNTS.—The Secretary may examine, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

''(1) a warehouse operator operating a warehouse licensed under this Act;

''(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

''(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

''(m) COOPERATION WITH STATES.—The Secretary may—

''(1) cooperate with officers and employees of a State who administer or enforce State laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

''(2) enter into cooperative agreements with States to perform activities authorized under this Act.

**''SEC. 4. IMPOSITION AND COLLECTION OF FEES.**

''(a) IN GENERAL.—The Secretary shall charge, assess, and cause to be collected fees to cover the costs of administering this Act.

''(b) RATES.—The fees under this section shall be set at a rate determined by the Secretary.

''(c) TREATMENT OF FEES.—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

''(d) INTEREST.—Funds collected under this section may be deposited in an interest bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

''(e) EFFICIENCIES AND COST EFFECTIVENESS.—

''(1) IN GENERAL.—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

''(2) REPORT.—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

**''SEC. 5. QUALITY AND VALUE STANDARDS.**

''If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

**''SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.**

''(a) IN GENERAL.—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

''(b) SERVICE OF PROCESS.—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

''(c) ADDITIONAL ASSURANCES.—If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

''(d) THIRD PARTY ACTIONS.—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover

the damages that the person sustained as a result of the breach.

**"SEC. 7. MAINTENANCE OF RECORDS.**

''To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

''(1) A warehouse operator that is licensed under this Act.

''(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this Act.

''(3) Any other person issuing receipts or electronic documents that are authorized under this Act.

**"SEC. 8. PRECLUSION OF LIABILITY.**

''Nothing in this Act creates any liability with respect to the Secretary or any officer, employee, or agent of the Department in any case in which a warehouse operator or other person authorized by the Secretary to carry out this Act fails to perform a contractual obligation that is not subject to this Act (including regulations promulgated under this Act).

**"SEC. 9. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.**

''(a) IN GENERAL.—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

''(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

''(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

''(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

''(b) ALLOCATION.—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

**"SEC. 10. COMMINGLING OF AGRICULTURAL PRODUCTS.**

''(a) IN GENERAL.—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

''(b) LIABILITY.—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

**"SEC. 11. TRANSFER OF STORED AGRICULTURAL PRODUCTS.**

''(a) IN GENERAL.—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from 1 warehouse to another warehouse for continued storage.

''(b) CONTINUED DUTY.—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

**"SEC. 12. ISSUANCE OF RECEIPTS AND OTHER DOCUMENTS.**

''(a) IN GENERAL.—Subject to subsections (b) and (c) and except as otherwise provided in this Act, at the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

''(b) ACTUAL STORAGE REQUIRED.—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

''(c) CONTENTS.—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

''(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

''(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, no other or further receipt may be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

''(2) OTHER DOCUMENTS.—If a written or electronic document is recorded or transferred under this section, no other similar document in any form shall be issued by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

''(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in subsection (f) and notwithstanding any other provision of Federal or State law:

''(1) IN GENERAL.—The Secretary shall promulgate regulations to authorize the issuance of electronic receipts, and the recording and transfer of electronic receipts and other documents, in accordance with this subsection.

''(2) SYSTEMS FOR ELECTRONIC RECORDING AND TRANSFER.—Electronic receipts and electronic documents issued with respect to an agricultural product may be recorded in, and transferred under, a system or systems maintained in 1 or more locations.

''(3) TREATMENT OF HOLDER.—The person designated as a holder of an electronic receipt or other electronic document shall be considered, for the purposes of Federal and State law, to be in possession of the receipt or document.

''(4) SECURITY INTERESTS.—

''(A) PERFECTION OF INTEREST.—Any security interest lawfully asserted by a person under any Federal or State law with respect to an agricultural product that is the subject of an electronic receipt, or an electronic document filed under any system for electronic receipts or other electronic documents issued or filed in accordance with this Act, may be perfected only by recording the security interest in the system in the manner specified by the regulations promulgated under paragraph (1).

''(B) EFFECT OF RECORDATION.—The recordation by a person of the person's security interest in any agricultural product included in any system for electronic receipts or other electronic documents issued or filed in accordance with this Act shall, for the purposes of Federal and State law, establish the security interest of the person.

''(C) PRIORITY.—If more than 1 security interest exists in an agricultural product covered by an electronic receipt, the priority of the security interests shall be determined by the applicable Federal or State law.

''(D) ENCUMBRANCES.—

''(i) OPERATORS LICENSED UNDER STATE LAW.—If a warehouse operator licensed under State law elects to issue an electronic receipt authorized under this subsection, a security interest, lien, or other encumbrance may be recorded on the electronic receipt under this subsection only if the security interest, lien, or other encumbrance is—

''(I) authorized by State law to be included on a written warehouse receipt; and

''(II) recorded in a manner prescribed by the Secretary.

''(ii) OTHER APPLICATIONS.—If a warehouse operator licensed under this Act, or a warehouse operator not licensed under State law, elects to issue an electronic receipt authorized under this subsection, a security interest, lien, or other encumbrance shall be recorded on the electronic receipt in a manner prescribed by the Secretary.

''(5) EFFECT OF PURCHASE OF RECEIPT OR DOCUMENT.—A person purchasing an electronic receipt or electronic document shall take possession of the agricultural product free and clear of all liens, except those liens recorded in the system or systems established under the regulations promulgated under paragraph (1).

''(6) ACCEPTANCE.—

''(A) IN GENERAL.—An electronic receipt issued, and an electronic document transferred, in accordance with the regulations promulgated under paragraph (1) shall be accepted in any business, market, or financial transaction, whether governed by Federal or State law.

''(B) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue a receipt or document with respect to an agricultural product in electronic format.

''(7) LEGAL EFFECT.—Information created to comply with this Act (including regulations promulgated under this Act) shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

''(8) OPTION FOR STATE LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a State-licensed warehouse operator not licensed under this Act may, at the option of the warehouse operator, issue electronic receipts and electronic documents in accordance with this subsection.

''(9) APPLICATION.—This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

''(A) not to issue electronic receipts authorized under this subsection; or

''(B) to issue electronic receipts authorized under State law.

''(f) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS FOR COTTON.—

''(1) AUTHORITY.—

''(A) CENTRAL FILING.—Notwithstanding any other provision of Federal or State law, the Secretary, or the designated representative of the Secretary, may provide that, in lieu of issuing a receipt for cotton stored in a warehouse licensed under this Act or in any other warehouse, the information required to be included in a receipt (i) under this Act in the case of a warehouse licensed under this Act or (ii) under any applicable State law in the case of a warehouse not licensed under this Act, shall be recorded instead in 1 or more central filing systems maintained in 1 or more locations in accordance with regulations promulgated by the Secretary.

''(B) DELIVERY OF COTTON.—Any record under subparagraph (A) shall include a statement that the cotton shall be delivered to a specified person or to the order of the person.

''(C) ELECTRONIC TRANSMISSION FACILITIES BETWEEN WAREHOUSES AND SYSTEM.—

''(i) NONAPPLICABILITY TO WAREHOUSES WITHOUT FACILITIES.—This subsection and section 4 shall not apply to a warehouse that does not have facilities to electronically transmit and receive information to and from a central filing system under this subsection.

''(ii) NO REQUIREMENT TO OBTAIN FACILITIES.—Nothing in this subsection requires a warehouse operator to obtain facilities described in clause (i).

''(2) RECORDATION AND ENFORCEMENT OF LIENS IN CENTRAL FILING SYSTEM.—Notwithstanding any other provision of Federal or State law:

''(A) RECORDATION.—The record of the possessory interests of persons in cotton included in a central filing system under this subsection—

''(i) shall be considered to be a receipt for the purposes of this Act and State law; and

''(ii) shall establish the possessory interest of persons in the cotton.

''(B) ENFORCEMENT.—

''(i) POSSESSION OF WAREHOUSE RECEIPT.—Any person designated as a holder of an electronic warehouse receipt authorized under this subsection or section 4 shall, for the purpose of perfecting the security interest of the person under Federal or State law with respect to the cotton covered by the warehouse receipt, be considered to be in possession of the warehouse receipt.

''(ii) PRIORITY OF SECURITY INTERESTS.—If more than 1 security interest exists in the cotton represented by the electronic warehouse receipt, the priority of the security interests shall be determined by applicable Federal or State law.

''(iii) APPLICABILITY.—This subsection is applicable to electronic cotton warehouse receipts and any other security interests covering cotton stored in a cotton warehouse, regardless of whether the warehouse is licensed under this Act.

''(3) CONDITIONS FOR DELIVERY ON DEMAND FOR COTTON STORED.—A warehouse operator operating a warehouse covered by this subsection, in the absence of a lawful excuse, shall, without unnecessary delay, deliver the cotton stored in the warehouse on demand made by the person named in the record in the central filing system as the holder of the receipt representing the cotton, if the demand is accompanied by—

''(A) an offer to satisfy the valid lien of a warehouse operator, as determined by the Secretary; and

''(B) an offer to provide an acknowledgment in a central filing system under this subsection, if requested by the warehouse operator, that the cotton has been delivered.

**''SEC. 13. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS.**

''(a) PROMPT DELIVERY.—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

''(1) the holder of the receipt for the agricultural product; or

''(2) the person that deposited the product, if no receipt has been issued.

''(b) PAYMENT TO ACCOMPANY DEMAND IF REQUESTED.—

''(1) IN GENERAL.—Demand for delivery shall be accompanied by payment of the accrued charges associated with the storage of the agricultural product if requested by the warehouse operator.

''(2) SPECIAL RULE FOR COTTON.—In the case of cotton stored in a warehouse, the warehouse operator shall provide a written request for payment of the accrued charges associated with the storage of the cotton to the holder of the receipt at the time at which demand for the delivery of the cotton is made.

''(c) SURRENDER OF RECEIPT.—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

''(d) CANCELLATION OF RECEIPT.—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

**''SEC. 14. SUSPENSION OR REVOCATION OF LICENSES.**

''(a) IN GENERAL.—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

''(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

''(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

''(b) TEMPORARY SUSPENSION.—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

''(c) AUTHORITY TO CONDUCT HEARINGS.—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

''(d) JUDICIAL REVIEW.—

''(1) JURISDICTION.—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

''(2) PROCEDURE.—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

**''SEC. 15. PUBLIC INFORMATION.**

''(a) IN GENERAL.—The Secretary may release to the public the results of any investigation made or hearing conducted under this Act, including the names, addresses, and locations of all persons—

''(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

''(2) with respect to which a license or approval has been suspended or revoked under section 14, including the reasons for the suspension or revocation.

''(b) CONFIDENTIALITY.—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

**''SEC. 16. PENALTIES FOR NONCOMPLIANCE.**

''(a) CIVIL PENALTIES.—If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

''(1) of not more than $25,000 per violation, if an agricultural product is not involved in the violation; or

''(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

''(b) FEDERAL JURISDICTION.—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

''(c) ARBITRATION.—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

**''SEC. 17. REGULATIONS.**

''The Secretary shall promulgate such regulations as the Secretary considers necessary to carry out this Act.

**''SEC. 18. AUTHORIZATION OF APPROPRIATION.**

''There are authorized to be appropriated such sums as are necessary to carry out this Act.''.●

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By Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. BAUCUS, Mr. KERREY, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. THOMAS, Mr. HARKIN, Mr. ROBERTS, Mr. JOHNSON, Mr. COCHRAN, and Mrs. LINCOLN):

S. 2735. A bill to promote access to health care services in rural areas; to the Committee on Finance.

HEALTH CARE ACCESS AND RURAL EQUALITY ACT OF 2000

Mr. CONRAD. Mr. President, today, I rise to introduce the Health Care Access and Rural Equality Act of 2000 (H-CARE).

This proposal is the result of a bipartisan and bicameral effort. I am proud to be joined by several cosponsors, including Senators GRASSLEY, DASCHLE, THOMAS, HARKIN, BAUCUS, KERREY, JEFFORDS, ROCKEFELLER, ROBERTS, JOHNSON, LINCOLN, and COCHRAN. I would also like to thank our House companions for joining me as supporters of this proposal. In particular, would like to recognize Representatives FOLEY, POMEROY, TANNER, NUSSLE, MCINTYRE, STENHOLM, BERRY, and LUCAS for their efforts. Working together, I believe we are taking important steps toward improving health care access in our rural communities.

Also, I would like to thank the National Rural Health Association, the Federation of American Health Systems, and the College of American Pathologists for their support of this effort.

Last year, we received information that 12 of my State's 35 rural hospitals were in jeopardy of closing. In North Dakota, many areas do not have hospitals within their county borders. This means that in some areas of my State, many communities depend on having access to one specific rural health care facility. If this facility were to close, this would leave residents in these areas without access to vital health care services.

We know that in many rural communities, Medicare patients make up the majority of the typical rural hospitals' caseloads—in N.D., more than 70 percent of most rural hospitals' patients are covered by Medicare. This means that Medicare funding and changes to the program greatly impact our small, rural providers.

Unfortunately, while our rural facilities may serve a disproportionate number of Medicare patients, they are often forced to operate with merely half the reimbursement of their urban counterparts. For example, Mercy Hospital in Devils Lake receives on average about $4,200 for treating a patient with pneumonia. In New York City, we know that some hospitals receive more than $8,500 for treating the same illness. This disparity places our providers at a clear disadvantage.

Against the backdrop of this funding disparity, we know that rural providers

were particularly hard hit by reductions in the Balanced Budget Act of 1997. Last year, N.D. hospitals were losing at minimum 7 percent on every Medicare patient they serve. In some of our smaller communities, hospital margins fell as low as negative 21 percent. How can our hospitals be expected to survive at a 20 percent loss?

Recognizing the challenges that our communities were facing, I fought hard last year to offer relief to our rural providers. I am happy to say that the Balanced Budget Refinement Act of 1999 (BBRA) brought more than $100 million to our ND providers—but we must do more.

Even though the BBRA improved the outlook for our hospitals, N.D. facilities are still in financial trouble—they are still projected to have negative 4.9 percent margins by 2002. Continued funding shortfalls have made it, and will continue to make it, impossible for our smallest rural hospitals to make needed building improvements; impossible for them to provide patients access to updated technologies; and difficult for them to competitively recruit and retain health care providers, particularly to the most isolated, frontier areas.

For this reason, I rise to introduce H–CARE. This legislation offers targeted relief to our most vulnerable rural providers, including: our sole community, critical access, and Medicare dependent hospitals.

In particular, H–CARE would offer a full inflation update to all rural hospitals. The BBA limited hospitals' inflation updates through 2002. This has meant that our providers have not been allowed to receive payments that are in line with the costs they incur for serving Medicare patients. H–CARE would close the gap on this funding shortfall.

Also, H–CARE permanently extends the important Medicare dependent hospital program, which is due to expire in 2006, and would offer these providers more up-to-date funding. Currently, they are reimbursed based on 1988 costs. As providers that serve at least a 60 percent Medicare caseload, it is important that they receive appropriate Medicare payments.

In addition, H–CARE addresses several flaws in last year's Medicare add-back bill that have adversely impacted our rural providers. For example, many rural hospitals entered the Critical Access Hospital (CAH) program under the promise that they would receive adequate resources to keep their doors open. The BBRA inadvertently limited these hospitals' ability to receive funding for providing lab services to their patients. H–CARE fixes this problem by ensuring CAHs once again receive the funding they need to provide lab services.

For our sole community hospitals, H–CARE corrects an error in the BBRA which excluded some of these hospitals from receiving higher reimbursement rates based on more recent costs. H–CARE fixes this mistake by letting all sole community hospitals receive more up-to-date payments based on 1996 costs. This is particularly important for N.D. since 29 of my state's 36 rural facilities are sole community hospitals.

Lastly, H–CARE would establish a loan fund that rural facilities could access to repair crumbling buildings or update their equipment—eligible facilities could receive up to $5m to make repairs and an extra $50,000 to help develop a capital improvement plan. H–CARE also includes grants, in the amount of $50,000 per facility, that hospitals could use to purchase new technology and train staff on using this technology.

In summary, this year, I will fight to enact these and other measures that are vital to improving our rural health care system. I urge my colleagues to support this important effort.

● Mr. JOHNSON. Mr. President, I am pleased to join my colleagues today to support introduction of the Health Care Access and Rural Equality Act of 2000, known as H–CARE.

I especially want to commend Senators CONRAD and GRASSLEY, and Representative FOLEY for the tremendous amount of effort they put forth in drafting this key legislation. As well, I commend a number of my other colleagues who have contributed immensely to the crafting of this bill, including Senators DASCHLE, HARKIN, ROBERTS, THOMAS, KERREY, ROCKEFELLER, and Representatives POMEROY, TANNER, NUSSLE, and MCINTYRE.

The bipartisan and bicameral support for this legislation signifies the critical and often times desperate condition, that our rural hospitals are in due in large part to the unforeseen impact of the Balanced Budget Act (BBA) of 1997 and disparities in Medicare reimbursements for rural facilities.

Impact estimates and preliminary data suggest that the BBA cuts have fallen squarely on the shoulders of our rural hospitals who do not have the operating margins to shoulder consecutive years of budgetary deficits. Unfortunately, rural hospitals do not have the luxury of trimming spending in one area to meet the needs in another. Recent cuts have forced hospitals to eliminate important programs such as home health care or therapy services in order to operate within these tight budget restraints.

Rural hospitals are charged with the responsibility to provide high-quality, compassionate care to individuals in times of need, especially our senior and disabled Medicare populations. However, it also seems evident to me that we have asked hospitals to do a day's work for an hour's pay.

The H–CARE Act works to restore some of the funding disparities that exist for rural hospitals and provides resources to ensure their survival.

Hospitals in my home state of South Dakota face a potential loss in Medicare revenues of nearly $171 million over five years if something is not done to help them.

Provisions in H–CARE including inflation updates for rural hospitals, protection for Medicare Dependent Hospitals, support for the Critical Access Hospitals Programs, creation of a capital infrastructure loan program, assistance to update technology, and increased reimbursement for Sole Community Hospitals will allow rural facilities the necessary resources to keep their doors open.

We are talking about rural facilities such as the Medical Center in Huron, SD, which was forced to eliminate 24 full time positions to compensate for Medicare cuts in their FY 2001 budget, or the hospital in Burke, SD, which had to cut $124,000 from their hospital this year to ensure their survival. These are just a few examples of the many stories that I've heard from hospitals administrators throughout my home state of South Dakota.

Once again, I am please to join my colleagues today as an original cosponsor of the H–CARE Act and look forward to working with the full Senate to ensure quick and immediate action on this critically important legislation.●

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By Mr. DOMENICI (for himself, and Mr. BINGAMAN):

S. 2736. A bill to provide compensation for victims of the fire initiated by the National Park Service at Bandelier National Monument, New Mexico; to the Committee on Environment and Public Works.

THE CERRO GRANDE FIRE ASSISTANCE ACT

Mr. DOMENICI. Mr. President, let me say from the very beginning of this discussion today, it has been a real pleasure to work with Senator BINGAMAN and his staff—and I hope that is mutual—on putting together a bill that we are going to introduce today. It is our best effort to put together a bill that permits the citizens of Los Alamos, the people who reside there, whose houses or personal property were damaged or destroyed, and businesses that existed, owned either by corporations or individuals—the damage they might have suffered. This is just a partial list. I will read the list before we leave the floor.

This is an effort to compensate the Indian people for similar losses.

Mr. President, since May 4, 2000, it is now known that the National Park Service started a forest fire, a so-called prescribed burn, at Bandelier National Monument in New Mexico. That was done during the height of the fire season and, regrettably, as everyone now knows, that fire, which was expected to be a controlled burn by the Park Service in Bandelier National Park, was not able to be controlled by those who were called in to control it. The fire went right down the mountainside, ended up burning down the forest and parts of the community of Los Alamos. The fire destroyed more than 425 residences.

I am going to start from the beginning with just one photo. Senator

BINGAMAN has others. He drove the streets while some of the fires were still cooling off. As I understand it, Senator BINGAMAN could see the remnants of steam and heat, and the residue of fires that had not yet totally burned out.

This is just one picture of the old town site. That means there is a part of the area that was built up by the Federal Government years ago when Los Alamos was a closed off and secret community, at which the first atomic bomb was being built. All of the science was put in place up there, and it was totally a secret city. Years later, while I was a Senator—I have been here 28 years—we tore down the walls and sold those houses to individuals.

This is the way the fire looked as a house burned adjoining the trees and forests that surround Los Alamos. It was actually much worse than that. But that is the best we can do in a photograph of this type.

The fire started on May 4, and by May 5 it was a full-fledged wildfire devouring everything in its path. Ultimately, it devoured 48,000 acres of forest land and significant parts of the community where houses and businesses were owned by individuals.

During the time this fire burned out of control, our Nation was celebrating the 50th anniversary of Smokey the Bear; that is, the date of his rescue from a raging forest fire in the Lincoln National Forest in NM.

For 50 years, Smokey the Bear had cautioned Americans to be careful. Apparently, no one told the Park Service.

The decision was made to start a forest fire. The basis was a miscalculation of the danger. The result was, believe it or not, about 25,000 people were evacuated; 405 families lost their residences or homes; two Indian pueblos lost land, livelihood, and sacred sites; and 48,000 acres were transformed from a lush forest into a charcoal garden covered in some places by 12 inches of ash.

The cost thus far to taxpayers just to fight the fire is perhaps $10 million.

We now have a couple of official reports. We have a 40-page report called ''Sierra Grande Prescribed Burn Investigative Report'' dated May 18, 2000. It can be summarized.

Too little planning; too few followed procedures; too little caution; too little experience; too much dry underbrush; too much wind; too much advice unheeded; and too late arrival of the ''hotshot'' experts; and, it was too bad.

It is more than too bad. It calls into question the policy with reference to prescribed burns. But that is an issue for another day. But I am hopeful that serious discussions are taking place as to how we should handle controlled burns in the future.

We have a catastrophe. It is a catastrophe that it started in the first place. There is no doubt about that.

It is a tragedy that it destroyed homes. There is no doubt about that.

It is a disaster that fire disrupted businesses. It cost State and local governments millions of dollars. There is no disagreement about that.

Imagine the horror of seeing your home reduced to ashes and the freakishness of owning a concrete staircase to nowhere and calling it your home as you come back to visit. The house is burned to the ground, and only cement steps remain.

Imagine seeing your neighborhood reduced to a row of brick chimneys and concrete foundations.

Consider the irony of a home burned to the ground while the wooden tree house stands unoccupied in the yard.

Imagine the task of sifting through the ashes for any unincinerated remnants of your life.

Think about the gawkers and the TV trucks driving through your neighborhood waiting to see if the first rains produce mudslides and/or floods.

Imagine your life if you were they.

You want to go back to work, to get the kids back into a routine, but your life is a series of back-to-back-meetings, dealing with appraisers, contractors, insurance, FEMA, SBA, and flood insurance.

Everyone involved wishes that the fire could be unset, the match unlit, the decision unmade, but there is no way to undo the catastrophe.

The Federal Government can't undo the damage, but it can provide prompt compensation. That is the objective of the legislation that Senator BINGAMAN and I are introducing today. We have worked closely with the administration, and I am pleased that they support this legislation.

I am pleased to introduce legislation that starts the process of rebuilding lives. It provides an expedited settlement process for the victims of the fire.

The first estimate of the cost that we are covering is an approximate number of $300 million. We will use $300 million as our approximate cost as we take this bill into conference on the MILCON bill and attempt to get it adopted in an expedited matter as part of that conference, along with the moneys needed to compensate the victims for their claims under this legislation. And there are moneys for other components of the fire under other federal programs—$134 million for the laboratory damage itself, which is a separate appropriations item.

To accomplish the goal of compensating fire victims in the most efficient and fair way possible, this legislation establishes a compensation process through a separate Office of Cerro Grande Fire Claims at FEMA.

It provides for full compensation for property losses and personal injuries sustained by the victims, including all individuals, regardless of their immigration status, small businesses, local governments, schools, Indian tribes, and any other entities injured as a result of the fire.

Such compensation will include the replacement cost of homes, cars, and any other property lost or damaged in the fire, as well as lost wages, business losses, insurance deductibles, emergency staffing expenses, debris removal and other clean-up costs, and any other losses deemed appropriate by the Director of FEMA.

To make sure that this is an expedited procedure, within 45 days of enactment, FEMA must promulgate rules governing the claims process. After the rules are in place, FEMA must publish in newspapers and other places in New Mexico, an easy-to-understand description of the claims process in English and Spanish, so that everyone will know their rights and where and how to file a claim.

Once those rules are in place, victims will have 2 years to file their claims, and FEMA must pay those claims within 6 months of filing.

During the adjudication of each claim, FEMA is authorized to make interim payments to victims so that those with the greatest need will not be forced to wait a long time before receiving some form of compensation from the government.

This bill also will reimburse insurance companies for the costs they paid to help rebuild Los Alamos and the surrounding communities. Under this bill, insurance companies will be able to make subrogation claims against the government on behalf of themselves or their policyholders in same manner as any other victim of the fire.

I want the victims to know that this bill requires that they will compensated before insurance companies.

The intent is to encourage insurance companies to settle with their policyholders and then come to the government for compensation. That way, victims can get on with their lives as soon as possible, and insurance companies can get reimbursed through the claims process without the need to proceed under the cumbersome Federal Tort Claims Act.

For victims whose insurance will not cover the complete replacement cost of their property loss or their personal injury, insurance companies should cover all that is required under their policies, and the government will make up the difference.

Mr. President, I think that in this bill, we have developed a process which is fair, comprehensive, and efficient. Yet there will be some who believe, for whatever reasons, that they are not receiving what they are entitled from the government.

For those individuals, this bill preserves their right to sue under the Tort Claims Act or to protest the final claims decision of FEMA. I hope that there will be few, if any, such lawsuits, but I believe we must maintain the rights of individuals to proceed to court if they are unhappy with their claims award.

I think we have taken an excellent first step in proposing this claims legislation. There is no way one bill can address every issue which might arise in every circumstance. Many of the details will be determined by the Fire

Claims Office. I want my constituents to know that I will do all I can to monitor the process as it moves forward to ensure that New Mexicans are treated fairly and in accordance with the intent of this law.

All our citizens owe a tremendous gratitude to the workers at Los Alamos. We won the cold war because of their contributions. Today we enjoy our freedoms because of their dedication. We need their continued dedication to assure that those freedoms survive for our future generations. And they need our help to rebuild their lives and return to their vital missions.

I hope my colleagues will support the Cerro Grande Fire Assistance Act.

Citizens can choose not to take this claims approach provided for in this legislation, and they can go to the Federal courts under the Federal Tort Claims Act. If they do, they will get no compensation under this bill. That is their option.

If they choose the option provided under this bill and they go through it to get money for their damages—let's just take an item, such as a house which Senator BINGAMAN and I discussed. If there is a dispute as to the value of that house, and they are supposed to get the value for the replacement cost—if there is a dispute, this bill provides an opportunity to use arbitration.

We have limited attorney's fees in this bill to 10 percent. We don't think this is going to be a heavily litigated process. I repeat, if citizens want to make their claim under the Federal Tort Claims Act, this legislation does not preclude that, other than they have no right to claim anything under this bill.

We owe tremendous gratitude to the workers of Los Alamos. We won the cold war because of their efforts and their predecessors in the various activities and scientific niches at this laboratory which has been run admirably by the University of California.

Today, we enjoy some of our basic freedoms because in that cold war with the Soviet Union we had great people in this community and a couple of other communities, always staying ahead so people could be assured nuclear weapons would never be used against our people.

That laboratory is having some trouble besides the fire. When it all finishes, we will still stand in awe at the fantastic brain trust that is assembled in the mountains of northern New Mexico. We have a sister institution in California, obviously, and an engineering institution in Albuquerque called Sandia National Laboratories. They are three labs that are tied together by scientific prowess and a commitment to serve America in her needs.

The PRESIDING OFFICER. The junior Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator DOMENICI. I also want to state how much I have enjoyed working with him on this terrible subject. I think the ability of our offices to work together has been admirable. We have come up with a plan that moves the process forward and closer to some real relief for the people who were damaged by this incident.

Mr. President, this was a disaster. This was a catastrophe. Let me show three photos that make the case. This is a photo from space, from a very high altitude, that shows the fire while it was burning, with the smoke plume coming through northeastern New Mexico into Colorado, into Oklahoma, and into west Texas. The photo shows the magnitude of what was involved. This was clearly the largest forest fire we have ever had in our State of New Mexico since they have been keeping records. It is very unfortunate that it was started by a controlled burn to which the Park Service agreed. That clearly makes this the responsibility of the Federal Government. As a country, we need to step up and compensate people for their losses.

Let me show two other photos that make the case as to what was done. This is a photo of one of the houses in Los Alamos with a car out front. These people in Los Alamos were advised they needed to leave their homes, get in cars or on buses, and go down to Santa Fe to escape the danger. They did. This is what they came back to a couple of weeks later. Clearly, this is not the kind of a circumstance of which anyone can be proud.

Mr. DOMENICI. Will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. DOMENICI. The Senator views this scene while driving down the streets?

Mr. BINGAMAN. I toured the community and the neighborhoods with James Lee Witt, the head of FEMA, and with our Governor, Governor Johnson. We saw the devastation.

Mr. DOMENICI. This is a chimney?

Mr. BINGAMAN. That is a chimney.

The people did not have time to even arrange to drive their cars out of town. Of course, all their personal belongings were in the houses. The damage was total. The loss was total for the families who were burned out.

Another photo makes the case, a photo of the rubble that was left at one of the sites. Here is a bicycle. I might add, the water lines in these houses were still running. As we drove up and down the street, we saw water spurting out of the water lines, but there would be no house. Clearly, the devastation was enormous.

The people of Los Alamos and Senator DOMENICI made this point, and it has been made many times: The people of Los Alamos were heroic in their response to this tragedy. They pulled together as a community. They helped each other. They worked together to get their community back up and running. The people of the entire State came together and rallied to help the people who were injured. This was a period, and we are still in it to some extent, a period where we have lots of fires going on in New Mexico. It was not just the people who were injured in the Cerro Grande fire who were requiring assistance. We had other fires in our State, including the Scott Able fire in southern New Mexico which was very devastating, the fire at Ruidoso, the Viveash fire near Pecos.

Our job now, and what Senator DOMENICI and I are trying to do in this legislation, is to put in place a mechanism so people can get as full a relief as possible. We recognize you are not ever in a position to compensate someone for all of this loss, but we want to compensate people as fully as the Government can. We also, of course, want to do so as quickly as possible.

The reason this legislation is important, I believe—and I think this was something which the administration officials, and Jack Lew with the Office of Management and Budget agreed with entirely—is that the time it takes to go through the Tort Claims Act is extensive. History has shown that in many cases it is not satisfactory, that process has not been satisfactory. It was our conclusion, and the conclusion supported by the administration, that we should do a separate bill which would set up a different procedure that, hopefully, would give better compensation to people, and do it much more quickly than is otherwise possible.

Senator DOMENICI pointed out we have gone to great lengths to not interfere with the right of people to pursue their remedies under current law, if they choose to do that. We have not changed the rules for that. We have not in any way impeded that. But people have to make a judgment after they consult with everyone involved—their attorneys if they have attorneys, or anyone else with whom they want to consult—make a judgment as to whether to use the remedy, the process we are setting up in this legislation, once this becomes law, or to use the process that is available to them under current law under the Tort Claims Act.

My own hope is that we have come up with a better alternative. That is my belief. That has certainly been our purpose. We hope people will see it that way and that this legislation will result in more full compensation, much more rapidly than would otherwise be possible, and that people will be able to get on with their lives because of that.

The legislation has many aspects to it, which I discussed in detail. Senator DOMENICI went into some of that. Let me just say, the main thrust of it is to compensate people for injuries they receive, for loss of property, compensate businesses for losses they incurred, compensate businesses and individuals, both, for financial losses that are directly traceable and attributable to this fire.

Clearly, we want this to be a fair process for those involved. At the same time, we are anxious that it be done in a responsible way, so once it is over with, we can have an accounting for

what compensation was provided and the justification for it. I think the American people will want that and should be entitled to that. I believe this will substantially improve the chances of folks getting fully compensated, as fully compensated as possible, as early as possible.

For that reason, I am pleased to join Senator DOMENICI in cosponsoring this legislation. I do think we have several steps, several hoops to jump through between now and when this becomes law. There will be opportunities for us to fine-tune this as we go forward. I hope we can do that, but I hope we can go forward very quickly. He indicated our desire to have it included in some appropriations legislation—the military construction appropriations bill—which is pending now. I hope very much that can happen, and I hope that bill can get to the President very quickly with this included and can become law.

Mr. President, on May 4, 2000, a decision by the National Park Service to conduct a prescribed burn in the Bandelier National Park changed the lives of Los Alamos residents forever. What started as a prescribed burn of approximately 1,000 acres, turned into a fire that roared for 18 days and in the end charred over 47,000 acres. Soon after the fire raged out of control, the National Park Service assumed responsibility for the damage caused by the fire.

While we need to take another look at the Park Service's policy concerning prescribed burns, we first need to take care of those that were injured by the Park Service's actions. There will be time for hearings and investigations. But first, there are people that must be clothed, homes that must be rebuilt, and businesses that must pay their bills. We need to make sure our children are settled again before the 2001 school year begins in 2 months. We need to clean up the debris and hazardous waste so families can think about rebuilding.

The Cerro Grande Fire Assistance Act that I am introducing with Senator DOMENICI today is what we believe represents the Government's responsibility to the citizens of Los Alamos and the surrounding pueblos.

The Cerro Grande fire didn't just burn 47,000 acres of national forest. This fire was so intense that it traveled several miles from the point of origin to the town of Los Alamos, New Mexico. When the fire roared up the canyons in Los Alamos, it completely destroyed 385 dwellings and seriously damaged another 17 dwellings. Over 60 homes were burned on 46th, 48th and Yucca Streets alone. Keep in mind that Los Alamos is not a large community and these numbers reflect a large majority of the residents in those areas. This chart shows what used to be single family homes on Arizona Avenue. It was one of the 50 homes destroyed along Arizona Avenue.

This second picture shows the damage done along Alabama Avenue. The fourplexes across the street were spared but many of the fourplexes along Alabama are no longer standing. Most of these fourplexes were built between 1949 and 1954 by the federal government for the first workers of the national laboratory. In the late 1960's the federal government sold these homes to the residents of Los Alamos. On May 4th, many of these homes were occupied by the original residents—individuals who are now retired from the lab and enjoying their golden years. Ten percent of the households destroyed belonged to senior citizens. One such couple showed up to a town meeting to show me all they had left of their former home—the wife had the burned door handle and the husband had the key in his pocket.

Other fourplexes that were destroyed were occupied by young families and the most recent generation of lab employees. 35% of the housing units destroyed were being rented and 92 of those tenants were without any form of insurance. Many of these people are now without a home for their young families. One of the couples I spoke with after the fire was a young couple expecting a child who lost their home and their adjoining rental unit. And I was recently informed that over 200 school children were burned out of their homes.

Driving through these neighborhoods that are now filled with blackened trees, melted swing sets and burned bicycles is a difficult thing to witness. This fire grew out of control so quickly, mostly because of the 60 mph winds that swirled through the controlled burn area, that most families had less than an hour to gather their belongings and evacuate the mesa. Many others didn't have even that much time. As you can see by the numerous burned cars, many families were unable to get both of their cars down the hill before the fire hit. In the end, 5% of the housing units in Los Alamos was destroyed by this fire.

Despite the personal tragedy many of them suffered, the residents of Los Alamos came together and helped one another and supported the efforts of the hundreds of firefighters who fought long and hard to control this monstrous blaze. Several Los Alamos restaurant owners returned to Los Alamos during the height of the fire and donated their inventory and services to cook up meals at the local Elks Lodge for the firefighters, police and National Guardsmen who were sent to this remote community. In addition, the outpouring of support from the nearby communities in setting up shelters and offering food and clothing was something I was proud to witness firsthand. This support also included the shelters and individuals who volunteered to take in the hundreds of animals that belonged to the over 20,000 residents evacuated from Los Alamos and White Rock.

The citizens of Los Alamos were heroic throughout this fire. Residents, like engineer Tony Tomei, were single-handedly trying to help save their neighborhoods from spreading wildlife. Tomei used his garden hose to douse small spot fires and used a rake and shovel to extinguish burning debris. His all night efforts saved his own house and the house of one neighbor, much to the neighbor's surprise.

After returning from Los Alamos and viewing the extent of damage, I began work with Senator DOMENICI on legislation that would compensate the people of Los Alamos, the surrounding pueblos, and the national laboratory for the damages sustained. We have been working for over 3 weeks now with the Office of Budget and Management, the White House, and the citizens of New Mexico to come up with legislation that will provide those who suffered personal and/or financial injury the most expedient and thorough compensation possible. We have received input from a number of individuals who lost their homes, from business owners who were shut down for up to a week, from the Los Alamos County Council and the governors of the San Ildefonso and Santa Clara Pueblos. While no one can truly be made whole after such a devastating experience, the role of the federal government in this situation is to ensure that people are adequately compensated for the losses resulting from the fire. Senator DOMENICI and I worked to come up with legislation that would compensate New Mexicans as fully as possible, while still being something acceptable to the entire Congress.

Based on the numerous meetings we held with the people mentioned above, we have come up with categories of damages that are compensable, including: property losses, business losses and financial losses. The goal is to compensate individuals for losses that were not otherwise covered by insurance or any other third party contribution.

For example, compensable property losses will include such things as uninsured property losses. This should address the problem many individuals are facing after realizing that they were under insured for their homes or their personal property. The goal is this legislation is to provide individuals with the funds needed to repair or replace their real and personal property using ''replacement value'' as a determining factor. This means that individuals should receive the dollar amount needed to rebuild their homes using current construction methods and materials, in line with current zoning requirements, and without a deduction for depreciation. It also means that individuals should be provided with the funds necessary to allow them to replace their damaged personal property with property that provides them equal utility. Moreover, we realize that homeowners will need funds to cover the cost of stabilizing and restoring their land to a condition suitable for building after the debris is removed.

The legislation will also compensate public entities for the damage to the physical infrastructure in the community. The county and other governmental entities will be able to seek compensation for the cost of rebuilding community infrastructure damaged by the fire, such as power lines, roads and public parks.

Compensable business losses will include such things as damage to tangible business assets, lost profits, costs incurred as a result of suspending business for one week, wages paid to employees for days missed during the fire, and other business losses deemed appropriate by the Claims Office. This provision is intended to help business owners who were forced to evacuate Los Alamos for up to 5 days. For people like the local nursery owner, closing shop during Mothers' Day weekend and the short planting season in northern NM was devastating. While the residents of Los Alamos disappeared from the community, the fixed overhead costs of the small business owners did not disappear.

Compensable financial losses will include economic losses for expenses such as insurance deductibles, temporary living expenses, relocation expenses, debris removal costs, and emergency staffing expenses for our governmental entities. The intent is to assist victims in rebuilding and recovering incidental expenses that they would otherwise not have incurred, had it not been for the Cerro Grande Fire. This includes costs incurred by the claimant in proving his losses, including the cost of appraisals where necessary.

In addition, the pueblos will be eligible to seek compensation for the damage to the forest lands on the pueblo and the impact of the fire on their subsistence hunting, fishing, firewood, timbering, grazing and agricultural activities. Individual tribal members and wholly-owned tribal entities will be eligible to seek reimbursement through this claims process for quantifiable losses. This means that the BIA will not serve as a conduit for any settlement to an individual tribal member or a tribe.

This legislation also intends to provide resources for the remediation that will be necessary to prevent future disasters because of flooding and mudslides. While we have experienced an unusually dry summer in the Southwest, forecasters predict an earlier than usual monsoon season and efforts must be made to shore up the burned hillsides and 70 foot canyon walls. The remediation effort will have to be undertaken by several federal agencies, including the Department of interior, the Agriculture Department and other entities with experience in this regard.

In order to expedite an individual's recovery, we have designed an administrative claims process that will allow injured parties to seek compensation for the expenses that were incurred, and were not otherwise covered by a third party, as a result of the Cerro Grande fire. This legislation authorizes that claims process and establishes an Office of Cerro Grande Fire Claims which will be under the authority of the Director of FEMA. FEMA is directed to compensate the victims of the Cerro Grande fire for injuries resulting from the fire and to settle those claims in an expeditious manner. FEMA will be given authority to hire an independent claims manager or other experts in claims processing to oversee this large project. We feel that FEMA is the best federal agency to handle this responsibility as they are capable of the task and are familiar with the damages that are common in a disaster. I trust that the FEMA Director will assemble a team that the community of Los Alamos can have confidence in and that will strive to settle claims to the benefit of those injured.

The Director of FEMA has 45 days to design this claims process and promulgate regulations for the claims office to follow. The regulations should not be overly burdensome for the claimants and should provide an understandable and straight forward path to settlement. In the event that issues arise concerning a settlement amount, the claimant will be able to enter into binding arbitration to settle any disputes with the claims office. If a claimant would rather have the Director's decision reviewed by a judge, the claimant will be able to seek judicial review of the Director's decision in federal court. Claimants who believe they need legal assistance as they proceed through this process should know that attorneys' fees are provided for in this legislation, with a cap of 10%. And while we believe this administrative claims process is the most efficient and reliable route for those seeking compensation, we are leaving the option of a federal tort action open to this legislation.

Mr. President, there is nothing Senator DOMENICI or I can do to replace the personal items and sentimental possessions that were consumed by the Cerro Grande Fire. This federal compensation will do nothing to replace a coin collection collected over a lifetime or an heirloom inherited from a great-grandmother. However, the federal government has the responsibility to try and restore the lives of the people impacted by this horrible tragedy. The federal government started this mess and it is time the federal government started cleaning up this mess and fixing what was damaged.

Congress can start the recovery process by passing this legislation. I ask that my colleagues act quickly on this legislation as the season for rebuilding this community is a short season for this city that sits high above the valley. I thank my colleagues for their support and for their willingness to do the right thing in this very unique situation.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I once again thank Senator BINGAMAN.

Part of the time these discussions were taking place in New Mexico, I was not available to be there. As most people in New Mexico know, I have been there twice, but I missed one occasion when Senator BINGAMAN got to talk with the people. I thank him for that because he brought back a number of ideas. One of my staffers was present with him. Those ideas are incorporated in this legislation.

In particular, let me repeat that the bill covers ''loss of property,'' and it says what that means; ''business losses,'' and it says what that means; ''financial losses,'' and it says what that means. Then a ''summary of the claims process'' and a summary of the remedies and a summary of appeal rights.

The lead agency is going to be the Office of Cerro Grande Fire Claims within FEMA. James Lee Witt or his successor will oversee that office but has the discretionary authority to designate an independent claims manager to run the office, if he so desires.

We are not creating anything new, it will be FEMA. But if he wants an independent claims manager, he has the latitude and authority to do that. There will be a separate account for the victims of the Cerro Grande fire that will be separate from the disaster assistance fund. Also, all of the money appropriated will be designated as an emergency.

I want to thank the staff who worked on this legislation. In my office: Steve Bell, Denise Greenlaw Ramonas, Brian Benczkowski, James Fuller and Veronica Rodriguez. From Senator BINGAMAN's office, Trudy Vincent, Christine Landavazo, Sam Fowler and Bob Simon. I also want to thank Ann Bushmiller from the White House Counsel's office and Elizabeth Gore from the Office of Management and Budget. I ask unanimous consent that a letter from Jack Lew expressing the Administration's support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2736

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Cerro Grande Fire Assistance Act''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) on May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the fire season in the Southwest;

(2) on May 5, 2000, the prescribed burn, which became known as the ''Cerro Grande Prescribed Fire'', exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to other Federal and non-Federal land, quickly becoming characterized as a wildfire;

(3) by May 7, 2000, the fire had grown in size and caused evacuations in and around

Los Alamos, New Mexico, including the Los Alamos National Laboratory, 1 of the leading national research laboratories in the United States and the birthplace of the atomic bomb;

(4) on May 13, 2000, the President issued a major disaster declaration for the counties of Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance, New Mexico;

(5) the fire resulted in the loss of Federal, State, local, tribal, and private property;

(6) the Secretary of the Interior and the National Park Service have assumed responsibility for the fire and subsequent losses of property; and

(7) the United States should compensate the victims of the Cerro Grande fire.

(b) PURPOSES.—The purposes of this Act are—

(1) to compensate victims of the fire at Cerro Grande, New Mexico, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CERRO GRANDE FIRE.—The term ''Cerro Grande fire'' means the fire resulting from the initiation by the National Park Service of a prescribed burn at Bandelier National Monument, New Mexico, on May 4, 2000.

(2) DIRECTOR.—The term ''Director'' means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 4(a)(3), the Manager.

(3) INJURED PERSON.—The term ''injured person'' means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian tribe, corporation, tribal corporation, partnership, company, association, county, township, city, State, school district, or other non-Federal entity (including a legal representative);

that suffered injury resulting from the Cerro Grande fire.

(4) INJURY.—The term ''injury'' has the same meaning as the term ''injury or loss of property, or personal injury or death'' as used in section 1346(b)(1) of title 28, United States Code.

(5) MANAGER.—The term ''Manager'' means an Independent Claims Manager appointed under section 4(a)(3).

(6) OFFICE.—The term ''Office'' means the Office of Cerro Grande Fire Claims established by section 4(a)(2).

**SEC. 4. COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE.**

(a) IN GENERAL.—

(1) COMPENSATION.—Each injured person shall be entitled to receive from the United States compensation for injury suffered by the injured person as a result of the Cerro Grande fire.

(2) OFFICE OF CERRO GRANDE FIRE CLAIMS.—

(A) IN GENERAL.—There is established within the Federal Emergency Management Agency an Office of Cerro Grande Fire Claims.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this title.

(C) FUNDING.—The Office—

(i) shall be funded from funds made available to the Director under this title; and

(ii) may reimburse other Federal agencies for claims processing support and assistance.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Director may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Director under this Act.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Director a written claim for 1 or more injuries suffered by the injured person in accordance with such requirements as the Director determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—The Director shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) APPLICABILITY OF STATE LAW.—Except as otherwise provided in this Act, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) EXTENT OF DAMAGES.—Any payment under this Act—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—

(i) PAYMENT.—Not later than 180 days after the date on which a claim is submitted under this Act, the Director shall determine and fix the amount, if any, to be paid for the claim.

(ii) PRIORITY.—The Director, to the maximum extent practicable, shall pay subrogation claims submitted under this Act only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) PARAMETERS OF DETERMINATION.—In determining and settling a claim under this Act, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the fire;

(iii) the amount, if any, to be allowed and paid under this Act; and

(iv) the person or persons entitled to receive the amount.

(C) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of, and paying, a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Director shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of any government loan that is required to be repaid by the claimant.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Director may make 1 or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this Act, but further payment on the claim is subsequently denied by the Director, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Director determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) RIGHTS OF INSURER OR OTHER THIRD PARTY.—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this Act or any other law.

(4) ALLOWABLE DAMAGES.—

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Cerro Grande fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;

(iii) damage to physical infrastructure;

(iv) a cost resulting from lost tribal subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Cerro Grande fire;

(v) a cost of reforestation or revegetation on tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Director determines to be appropriate for inclusion as loss of property.

(B) BUSINESS LOSS.—A claim that is paid for injury under this Act may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Any other loss that the Director determines to be appropriate for inclusion as business loss.

(C) FINANCIAL LOSS.—A claim that is paid for injury under this Act may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated financial loss:

(i) Increased mortgage interest costs.

(ii) An insurance deductible.

(iii) A temporary living or relocation expense.

(iv) Lost wages or personal income.

(v) Emergency staffing expenses.

(vi) Debris removal and other cleanup costs.

(vii) Costs of reasonable efforts, as determined by the Director, to reduce the risk of wildfire, flood, or other natural disaster in the counties specified in section 2(a)(4), to risk levels prevailing in those counties before the Cerro Grande fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.

(viii) A premium for flood insurance that is required to be paid on or before May 12, 2002, if, as a result of the Cerro Grande fire, a person that was not required to purchase flood insurance before the Cerro Grande fire is required to purchase flood insurance.

(ix) Any other loss that the Director determines to be appropriate for inclusion as financial loss.

(e) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this Act, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant, with respect to all claims arising out of or relating to the same subject matter; and

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United

States) under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), or any other Federal or State law, arising out of or relating to the same subject matter.

(f) REGULATIONS AND PUBLIC INFORMATION.—

(1) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this Act.

(2) PUBLIC INFORMATION.—

(A) IN GENERAL.—At the time at which the Director promulgates regulations under paragraph (1), the Director shall publish, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) DISSEMINATION THROUGH OTHER MEDIA.—The Director shall disseminate the explanation published under subparagraph (A) through brochures, pamphlets, radio, television, and other media that the Director determines are likely to reach prospective claimants.

(g) CONSULTATION.—In administering this Act, the Director shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and tribal authorities, as determined to be necessary by the Director to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for 1 or more injuries resulting from the Cerro Grande fire by—

(A) submitting a claim under this Act;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Cerro Grande fire that are suffered by the claimant.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director shall establish by regulation procedures under which a dispute regarding a claim submitted under this Act may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this Act may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) NO EFFECT ON ENTITLEMENTS.—Nothing in this Act affects any right of a claimant to file a claim for benefits under any Federal entitlement program.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Director under this Act may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Director.

(3) STANDARD.—The decision of the Director incorporating the findings of the Director shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY'S AND AGENT'S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this Act, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than $10,000.

(k) WAIVER OF REQUIREMENT FOR MATCHING FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local project that is determined by the Director to be carried out in response to the Cerro Grande fire under any Federal program that applies to an area affected by the Cerro Grande fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(2) FEDERAL SHARE.—The Federal share of the costs of a project described in paragraph (1) shall be 100 percent.

(l) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this Act.

(m) INDIAN COMPENSATION.—Notwithstanding any other provision of law, in the case of an Indian tribe, a tribal entity, or a member of an Indian tribe that submits a claim under this Act—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian tribe, tribal entity, or member of an Indian tribe shall be entitled to proceed under this Act in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Cerro Grande fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Cerro Grande fire.

(n) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under this Act during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment under this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

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SUMMARY OF CERRO GRANDE FIRE ASSISTANCE ACT OF 2000

Administrator: FEMA as lead agency, with authority to designate an independent claims manager.

Entities eligible for compensation: all individuals, Indian tribes, corporations, tribal corporations, partnerships, companies, associations, counties, townships, cities, State, school districts and any other non-federal entity that suffered injury resulting from the Cero Grande fire.

Types of compensable injuries: tracks the Federal Tort Claims Act: Injury, loss of property and personal injuries are compensable.

Damages for ''loss of property'' will include: uninsured or under-insured property loss, decrease in the value of real property, damage to physical infrastructure, loss of subsistence hunting, fishing, firewood, timbering, grazing and agricultural activities, and any other loss deemed appropriate as a ''loss of property.''

Damages for ''injury'' will include ''business losses'', such as: damage to tangible assets or inventory, business interruption losses, overhead costs, employee wages paid for work not performed as a result of the fire, and any other injury deemed appropriate for compensation as a ''business loss.''

Damages for ''injury will include ''financial losses'' such as: increased mortgage interest costs, insurance deductibles, the cost of flood insurance, temporary living or relocation expenses, emergency staffing expenses, debris removal and other clean-up costs, hazard mitigation and any other injury deemed appropriate for compensation as a ''financial loss.''

Process: FEMA Director required to promulgate interim final regulations within 45 days of enactment of the Act. Claims must be filed within two years of promulgation of the regulations, and adjudicated by FEMA within 180 days of filing. Once regulations are promulgated, Director must publish easy-to-understand explanation of the rights conferred by the law and a description of the claims process in English and Spanish in New Mexico newspapers and other media outlets.

Election of remedies: Party must at the outset elect either to proceed under Federal Tort Claims Act (FTCA) or legislative claims process. The election is binding on the claimant for all damages resulting from the Cerro Grande fire. Must release U.S. Government from lawsuit under FTCA as a condition of receiving a claims process award.

Appeal: If victim is dissatisfied with claims decision, may appeal to Federal District Court for the District of New Mexico or pursue binding arbitration. If elect binding arbitration, decision of the arbitor is final. If elect Federal Court, standard of review is that the decision of the Director stands if supported by substantial evidence on the record.

Insurance: Insurance companies allowed to proceed in same manner under the Act as all other claimants, but to the maximum extent practicable, insurance company subrogation claims must be paid after those of other injured persons. Awards received through claims process will be reduced by amounts of insurance payments already received.

Consultation: Director required to consult with Secretary of Energy, Secretary of Interior, Secretary of Agriculture, SBA, FEMA, other federal agencies, State, local and tribal officials to ensure the efficient administration of the process and provide an outlet for local concerns.

Attorney's fees: Limited to 10 percent of claims award. Attorneys who violate the rule fined $10,000.

Matching requirements: Waives State and local matching requirement for all Federal programs utilized in response to the fire.

Flood insurance: Government will reimburse homeowners for the cost of three years of Federal flood insurance premiums if their property was not in the flood plain prior to the fire and subsequently was included in the flood plain as a result of the fire.

OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, June 15, 2000.*

Hon. PETE V. DOMENICI,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR DOMENICI: As you know from our work together in recent weeks, the Administration shares with you the commitment to ensuring that all those affected by the fire that began at Bandelier National Monument are fully compensated for their losses. We are pleased that our work together in a constructive dialogue has resulted in legislation that will achieve this goal.

We are fully supportive of the Cerro Grande Fire Assistance Act, which will help fully, fairly, and quickly compensate those who have suffered losses as a result of this fire. We urge Congress to move promptly to pass this essential legislation.

Sincerely,

JACOB J. LEW,
*Director.*

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By Mr. LUGAR (for himself and Mr. HARKIN)

S. 2737. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees, extend the authorization of appropriations, and improve the administration of that Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE GRAIN STANDARDS IMPROVEMENT ACT OF 2000

● Mr. LUGAR. Mr. President, today I rise to introduce the Grain Standards Improvement Act of 2000. I am pleased that the ranking minority member of the Senate Agriculture Committee, Senator HARKIN, has joined me as a cosponsor.

The United States Grain Standards Act was enacted in 1916 as a means of eliminating confusion resulting from the use of many different sets of grain standards applied by different grain inspection organizations operating without national coordination and supervision. Created by this Act and operating within the United States Department of Agriculture (USDA), the Federal Grain Inspection Service (FGIS) sets and administers official grain standards and conducts grain inspection services.

The Act authorizes FGIS to establish standards of ''kind, class, quality and condition for corn, wheat, rye, oats, barley, flax seed, sorghum, soybeans, mixed grain and such other grains as in the administrator's judgment the usages of the trade may warrant and permit.'' The FGIS administrator is authorized to develop standards or procedures for accurate weighing and weight certification and controls for grain shipped in interstate or foreign commerce. The Act also established certain performance requirements for grain inspection and weighing equipment. The certainty of these standards and the credibility and integrity of the inspection system has allowed our domestic and international markets to flourish as a result.

But improvements are necessary to keep up with the changing markets. The legislation that I am introducing today is based on legislation proposed by the Administration earlier this year. The Gain Standards Improvement Act of 2000 will reauthorize the collection of fees, the FGIS Advisory Committee, and funding for FGIS until September 30, 2005.

In order to keep up with advances in technology, FGIS needs flexibility in the way that commodity samples can be obtained. Grain marketing patterns, quality attributes, and quality testing methods are changing rapidly. New quality traits developed through biotechnology have increased the speed of change. This Act will provide flexibility needed by FGIS to continue to maintain an efficient sampling system.

In general, under current law, only one official federal inspection agency can operate within geographic boundaries. The 1993 amendments to the Grain Standards Act provided for a pilot program that allowed for more than one official inspection agency within a single geographic area at interior locations. These programs were successful in facilitating the marketing of grain without jeopardizing the integrity of the system. This bill will permanently authorize this policy.

This legislation is supported by the National Association of State Departments of Agriculture, the Association of American Warehouse Control Officials, the National Grain and Feed Association, the American Farm Bureau Federation, the National Farmers Union and other agricultural commodity organizations.

The credibility and integrity of the United States grain inspection must be maintained to allow U.S. producers to continue to feed the world through our marketing system. The Grain Standards Improvement Act of 2000 will help FGIS to continue these high standards and increase the economic efficiency of the U.S. grain marketing system.

Mr. President, I ask unanimous consent that the bill and a section-by-section summary be printed in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2737

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Grain Standards Improvement Act of 2000''.

**SEC. 2. SAMPLING FOR EXPORT GRAIN.**

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking ''(on the basis'' and all that follows through ''from the United States)''.

**SEC. 3. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.**

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by striking ''conduct pilot programs to''.

(b) WEIGHING AUTHORITY.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended in the last sentence by striking ''conduct pilot programs to''.

**SEC. 4. AUTHORIZATION TO COLLECT FEES.**

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking ''2000'' and inserting ''2005''.

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l)(3) of the United States Grain Standards Act (7 U.S.C. 79a(l)(3)) is amended in the first sentence by striking ''2000'' and inserting ''2005''.

**SEC. 5. TESTING OF EQUIPMENT.**

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking ''but at least annually and''.

**SEC. 6. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.**

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking ''2000'' and inserting ''2005''; and

(2) by striking ''40 per centum'' and inserting ''30 percent''.

**SEC. 7. LICENSES AND AUTHORIZATIONS.**

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting ''inspection, weighing,'' after ''laboratory testing,''.

**SEC. 8. GRAIN ADDITIVES.**

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting '', or prohibit disguising the quality of grain,'' after ''sound and pure grain''.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking ''2000'' and inserting ''2005''.

**SEC. 10. ADVISORY COMMITTEE.**

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking ''2000'' and inserting ''2005''.

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GRAIN STANDARDS IMPROVEMENT ACT OF 2000—SECTION-BY-SECTION SUMMARY

*Section 1. Short title*

This Act may be cited as the Grain Standards Improvement Act of 2000.

*Section 2. Sampling for export grain*

This section would provide FGIS with more flexibility in obtaining samples of export grain. Currently, samples of export grain can only be obtained after final elevation of the grain. Historically, this has been a requirement due to the breakage that can occur as the grain goes through an export elevator. In many cases, this sampling procedure is still appropriate. However, for value enhanced traits (e.g. protein) that are not affected by handling, sampling and testing prior to final elevation may be more appropriate. Often it is not a simple process to perform these tests in a field environment. Grain marketing patterns, quality attributes, and quality testing methods are changing rapidly. These changes are being expedited by quality traits developed through biotechnology and new testing methods. In response to these breakthroughs, new grain marketing programs are evolving that require measurement of additional, more complex quality attributes. Also, in order to maintain an efficient and effective marketing system in the United States, grain merchants are relying more on identity preserved programs to assure acceptable quality with limited testing. These merchants may need quality results on identity preserved grain prior to final elevation. Flexibility in obtaining samples would not jeopardize the representatives of the samples obtained for inspection.

*Section 3. Geographic boundaries for official agencies*

This section would allow, under certain conditions, more than one official agency to

perform inspection and weighing services within a single geographic area at interior locations. The 1993 amendments provided for pilot programs to test such a change. These programs were successful in that they facilitated the marketing of grain without jeopardizing integrity of the system. This section will give the Secretary the authority to develop criteria similar to the current pilot programs.

*Section 4. Authorization to collect fees*

This section would extend, through fiscal year 2005, the authority of the Secretary to charge user fees assessed for the supervision of official agencies and to invest sums collected.

*Section 5. Testing of equipment*

This section would eliminate the requirement for mandatory annual testing for all equipment used in sampling, grading, inspection, and weighing. Annual testing is not necessary or appropriate for such equipment.

*Section 6. Limitation on administration and supervisory costs*

This section would provide that the administration and supervisory costs for services, performed through fiscal year 2005, would be subject to the ceiling of 30 percent of total costs for such services (excluding the costs of standardization, compliance, and foreign monitoring activities).

*Section 7. Licenses and authorizations*

This section would allow the Secretary to contract for inspection and weighing services in addition to specified sampling and technical functions. This allows the Secretary greater flexibility in performing the duties required by the Act.

*Section 8. Grain additives*

This section would prohibit disguising the quality of the grain as a result of the introduction of nongrain substances and other identified grains. The prohibition would include the introduction of nongrain substances such as cinnamon, vanilla, and bleach, and could apply to all grain whether officially inspected or not. This prohibition will enhance the integrity of the national grain marketing system.

*Section 9. Authorization of appropriations*

The section would extend, through fiscal year 2005, the authorization for appropriations to cover standardization, compliance, foreign monitoring activities and any other expenses necessary to carry out the provisions of the Act which are not obtained from fees and sales of samples.

*Section 10. Advisory committee*

This section would maintain an advisory committee through fiscal year 2005. This committee represents the industry and advises the Secretary in administering the Act.●

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By Mr. JEFFORDS (for himself, Mr. FRIST, and Mr. ENZI):

S. 2738. A bill to amend the Public Health Service Act to reduce medical mistakes and medication-related errors; to the Committee on Health, Education, Labor, and Pensions.

THE PATIENT SAFETY AND ERRORS REDUCTION ACT

Mr. JEFFORDS. Mr. President, I am pleased to join today with my good friend Senator FRIST to announce the introduction of the Patient Safety and Errors Reduction Act, a bill which will work toward increasing patient safety for all Americans.

Late last year, the Institute of Medicine (IOM) released a report citing medical errors as the eighth leading cause of death in the United States, with as many as 98,000 people dying as a result each year. More people die of medical mistakes than from motor vehicle accidents, AIDS, or breast cancer. The IOM report took a serious look at the problem of medical errors and provided some thoughtful recommendations for change.

Last year I worked closely with Senator FRIST to ensure that Congress pass Senate Bill 580, the Healthcare Research and Quality Act of 1999. This newly passed legislation reauthorized by the Agency for Health Care Policy and Research, renamed it the Agency for Healthcare Research and Quality (AHRQ), and refocused its mission to support healthcare research on safety and quality improvement. I am pleased that AHRQ has decided to dedicate more than $20 million for research on medical error reduction. This shows a real commitment by Dr. John Eisenberg and his agency to address the problem of medical errors.

Our bill will attack this problem in several ways. First, it will provide a framework of support for the numerous efforts that are already underway in the public and the private sectors. Second, it will establish a Center for Quality Improvement and Patient Safety within the Agency for Healthcare Research and Quality. And finally, it will provide needed confidentiality protections for medical error reporting systems.

I believe we can save thousands of lives by substantially reducing medical mistakes over the next few years. We have a great opportunity to apply the safety lessons that we have already learned—both within health care and in other fields.

How can we prevent these mistakes? One lesson we have learned that was repeated time and again in our hearings is that mandatory reporting of all errors and subsequent punishment of healthcare professionals doesn't work very well.

Even good doctors and nurses make mistakes during the most routine of tasks. Clearly, the root cause of medical errors is more systemic. Medicine has some of the most advanced technology for treating patients and some of the most rudimentary systems for ensuring quality. Taking a look at the systems that ensure patient safety will go farther in addressing the problem of medical errors rather than reprimanding any one individual or group.

Over the past few decades we have seen one industry after another adopt the principles of continuous quality improvement. The government itself has instituted these principles, notably in its regulation of aviation. Focusing on punishment will only deter improvement.

Having said that, we are not interested in sweeping problems under the rug, but bringing them out into the open. And if an individual is harmed, this bill in no way limits the legal recourse that patients have now. The confidentiality protections are just for information that is submitted under quality improvement and medical error reporting systems. Patients and their lawyers will still have access to the entire medical record just like they do now.

Our bill also creates a new center for patient safety through AHRQ as the IOM report recommended. This Center will collect information on medical errors and serve as a center to develop strategies to reduce them. It is likely that additional funding beyond the $20 million recommended by the President will be needed for AHRQ's new role overseeing this center for patient safety.

We also need to allow for confidentiality—through peer review protections—for information that is voluntarily submitted regarding medical errors. This legislation provides for these protections.

Once the information is collected and analyzed, either through AHRQ or another deemed institution, such as the Vermont Program for Quality in Health Care, recommendations on ways to prevent errors need to be developed and disseminated throughout the health care industry.

It is my hope that these recommendations will continue to be incorporated into survey instruments by organizations such as the Joint Commission on Accreditation of Healthcare Organizations, the accrediting body responsible for hospitals and other inpatient healthcare settings. In this way, the health care industry can engage in the kind of continuous quality improvement that is vital to curbing errors and saving lives. But a medical errors program will only succeed if hospitals, doctors and other health professionals support it and participate in it willingly.

Neither the IOM nor Congress discovered this problem. Health care professionals have been at work for some time in trying to address medical errors. I hope that by becoming a partner in this process, the federal government can accelerate the pace of reform and provide the most effective structure possible.

I am pleased that our legislation has the support of many, including the United States Pharmacopeia, the American Hospital Association, the American Health Quality Association, the American College of Physicians/American Society of Internal Medicine, the American Psychological Association, and the Institute for Safe Medication Practices.

Mr. President, we cannot afford to wait on this issue. This legislation will raise the quality of health care delivered by decreasing medical errors and increasing patient safety and I will work to ensure its enactment this year.

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By Mr. LAUTENBERG (for himself, Mr. HELMS, Mr. MOYNIHAN,

Mr. ROTH, Mr. THURMOND, and Mr. WARNER):

S. 2739. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Governmental Affairs.

SEMIPOSTAL STAMP FOR THE ESTABLISHMENT OF THE WORLD WAR II MEMORIAL

Mr. LAUTENBERG. Mr. President, I rise today to introduce S. 2749, the World War II Memorial Postage Stamp Act. The purpose of this bill is to raise funds for the construction of the National World War II Memorial by issuing a special World War II Memorial ''semipostal'' stamp.

Mr. President, many events have shaped world history, but none so dramatically or so deeply as the Second World War. The war permanently altered lives, communities, and nations, at the same time speeding America's rise as a superpower.

The National World War II Memorial will honor the 16 million Americans who served in uniform during the war, the more than 400,000 who gave their lives, and the millions more who supported the war effort at home. A symbol of the defining event of 20th-century America, the Memorial will honor the spirit, sacrifice, and commitment of the American people as well as the cause of freedoom from tyranny throughout the world.

To date, the World War II Memorial Fund, chaired by Bob Dole, has raised approximately $92 million. Issuing a World War II Memorial Stamp could raise millions more, helping the World War Memorial Fund reach its goal of $100 million needed to construct and maintain the Memorial. Furthermore, a new stamp would give every American the chance to play a part in building this monument to those who served our Nation.

Mr. President, I served this great country as a member of the Armed Forces during World War II, and I know firsthand the sacrifices made by our Nation's veterans. It is my sincere hope that, thanks to this bill, the National World War II Memorial will be a lasting symbol of American unity—and a timeless reminder of the moral strength that joins the citizens of this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 2739

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

**SECTION 1. SEMIPOSTAL STAMP FOR THE ESTABLISHMENT OF THE WORLD WAR II MEMORIAL.**

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

**''§ 414a. Special postage stamp for the establishment of the World War II Memorial**

''(a) In order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial, the Postal Service shall establish a special rate of postage for first-class mail under this section.

''(b) The rate of postage established under this section—

''(1) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

''(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

''(3) shall be offered as an alternative to the regular first-class rate of postage.

The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

''(c)(1) Amounts becoming available for the establishment of the World War II Memorial under this section shall be paid to the American Battle Monuments Commission. Payments under this section shall be made under such arrangements as the Postal Service shall by mutual agreement with the American Battle Monuments Commission establish in order to carry out the purposes of this section, except that, under those arrangements, payments to such Commission shall be made at least twice a year.

''(2) For purposes of this section, the term 'amounts becoming available for the establishment of the World War II Memorial under this section' means—

''(A) the total amounts received by the Postal Service that it would not have received but for the enactment of this section, reduced by

''(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

''(d) It is the sense of the Congress that nothing in this section should—

''(1) directly or indirectly cause a net decrease in total Federal funding received by the American Battle Monuments Commission below the level that would otherwise have been received but for the enactment of this section; or

''(2) affect regular first-class rates of postage or any other regular rates of postage.

''(e) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 90 days after the date of the enactment of this section or, if earlier, November 11, 2000 (Veterans Day).

''(f) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information concerning the operation of this section, except that, at a minimum, each shall include—

''(1) the total amount described in subsection (c)(2)(A) which was received by the Postal Service during the period covered by such report; and

''(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(2)(B).

''(g) This section shall cease to be effective upon the determination of the Postmaster General (in consultation with the American Battle Monuments Commission) that the Commission has or will have the funds necessary to pay all expenses of the establishment of the World War II Memorial. Any excess funds shall be deposited in the fund within the Treasury of the United States created by section 2113 of title 36 and may be used for any of the purposes allowable under such section.

''(h) As used in this section, the term 'World War II Memorial' refers to the memorial the construction of which is authorized by Public Law 103–32.''.

(b) CONFORMING AMENDMENTS.—(1) The analysis for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

''414. Special postage stamps to benefit breast cancer research.

''414a. Special postage stamps for the establishment of the World War II Memorial.''.

(2) The heading for section 414 of title 39, United States Code, is amended to read as follows:

**''§ 414. Special postage stamps to benefit breast cancer research''.**

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By Ms. LANDRIEU:

S. 2740. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and to increase the limit on deductible IRA contributions, and for other purposes; to the Committee on Finance.

THE SAVINGS ACCOUNTS ARE VALUABLE FOR EVERYONE ACT OF 2000

Ms. LANDRIEU. Mr. President, I want to speak for a few moments this morning and introduce a bill that I am calling the Savings Are Valuable for Everyone Act, the SAVE Act of 2000.

Mr. President, as of February 1, 2000, the United States officially entered into the longest period of economic expansion in our history. This means we have had nine years of continuous growth—a hard-earned achievement. During this time, we have had the first back-to-back federal budget surpluses in 43 years, the smallest welfare rolls in 30 years, and 20 million new jobs for people across America.

Clearly we are doing something right. However, that does not mean our work is done. In order for this economic prosperity to reach its full potential, we must continue to provide more opportunities (not guarantees) to widen the ''winners' circle'' and allow all Americans to participate in our economic expansion.

According to the U.S. Department of Labor, the latest unemployment figures show that most Americans do have jobs. The unemployment average is 4.1 percent and many states have even lower rates, such as Iowa with 2.5 percent, New Hampshire with 2.7 percent, and Virginia with 2.8 percent. In some places across the country, there are some even higher spots, such as Howard County, Maryland, where the unemployment rate is a remarkable 1.4 percent. However, because of the high cost of living, many working families

still struggle to make ends meet and are being forced to live from paycheck to paycheck, without any hope of saving for the future or building the tangible assets which are so important to upward mobility.

I recently finished reading the book, ''The Millionaire Next Door,'' and discovered that when the authors of this book began interviewing millionaires as part of their research, they were surprised to find most of the wealthy people they spoke with didn't drive fancy sports cars, or have $5,000 gold watches or even live in fabulous mansions. They were first-generation business people who, through aggressive saving, sensible investing and frugal spending, had managed to accumulate a significant amount of assets.

While not everyone's goal in life is to become a millionaire, this book does carefully outline the road to fiscal security and clearly documents the importance of saving.

I know that you will be as shocked as I was to learn that, while the net worth of the typical American family has increased dramatically recently, the net worth of families under $25,000 has actually been decreasing. The Federal Reserve Board recently released a study which showed that families earning under $10,000 a year had a medium net worth of $1,900 in 1989. This figure rose to $4,800 in 1995 but slipped to $3,600 by 1998. The net worth of families who earn less than $25,000 annually was $31,000 in 1995 but then dropped to $24,800 in 1998.

During this same time period, while the number of families who owned a home or business rose overall, this figure among lower income families has actually decreased. In 1995, 36.1 percent of families who earned less than $10,000 a year owned a home, however by 1998 this number had decreased to 34.5 percent. In 1995, 54.9 percent of families who earn less than $25,000 annually owned their home but in 1998 this percentage was reduced to 51.7 percent.

Mr. President, I rise today to address this problem by introducing the Savings Are Valuable for Everyone Act of 2000, or SAVE, which will help all families save for the future. The goal of SAVE is simple: help the working poor build assets for themselves and to expand the IRA limit to ensure retirement savings. The goal is not income redistribution, but instead it is to find ways that allow opportunities for everyone, regardless of income, to build the productive assets that lead to economic security.

In order to help the working poor break the discouraging cycle of living from paycheck to paycheck and to help the lower-middle class move up the income ladder and save for the future, this measure provides incentives for the accumulation of assets through the use of Individual Development Accounts, or IDAs, while, at the same time, making it easier for the rest of America to save for retirement.

IDAs are matched savings accounts which are restricted to three uses: (1) post-secondary education/training; (2) small business start-up costs; and (3) purchasing a first home. Private as well as state and local public sector funds can also be contributed to the account with a special tax credit of up to $500 a year attached to the private contribution. Usually it takes two to four years for the account holder to accumulate enough funds to purchase the asset they were saving for and, before the money is released, they must complete an approved financial education course which is provided by the qualified financial institution or non-profit which holds the account.

All IDAs must be held at a ''qualified financial institutions,'' meaning, any financial institution qualified to hold an IRA. IDAs are available to all citizens or legal residents of the United States who are at least 18 years old and whose household income does not exceed 80 percent of the area median income, or AMI. At least 33 percent of the IDAs will be targeted to households which are at 50 percent or below the AMI. Contributions made by a participant into an IDA are limited to $2,000 per year. While the individuals who open these accounts are encouraged to use the money for their own benefit, they may withdraw it to help a spouse or dependent open a business, buy a house, or further their education.

For example, one such program was started in March of 1999, by Hibernia Bank Louisiana. They began pilot IDA programs in New Orleans, with another one operating in Shreveport, to help low-income families save for a house. So far, 11 families are participating in the New Orleans program, with seven already placed in homes of their own and four shopping for one.

The program administrator said these 11 families ''absolutely would not be in a position to buy a home at this time'' without this program. Hibernia matches the account holders funds two-to-one up to a set amount. The funds then can be used for home-buying costs, such as a down payment or closing costs—lump sums that often can be prohibitive to working families on a tight budget.

In order to encourage the establishment of IDAs, two tax credits are offered. The first is available to participating financial institutions. For every dollar saved in an IDA, the qualified financial institution will provide a one to one match, limited to $500 per person per year. The financial institution would then be eligible for a 90 percent federal tax credit for matching funds provided.

The second tax credit is known as the IDA Investment Tax Credit. In order to leverage private sector investments and encourage broader community involvement in this program, a 50 percent tax credit will be available for investments in qualified non-profits, 501(c)(3)s or credit unions, which can administer qualified IDA programs. However, in order qualify for this tax credit, at least 70 percent of the funds received must be used for financial education, program monitoring, and/or program administration. Any taxpayer can participate can participate as a donor.

It is important to remember that each IDA consists of two parallel accounts—one that the participants make his deposits into and one that the donor makes their deposits of matching funds into. The interest on the money in the participant's account would be taxed while all funds in the matching account (including interest) would be tax free. One could say that the participant's account is treated in a similar fashion to the way that the IRS treats IRAs and 401(k)s.

Already an estimated 3,000 people nationwide are taking advantage of available pilot programs, which are run in partnership with more than 100 non-profit organizations and authorized financial institutions. This fact shows the strength of this plan: it serves as a catalyst for the rapid creation of public-private partnerships—between accountholders, banks, foundations, policymakers and providers of financial education—that are the hallmark of successful IDA programs.

As you can see, IDAs are not only good for individuals and their families, they also are good for the future of our country. Russell Long once said, ''The problem with Capitalism is that there are not enough Capitalists.'' IDAs provide a tool with which our country can address this age-old problem and help create more Capitalists. When capitalism is combined with the proper social safety nets and incentives for asset development for those at all income levels, we create incentives for saving at all levels while you create a capitalist system that works for everybody. These accounts are a sure-fire mechanism that will build assets and create wealth among the families and communities who need help the most.

Economic analyses of the impact of a national IDA investment show that for every dollar invested, a $5 return to the national economy would result in the form of new businesses, new jobs, increased earnings, higher tax receipts and reduced welfare expenditures. However, it is important to realize that the Savings Accounts Are Valuable for Everyone Act does not simply focus on the working poor. It also provides savings incentives for the middle class by expanding the current Individual Retirement Account limits from $2,000 a year to $3,500.

Currently, our tax code allows individuals to save up to $2,000 a year in IRAs with income earned on the deposits either being tax deferred until withdrawal, which can begin at age 59½, or, through the use of the Roth IRA, the taxes can be paid up front on the money deposited into the accounts. SAVE will make these accounts an even better tool for retirement saving by expanding the annual contribution limits.

I firmly believe that we must find ways to shift our nation's policy from

one of consumption to one of savings and wealth accumulation for all American households. To understand why, one need only consider these facts which were calculated by the Corporation for Enterprise Development in Washington, D.C.:

One-half of all American households have less than $1,000 in net financial assets;

One-third of all American households and 60 percent of African-American households have zero or negative net financial assets;

Forty percent of all white children and 73 percent of all black children grow up in households with zero or negative financial assets;

By some estimates, 13–20 percent of all American households do not even have a checking or savings account; and

Ten percent of all American households control two-thirds of the wealth.

We already have a tax code that provides over $300 billion in federal tax expenditures which are dedicated to asset building for middle- and upper-income wage earners and businesses, but tax-based incentives are still out of reach for most lower- and middle-income families. In this time of wealth and prosperity, why can't we offer tools that will assist in asset building for the families who need them the most—the working poor and moderate-income families who make up the backbone of our economic system.

Benjamin Franklin once said, ''The wealth of an individual is measured not by what a person earns but by what he saves.''

Take the example of Oseola McCarty of Mississippi. Oseola toiled in obscurity for most of her life, taking in other people's laundry for $2 a bundle and amassing a small fortune by socking away every extra cent in a savings account. At the age of 87, she donated $150,000 of her life savings to the University of Southern Mississippi, establishing a scholarship fund to give African-American youths a chance for the education she never received.

What Oseola accomplished is a great example of the power of savings. Savings, investing and assets—not necessarily income—determine wealth. Just think what Oseola could have accomplished, not only for herself but for others, with the benefit of a program like IDAs to add matching funds and additional interest to her hard-earned savings.

IDAs are partnerships between the government, the community and the individual to build stronger families and a stronger economy. For not only do Americans improve their economic security through the building of assets, this also stimulates the development of capital for the entire nation. As our nation continues to build on our recent economic successes, we in Congress must continue to look for innovative ways to give working families the tools they need to plan for the future. Passage of the Savings Accounts are Valuable for Everyone Act is one way we can do this.

Mr. President, to summarize my comments, I will share a story about what this act, if passed and adopted, will do. There is a family in Washington, the Darden family. Selena and Dwayne Darden thought they were doing the best they could do. They were both working, earning about 150 percent of the poverty rate. They had four children and were doing a very good job of raising their children, but basically living paycheck to paycheck. They never thought they could save for the future or, for that matter, own a home. There just wasn't anything extra.

Then just about 2 years ago, according to this article, Selena, who is a beautician, heard about something called Individual Development Accounts, a program that was offered here in Washington with the Capital Area Asset Building Corporation. They inquired and were told basically that this was a pilot program that Congress had established a few years earlier that would allow her and her husband to put up some savings, which would be matched by the Federal Government through an appropriate financial institution and a community agency that would provide some education and support for the effort. If she was a consistent and good saver, she and her husband could save enough for a downpayment. The end of the story is that they did; they saved enough. They are now proud homeowners right here in Marshall Heights.

I share that story because that is exactly what this bill does. In my State, in the last few years, I have come to learn about these pilot programs that we initiated through the work of Senator Coats, and Senator SANTORUM has been on this issue for some time, and Senator LIEBERMAN has been advocating this proposal. I want to add my voice by introducing this bill to say how much I support this effort, and to take these pilot programs that have been successful and expand them nationwide.

In Louisiana, I have come across many families from New Orleans to Shreveport, and elsewhere, who are coming into partnership with the Hibernia Bank and community action organizations, such as the Providence House in Louisiana, that help families get back on their feet when they go through a crisis. The idea is to help create these accounts. People can begin saving money.

The bill allows for them to either use the funds for home ownership, because we know how important that is, or building a person's confidence and self-esteem—how important it is for children to live in a home that actually belongs to them, as opposed to renting and perhaps having to move, and to be able to put down roots. We know how important that is.

This bill will allow people to save to start up a business. We spend a lot of time in Washington talking about business. Sometimes I think we focus on businesses that are actually quite large, which is wonderful; but we need to focus on the great strength of America, which is small business—that entrepreneur out there who takes a risk to start a business. He employs himself and one, two, or three other people. That is the backbone of the American economy and the great system we have enjoyed. We are really the envy of the world. This bill will allow for people to save a few thousand dollars to start a successful business and employ members of their family, or friends, or other workers in their area.

I am hoping we can potentially consider, as this bill moves through the process, that it may allow savings for a transportation vehicle. If you can get a good job, sometimes the jobs are not necessarily where people live. Mass transit is not as dependable as it should be. Perhaps we should consider this matched savings plan to give people the ability to get a vehicle and to be able to drive to work. Some of these pilots allow that.

This bill will allow for these savings accounts. It is limited to households of 80 percent of the median income, based on regions, and 150 percent of the national poverty rate. While that might work for Louisiana, it doesn't work very well for poor families in Connecticut or California, where the standard of living is high.

We have designed this bill to reach to the low-income working poor. But we are sensitive to the different regions in this Nation. We believe if we can help people accumulate assets and encourage them to save, that not only is it good for individual families but it is good for our Nation to encourage savings rates.

Let me share a few statistics about this which are of very great concern to me and of which I would like my colleagues to be more aware.

According to a recent report by the Corporation for Enterprise Development in Washington, DC, one-half of all American households have less than $1,000 in financial assets; one-third of all American households and 60 percent of African American households have zero, or negative financial assets; 40 percent of all white children and 73 percent of all African American children grow up in households with zero or negative financial assets; by some estimates, 13 to 20 percent of all American households do not have a checking or a savings account; and 10 percent of all American households control currently two-thirds of the wealth.

If we want to address an income gap, if we want to try to increase prosperity, if we want to try to eliminate poverty, I suggest that our efforts have to be more than just income, more than just about full employment or a job. It is about income, frugal spending, and aggressive savings. And we

should be partnering with the American people to do just that, to encourage wealth and assets creation and development.

Not everyone wants to be a millionaire. Some people are better at that than others. But I don't know of a family that doesn't want to have financial security—not one. Whether they work at a relatively modest job from 9 to 5, or whether they work two jobs, or three, or whether they are quite aggressive and well educated enough to make large sums of money, in every case I think it is about security. It is about choices. But I don't know any family that doesn't want to be secure. We can be better partners in this Government by encouraging policies such as this that enable people to be part of that American dream, to widen the winners circle, because we have the greatest economic expansion underway and there is a cost-effective way to do it.

Let me just make a couple of other points as I close.

According to some documents that are supporting this policy, let me read for the RECORD a couple of things:

No. 1, assets matter and have largely been ignored in poverty policy debates.

No. 2, individual development accounts address the wealth gap and bring people into the financial mainstream.

No. 3, public policy plays a large role in determining levels of household wealth.

People say, We can't afford to do this. They ask, Why would we want to do this for a certain group of people, low- and moderate-income people? One reason is we already do it to the tune of $300 billion for middle-income and wealthy individuals and businesses. It is called tax incentives. All throughout our Tax Code and public policy, we are already putting up $300 billion to help create and maintain assets for the wealthy and for businesses. Let's do the same for the working poor and lower and middle class so they can be more able to join this extraordinary economic expansion. We do that through IRAs and 401(k)s and IDAs, which are good national investments and they improve the national savings rate.

In conclusion, let me say that this SAVE Act will expand IDA. It also raises the income limits for IRAs for all families in America to encourage them to save. By expanding the opportunities for IRAs, which many of us have supported in a bipartisan way, and by implementing IDAs from pilots to a national model, I believe we could go a long way in eliminating poverty, expanding the middle class, and expanding and widening the winners circle in this great economic expansion.

I share this with my colleagues. I thank again Senator LIEBERMAN for his great work. Senator SANTORUM has also been leading this effort. Senator Dan Coats, who is no longer serving with us, I understand was one of the original sponsors of this pilot program. It is now time. We know it works to take it national. That is what we do with this bill.

I yield whatever time I may have.

Mr. President, I ask unanimous consent to insert additional material into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IDAS: FEDERAL POLICY

The benefits and rationale for enacting federal IDA policy can be summarized in five parts:

1. *Assets matter, and have been largely ignored in poverty policy.* Assets provide an economic cushion and enable people to make investments in their futures in a way that income alone cannot provide. IDAs address a big piece of the poverty puzzle—the savings and asset base of the poor—that has never been addressed before.

2. *IDAs address the wealth gap and bring people into the financial mainstream.* Despite the growing trend of average Americans investing in stocks and mutual funds, many are being left behind. One-third of all American households have zero or negative net financial assets, and up to 20 percent of all households do not even have a checking or savings account.

3. *Public policy plays a large role in determining levels of household wealth.*—Nearly $300 billion in federal tax expenditures are dedicated to asset building for middle- and upper-income people (for home ownership, retirement, and investing). But public policies often penalize low-income people or put tax-based asset incentives out of their reach.

4. *Individual asset accounts (like IDAs) are the future of asset building.* Increasingly, asset accounts such as IRA's, 401(k)s, medical savings accounts, individual training accounts and other individual savings incentives are the emerging tools for wealth-building policy in the new global, flexible economy. IDAs are an inclusive extension of this policy trend.

5. *IDAs are a good national investment and improve the national savings rate.* Economic analyses of the impact of a national IDA investment show that for every dollar invested, a five dollar return to the national economy would result in the form of new businesses, new jobs, increased earnings, higher tax receipts, and reduced welfare expenditures. At the same time, IDAs will increase core deposits at a time when many Americans are moving to other investment vehicles. And, importantly, IDAs help address the growing problem of the declining national personal savings rate.

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By Mr. JOHNSON (for himself, Mr. CONRAD, Mr. HARKIN, Mr. DORGAN, Mr. ROBERTS, Mr. LEVIN, Mr. KERREY, Mr. GRASSLEY, and Mr. CRAIG):

S. 2741. A bill to amend the Agricultural Credit Act of 1987 to extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MEDIATION PROGRAM LEGISLATION INTRODUCTION

Mr. JOHNSON. Mr President, I rise on the floor of the Senate today to introduce bipartisan legislation to extend a popular program which provides mediation services between agricultural producers and the various credit and United States Department of Agriculture agencies who family farmers and ranchers work with to maintain their operations.

During the 1980's farm crisis, Congress authorized federal participation in a state farm mediation program. Originally authorized in the Agriculture Credit Act of 1987, mediation programs help agricultural producers and their creditors to resolve credit disputes (and other types of disputes) in a confidential and non-adversarial setting which is outside the traditional process of litigation, appeals, bankruptcy, and foreclosure.

The mediators are neutral facilitators and they do not make decisions for the disputing parties.

Federal legislation has encouraged state involvement by providing matching grant funds to the states that participate in the mediation program. Currently, 24 states participate, including Alabama, Arkansas, Arizona, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

Beyond the scope of agricultural credit-related mediation, the program aims to resolve disputes such as wetland determinations, grazing issues, and USDA program compliance, and other issues the Secretary of Agriculture deems appropriate.

Each year, Congress seeks to provide funding for the mediation program through the Agriculture Appropriations process. This year $3 million has been appropriated for this program in both the House and Senate Agriculture Appropriation bills. This legislation will not change the fact that Congress must go through the Appropriations process each year to secure funding for this program.

The legislation my colleagues and I are introducing today reauthorizes the mediation program by eliminating the sunset clause (set to expire in FY 2000), clarifies that funds appropriated by Congress to the mediation program must be used for farm credit cases (including USDA direct and guaranteed loans and loans from commercial entities) and may be used for other USDA program disputes, and clarifies that mediation services can include counseling services to prepare parties to a dispute prior to mediation.

In a time when family farmers and ranchers continue to deal with low prices and suffer under more and more vertical integration, I believe we must begin to reflect on what we can do to maintain the independent family farms and ranches that our country depends on for our food supply. We live in a day and age where nearly every farm and ranch operation must secure credit in order to pay production expenditures necessary to stay in business. This mediation program is supported by both

sides of the aisle and allows farmers and ranchers to settle their credit and farm program disputes in a fair way without digging themselves into legal debt.

I have worked with the lone Congressman from my home state of South Dakota in drafting this legislation and the same bill will be introduced in the House of Representatives today as well.

I urge my colleagues of the Senate to join me in supporting this bi-partisan legislation with the goal of moving it through the legislative process quickly in order to continue to provide these services to our American farmers and ranchers.

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By Mr. SMITH of Oregon (for himself, Mr ABRAHAM, Mr. ASHCROFT, Mr. BURNS, Mr. SANTORUM, Mr. GORTON, Mrs. HUTCHISON, Mr. ALLARD, Mr. BENNETT, Mr. COVERDELL, Mr. GREGG, Mr. HELMS, Mr. THOMAS, Mr. INHOFE, Mr. MACK, Mr. WARNER, Mr. BUNNING, Mr. LOTT, Mr. MCCONNELL, Mr. CRAPO, and Mr. ROBERTS):

S. 2742. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes; read the first time.

TAX-EXEMPT POLITICAL DISCLOSURE ACT INTRODUCTION

Mr. SMITH of Oregon. Mr. President, I rise today to introduce legislation, co-sponsored by 20 of my Senate colleagues, to bring sunshine to our campaign finance laws, to provide for full disclosure of contributions and expenditures of groups which have heretofore not been held accountable, yet have been subsidized by the American people through their tax-exempt status.

Joining me in this effort are Senators ABRAHAM, ASHCROFT, BURNS, SANTORUM, GORTON, HUTCHISON, ALLARD, BENNETT, COVERDELL, GREGG, HELMS, THOMAS, INHOFE, MACK, WARNER, BUNNING, LOTT, MCCONNELL, CRAPO, and ROBERTS.

I have long been a proponent of full disclosure, to the extent it is consistent with the First Amendment, of campaign contributions and expenditures.

If we are to rekindle the trust of the American people, not only must the political parties be held accountable, so, too, must those tax-exempt groups which engage in political activities, yet heretofore have operated outside the realm of disclosure. The public has the right to know the identity of those trying to influence our elections, and Congress must do whatever it can to make sure that organizations do not wrongly benefit from the public subsidy of tax exemption.

The bill we are introducing today, the Tax-Exempt Political Disclosure Act, expands upon the McCain-Lieberman amendment of last week which targeted a narrow list of tax-exempt organizations established under section 527 of the tax code. The so-called 527 groups covered in this bill do not make contributions to candidates or engage in express advocacy, and thus are not required to publicly disclose contributors or expenditures. Our bill contains in its entirety the provisions of the McCain-Lieberman amendment, but goes beyond the 527 groups to require tax-exempt labor and business organizations, as well, to disclose their contributors and expenditures.

Specifically, in Title I of our bill, which is identical to the McCain-Lieberman amendment, we require the subset of 527 organizations that are not already subject to the Federal Election Campaign Act to:

1. Disclose their existence to the IRS;
2. File publicly available tax returns;
3. Publicly report expenditures of over $500; and
4. Identify those who contribute more than $200 annually to the organization.

Title II of our bill applies to business or labor organizations that are tax-exempt under sections 501(c)(5) or 501(c)(6) of the Internal Revenue Code and that spend $25,000 or more on the very same kinds of political activities engaged in by section 527 organizations covered by Title I of our bill. As we do with the 527 organizations, we require tax-exempt business and labor organizations to report expenditures for political activity of $500 or more and identify those who contribute more than $200 annually.

Importantly, this legislation will not result in disclosure of any labor or business organization's membership lists because annual dues to these tax-exempt groups are excluded from the definition of ''contribution.'' The bill requires disclosure only of those members who choose to contribute more than $200 annually for political purposes.

If the Senate is for disclosure of the few tax-exempt 527 organizations that may spend a couple of million dollars on issue ads, then surely we should advocate disclosure of the tax-exempt labor and business organizations that will spend twenty or forty times that amount of money on issue ads and other political activity. Our legislation will require these organizations receiving tax exempt status to emerge from the shadows and make some minimal disclosure about themselves and the source of their money.

Tax exemption is not an entitlement, and any organization wanting to avoid the ramifications of claiming such status simply may choose not to seek that status. Our bill merely says that if a group engaging in political activity wants tax exempt status, the public has a right to expect certain things in return.

Let me make clear that we are sincere in this effort, and we welcome and invite Senators MCCAIN and FEINGOLD to work with us. We are open to discussions with business and labor groups, as well, on the mechanics of the bill. We want to be flexible and will consider changes where appropriate.

The bottom line, however, is that in the end there must be meaningful disclosure if we are to have the confidence of the American people and bring integrity to the process.

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By Mr. KENNEDY (for himself, Mr. DODD, and Mrs. MURRAY):

S. 2743. A bill to amend the Public Health Service Act to develop an infrastructure for creating a national voluntary reporting system to continually reduce medical errors and improve patient safety to ensure that individuals receive high quality health care; to the Committee on Health, Education, Labor, and Pensions.

THE VOLUNTARY ERROR REDUCTION AND IMPROVEMENT IN PATIENT SAFETY ACT

• Mr. KENNEDY. Mr. President, between 44,000 and 98,000 patients die each year from medical errors, making it the eighth leading cause of death in the United States. Each day, more than 250 people die because of medical errors—the equivalent of a major airplane crash every day. Estimates of the annual financial cost of preventable errors run as high as $29 billion a year. We can do better for our citizens. We must do better.

The Voluntary Error Reduction and Improvement in Patient Safety Act of 2000, which Senator DODD and I are introducing today, will provide the federal investment and framework necessary to take the first steps to effectively treat this continuing epidemic of medical errors. Today, there errors are a stealth plague hidden deep within the world's best health care system. This legislation will support needed research in this area, and identify and reduce common mistakes.

Reducing medical errors can save lives and health care dollars, and avoid countless family tragedies. The field of anesthesia had the foresight to undertake such an effort almost 20 years ago, and today, the number of fatalities from errors in administering anesthesia has dropped by 98 percent. Our goal should be to achieve equal or even greater success in reducing other types of medical mistakes. This legislation lays the foundation to achieve this goal.

The 1999 Institute of Medicine report, To Err is Human, documented the compelling need for aggressive national action on the issue. The IOM report recommended the creation of two reporting systems, each with different goals. The first is a voluntary confidential reporting system to learn about medical errors and help researchers develop solutions for future error prevention and reduction. The second is a mandatory public reporting system for certain serious errors and deaths in order to inform the public and hold health care facilities responsible for their mistakes.

Our legislation today deals with the first issue, but the second issue is also critical. I believe that the public has a right-to-know about certain serious events, and public disclosure is an important tool to assure that institutions

put safety on the front burner, not the back burner.

I commend the Administration for recognizing the value of mandatory reporting by recently establishing such programs in the Department of Veterans Affairs and Department of Defense health care systems. The Agency for Healthcare Research and Quality is also in the process of evaluating existing mandatory reporting systems, and the Health Care Financing Administration is planning to sponsor a mandatory reporting demonstration project for selected private hospitals. I believe our next step should be to move ahead with mandatory reporting, and the results of these studies will shed needed light on the effectiveness of different options.

The bill we introduce today would take a significant first step toward implementing and providing support for the recommendations in the IOM report.

The overwhelming majority of errors are caused by flaws in the health care system, not the outright negligence of individual doctors and nurses. Our hospitals, doctors, nurses, and other health care providers want to do the right thing. Our proposal gives the health care community the tools to identify the causes of medical errors, the resources to develop strategies to prevent them, and the encouragement to implement those solutions.

First, the Act creates a new patient safety center in the Agency for Healthcare Research and Quality. The Center for Quality Improvement and Patient Safety will improve and promote patient safety by conducting and supporting research on medical errors, administering the national medical error reporting systems created under this bill, and disseminating evidence-based practices and other error reduction and prevention strategies to health care providers, purchasers and the public.

Second, the legislation would establish national voluntary reporting and surveillance systems under AHRQ to identify, track, prevent and reduce medical errors. The National Patient Safety Reporting System will allow health care professionals, health care facilities, and patients to voluntarily report adverse events and close calls. The National Patient Safety Surveillance System would establish a surveillance system, which is modeled on a successful CDC initiative that tracks hospital-acquired infections, for health care facilities that choose to participate. Participating facilities will include a representative sample of various institutions, which will monitor, analyze, and report selected adverse events and close calls. Researchers will provide feedback to the participating facilities.

Reports submitted to both programs will be analyzed to identify systemic faults that led to the errors, and recommend solutions to prevent similar errors in the future.

In order to encourage participation, reports and analyses from both programs will be protected from discovery, and health care workers who submit reports to the programs will be protected against workplace retaliation based on their participation in the reporting systems.

In exchange for establishing this reporting system, health care facilities and professionals would be expected to voluntarily implement appropriate patient safety solutions as they are developed. In addition, in recognition of the significant federal investments in error reduction strategies and the provision of health services, the Secretary of Health and Human Services will be required to develop a process for determining which evidence-based practices should be applied to programs under the Secretary's authority. The Secretary will take appropriate, reasonable steps to assure implementation of these practices.

Our proposal also requires the Director of the Office of Personnel Management to develop a similar process for determining which evidence-based practices should be used as purchasing standards for the Federal Employees Health Benefits Program. Plans will also be rated on how well they met these standards, and compliance ratings will be provided to federal employees and retirees during the annual enrollment period.

The bill authorizes $50,000,000 for the Agency for Healthcare Research and Quality for FY 2001, increasing to $200,000,000 in FY 2005, to fund error-related research and the reporting systems.

Systemic errors in the health care system put every patient at risk of injury. The measure we propose today is designed to reduce that risk as much as possible. Americans deserve the highest quality health care. This bill will raise patient safety to a high national priority, and ensure that patient safety becomes part of every citizen's expectation of high quality health care. This is essential legislation, and I look forward to working with my colleagues to expedite its passage and to develop companion legislation that establishes a mandatory reporting system.

I ask unanimous consent that the following summary, fact sheet, and letters of support be inserted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOLUNTARY ERROR REDUCTION AND IMPROVEMENT IN PATIENT SAFETY ACT OF 2000: SUMMARY

According to the November 1999 Institute of Medicine report, ''To Err is Human: Building a Safer Health System,'' between 44,000 and 98,000 patients die each year as a result of mistakes. Estimates of total annual national costs for preventable errors range from $17 to $29 billion. This legislation amends the Public Health Service Act to establish a national non-punitive system to prevent and reduce medical errors. Provisions are designed to: (1) identify and investigate certain medical errors; (2) develop and disseminate best practices to prevent and reduce medical errors; and (3) assure implementation of evidence-based error reduction strategies.

CENTER FOR PATIENT SAFETY

Authorizes the Agency for Healthcare Research and Quality (AHRQ) to: (1) create a Center for Quality Improvement and Patient Safety to promote patient safety; (2) serve as a central publicly accessible clearinghouse for information concerning patient safety; (3) administer the reporting systems created under this legislation; (4) conduct and fund research on the causes of and best practices to reduce medical errors; and (5) disseminate evidence-based information to guide in the development and continuous improvement of best practices.

REPORTING SYSTEMS

Creates two national voluntary, and confidential reporting systems under AHRQ: (1) a reporting system of adverse events and close calls that uses uniform reporting standards and forms; and (2) a surveillance system in which participating health care facilities agree to monitor, analyze, and report specified adverse events and close calls that occur in their institutions. Reports submitted to both programs will be protected from discovery, and analyzed to identify errors that result from faults in the health care system. Neither program will preempt existing nor preclude the later development of new reporting systems.

Health care professionals who submit reports to the reporting systems, their employer, or an appropriate regulatory agency or private accrediting body may not be discriminated against in their employment for reporting.

AUTHORIZATION LEVELS

Authorizes $50,000,000 for AHRQ for fiscal year 2001, with gradual increases to $200,000,000 for fiscal year 2005, to fund error-related research and the reporting systems.

APPLICATION TO FEDERAL PROGRAMS

Requires the Secretary of the Department of Health and Human Services to: (1) develop a process for determining which evidence-based best practices disseminated by AHRQ should be applied to programs under the Secretary's authority; and (2) take reasonable steps as may be appropriate to bring about the implementation of such practices. Requires the Director of the Office of Personnel Management to develop a process for determining which evidence-based best practices disseminated by AHRQ should be used as purchasing standards for the Federal Employees Health Benefits Program.

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FACT SHEET: THE NEED FOR THE VOLUNTARY ERROR REDUCTION AND IMPROVEMENT OF PATIENT SAFETY ACT (VERIPSA)

In December, 1999, the Institute of Medicine issued a report, To Err is Human: Building a Safer Health Care System, that documents the compelling need for national action to reduce errors and improve patient safety:

Between 44,000 and 98,000 patients die each year as a result of medical errors, making medical errors the eighth leading cause of death.

Errors in the health care system result in more deaths each year than highway accidents, breast cancer or AIDS. Errors that seriously injure or otherwise harm patients are even more prevalent.

In 1993, medication errors alone are estimated to have accounted for 7,000 deaths. Two percent of patients admitted to hospitals experience an adverse event caused by medication errors, resulting in $2 billion in

national spending for additional hospital costs related to preventable medication errors for inpatients.

Total annual national costs (e.g., health care, lost wages/productivity, disability) resulting from medical errors are estimated to be between $38 and $50 billion, including $17–29 billion for preventable events.

VERIPSA CAN SAVE LIVES AND REDUCE HEALTH CARE COSTS

The report found that most medical errors are the result of flaws in the health care system, rather than carelessness by health professionals, including, for example, errors that arise from misreading a physician's handwritten prescription. Many of these problems can be minimized through better systems and computerization.

Over the last two decades, a systematic effort to reduce deaths from errors in administering anesthesia has resulted in a decline from two deaths per 10,000 patients in the early 1980s to one death per 300,000 patients today.

One study found that 60 percent of preventable adverse drug events could be avoided by physician computer-entry order systems.

The experience on other industries has shown the effectiveness of concerted efforts to reduce errors. Since 1976, the death rate from airline accidents has declined 400%. Since the creation of the Occupational Safey and Health Administration in 1970, the workplace death rate has been cut in half.

The Institute of Medicine report concludes that a reduction in medical errors of 50% over the next five years is achievable and should be a minimum target for national action.

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AMERICAN HEALTH QUALITY ASSOCIATION,
*Washington, DC, June 15, 2000.*

STATEMENT ON THE ''VOLUNTARY ERROR REDUCTION AND IMPROVEMENT IN PATIENT SAFETY ACT''

The American Health Quality Association (AHQA) represents the national network of Quality Improvement Organizations (QIOs), which are known as the Peer Review Organizations (PROs), for their Medicare quality improvement work. The QIOs have vast clinical and analytic expertise, work daily with providers across the country, and know how to affect systemic change and bring about measurable improvement in care. They are experts at translating the literature and research regarding best practices from ''bookshelf to bedside'' and teaching providers how to perform ongoing measurement of their progress.

Senator KENNEDY and Senator DODD have done a commendable job of addressing all of the various aspects of what is necessary for a national system for improving patient safety. In their ''Voluntary Error Reduction and Improvement in Patient Safety Act,'' they direct AHRQ to establish a Center for Quality Improvement and Patient Safety to conduct research of medical errors and disseminate information on the best practices for reducing them. The bill also proposes two reporting systems that are voluntary, nonpunitive, and confidential. One system asks providers to report adverse events and close calls to AHRQ using uniformed standards and forms. The other asks providers to agree to monitor specific types of adverse events as directed by AHRQ.

AHQA is pleased that AHRQ is given the authority to contract with experts in the field to work with health care providers and practitioners to identify adverse events and determine what systemic changes are necessary to prevent them for recurring. AHQA's goal in the patient safety debate is to make sure that true quality improvement is achieved. We do not support error reporting for the sake of reporting. Organizations, such as the QIOs, should be encouraged to work side by side with providers and practitioners to improve their health care delivery systems.

''The Voluntary Error Reduction and Improvement in Patient Safety Act'' then goes beyond reporting and research by directing the Secretary of HHS to take the best practices disseminated by AHRQ and apply them, as may be appropriate, to programs under the Secretary's authority. The bill specifically directs the Secretary to enter into agreements with the QIOs (through their PRO work) to provide, upon request, technical assistance regarding best practices and root-cause analysis to health care providers participating in HHS funded health programs.

AHQA believes it is the appropriate next step to regime HHS to apply the most up-to-date methods for assuring patient safety to its health care programs. The QIOs stand ready to assist the Director of AHRQ and the Secretary of HHS in their efforts to help the medical community find the root cause of adverse events that are occurring and help develop strategies for preventing them in the future.

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MASSACHUSETTS HOSPITAL ASSOCIATION,
*Burlington, MA, June 15, 2000.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the hospitals in Massachusetts, I am writing to applaud the introduction of your legislation ''The Error Reduction and Improvement in Patient Safety Act.'' This bill will no doubt serve as a major step toward making patient safety a national priority.

We hope that many aspects of this legislation will become law. In particular, we support your suggested process to ensure that proven practices to reduce medical errors are implemented. In addition, we also believe that your efforts to improve confidentiality protections for reporting will go a long way towards creating a safe environment that supports open dialogue about errors, their causes, and solutions.

Thanks to you and your staff, Massachusetts continues to be on the forefront of the national debate about how best to address this important issue.

Sincerely,

ANDREW DREYFUS,
*Executive Vice President.*

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FEDERATION OF BEHAVIORAL, PSYCHOLOGICAL AND COGNITIVE SCIENCES,
*Washington, DC, June 15, 2000.*

Hon. EDWARD KENNEDY,
*Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.*

DEAR SENATOR KENNEDY: I am writing on behalf of the Federation of Behavioral, Psychological and Cognitive Sciences, a coalition of 19 scientific associations. Among its scientists are human factors researchers whose work is devoted to understanding and reducing the adverse effects of medical errors. I write to endorse the ''Voluntary Error Reduction and Improvement in Patient Safety Act.''

This bill recognizes that human error in healthcare settings has reached epidemic proportions and will provide an infrastructure for centralized error reporting systems. Important provisions of the bill will allow healthcare providers to learn from such reporting systems by creating interdisciplinary partnerships to conduct root cause analyses across a wide range of health care settings.

Such analyses will help detect error trends and inform new lines of directed inquiry and hypothesis-driven research to reduce errors. The bill highlights the pivotal role of human factors research in understanding human error in any context and would draw upon the success of human factors as it has been applied in many other industries such as aviation, maritime shipping, and nuclear power to improve safety.

As in these other industries, particularly as evidenced in aviation, the real value of error reporting lies in the development of useful applications of the reported data to improve safety. The ''Voluntary Error Reduction and Improvement in Patient Safety Act'' clearly lays out the infrastructure to promote the development of evidence-based interventions to improve safety. Further, unique features of this learning system include basic behavioral principles of positive reinforcement to stimulate voluntary reporting. Such a positive feedback loop will surely strengthen the quality of the database this bill will structure. The database will form the foundation for a bold new way of thinking about patient safety. The data and the research, in turn, will make attainable the goal we all strive for, the dramatic reduction of adverse events in health care settings.

We believe the Kennedy-Dodd bill is a very strong plan for reducing adverse events due to medical error. We also find much to praise in the Jeffords bill. So we take the unusual step of endorsing both and encourage work to meld the unique features of these two extraordinary bills into a coherent whole that will then surely receive the overwhelming support of the Congress.

Sincerely,

DAVID JOHNSON,
*Executive Director.*●

● Mr. FRIST. Mr. President, I am pleased to join with my colleague, the distinguished chairman of the Health, Education, Labor, and Pensions Committee (HELP), Senator JEFFORDS, in introducing today a critical piece of legislation that will take needed steps to improve the quality of health care delivered in this country. The goal of our legislation today is to improve patient safety by reducing medical errors throughout the health care system.

The Institute of Medicine Report (IOM), released last November, sparked a national debate about how safe our hospitals and health care settings actually are for patients. The scope of the problem identified in the findings were shocking. The IOM found that each year an estimated 44,000 to 98,000 hospital deaths occur as a result of preventable adverse events. This makes medical errors the 8th leading cause of death, with more deaths than vehicle accidents, breast cancer or AIDS. These errors cost our Nation $37.6 billion to $50 billion per year, representing 4 percent of national health expenditures.

Despite the recent IOM findings, this is not a new debate. Many experts have told us that the health care industry is a decade or more behind in utilizing new technologies to reduce medical errors. Just last year, the HELP Committee took initial steps last year to reduce medical errors through the reauthorization of the Agency for Healthcare Research and Quality (AHRQ), revitalizing this agency as the

federal agency focused on improving the quality of health care in this country. Part of the core mission of AHRQ is to further our understanding of the causes of medical errors and the best strategies we can employ to reduce these errors. The legislation authorized the Director of AHRQ to conduct and support research; to build private-public partnerships to identify the causes of preventable health care errors and patient injury in health care delivery; to develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and to disseminate such effective strategies throughout the health care industry.

The legislation we introduce today builds upon the further recommendations of the IOM report and reflects the culmination of testimony received throughout the past several months in a series of hearings held by the HELP Committee.

The central goal of this legislation is quality improvement throughout the health care system. We heard over and over throughout our hearings that we need to develop our knowledge base about the best mechanisms to reduce medical errors. This can only be achieved if we build a system where errors can be reported and understood to improve care, not to punish individuals. We need to create a ''culture of safety'' in which errors can be reported, and analyzed, and then change can be implemented.

I will not go into the details of this legislation, which Senator JEFFORDS has already outlined, I would simply outline the three main goals of this legislation, the creation of a national center for quality improvement and patient safety at the AHRQ, the creation of a voluntary reporting system to collect and analyze medical errors, and the establishment of strong confidentiality provisions for the information submitted under quality improvement and medical error reporting systems.

I am very supportive of the goals of this legislation and will continue to examine the best ways to reduce medical errors in our health care system. It is essential that we pass medical errors legislation this year. We will continue to seek input from patients and provider groups as we work to pass this legislation.●

Mr. DODD. Mr. President, I am pleased to join Senator KENNEDY in sponsoring the ''Error Reduction and Improvement in Patient Safety Act,'' legislation which will establish a national system to identify, track and prevent medical errors.

Last November, the Institute of Medicine reported that between 44,000 and 98,000 deaths per year are attributable to medical errors, ranging from illegible prescriptions to amputations of the wrong limb. In other words, patients are being harmed not because of a failure of science or medical knowledge, but because of the inability of our health care system to mitigate common human mistakes.

Most Americans feel confident that the health care they receive will make them better—or at the very least, not make them feel worse. And in the vast majority of circumstances, that confidence is deserved. The dedication, knowledge and training of our doctors, nurses, surgeons and pharmacists in this country are unparalleled. But, as the IOM report starkly notes, the quality of our health care system is showing some cracks. If we are to maintain public confidence, we must respond quickly and thoroughly to this crisis.

One thing is certain: the paradigm of individual blame that we've been operating under discourages providers from reporting mistakes—and thwarts efforts to learn from those mistakes. We have to move beyond finger-pointing and encourage the reporting and analysis of medical errors if we want to make real progress towards improving patient safety.

This legislation will do just that. It authorizes the creation of a national Center for Quality Improvement and Patient Safety to set and track national patient safety goals and conduct and fund safety research. The bill also sets up national non-punitive, voluntary, and confidential reporting systems for medical errors. By analyzing and learning from mistakes, we will be better able to determine what systems and procedures are most effective in preventing errors in the future.

Identification and analysis of errors is critical to improving the quality of health care. But we must also develop measures of accountability that ensure that the information that is generated by a national error reporting system is actually used to improve patient safety. Our bill takes those practices shown to be most effective in preventing errors and creates a mechanism for integrating those practices into federally-funded health care programs. These evidence-based ''best practices'' will also be used as standards for health care organizations seeking to participate in the Federal Employees Health Benefits Program.

Mr. President, the ''Error Reduction and Improvement in Patient Safety Act'' addresses the complex problem of medical errors in the most comprehensive manner possible—from the identification of errors, to the analysis of the errors, to the application of best practices to prevent those errors from ever occurring again. Simply put, this legislation will save lives. I look forward to working with my colleagues to enact this legislation expeditiously, because frankly, one medical error is one too many.

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By Mr. ASHCROFT:

S. 2744. A bill to ensure fair play for family farms; to the Committee on the Judiciary.

THE FAIR PLAY FOR FAMILY FARMS ACT OF 2000

S. 2745. A bill to provide for grants to assist value-added agricultural businesses; to the Committee on Agriculture, Nutrition, and Forestry.

THE VALUE-ADDED DEVELOPMENT ACT FOR AMERICAN AGRICULTURE

S. 2746. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property; to the Committee on Finance.

THE FARMERS' VALUE-ADDED AGRICULTURAL INVESTMENT TAX CREDIT ACT

Mr. ASHCROFT. Mr. President, I rise today to discuss the concerns of Missouri farmers and ranchers about concentration in the agriculture sector and about individual farmers' ability to compete and to get fair prices for their commodities.

Missouri is a ''farm state'', so ensuring fair competition in markets is an important issue to me. The state of Missouri is ranked second in the list of states with the most number of farms—only Texas has more. Missouri's varying topography and climate makes for a very agriculturally diverse state. Farmers and ranchers produce over 40 commodities, 22 of which are ranked in the top ten among the states. Missouri is a leader in such crops as beef, soybeans, hay, and rice, as well as watermelon and concord grapes. Having diversity and the ability to change has allowed Missouri farmers to maintain their livelihood for generations. More than 88 percent of the farms in Missouri are family or individually owned, and 8 percent are partnerships. It is easy to see that Missouri is a state that values small and family farms—which are the bedrock of Missouri's rural communities.

As I have traveled around Missouri—visiting every county in the state—Missouri farmers and ranchers have repeatedly told me that increasing concentration of the processing and packing industry has resulted—and will continue to result—in a less competitive market environment and lower prices for producers.

I have been responding to these concerns, and I am taking further action today. Last year, I asked the Department of Justice to create a high-level post within the Antitrust Division to specialize in agriculture-related mergers and transactions. The Administration responded by appointing a representative for agriculture in the Department of Justice. This appointment is a step in the right direction, but producers still have multiple concerns that need to be addressed.

Today, I am introducing three bills to address Missouri and American farmers' concerns about agriculture concentration and market competition. In addition to listening to Missouri farmers on this issue, I have reviewed a resolution that was considered in the Missouri State Legislature about competition in the agricultural economy.

The Ninetieth General Assembly of Missouri called upon the 106th Congress to take an initiative on federal

law governing agriculture concentration. Missouri State Concurrent Resolution 27 (S. Con. Res. 27) is a bipartisan resolution outlining what the Missouri legislature recommends the federal government should do to address the issue of concentration. The resolution passed the Missouri State Senate and was reported out of the House Agriculture Committee to the full House. In drafting the package of bills I am introducing today, I studied the recommendations and objectives in State Senator MAXWELL's Missouri resolution as well as including important provisions of my own.

Mr. President, the bill I'm introducing today—the Fair Play of Family Farms Act—does the following things:

First, this legislation adds ''sunshine'' to the merger process. It will give the Department of Agriculture more authority when it comes to mergers and acquisitions. This will heighten USDA's role in review of all proposed agriculture mergers so that the impact on farmers will be given more consideration, and will make these reviews public. The public will be given an opportunity to comment on the proposed merger, and the USDA will be required to do an impact analysis on producers on a regional basis. I want to ensure that if two agri-businesses merge, the impact on farmers are completely evaluated.

Second, my bill creates a permanent position for an Assistant Attorney General for Agricultural Competition. This position will not simply be appointed by the President or by the Attorney General, but the position will require Senate review and confirmation. Also, my bill provides additional staffing for this new position.

In addition, this bill provides additional funds and requires the Grain Inspection, Packers and Stockyard Administration (GIPSA) to hire more litigation attorneys, economists, and investigators to enforce the Packers and Stockyard Act. An important element of this provision is that it requires GIPSA to put more investigators out ''in the field'' for oversight and investigations. I want to make sure that there are not just more attorneys and economists in Washington, D.C., but that there are more people out doing investigations and oversight.

Because there has been some concerns that the Packers and Stockyards Act does not cover the entire poultry industry, this legislation also requires an analysis of why the poultry industry is not covered, and requires GAO to offer suggestions for how the disparity between poultry and livestock can be remedied.

This bill addresses another problem I was informed about when I was out visiting Missouri farmers—and that is the issue of confidentiality clauses in contracts signed by farmers. Several farmers were concerned about confidentiality clauses in the contracts with agri-business that they were told make it illegal for farmers to share the contract with others, even their lawyers and bankers. I want to ensure that farmers are able to get the legal and financial advice they need, so this bill ensures that such confidentiality clauses do not apply to farmers' contacts with their lawyers or bankers.

The bill also creates a statutory trust for the protection of ranchers who sell on a cash basis to livestock dealers. Right now, if ranchers deliver their cattle to a dealer and then the dealer goes bankrupt, the rancher is not protected. My bill would set up a trust for the rancher, so that if the dealer goes bankrupt, the rancher would be at the front of the line to get paid. There are similar trusts already set up for when a rancher sells livestock to a packer, and this legislation extends the same protections to ranchers when they sell their livestock to dealers.

One of the recommendations from the Missouri legislature that I included in the bill allows GIPSA to seek reparations for producers when a packer is found to be engaged in predatory or unfair practices. This section specifies that when money is collected from those that are damaging producers, the money should go to the farmers, not to the federal government.

This bill will lead to a more fair playing field for Missouri farmers and ranchers. It address concerns of Missourians that I have visited with and incorporates the outline of the Missouri State Resolution.

Finally, I am pleased to be the Senate sponsor of two bills that have already been introduced in the other Chamber by the distinguished Representative from Missouri, Congressman JIM TALENT. I would like to commend Congressman TALENT for the work he has done to help the Missouri agriculture community. Representative TALENT's bills on value added agriculture are a positive step for Missouri and U.S. producers. Therefore, I would like to introduce these two bills in the Senate to ''help put farmers back in the driver's seat.''

The Value-Added Development Act for American Agriculture provides technical assistance for producers to start value-added ventures. This bill helps family farmers compete by giving farmers the opportunity to take a greater share of the profit from the processing industry. The legislation will provide technical assistance to producers for value-added ventures, including engineering, legal services, applied research, scale production, business planning, marketing, and market development.

The funds would be provided to farmers through grants requests, which will be evaluated on the State level. It has long been my opinion that farmers know how best to farm their land, meet market demands, and make a profit. If the ideas of farmers are cultivated on a local and state level, farmers will likely have more flexibility to make wise decisions for markets in their home states and regions.

States would have the opportunity to apply for $10 million grants to start up an Agriculture Innovation Center. The state boards will consist of the State Department of Agriculture, the largest two general farm organizations, and the four highest grossing commodity groups. The Agriculture Innovation Center will then use the funds to help farmers finance the start-up of value added ventures.

Once it is determined that the farmers' ideas for a value added venture could be beneficial, the State Agriculture Innovation Center can give the farmers assistance with plans, engineering, and design. When the farmer is actually ready to begin implementation of the value added project, the third bill I am introducing will help out.

The Farmers' Value-Added Agricultural Investment Tax Credit Act would create a tax credit for farmers who invest in producer owned value-added endeavors—even ventures that are not farmer-owned co-ops. This would provide a 50% tax credit for the producers of up to $30,000 per year, for six years.

The three bills I am introducing today are important to the continuation of the American farmer over the next century. I know that these bills will benefit the producers of Missouri, and in turn benefit all of America.

## ADDITIONAL COSPONSORS

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 567

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 567, a bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 730

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 730, a bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes.

S. 764

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr.

BENNETT) was added as a cosponsor of S. 764, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was withdrawn as a cosponsor of S. 779, supra.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1262

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from newable resources.

S. 1495

At the request of Mr. DEWINE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

S. 1787

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1787, a bill to amend the Federal Water Pollution Control Act to improve water quality on abandoned or inactive mined land.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. THURMOND) 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. 2084

At the request of Mr. LUGAR, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2273

At the request of Mr. BRYAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2273, a bill to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2330

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2582

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2582, a bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization.

S. 2583

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2583, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2703

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2703, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 2730

At the request of Mr. HUTCHINSON, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2730, a bill to provide for the appointment of additional Federal district judges, and for other purposes.

S. 2731

At the request of Mr. FRIST, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 111

At the request of Mr. NICKLES, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S.J. RES. 47

At the request of Mr. SMITH of New Hampshire, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S.J. Res. 47, a joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam.

S. RES. 239

At the request of Mr. ROBB, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 239, a resolution expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month.''

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

AMENDMENT NO. 3430

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 3430 proposed to H.R. 4475, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3432

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, supra.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, supra.

At the request of Mr. DORGAN, his name was added as a cosponsor of amendment No. 3432 proposed to H.R. 4475, supra.

## SENATE CONCURRENT RESOLUTION 123—EXPRESSING THE SENSE OF THE CONGRESS REGARDING MANIPULATION OF THE MASS AND INTIMIDATION OF THE INDEPENDENT PRESS IN THE RUSSIAN FEDERATION, EXPRESSING SUPPORT FOR FREEDOM OF SPEECH AND THE INDEPENDENT MEDIA IN THE RUSSIAN FEDERATION, AND CALLING ON THE PRESIDENT OF THE UNITED STATES TO EXPRESS HIS STRONG CONCERN FOR FREEDOM OF SPEECH AND THE INDEPENDENT MEDIA IN THE RUSSIAN FEDERATION

Mr. LAUTENBERG submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 123

Whereas almost all of the large printing plants, publishing houses, and newspaper distribution companies, several leading news agencies, and almost all of the nationwide television frequencies and broadcasting facilities in the Russian Federation remain under government control, despite the extensive privatization of state-owned enterprises in other sectors of the Russian economy;

Whereas the ''Press Freedom Survey 2000'' reported by ''Freedom House'' of Washington, DC, stated that the approximately 2,500 regional and rural newspapers in Russia outside of Moscow are almost completely owned by local or provincial governments;

Whereas the Government of Russia is able to suspend or revoke broadcast and publishing licenses and apply exorbitant taxes and fees on the independent media;

Whereas, in 1999, a major television network controlled by the Russian Government canceled the program ''Top Secret'' after it reported on alleged corruption at high levels of the government;

Whereas, in July 1999, the Government of Russia created a new Ministry for Press, Television and Radio Broadcasting, and Mass Communications;

Whereas, in August 1999, the editors of fourteen of Russia's leading news publications sent an open letter to then Russian President Boris Yeltsin stating that high-ranking officials of the government were putting pressure on the mass media, particularly through unwarranted raids by tax police;

Whereas Mikhail Lesin, Minister for Press, Television and Radio Broadcasting, and Mass Communications, stated in October 1999 that the Russian Government would change its policies towards the mass media so as to address ''aggression'' by the Russian press;

Whereas the Russian Federal Security Service or ''FSB'' is reportedly implementing a technical regulation known as ''SORM-2'' by which it could reroute, in real time, all electronic transmissions over the Internet through FSB offices for purposes of surveillance, a likely violation of the Russian constitution's provisions concerning the right to privacy of private communications, according to Aleksei Simonov, President of the Russian ''Glasnost Defense Foundation,'' a nongovernmental human rights organization;

Whereas such surveillance under SORM-2 would allow the Russian Federal Security Service access to passwords, financial transactions, and confidential company information, among other transmissions;

Whereas it is reported that over one hundred Russian journalists have been killed over the past decade, with few if any of the government investigations into those murders resulting in arrests, prosecutions, or convictions;

Whereas numerous observers of Russian politics have noted the blatant misuse of the leading Russian television channels, controlled by the Russian Government, to undermine popular support for political rivals of those supporting the government in the run-up to parliamentary elections held in December 1999;

Whereas it has been reported that Russian television stations controlled by the Russian Government were used to disparage opponents of Vladimir Putin during the campaign for the presidency in the beginning of this year, and whereas it has been reported that political advertisements by those candidates were routinely relegated by those stations to slots outside of prime time coverage;

Whereas manipulation of the media by the Russian Government appeared intent on portraying the Russian military attack on the separatist Republic of Chechnya to the maximum political advantage of the Russian Government;

Whereas in December 1999 two correspondents for ''Reuters News Agency'' and the ''Associated Press'' were reportedly accused of being foreign spies after reporting high Russian casualty figures in the war in Chechnya;

Whereas the arrest in January 2000, subsequent treatment by the Russian military, and prosecution by the Russian Government of Andrei Babitsky, a correspondent for Radio Free Europe/Radio Liberty covering the war in Chechnya, have constituted a violation of commitments made by the Russian Government to foster freedom of speech and of the press, and have reportedly constituted a violation of the Criminal Code of the Russian Federation;

Whereas in January 2000 Aleksandr Khinshtein, a reporter for the newspaper ''Moskovsky Komosomlets'', was ordered by the Russian Federal Security Service to enter a clinic over 100 miles from his home for a psychiatric examination after he accused top Russian officials of illegal activities, and such detainment in psychiatric wards was previously employed by the former Soviet regime to stifle dissent;

Whereas the Russian newspaper ''Novaya Gazeta'' was officially warned by the Russian Ministry of the Press for its printing of an interview with Aslan Maskhadov, the elected President of the Republic of Chechnya; an entire issue of ''Novaya Gazeta'', including several articles alleging massive campaign finance violations by the presidential campaign of Vladimir Putin, was lost to unidentified computer ''hackers''; and a journalist for ''Novaya Gazeta'' was savagely beaten in May of this year;

Whereas President Thomas Dine of Radio Free Europe/Radio Liberty on March 14th, 2000, condemned the Russian Government's expanding efforts to intimidate the mass media, stating that those actions threaten the chances for democracy and rule of law in Russia;

Whereas ''NTV'', the only national independent television station, which reaches half of Russia and is credited with professional and balanced news programs, has frequently broadcast news stories critical of Russian Government policies;

Whereas on May 11, 2000, masked officers of the Russian Federal Security Service carrying assault weapons raided the offices of ''Media-Most'', the corporate owner of NTV and other independent media;

Whereas the May 11th raid on Media-Most represented a failure of recourse to normal

legal mechanisms and conveyed the appearance of a politically-motivated attack on Russian independent media;

Whereas the raid on Media-Most was carried out under the authority of President Putin and Russian Government ministers who have not criticized or repudiated that action;

Whereas on June 12, 2000, Vladimir Gusinsky, owner of NTV and other leading independent media was suddenly arrested;

Whereas President Putin claimed not to have known of the planned arrest of Vladimir Gusinsky;

Whereas the continued functioning of an independent media is a vital attribute of Russian democracy and an important obstacle to the return of authoritarian or totalitarian dictatorship in Russia; and

Whereas a free news media can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

(1) expresses its continuing, strong support for freedom of speech and the independent media in the Russian Federation;

(2) expresses its strong concern over the failure of the government of the Russian Federation to privatize major segments of the Russian media, thus retaining the ability of Russian officials to manipulate the media for political or corrupt ends;

(3) expresses its strong concern over the pattern of Russian officials' surveillance and physical, economic, legal, and political intimidation of Russian citizens and of the Russian media that has now become apparent in Russia;

(4) expresses its strong concern over the pattern of manipulation of the Russian media by Russian Government officials for political and possibly corrupt purposes that has now become apparent;

(5) expresses profound regret and dismay at the detention and continued prosecution of Radio Free Europe/Radio Liberty journalist Andrei Babitsky and condemns those breaches of Russian legal procedure and of Russian Government commitments to the rights of Russian citizens that have reportedly occurred in his detention and prosecution;

(6) expresses strong concern over the breaches of Russian legal procedure that have reportedly occurred in the course of the May 11th raid by the Russian Federal Security Service on Media-Most and the June 12th arrest of Vladimir Gusinsky; and

(7) calls on the President of the United States to express to the President of the Russian Federation his strong concern for freedom of speech and the independent media in the Russian Federation and to emphasize the concern of the United States that official pressures against the independent media and the political manipulation of the state-owned media in Russia are incompatible with democratic norms.

**SEC. 2. TRANSMITTAL TO SECRETARY OF STATE.**

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of State with the request that it be forwarded to the President of the Russian Federation.

Mr. LAUTENBERG. Mr. President, I rise today to introduce a resolution on an important human rights issue in the Russian Federation: freedom of the press. This resolution was introduced in the House yesterday by Congressmen GILMAN and LANTOS and Helsinki Commission Chairman CHRIS SMITH, who share my concern for human rights around the globe.

This resolution expresses the concern of the Congress over the treatment of the Russian media by the government of Russia. This treatment has included increased intimidation, manipulation, and scare tactics. Most recently, Vladimir Gusinsky, owner of the principal independent television station in Russia, was arrested and the offices of Media Most were searched without due process.

The media in Russia, even today, is still mostly state-owned. Of the large printing and publishing houses, newspaper distribution companies, nationwide television frequencies, and the broadcasting facilities that have been privatized at all, the government still maintains an interest and some measure of control over many of them. Such control has reportedly been used for political ends in recent parliamentary and presidential elections in Russia.

It is imperative for the future of democracy in Russia to maintain a free and independent media. A free press is essential to achieving stability in Russia and a government that is accountable to the rule of law. Such manipulation and intimidation tactics that have been employed by the Russian Government in recent weeks contradict the democratic values that we hope Russia will embrace.

Mr. President, I hope my colleagues will join me in support of this resolution to express our support for press freedom in Russia and our concern over its infringement.

## AMENDMENTS SUBMITTED

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

### WYDEN AMENDMENT NO. 3433

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 45, line 23, before the period at the end insert the following: ": *Provided*, That the funds made available under this heading shall be used by the Inspector General (1) to continue to review airline customer service practices with respect to providing consumers access to the lowest available airfare, information regarding overbooking, and all other matters with respect to which airlines have entered into voluntary customer service commitments; (2) to undertake an inquiry into whether mergers in the airline industry have caused or may cause customer service to deteriorate and whether legislation should be enacted to require that customer service be a factor in the merger review process for airlines; (3) to review the reasons for increases in flight delays, with specific reference to whether infrastructure issues or procedures utilized by the airline industry and the Federal Aviation Administration are contributing to the delays; (4) to review the airline ticket distribution system, and changes in the system, including the proposed Internet joint venture known as "Orbitz" and the impact such changes may have on airline competition and consumers; (5) to review whether "Orbitz" would be, or should be, subject to Department of Transportation regulations on airline ticket computer reservation systems; and (6) to report findings and recommendations for reform resulting from these reviews and inquiries to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives by December 31, 2000, and again thereafter when the Inspector General determines it appropriate to reflect the emergence of significant additional findings and recommendations".

### VOINOVICH (AND OTHERS) AMENDMENT NO. 3434

Mr. VOINOVICH (for himself, Mr. CLELAND, Mr. ROTH, Mr. MOYNIHAN, Mr. LAUTENBERG, and Mr. JEFFORDS) proposed an amendment to the bill H.R. 4475, supra; as follows:

At the appropriate place in title III, insert the following:

**SEC. 3___. FUNDING FLEXIBILITY AND HIGH SPEED RAIL CORRIDORS.**

(a) ELIGIBILITY OF PASSENGER RAIL FOR HIGHWAY FUNDING.—

(1) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

"(Q) Acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity passenger rail facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).".

(2) SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

"(12) Capital costs for vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by rail (including vehicles and facilities that are used to provide transportation systems using magnetic levitation).".

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(A) in paragraph (4), by striking "or" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(6) if the project or program will have air quality benefits through acquisition, construction, reconstruction, and rehabilitation of, and preventative maintenance for, intercity passenger rail facilities and rolling stock (including passenger facilities and rolling stock for transportation systems using magnetic levitation).".

(b) TRANSFER OF HIGHWAY FUNDS TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Section 104(k) of title 23, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

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

"(3) TRANSFER TO AMTRAK AND OTHER PUBLICLY-OWNED INTERCITY PASSENGER RAIL LINES.—Funds made available under this

title and transferred to the National Railroad Passenger Corporation or to any other publicly-owned intercity passenger rail line (including any rail line for a transportation system using magnetic levitation) shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.''; and

(3) in paragraph (4) (as redesignated by paragraph (1)), by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1) through (3)''.

## LEAHY AMENDMENT NO. 3435

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

At the appropriate place, insert the following:

**SEC. ___. EFFECTIVE DATE OF GRAMM-LEACH-BLILEY ACT PROVISIONS ON THE DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.**

Section 510 of the Gramm-Leach-Bliley Act (15 U.S.C. 6810) is amended by striking ''except—'' and all that follows through the end and inserting the following: ''except that sections 504 and 506 shall become effective on the date of enactment of this Act.''.

## REED AMENDMENTS NOS. 3436–3437

(Ordered to lie on the table.)

Mr. REED submitted two amendments intended to be proposed by him to the bill, H.R. 4475, supra, as follows:

AMENDMENT NO. 3436

On page 79, between lines 22 and 23, insert the following:

SEC. ____. (a) The total amount appropriated in title I for the Department of Transportation for the Federal Railroad Administration is increased by $10,000,000: *Provided,* That, such additional amount shall be available for Rhode Island Rail Development.

(b) The total amount appropriated in title I for the Federal Aviation Administration under the heading ''OPERATIONS'' for salaries and expenses is hereby reduced by $10,000,000.

AMENDMENT NO. 3437

On page 79, between lines 22 and 23, insert the following:

SEC. ____. Of the total amount appropriated for the Department of Transportation, $10,000,000 shall be available for Rhode Island Rail Development.

## KOHL (AND OTHERS) NO. 3438

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. ABRAHAM, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4475, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. (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.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was $1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to impose reductions on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made. The difference between the amount of funds requested by the Coast Guard for the acquisition of the Great Lakes icebreaker and buoy tender and the amount made available by the Committee on Appropriations of the Senate for those acquisitions fails to reflect the high priority afforded by the Senate to those acquisitions, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in fuel costs, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for the Great Lakes icebreaker and buoy tender replacement program;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

## COLLINS (AND SCHUMER) AMENDMENT NO. 3439

Ms. COLLINS (for herself, Mr. SCHUMER, and Mr. ABRAHAM) proposed an amendment to the bill, H.R. 4475, supra; as follows:

At the appropriate place in title III, insert the following:

**SEC. 3___. SENSE OF THE SENATE CONCERNING USE OF THE STRATEGIC PETROLEUM RESERVE.**

(a) FINDINGS.—The Senate finds that—

(1) since 1999, gasoline prices have risen from an average of 99 cents per gallon to $1.63 per gallon (with prices exceeding $2.00 per gallon in some areas), causing financial hardship to Americans across the country;

(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 through anticompetitive means;

(4) at its meetings beginning on March 27, 2000, OPEC failed to increase petroleum production to a level sufficient to rebuild depleted inventories; and

(5) the Secretary of Energy should implement a swap plan at times, such as the present, when prices of fuel have risen because of cutbacks in the production of crude oil.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the President determines that 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.

## MCCAIN AMENDMENT NOS. 3440–3441

(Ordered to lie on the table.)

Mr. MCCAIN submitted two amendments intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

AMENDMENT NO. 3440

At the appropriate place, insert the following:

**SEC. . ADDITIONAL SANCTION FOR REVENUE DIVERSION.**

Except as necessary to ensure public safety, no amount appropriated under this or

any other Act may be used to fund any airport-related grant for the Los Angeles International Airport made to the City of Los Angeles, or any inter-governmental body of which it is a member, by the Department of Transportation or the Federal Aviation Administration, until the Administration—

(1) concludes the investigation initiated in Docket 13–95–05; and

(2) either—

(A) takes action, if necessary and appropriate, on the basis of the investigation to ensure compliance with applicable laws, policies, and grant assurances regarding revenue use and retention by an airport; or

(B) determines that no action is warranted.

AMENDMENT NO. 3441

At the appropriate place insert the following:

**SEC. . CAP AGREEMENT FOR BOSTON "BIG DIG".**

No funds appropriated by this Act may be used by the Department of Transportation to cover the administrative costs (including salaries and expenses of officers and employees of the Department) to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts have entered into a written agreement that limits the total Federal contribution to the project to not more than $8.549 billion.

## FEINGOLD AMENDMENT NO. 3442

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

At the end of page 37, line 8, add the following, and renumber subsequent sections accordingly: ''*Provided further,* That of the funds made available under this heading, a portion shall be used to investigate, in coordination with the Federal Trade Commission: (1) unfair or deceptive practices and unfair methods of competition in the production, distribution and sale of reformulated gasoline in the Upper Midwest markets; (2) corollary changes within the production, distribution, and sale of gasoline in Upper Midwest counties not required to use reformulated fuels.''

At the end of page 52, line 22, add the following new section:

''SEC. 342. With the funds provided in this Act, the Secretary may initiate an investigation into the feasibility and desirability of establishing a regional reformulated gasoline reserve in the Upper Midwest for use when prices in the United States rise sharply because of anticompetitive activity or during a supply shortage.''

## TORRICELLI AMENDMENTS NOS. 3443–3445

(Ordered to lie on the table.)

Mr. TORRICELLI submitted three amendments intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

AMENDMENT NO. 3443

At the appropriate place in title III, insert the following:

**SEC. 3___. PARKING SPACE FOR TRUCKS.**

(a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3444

At the appropriate place in title III, insert the following:

**SEC. 3___. PARKING SPACE FOR TRUCKS.**

(a) FINDINGS.—Congress finds that—

(1) in 1998, there were 5,374 truck-related highway fatalities and 4,935 trucks involved in fatal crashes;

(2) a Special Investigation Report published by the National Transportation Safety Board in May 2000 found that research conducted by the National Highway Traffic Safety Administration suggests that truck driver fatigue is a contributing factor in as many as 30 to 40 percent of all heavy truck accidents;

(3) a 1995 Transportation Safety Board Study found that the availability of parking for truck drivers can have a direct impact on the incidence of fatigue-related accidents;

(4) a 1996 study by the Federal Highway Administration found that there is a nationwide shortfall of 28,400 truck parking spaces in public rest areas, a number expected to reach 39,000 by 2005;

(5) a 1999 survey conducted by the Owner-Operator Independent Drivers Association found that over 90 percent of its members have difficulty finding parking spaces in rest areas at least once a week; and

(6) because of overcrowding at rest areas, truckers are increasingly forced to park on the entrance and exit ramps of highways, in shopping center parking lots, at shipper locations, and on the shoulders of roadways, thereby increasing the risk of serious accidents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should take immediate steps to address the lack of safe available commercial vehicle parking along Interstate highways for truck drivers.

AMENDMENT NO. 3445

At the appropriate place in the bill, insert the following:

**SEC. ___. STUDY OF ADVERSE EFFECTS OF IDLING TRAIN ENGINES.**

(a) STUDY REQUIRED.—The Secretary of Transportation shall provide under section 150303 of title 36, United States Code, for the National Academy of Sciences to conduct a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety, and to submit a report on the study to the Secretary. The report shall include recommendations for mitigation to combat rail noise, standards for determining when noise mitigation is required, needed changes in Federal law to give Federal, State, and local governments flexibility in combating railroad noise, and possible funding mechanisms for financing mitigation projects.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall transmit to Congress the report of the National Academy of Sciences on the results of the study under subsection (a).

## MURKOWSKI AMENDMENT NO. 3446

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

On page 79 of the substituted original text, between lines 22 and 23, insert the following:

SEC. . The amount appropriated by title I for the Department of Transportation for the Federal Railroad Administration under the heading ''RAILROAD RESEARCH AND DEVELOPMENT'' is hereby increased by $6,000,000: *Provided,* That such additional amount to be available for a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system: *Provided further,* That, notwithstanding any other provision of this Act, such additional amount shall remain available until expended.

## DODD AMENDMENT NO. 3447

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

On page 79 of the substituted original text, between lines 22 and 23, insert the following:

SEC. ____. From the amount appropriated in I for the Department of Transportation for the Federal Transit Administration under the heading ''CAPITAL INVESTMENT GRANTS'' for new fixed guideway systems, funds shall be available for the Danbury–Norwalk Rail Line Re-Electrification to re-electrify the rail line between Danbury, Connecticut, and Norwalk, Connecticut.

## ABRAHAM (AND OTHERS) AMENDMENT NO. 3448

Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. KOHL, Mr. DEWINE, and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4475, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. (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.

(8) The allocation to the Committee on Appropriations of the Senate of funds available for the Department of Transportation and related agencies for fiscal year 2001 was $1,600,000,000 less than the allocation to the Committee on Appropriations of the House of Representatives of funds available for that purpose for that fiscal year. The lower allocation compelled the Subcommittee on Transportation of the Committee on Appropriations of the Senate to impose reductions on funds available for the Coast Guard, particularly amounts available for acquisitions, that may not have been imposed had a larger allocation been made. The difference between the amount of funds requested by the Coast Guard for the acquisition of the Great Lakes icebreaker and buoy tender and the amount made available by the Committee on Appropriations of the Senate for those acquisitions fails to reflect the high priority afforded by the Senate to those acquisitions, which are of critical national importance to commerce, navigation, and safety.

(9) Due to shortfalls in funds available for fiscal year 2000 and unexpected increases in fuel costs, the Commandant of the Coast Guard has announced reductions in critical operations of the Coast Guard by as much as 30 percent in some areas of the United States. If left unaddressed, these shortfalls may compromise the service provided by the Coast Guard to the public in all areas, including drug interdiction and migrant interdiction, aid to navigation, and fisheries management.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the committee of conference on the bill H.R. 4425 of the 106th Congress, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, or any other appropriate committee of conference of the second session of the 106th Congress, should approve supplemental funding for the Coast Guard for fiscal year 2000 as soon as is practicable; and

(2) upon adoption of this bill by the Senate, the conferees of the Senate to the committee of conference on the bill H.R. 4475 of the 106th Congress, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, should—

(A) recede from their disagreement to the proposal of the conferees of the House of Representatives to the committee of conference on the bill H.R. 4475 with respect to funding for the Great Lakes icebreaker and buoy tender replacement program;

(B) provide adequate funds for operations of the Coast Guard in fiscal year 2001, including activities relating to drug and migrant interdiction and fisheries enforcement; and

(C) provide sufficient funds for the Coast Guard in fiscal year 2001 to correct the 30 percent reduction in funds for operations of the Coast Guard in fiscal year 2000.

## LEVIN AMENDMENTS NOS. 3449–3450

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 4475, supra; as follows:

AMENDMENT NO. 3449

On page 79 of the substituted original text, between lines 22 and 23, insert the following:

SEC. ___. Of the amount appropriated in title I for the Department of Transportation for the Federal Transit Administration under the heading ''CAPITAL INVESTMENT GRANTS'' to carry out section 5309 of title 49, United States Code, $250,000 shall be available to the City of Traverse City for the development of a comprehensive transportation plan for Traverse City, Michigan.

AMENDMENT NO. 3450

At the appropriate place in title III, insert the following:

**SEC. 3___. HIGH SPEED RAILWAY CORRIDOR, MICHIGAN.**

In expending funds set aside under section 104(d)(2)(A) of title 23, United States Code, the Secretary of Transportation shall use not less than $10,000,000 to eliminate hazards of railway-highway crossings on a high speed railway corridor in the State of Michigan.

## COCHRAN AMENDMENT NO. 3451

Mr. SHELBY (for Mr. COCHRAN) proposed an amendment to the bill H.R. 4475, supra; as follows:

At the appropriate place in bill add the following new section:

SEC. . For the purpose of constructing an underpass to improve access and enhance highway/rail safety and economic development along Star Landing Road in DeSoto, County, Mississippi, the State of Mississippi may use funds previously allocated to it under the transportation enhancement program, if available.

## BAUCUS (AND BURNS) AMENDMENT NO. 3452

Mr. LAUTENBERG (for Mr. BAUCUS (for himself and Mr. BURNS)) proposed an amendment to the bill H.R. 4475, supra; as follows:

Section 1214 of Public Law No. 105–178, as amended, is further amended by adding a new subsection to read as follows:

(s) Notwithstanding sections 117(c) and (d) of title 23, United States Code, for project number 1646 in section 1602 of Public Law No. 105–178:

(1) The non-Federal share of the project may be funded by Federal funds from an agency or agencies not part of the United States Department of Transportation; and

(2) The Secretary shall not delegate responsibility for carrying out the project to a State.

## NICKLES AMENDMENT NO. 3453

Mr. SHELBY (for Mr. NICKLES) proposed an amendment to the bill H.R. 4475, supra; as follows:

In lieu of section 343 on page 76, insert a new section 343 as follows:

**SEC. 343. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), the Secretary of Transportation (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) DEED OF CONVEYANCE.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) USE OF LANDS SUBJECT TO WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) USE OF LANDS.—An institution of higher education that is issued a waiver under subsection (a) may use revenues derived from the use, operation, or disposal of that land only for weather-related and educational purposes that include benefits for aviation.

(d) GRANTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary of Transportation may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) ELIGIBILITY TO RECEIVE SUBSEQUENT GRANTS.—Nothing in paragraph (1) shall affect the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary of Transportation under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

## SHELBY AMENDMENT NO. 3454

Mr. SHELBY (for himself, Mr. REID, and Mr. LEAHY) proposed an amendment to the bill H.R. 4475, supra; as follows:

At the appropriate place, insert

SEC. . Hereafter, the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the ''Frank R. Lautenberg Transfer Station''; *Provided*; That the Secretary of Transportation shall ensure that any and all applicable reference in law, map, regulation, documentation, and all appropriate signage shall

make reference to the ''Frank R. Lautenberg Transfer Station''.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

### SHELBY AMENDMENTS NOS. 3455–3456

(Ordered to lie on the table.)

Mr. SHELBY submitted two amendments intended to be proposed by him to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 3455

On page 394, line 10, insert '', in cooperation with the Director of Central Intelligence,'' after ''The Secretary of Defense''.

On page 394, line 25, insert '', in cooperation with the Director of Central Intelligence,'' after ''The Secretary of Defense''.

AMENDMENT NO. 3456

On page 596, beginning on line 3, strike ''waiver is in the national security interests of the United States'' and insert ''waiver is vital to the national security interests of the United States and certifies such determination to Congress''.

On page 597, strike line 3 and insert the following; is based.

''(C) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2001.''.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. COLLINS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 15, 2000 at 9:30 a.m., in open and closed session to receive testimony on security failures at Los Alamos National Laboratory.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. COLLINS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet on Thursday, June 15, 2000 at 9:30 a.m. on the nomination of Del Won to be a Federal Maritime Commission and immediately following the nomination hearing the Committee will hold an executive session on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 15 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 2557, the National Energy Security Act of 2000. The bill would protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy sources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 15, 2000 at 10:30 a.m. to hold a hearing (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, June 15, 2000, at 2:00 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 15, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mrs. COLLINS. Mr. President, I ask consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet during the session of the Senate on Thursday, June 15, at 9:30 a.m., to conduct a hearing to receive testimony on EPA's proposed Highway Diesel Fuel Sulfur Regulations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mrs. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 15, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States General Accounting Office March 2000 report entitled ''Need to Address Management problems that Plaque the Concessions Program''.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Garry Stacy Banks, Graehl Brooks, Andrew Compton, Sarah Doner, Ethan Falatko, Kaleb Froehlich, Griffith Hazen, Jennifer Loesch, Erika Logan, Ida Olson, Carrie Pattison, Daniel Poulson, Karl Schaefermeyer, Jennafer Tryck, and Jensen Young, Alaskan students participating in my summer intern program, be granted floor privileges in order to accompany me on my daily schedule through 30 June 2000. Only two interns will accompany me to the floor at any particular time.

## RECOGNIZING THE 225TH BIRTHDAY OF THE UNITED STATES ARMY

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 101, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 101) recognizing the 225th birthday of the United States Army.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ABRAHAM. Mr. President, I ask unanimous consent the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 101) was read the third time and passed.

The preamble was agreed to.

## MEASURE READ FOR THE FIRST TIME—S. 2742

Mr. ABRAHAM. Mr. President, I understand that 2742 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2742) to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501(c), and for other purposes.

Mr. ABRAHAM. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro

tempore, pursuant to Public Law 100–702, appoints Richard D. Casey of South Dakota to the board of the Federal Judicial Center Foundation.

## MEASURE INDEFINITELY POSTPONED—S. 2720

Mr. ABRAHAM. Mr. President, I ask unanimous consent that S. 2720 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR FRIDAY, JUNE 16, 2000 AND MONDAY, JUNE 19, 2000

Mr. ABRAHAM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, June 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I further ask 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 the conference report to accompany S. 761, the digital signatures legislation under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and will immediately begin the vote on adoption of the conference report to accompany the digital signatures legislation. Following the vote and the confirmation of the judges, as under the order, I ask consent that the Senate then begin a period of morning business, with Senators speaking for up to 5 minutes each with the following exceptions: Senator CRAIG or his designee, the first hour following the vote; Senator DODD or his designee, 30 minutes; Senator GRAMS or his designee, 10 minutes; Senator MURRAY or her designee, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I also ask consent when the Senate completes its business on Friday, it stand in adjournment until 1 p.m. on Monday under the terms as outlined for Friday's reconvening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I further ask consent on Monday there be a period of morning business until 3 p.m., with the time between 1 and 2 p.m. under the control of Senator DURBIN or his designee, and the time between 2 and 3 p.m. under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM FOR MONDAY AND TUESDAY

Mr. ABRAHAM. Mr. President, as a reminder, on Monday the Senate will resume consideration of the Department of Defense authorization bill at 3 p.m., with Senators KENNEDY and HATCH recognized to offer their amendments regarding hate crimes. Under the order, those amendments will be debated simultaneously.

On Tuesday, Senator DODD will be recognized to offer his amendment regarding a Cuba commission, with up to 2 hours of debate on that amendment.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ABRAHAM. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:55 p.m., adjourned until Friday, June 16, 2000, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## HONORING MOUNTAIN VIEW MIDDLE SCHOOL

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. UDALL of New Mexico. Mr. Speaker, I rise to honor the Mountain View Middle School in Rio Rancho, NM. Mountain View was recently chosen by the U.S. Department of Education as a Blue Ribbon School and is one of only 198 schools in the United States that received this prominent award. The Rio Rancho public school system is a model of first-class learning, and Mountain View is a product of this exemplary system. It embodies all the characteristics for which all schools should strive.

It was my pleasure to meet recently with the principal of Mountain View, Kathy Pinkel, and congratulate her personally on this esteemed accomplishment. Joining me in offering congratulations was John Jennings, the mayor of Rio Rancho. On that occasion, Ms. Pinkel described the tireless labors that the faculty and staff have contributed to reach this crest of pride.

This is excellent news for the Rio Rancho community. This is one of the top education awards in the country, and I applaud all those involved in ensuring that education is a top priority in Rio Rancho. I call special attention to the faculty and staff at Mountain View—they obviously have a great passion for what they are doing, and this award is verification of their dedication. Also, community cooperation is crucial in making a school exceptional. I pay special tribute to the parents and also all the citizens of Rio Rancho who continue to be actively involved in the public school system. Such cooperation is crucial in order to make a school exceptional, and the entire Rio Rancho community can be extremely proud of this combined effort.

Blue Ribbon Schools are selected based on their effectiveness in meeting local, State, and national educational goals. Schools chosen for the award must display the qualities of excellence that are necessary to prepare young people for the challenges of the new century. Blue Ribbon status is awarded to schools that have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality educators; challenging and up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning and schools that help all students achieve high standards.

Education is one of my top priorities in Congress. A strong and diverse education is an essential building block for the youth of society, whether it is today, or 100 years from now. Mountain View Middle School has been providing students with the tools to exceed in the tasks they will encounter throughout their lifetimes. It is imperative that we recognize and continue to support this educating process and all of those who contribute to it.

Mountain View Middle School in Rio Rancho, NM, has been a strong influence in the lives of the students they have taught and the entire community they have served. Mr. Speaker, I would like to take this time to ask my colleagues to join me in acknowledging this accomplishment. I congratulate Mountain View Middle School on its Blue Ribbon award and thank all those involved for their invaluable contribution to the State of New Mexico and to the entire Nation.

## HONORING LIEUTENANT CHARLIE JORDAN

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. SCHAFFER. Mr. Speaker, today I honor Lieutenant Charlie Jordan on the occasion of his upcoming retirement planned for August 31, 2000. Lt. Jordan has served 29 outstanding years with the Sterling Fire Department, in Sterling Colorado.

In September 1971, the area native joined the department as a volunteer to fulfill his desire to help his community. Over the years, he learned to follow the great examples of veteran leaders, and as a result on February 5, 1988, Charlie Jordan was promoted to the rank of Lieutenant.

Additionally, Lt. Jordan has served in a leadership position since 1995 on the board of directors for the Colorado Metropolitan Arson Investigation Association. Lt. Jordan has also been active in both the Logan County Crime Stoppers and American Red Cross.

Mr. Speaker, Lt. Charlie Jordan is a shinning example of an individual who has given so much to his community. As a Member of Congress, I am pleased to recognize Lt. Jordan for his outstanding contributions to the Northeastern Colorado community. He is surely an example for us all.

## HONORING FIRE CHIEF AL GRAMS

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to celebrate the contributions that Fire Chief Al Grams, of Chino Hills, California, has made to his community.

Chief Grams began his 36-year career as a firefighter with the City of Covina in 1964. He was promoted to Administrative Captain in 1974 and advanced to Battalion Chief in 1981. In 1987, the San Gabriel Fire Authority hired Chief Grams as an Administrative Chief, but he returned to the City of Covina in 1991 as a Battalion Chief. The Chino Valley Independent Fire District gained the valuable experience of Chief Grams in 1991 when be became their Division Chief of Operations. Just three years later, in 1994, he was promoted to Fire Chief.

Under his leadership, the Chino Valley Independent Fire District has witnessed a budget increase from $11 million to $13.5 million. The Fire District has also added new fire stations, including the status at Butterfield Ranch.

In addition to his public service, Chief Grams has sought to enrich his community by founding the Chino Valley Fire Foundation Citizens Helping In Educational Fire Safety (CHIEFS). This organization raises over $30,000 each year to educate the community about fire and life safety. Chief Grams is also a member of the California Fire Chief's Association, Rotary, the International Fire Chief's Association, and he serves on the YMCA Board of Directors.

Chief Grams' 36-year career of fighting fires distinguishes him as a true American hero, worthy of our praise and gratitude.

## CONGRATULATIONS, DARLENE L. COX

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating a highly accomplished professional, Ms. Darlene L. Cox, who has been selected to receive a 2000 Congressional Community Service Award for her outstanding civic work in the Tenth Congressional District. I have had the privilege of working with Ms. Cox on community health issues, and her selection to receive this honor is truly reflective of her hard work and commitment to excellence as president and CEO of the East Orange General Hospital.

Ms. Cox is the president and chief executive officer of Essex Valley Healthcare, Inc. East Orange General Hospital in New Jersey, a position she assumed in 1999. Under her leadership, East Orange General Hospital has emerged as a key player in the delivery of quality health care and as a major employer of the community. During the course of a successful career spanning two decades, Ms. Cox has distinguished herself as a leader in the positions of health care executive and nursing administrator. Most recently, she served as Vice President and Chief Nursing Officer at the New York Presbyterian Hospital. Prior to that, Ms. Cox was chief nurse and administrator of Patient Care Services at the University of Medicine and Dentistry of New Jersey (UMDNJ).

While on a sabbatical from UMDNJ from 1991 to 1992, Ms. Cox served as a White House Fellow. In addition to serving as Special Assistant to the Secretary of Veterans Affairs, she also served as Executive Assistant

to the President of the United States. Ms. Cox represented the University Hospitals as a witness before the House of Representatives Subcommittee of the House Government Operations Committee to discuss the impact of the AIDS crisis on the acute care environment. She has written and published several articles relating to patient care and presented a position paper on the Immigration Nursing Relief Act of 1989 to a Subcommittee of the House Judiciary Committee. Ms. Cox has held a number of prestigious academic positions. She has been the guest lecturer at various academic forums and was the keynote speaker to the Graduating Class of 1992 at Seton Hall School of Nursing in South Orange, NJ. She is a member of the North Jersey Unit of the Negro Business and Professional Women's Club, The Concerned Black Nurses of Newark, the New Jersey Hospital Association and other professional organizations. She has also participated in 100 Black Women Teen Mentoring and Health Fair projects and is the recipient of numerous professional and community service awards.

Mr. Speaker, I know my colleagues join me in congratulating Ms. Cox and extending our very best wishes for continued success.

## TRIBUTE TO MYKE REID

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. CLAY. Mr. Speaker, I am happy to join the members of the Virginia Postal Workers Union, AFL–CIO in paying tribute to APWU Legislative Director, Myke Reid. Mr. Reid is a native of Portsmouth, VA, and before he became a National Officer, he served many years as an officer of his own Local and State Organization.

Mr. Reid served the Norfolk Virginia Local as Business Agent (Executive Vice President), Steward and Editor; the State of Virginia as President, Legislative Director and Washington Regional Council Chair and Secretary-Treasurer.

Currently, Mr. Reid serves as the Assistant Legislative and Political Director for the American Postal Workers Union, the largest postal union in the world. With over 350,000 members, the APWU has members in every city, town, and hamlet in the United States. Serving in his third term as an elected officer of the union, Mr. Reid works as a lobbyist for APWU, as well as a member of the union's PAC Committee. Prior to his election as the Assistant Director in 1992, Mr. Reid served nine years as Special Assistant to the President of the American Postal Workers Union for legislative and political affairs.

During his tenure at APWU, Mr. Reid has worked to secure passage of Hatch Act Reform, the Family and Medical Leave Act, the Federal Employees Retirement System Act, the Spouse Equity Act, the Postal Employees Safety Enhancement Act, the Veterans Employment Opportunities Act and many others. Mr. Reid has diligently worked to protect the viability of the Postal Service and oppose Postal Privatization.

Active in the community, Mr. Reid has been appointed by Democratic Governors of Virginia to the Virginia Employment Commission Advisory Board, and the Virginia Community College Board, as well as the Human Rights Commission by his mayor. He has chaired the Alexandria Democratic Committee for two terms, and the Alexander Redevelopment and Housing Authority Board, also for two terms. He has served on the Democratic National Committee's Platform Committee, and was elected as a Delegate in 1988 and 1992 to the Democratic National Conventions.

He has also served on the board of the National Consumers League, and Planned Parenthood of Metropolitan Washington and recognized on several occasion with inclusion in Marquis Who's Who and by Outstanding Young Men of America. Active as a volunteer for many political campaigns. Mr. Reid was privileged to serve as an ''International Observer'' during the election of former President Nelson Mandela of South Africa.

Mr. Reid has a B.A. from Norfolk State University and resides in Alexandria, Virginia.

Mr. Speaker, I join the Virginia State APWU in recognizing the very special achievements of Myke Reid, whom I have known very well since he came to Washington, DC in 1983 by virtue of my previous capacity as Chairman of the House Post Office and Civil Service Committee and currently as Ranking Member of the House Education and Work Force Committee. APWU is certainly well served to have Mr. Reid representing their Union before the Congress of the United States.

## HONORING PASTOR EDWARD L. MCCREE, SR.

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. KILDEE. Mr. Speaker, I rise before you and my colleagues in the U.S. House of Representatives today on behalf of one of Pontiac, Michigan's top citizens. From June 11 through June 18, the congregation of Macedonia Missionary Baptist Church in Pontiac will gather and celebrate the work of its Pastor, Edward L. McCree, Sr., and his 27 years of commitment as Macedonia's spiritual leader.

After graduating from Ferndale High School in 1960, young Edward McCree went on to Detroit Bible College and the University of Detroit. He then uprooted his family to Tennessee, where he attended the American Baptist College. Edward achieved what he considered his mission to possess a thorough education, and graduated from American Baptist College in 1973. Edward was soon ordained at Cedar Grove Missionary Baptist Church in Mount Juliet, TN.

Edward returned his family to Michigan that same year, as he was chosen as Pastor of Macedonia Baptist Church, where he has remained ever since. During these years, Pastor McCree has reached out to spread the Lord's word to thousands of people. In 1990, he preached in the National Baptist Congress of Christian Education to more than 40,000 people. He also organized a television outreach ministry which also allowed him to reach a wide audience. As Pastor of Macedonia, Pastor McCree has worked selflessly and tirelessly to help his congregation grow physically, emotionally, and spiritually. He is a counselor and confidant to the entire Macedonia family. He is a constant source of guidance to civic and community leaders, and people of all races, denominations, and walks of life. Pastor McCree has improved his church's technological equipment as well as the building itself, and organized the creation of a day care center and emergency food kitchen.

Pastor McCree is known not only throughout the Pontiac community, but throughout the country as a dynamic preacher, leader, lecturer, and community activist. He has served as State Coordinator and Administrative 1st Vice President of the Wolverine State convention, chairman of the American Baptist College Michigan Alumni Chapter, and has been recognized by ''Who's Who in Black America.''

Pastor McCree's influence is strongly felt in the local community as well. He has worked with the Pontiac Area Urban League, the Mayor's Advisory Committee, the Greater Pontiac Missionary Baptist District Association, and the OIC board of Oakland County.

Mr. Speaker, our community would not be the same without the presence and influence of Pastor Edward L. McCree, Sr. I know that I am a better person and a better Member of Congress because of his commitment to the Lord's work. And I know that our community is a better place in which to live because of Pastor McCree's spiritual mission. I am pleased to ask my colleagues in the 106th Congress to join in congratulating his 27 years of pastoral service.

## DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

### HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 14, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Service, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. SANDLIN. Mr. Chairman, today we voted on H.R. 4577, the Labor, Health and Human Services, and Education bill for fiscal year 2001 (FY 2001). On behalf of the educators, administrators and students in East Texas, I would like to express my strong opposition to the education appropriations outlined in this measure. The inadequate overall funding in H.R. 4577 completely undermines the public prioritization of education as a paramount concern in 2000.

Make no mistake—these education cuts come as no surprise. Beginning with the passage of the House budget resolution for FY 2001, my Republican colleagues have shown their true intentions with regard to education funding. As passed, the budget resolution provide $56.8 billion for 2001 appropriations for education, training, employment, and social services—almost $5 billion less than the level provided in the House Democratic budget and the President's budget. The conference agreement on the budget would eliminate Head

Start for more than 40,000 children and their families and provide 316,000 fewer Pell Grants to low-income students by 2005.

If enacted, these cuts would have serious consequences on the future of our schools and our children. Although our children have no legislative voice, they represent our nation's future and deserve our investment in their education today. As it stands, H.R. 4577 would cut funding for reading tours, teacher quality initiatives, bilingual instruction, class size reduction, school modernization, violence prevention initiatives, afterschool services and many other vital programs.

Specifically, the House Labor-HHS-Education Appropriations bill would cut $1 billion in targeted investments to improve teacher quality and recruit new teachers. Further, it would completely repeal last year's bipartisan commitment to hire 100,000 new teachers to reduce class size in the early grades. H.R. 4577 also would ignore our disadvantaged children by eliminating Head Start assistance to 53,000 children, cutting bilingual instruction to 143,000 students, ending college preparation assistance for 644,000 low-income middle and high school students and denying school violence prevention aid to 40 urban, suburban and rural communities.

If enacted, H.R. 4577 would be a grave disservice to our children and the future of our nation. For these reasons and more, I oppose the unsatisfactory education funding levels in this appropriations bill.

Unfortunately, underfunded education initiatives is not the only problem with this bill. Particularly offensive is the language in the bill that would prohibit the Occupational Safety and Health Administration (OSHA) from using funds to advance its ergonomics standard. Each year, our nation's workers experience almost two million work-related musculoskeletal disorders from overexertion or repetitive motion injuries due to unsatisfactory working conditions. A third of these injuries result in lost workdays and decreased worker productivity.

As a result of limiting funding to implement the ergonomics standard for the past five years, America's workers have lost approximately $45 million in workers compensation and other related costs while failing to prevent 1.5 million disabling injuries. It is time for Congress to provide relief to the hundreds of thousands of workers who continue to suffer these painful injuries by allowing OSHA to move forward with its safety standard for work-related ergonomic hazards.

H.R. 4577 also fails to provide the requested adequate levels of funding to further workforce development by eliminating employment services assistance for over 400,000 dislocated workers. In addition, this bill cuts millions of dollars of requested funding levels for programs specifically designed to improve working conditions while providing the means to protect employment insurance, wages and pensions. As corporations continue to maximize their profits through mergers, the need for Congress to look after the health, safety and welfare of working families is now more pressing than ever.

Finally, this legislation lacks appropriate funding levels for health care and senior citizen programs. Even as my Republican colleagues bemoan the state of health care, they refuse to fund the necessary programs to increase access and decrease costs. H.R. 5477 denies $125 million requested by the President for over 250,000 Americans with long-term care needs. This bill eliminates $36 million to ensure that 1.6 million elderly and disabled receive quality nursing care. Additionally, instead of working to ensure that retiring Americans receive their Social Security benefits in a timely manner, H.R. 5477 cuts Social Security Administrative expenses by $156 million. The result of this cut will be increased waiting times for 26 million individuals and delayed claims for 100,000 individuals.

H.R. 5477 does not only neglect the elderly and the disabled, but it also targets children for critical health program cuts. Rather than meeting the President's request for funding for mental health treatment services, this bill cuts $40 million from programs to care for 2,200 children with serious mental illnesses and blocks grants to 50 communities to reach individuals not currently receiving services within the mental health system. Finally, H.R. 5477 falls $44 million short of the amount needed to adequately address substance abuse treatment for over 28,000 addicted individuals seeking treatment.

Clearly, I cannot support this bill as written. In its current form, this legislation is nothing less than an insult to the American people. It inadequately and irresponsibly allocates money to Labor, Health and Human Services, and Education. However, should this bill return from the Senate with the appropriate funding levels, I will gladly support it. I sincerely hope we can work out the problems and pass a responsible bill that responds to the needs of our children, workers, and elderly citizens.

## TRIBUTE TO JOHN JACOBS

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. MATSUI. Mr. Speaker, I rise in tribute to John Jacobs. One of the most well known and respected political journalists in Northern California, Mr. Jacobs recently passed away after a lengthy battle with cancer. His friends and family will gather for a memorial service on Thursday, June 15. I ask all my colleagues to join with me today in saluting John Jacobs.

After attending Lowell High School in San Francisco, Mr. Jacobs graduated Phi Beta Kappa from UC Berkeley in 1972. He earned a master's degree in American history at the State University of New York, Stony Brook, in 1973 and a master's degree in Journalism at UC Berkeley in 1977.

John Jacobs was recognized as a Knight Professional Journalism Fellow at Stanford University in 1984–1985 and a visiting scholar at Berkeley's Institute of Governmental Studies. It was there that he researched most of his book, ''A Rage for Justice,'' a biography of Phil Burton.

At the beginning of his distinguished literary career, Mr. Jacobs spent a year as a general assignment reporter on the national desk for the Washington Post. He later made his mark writing for his hometown newspaper, the San Francisco Examiner. He wrote for the Examiner for 15 years before joining the Sacramento Bee in 1993 as a political editor.

In his many years in journalism, John Jacobs worked tirelessly to generate public interest in politics. He helped to define politics in Northern California while defending American democracy. Despite his criticism of ideological politics in this deeply cynical age, his belief in our system shone through. He challenged us to examine the political system from a different perspective. In doing so, he celebrated politics in a time when few others did.

John Jacobs maintained his perspective and generated his positive attitude through his love for his family. His wife (Carol Bydolf) and children (Max and Marguerite) contributed to his caring and generous personality. He refused to use his position to attack or belittle others. He will be remembered for his vigor, his optimism, and his hunger for knowledge in an arena that he truly adored.

Mr. Speaker, it is a great honor for me to pay tribute to John Jacobs, a truly outstanding member of our community. Mr. Jacobs' columns have become a part of our lives in Sacramento and the Bay Area, and his presence in Northern California will be sincerely missed. I ask all of my colleagues to join with me in celebrating his accomplishments and extending our deepest condolences to his family.

## HONORING MR. STAN PILCHER

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. SCHAFFER. Mr. Speaker, today I honor Mr. Stan Pilcher who is retiring after 35 years of service as an Extension Agent for Colorado State University. His years of dedication in the Washington County office have earned him numerous accolades from his colleagues.

In 1965 Mr. Pilcher graduated from the University of Arizona with a bachelor's degree in entomology and thereafter took his first position in Yuma, CO. The following year he pursued a master's degree from Colorado State University, and upon completion, began work in the Washington County Extension Office.

In northeastern Colorado he is recognized as the primary contact for developing control measures in order to prevent pest outbreaks. Specifically, Mr. Pilcher's essential work fighting against the Russian Wheat Aphid, along with developing Best Management practices for chemigation in the Colorado Clean Water Act, and experiments for environmentally safe biological controls are commendable to the agriculture community.

I wish Mr. Stan Pilcher a very happy retirement, and graciously thank him for his example of steadfast dedication to the agriculture community.

## COMMENDING CARL H. LORBEER MIDDLE SCHOOL

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend the students, teachers, parents, and support staff of Carl H. Lorbeer Middle School, the newest Blue Ribbon Award school in California's 41st Congressional District.

Carl H. Lorbeer Middle School, located in Diamond Bar, California, is part of the Pomona Unified School District. Home to 950

seventh and eighth-graders, its student body is representative of California's diverse culture. But despite the various backgrounds represented, each student is expected to contribute to a learning environment which demands high expectation. As a result, over 500 students make the honor roll each semester.

The teachers and staff of this school are committed to giving ''whatever it takes'' to meet the needs of their students. This goal frequently requires involving the parents and community in school activities.

This combination of high expectations for students, committed teachers and staff, and parental involvement has made Carl H. Lorbeer Middle School one of America's Blue Ribbon Schools.

## TRIBUTE TO MARY L. CARROLL

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in honoring a special person, Ms. Mary L. Carroll, on the occasion of her retirement from Bell Atlantic after 32½ years of loyal service.

Ms. Carroll began working for the Bell Telephone Company in New Jersey on December 9, 1967, as a telephone operator. In 1972, she was promoted to Service Assistant, a position she held until her retirement on September 17, 1999. Ms. Carroll became active in her union, the Communication Workers of America, where she held a number of key positions. She served as group leader for 9 years, secretary-treasurer for 6 years, and as president for three consecutive terms. She continues to hold that position for Local 1006. Ms. Carroll has earned an outstanding reputation for fairness, leadership, and concern for others.

Family has always been important to Ms. Carroll, who was the oldest of 12 children born to her parents John and Annie Mae of Henderson, NC. She takes pride in her own children, Raymond, Valencia, and Ray and her grandchildren Jovan, Andrea, Ray Sean, and Little Raymond. In addition, she treasurers her extended family at Bell Atlantic and the Communications Workers of America.

On June 16, 2000, family and friends will gather in New Jersey for a retirement celebration in honor of Ms. Carroll. Mr. Speaker, I know my colleagues join me in congratulating Ms. Carroll on a job well done and in wishing her all the best as she begins a new phase of her life.

## THE BACA RANCH

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. UDALL of New Mexico. Mr. Speaker, today I would like to bring to your attention the beautiful Baca Ranch which lies in my third congressional district of New Mexico. I have worked very closely with the entire New Mexico congressional delegation: Senator PETE V. DOMENICI, Senator JEFF BINGAMAN, HEATHER WILSON, the gentlelady from the 1st District, and Representative JOE SKEEN of the 2nd District, to ensure that the Baca Ranch can become part of our citizens' patrimony. It is my hope that very soon this chamber will favorably consider and approve the acquisition of the Baca Ranch that all of us in the delegation have worked so intently for. I believe that we must preserve this natural treasure for the future generations in New Mexico and throughout our country.

New Mexico Magazine is the oldest state magazine in the United States. Every month this periodical publishes articles and items of interest that touch persons who are interested in or feel affection for the Land of Enchantment. The June 2000 issue contains a beautiful layout that includes a description and photographs of the Valles Caldera by Douglas Preston and photographer Christine Preston. The editors of New Mexico Magazine have granted me the honor of inserting the text of this article into the CONGRESSIONAL RECORD so that everyone can share in the wonder that is the Baca Ranch.

[From The New Mexico Magazine, June 2000]

BUYING THE BACA

(By Douglas Preston)

N.M. 4, the main road through the Jemez Mountains, climbs through steep canyons and ponderosa forests for many miles. As it reaches the heart of the mountains, a spectacular vista breaks out: a high meadow of incredible vastness, called the Valle Grande, ribboned with streams and ringed by 11,000-foot peaks. Those who stop to admire the view can't help but notice the barbed wire fence and ''No Trespassing'' signs that indicate this enticing valley and the mountains beyond lie on private property.

This is the Baca Location No. 1, a 100,000-acre ranch embedded within the Santa Fe National Forest. For more than half a century the federal government has tried to acquire this extraordinary piece of land. Last fall the Forest Service and the family that owns the property, the Dunigans, reached a tentative agreement to transfer the property to the American people for $101 million. All that remains is for Congress to provide the funds. If the deal goes through it will be one of the largest and most important land acquisitions in the American West in decades.

The Baca Location No. 1—also known as the Baca Land and Cattle Company—encompasses one of the legendary geological landscapes in America, known as the Valles Caldera. The Valle Grande and the mountains and valleys beyond are the remnants of a gigantic crater, called a caldera, formed by an eruption more than a million years ago. Much of what we know about volcanic caldera formation comes from decades of exploration of the Valles Caldera. It is one of the world's most intensively studied geological landscapes.

An observer standing on the site of Santa Fe 1.2 million years ago, looking westward, would have witnessed the birth of the Valles Caldera in a cataclysm of breathtaking violence. Before the eruption, our observer would have seen a grouping of interlapping volcanic peaks not unlike the Jemez Mountains today, shaped by earlier volcanic activity. (Polvodera and Chicoma Peaks in the Jemez today are remnants of these earlier volcanoes.) Contrary to popular belief, there was never a mountain anywhere near as high as Mt. Everest at the site. The highest peaks in this earlier range were probably about 12,000 feet—the same as the Jemez today.

The big blowup started out small—some faint earth tremors, the distant sound of thunder and a cauliflower of ash rising into the azure sky. Because the prevailing winds were blowing out of the southeast carrying the ash toward Utah, our Santa Fe observer would have had an excellent view. Over the days and weeks, a nascent volcano gradually built up through fresh eruptions, each bigger than the last. And then the climax came.

One or more furious explosions hurtled clouds of ash 100,000 feet into the atmosphere, where they formed a gigantic mushroom cloud. The sounds of the explosions were so thunderous that they bounced off the upper atmosphere and echoed around the curve of the Earth, to be heard thousands of miles away. Like a firestorm, the eruption sucked air inward, generating gale-force winds of 75 to 100 miles an hour. The cloud created its own weather system. As it rose in the sky, lightning ripped through it, and it began dropping great columns of rain and sooty hail.

As the magma emptied out from below the Earth's surface, the underground roof of the magma chamber began to collapse. The volcano slumped in, cracking in concentric circles and triggering earthquakes. A gigantic depression formed. The pumice and ash, instead of being shot upward out of a single pipe, now began squirting out of every crack and crevice in the roof of the magma chamber. The eruption became horizontal instead of vertical. Huge avalanches of ash, glowing orange at more than a thousand degrees, raced down the mountainsides at speeds greater than 150 miles an hour, flattening thousands of trees in their path. (The cylindrical holes left by these trees would be found much later by geologists.)

When these superheated avalanches hit the Rio Grande, they vaporized the river with a fantastic roar. The ash probably dammed the river, causing it to back up into a lake. When the water finally burst through, devastating flash floods swept downstream. The spreading clouds of ash created darkness so profound that at midday you could not see the hand in front of your face. When the dust finally settled, our observer in Santa Fe would have seen the outline of the Jemez Mountains much as they appear today, minus Redondo Peak. That mountain eerily rose up later, a blister in the earth pushed up by rising magma that never broke out to make a new volcano. The collapse of the magma chamber left a giant crater, or caldera, which soon filled with water to become a crater lake. Over the years, there were flurries of smaller eruptions, and gradually the lake bottom filled with sediments and lava flows to make a gentle floor. The lake eventually broke out and drained. Grass covered the fertile bottomlands, creating the Valle Grande and other vast grass valleys on the ranch, such as the Valle San Antonio and the Valle Toledo. Although the last eruption took place 60,000 years ago, the area remains volcanically active. Hot springs and sulfur vents scattered across the Baca attest to the presence of magma not far from the surface, seismic data indicates a large body of magma sits about 6 to 10 miles down. The Jemez will very likely erupt again.

The Valles Caldera, contrary to popular myth, is not the largest caldera in the world, or even in New Mexico. there is a larger caldera in the Mogollon Mountains, dating back 25 million years, and an even larger one in the San Juan Mountains. The Jemez eruption, for all its power, was only fair to middling in size. Geologists estimate the eruption spewed out some 300 cubic kilometers of pumice ash. This was big compared to Mount St. Helens (half a cubic kilometer) and Krakatoa (10 cubic kilometers), but smaller than the Mogollon eruption (1,000 cubic kilometers) or the San Juan (5,000 cubic kilometers.) Among geologists, however, the

Valles Caldera will always hold a special place.

Human beings probably first moved into the Jemez Mountains about 12 or 13 thousand years ago. It was richly settled by Pueblo Indians in the 13th and 14th centuries, and some of the largest pueblo ruins in the country can be found there. But by the time the Spanish arrived the Pueblo Indians had largely abandoned the mountains, except for seasonal hunting, to build their pueblos along the Rio Grande. The land passed from Mexican to American ownership through the Treaty of Guadalupe Hidalgo in 1848.

Baca Location No. 1 was carved out of public land in 1860, to settle a land claim by the Cabeza de Vaca family. Comanches had run the Cabeza de Vacas off their gigantic Las Vegas land grant, and the Mexican government subsequently regranted the land to others. But the American courts found the original grant legal, and to settle it the Baca heirs were given the right to choose an equivalent amount of land elsewhere in the Southwest. No fools, their first choice was the Valles Caldera, hence the name Baca Location No. 1. (There is a Baca Location No. 2 in eastern New Mexico and other Baca locations in Colorado and Arizona.) The first survey indicated the Baca Location No. 1 comprised 99,289 acres.

While the rest of the Jemez remained public, this vast in-holding changed hands several times in the late 19th and early 20th century. In 1962, a young Texas oilman and entrepreneur from Abilene, James P. (''Pat'') Dunigan, heard about the ranch and snapped it up for $2.5 million, out from under the nose of the federal government, which had been trying to buy it from the previous owner. Dunigan was primarily interested in the Baca's potential for geothermal energy extraction and cattle grazing.

The Dunigan family spent every summer thereafter on the ranch, riding, working cattle, camping and going on field trips with environmental and geological organizations. According to his son, Andrew, it was these summers that changed the way Dunigan thought about the land: ''The longer he owned the property,'' Andrew said, ''the more he came to realize just what a unique natural asset it was—that its value was enhanced through conservation rather than development or resource exploitation.''

As a result, Dunigan made many changes that greatly improved the health of the land. He undertook a long and expensive lawsuit against the New Mexico Timber Company to terminate its logging of the Baca, which had scarred many hillsides with roads and clearcuts. He halted serious overgrazing by reducing the cattle load from 12,000 to 5,000 head. He also successfully fought the Public Service Company of New Mexico's ill-advised OLE plan to run high-tension transmission lines through the Jemez, which would have cut through the Cerro Toledo highlands, one of the most remote and beautiful parts of the ranch. A prescribed burn program helped maintain the balance between grasslands and forests.

Dunigan's efforts created, among other things, a superb habitat for elk. In mid-century, 107 elk from Jackson Hole and Yellowstone had been introduced in the Jemez Mountains. The elk population grew rapidly. It stands at 8,000 today, many of which summer on the Baca's 30,000 acres of grasslands.

According to his family, Dunigan often expressed his hope that the land would end up going to the American people. In late 1978 he began discussing the sale of the ranch to the federal government, but the negotiations ended when Dunigan unexpectedly died in 1980. The Dunigan family reopened discussions with the government in 1997, but they fell apart in early 1999 over issues of confidentiality.

''But there was a realization on everyone's part,'' says Andrew, ''that we had come a long way and that this was such an important thing that it was worth putting aside our differences.'' This they did, and the Dunigan family and the government agreed on a price. Final negotiations are in progress, and Congress has made steps to appropriate the funding. The Baca acquisition enjoys strong support from almost every organization in the state concerned with land issues, from the Northern New Mexico Stockmen's Association to the Sierra Club. It has the backing of the New Mexico Congressional delegation from both parties, as well as the Clinton administration. Most importantly, it has the strong support of the people of northern New Mexico. This time around, it seems likely that the deal will go through.

The Baca is a magical place, one of the most extensive high-mountain grasslands in the United States. It is a land of deep fir forests shrouded in morning mists; of sweeping meadows dotted with elk and mule deer; of aspen groves that turn the hillsides gold in the fall; of high mountains echoing with the whistling cry of bald eagles; of clear streams alive with jostling trout. Mountain lions, bobcats, pine martens and black bears prowl its mountain slopes. It hosts a number of rare species, including one found only in the area, the Jemez Mountains salamander. It is also a land of hot springs, obsidian beds, Indian ruins and historic buildings—including several decaying movie sets.

The conversion of the Baca to public ownership will involve an experiment unique in the history of public land management. The Baca will become a trust wholly owned by the federal government, called the Valles Caldera Trust. It will remain a working cattle ranch, so far as that is consistent with the preservation of wildlife, scenery and recreation. Within 15 years it is supposed to become self-sufficient financially. The exact details will be worked out by a board of trustees drawn from groups that normally hate each other: ranchers, conservationists, National Park and Forest Service employees, financial experts, game and fish managers, archaeologists, biologists and commodity industry representatives.

Denise McCaig, the Baca acquisition coordinator for the Forest Service who was instrumental in seeing the deal through, called the arrangement unique and challenging. ''Having representatives from these different interests could be helpful, but it could also create difficulties. If they can come to this working toward a common objective, it will be good. But if they come to the position working from their own self-interest, they will have problems.'' She laughed: ''Oh yeah, it will be an interesting experiment.''

It has the potential, if it works, of becoming a model for cooperation among normally antagonistic groups concerning other public lands.

Over the years, many people have looked longingly over the barbed wire fence that separates N.M. 4 from the Valle Grande and wondered when they would ever have a chance to explore this splendid country. Even after the land goes into public ownership, it will be two years at least before the details of access and use can be worked out by the trustees. When that happens, this magical landscape, born in fire and violence, will finally be opened to the American public.

## HONORING THE AMERICAN JAZZ MUSEUM

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, today the Smithsonian Institute will honor the American Jazz Museum located in Missouri's Fifth District. The American Jazz Museum, previously known as the Kansas City Jazz Museum, is the first museum in the world devoted exclusively to jazz. The gallery showcases the often difficult plight and rare successes of one of America's first original art forms.

The museum, which opened in 1997, is housed in a modern 50,000 square foot complex at the historic 18th and Vine district in Kansas City. Once inside, visitors find interactive exhibits and song samples which tell the story of jazz and its musicians in words, pictures, and sounds. Last year, the complex was visited by more than 350,000 visitors who came from all parts of the city, county, and world to relive the golden age of Kansas City jazz in the 1920's and 1930's. In this era, legendary Kansas City musicians such as Charlie ''Bird'' Parker, Count Basie, and Jay McShann developed swing and spread the popularity of jazz across the land.

Not only does the museum educate those who come in from the street to learn about jazz, but it also offers 4 symposia each year to learn about a specific jazz musician or topic. These conferences are attended by musicologists and music lovers from around the world. Past symposia have studied Parker, Miles Davis, and the recent revival of swing music. I encourage my colleagues to take a cyber tour of the museum at http://americanjazzmuseum.com.

In addition to educating its visitors, the museum has led to a revitalization of the historic area once home to several jazz clubs. The museum itself operates the Gem Theater to showcase today's up and coming musicians. There are now several other clubs and restaurants in the area, with a new commercial and residential complex scheduled to open within the next year. A once deserted urban neighborhood has returned to the days of peopled streets and late night music as a result of the success of the American Jazz Museum.

A grant from the National Endowment for the Arts (NEA) and the Doris Duke Foundation helped the Museum create JazzNet to establish an endowment and support organizations that preserve and present Jazz nationwide. The museum has applied for other grants for various projects including an academic analysis on the lives of jazz musicians. The study would determine working and living conditions of artists in four major cities, and the research team would identify areas in which support for jazz musicians will be most beneficial in furthering their work.

In three short years, the American Jazz Museum has become an impressive institution. It educates its visitors, entertains in its theater, analyzes the music and its musicians, and revitalized a deserted downtown area. Because of all these accomplishments, the American Jazz Museum is most deserving of special recognition from the Smithsonian Institute, and I congratulate them and wish them continuing success.

## TRIBUTE TO DAN SANDEL

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. BERMAN. Mr. Speaker, today we pay tribute to our friend, Dan Sandel, who will be awarded the Yitzhak Rabin Peace Award tonight by Americans for Peace Now. Dan has been chosen for this prestigious award for his many years of leadership and outstanding service in the struggle for peace in the Middle East.

Dan has not only served on the Board of Americans for Peace Now, he has served on many others including the Tel Aviv University Board and the Education for Israeli Civil Rights and Peace Board. His work to provide solutions to the Arab-Israeli conflict would certainly make the reserve officers and soldiers of the Israel Defense Forces who founded Americans for Peace Now in 1978 proud.

In addition to being a peace activist, Dan is a very successful businessman who founded Devon Industries. He not only invented and patented all of the disposable surgical equipment manufactured and distributed by Devon Industries, but he lead the company so well that it was hailed as one of the fastest growing companies in the medical industry.

In 1994 after the devastating Northridge earthquake, Dan used his political acumen and understanding of business needs to help the Small Business Administration address the concerns of the local business community. His efforts helped effectuate a change in the law pertaining to the amount of money a business can receive for recovery from a natural disaster.

Dan is also involved with many political, community and charitable programs both in the U.S. and in Israel. The groups he has helped run the gamut from Bedouin communities in Israel to students and faculty in Malibu. He has been particularly concerned with the homeless and has even created a new program called ''Fresh Start'' which offers homeless people housing and jobs.

It is our distinct pleasure to ask our colleagues to join with us in saluting Dan Sandel for his outstanding achievements and to congratulate him for receiving the prestigious Yitzhak Rabin Peace Award.

## IN HONOR OF MARIO DE LA TORRE

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Mario De La Torre on the occasion of his retirement after forty years as a member and leader of the Laborer's International Union of North America. Mr. De La Torre's life is an example of the American dream fulfilled and he deserves recognition for his able service to his fellow workers and the San Francisco community.

Born in Mexico, Mario came to the San Francisco Bay Area as a young man. He immigrated to America in search of the opportunity that he knew would come from hard work and determination. At first he worked a series of jobs, including as a dishwasher and a cook, but he soon found his calling in the construction trades. At age twenty-three, he joined the Laborer's International Union of North America Local 261 and went to work as Laborer for various contractors.

Mario's leadership abilities soon became clear and he rose to the position of foreman. Mario served as foreman for prominent companies where his talents drew the notice of the San Francisco Housing Authority, and he was recruited to assume a leadership role with the agency.

By 1978, Mario had firmly established himself in the community and with his fellow Laborers. Well-respected by his peers, he was appointed that year as Field Representative for Local 261. He then began a second phase of his career as a leader in San Francisco's labor community.

Over the next twenty-one years, Mario held several different positions for the laborer's Local 261, serving as an Executive Board member, a Vice-President, the Business Manager, and eventually President. In all of these capacities, he executed his duties with distinction.

As is the pattern with Mr. De La Torre's life, his able work earned him the recognition of others. In 1991 he was selected for the post of Vice-President of the San Francisco Building and Construction Trades Council. In 1993, he joined the Executive Board of the Northern California District Council of Laborers and later served as Secretary/Treasurer of the Council. During this time, he also became a Trustee for the Aggregates and Concrete Association and a Delegate to the San Francisco Labor Council

Mario is a leader within our community, serving as President of the Centro Social Obrero, as the Secretary/Treasurer of the Labor Council of Latin American Advancement, and as an Executive Board member of the Mexican-American Political Association.

Mr. Speaker, I join Mario's four sons, Mario Jr., Oscar, David, and Hugo, in wishing Mario a very happy and healthy retirement. He truly is an American hero.

## HAPPY BIRTHDAY TO GOLDY S. LEWIS

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. BACA. Mr. Speaker, this week Goldy S. Lewis will turn 79. I salute her, and wish her a happy birthday and best wishes. Ms. Lewis is the co-founder of Lewis Homes in my district, which now goes under the name of Lewis Operating Corp., and has been active in the real estate development industry since 1955. She is still very active in the business. As we look to providing housing, it is important that we recognize the pioneering efforts of those who have sought to further the American dream of having a place of one's own. Our community is better off, because of it.

A graduate of UCLA, Ms. Lewis has received numerous honors, including American Builder Magazine 1st Award of Distinction, 1963; West End YMCA Homer Briggs Service to Youth Award, 1990; City of Hope Spirit of Life Award, 1993; Professional Builder Magazine Builder of the Year Award, co-recipient, 1988; National Housing Conference ''Housing Person of the Year'' Award, 1990; Entrepreneur of the Year Award, Inland Empire, 1990; Woman of the Year, California 25th Senate District, 1989; Distinguished Chief Executive Officer (with husband, Ralph M. Lewis), California State University, San Bernardino, 1991; City of Rancho Cucamonga Ralph and Goldy Lewis Sports Center, 1988; several other parks and sports fields named for the Lewises, including Lewis Park in Claremont. She has been listed in Who's Who in America (with her husband, Ralph M. Lewis), since 1980.

I have been very impressed with the extensive civic commitment of Ms. Lewis and her family. She has served on the City National Bank Advisory Board; UCLA Graduate School of Architecture and Urban Planning Dean's Council; Ralph and Goldy Lewis Hall of Planning and Development, University of Southern California; UCLA Foundation Chancellor's Associates; National Association of Home Builders, Building Industry Association of California, Baldy View Chapter; International Council of Shopping Centers; Urban Land Institute. She has served on the UCR Foundation Board of Trustees since January 1998, and was named (with her husband Ralph M. Lewis) Management Leaders of the Year, 1993.

In summary, it is indeed a pleasure to reflect on her many achievements, and to hope that she has many more, now that we have entered the new millennium.

## TRIBUTE TO THE LATE EARL T. SHINHOSTER

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. CLYBURN. Mr. Speaker, today I pay tribute to Earl T. Shinhoster who tragically lost his life last Sunday, and to offer my condolences to his wife, Ruby, and son, Michael. Earl Shinhoster was a family man and friend on a private level, and a national hero in the civil rights movement through his involvement in the National Association for the Advancement of Colored People (NAACP) on a very public level. His efforts were far reaching, and noticed across the nation, including the Sixth Congressional District of South Carolina which I represent.

Born in Savannah, Georgia, Shinhoster grew up in the eastside neighborhoods and graduated from Tomkins High School and Morehouse College in Atlanta, Georgia. His first involvement in the civil rights movement was in the 1960s as a member of the Connie Wimberly Youth Council.

Shinhoster will be fondly remembered for many achievements, but perhaps most for his 30 years of dedicated service to the NAACP. He served in many senior positions, including National Field Secretary. He also served as acting Executive Director and Chief Economic Officer from August 1994 through 1996. During this time, the NAACP went through a period of unprecedented growth going from 600,000 members to nearly 1 million. Shinhoster is also credited with helping the NAACP out of a period of considerable financial instability and internal strife. Shinhoster

was a man of great ingenuity, integrity, and offered leadership to the NAACP in a time when the organization needed him most.

Aside from his service to the NAACP, Shinhoster served as the Ghana Field Director with the National Democratic institute for International Affairs of Washington, D.C. He helped to implement the Institute's election observation process with the 1966 elections of Ghana's president and parliament. He was also instrumental in election monitoring in Nigeria and South Africa.

Mr. Speaker, on behalf of the Americans he benefited during his lifetime of service, I ask my colleagues to join me in paying tribute to a man who devoted his entire life to the cause of civil rights and the NAACP. Earl T. Shinhoster will be sadly missed, but his legacy will not be forgotten.

## FLAG DAY

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to recognize our nation's flag. June 14th marks Flag Day, and the 223rd birthday of ''Old Glory.'' The flag symbolizes our national unity, our national endeavors, and our national aspiration. There is no better symbol of our country's values and traditions than the Flag of the United States of America. Our flag's proud Stars and Stripes have long inspired our people, and its beautiful red, white, and blue design is known around the world as a beacon of liberty and justice.

Flag Day—the anniversary of the Flag Resolution of 1777—was officially established by the Proclamation of President Woodrow Wilson on May 30th, 1916. While Flag Day was celebrated in various communities for years after Wilson's proclamation, it was not until August 3rd, 1949, that President Truman signed an Act of Congress designating June 14th of each year as National Flag Day.

The stars and stripes on the flag represent more than just the original colonies and the number of states in this nation; they represent freedom and independence for Americans. In times of war, young soldiers have died to ensure it will continue to stand for a symbol of freedom. They rush to the front of the battle line to keep it waving strongly above the heads of their fellow soldiers. Our brave Armed Forces members carry ''Old Glory'' with them as they fulfill their mission to defend the blessings of democracy and peace across the globe; our banner flies from public buildings as a sign of our national community; and its folds drape the tombs of our distinguished dead. The Flag is a badge of honor to all—a sign of our citizens' common purpose.

The next time we rise to pledge our allegiance to our flag, let us also be reminded of our duty as citizens to keep this nation one, where liberty and justice can be enjoyed by all.

## RULE OF LAW DETERIORATING IN INDIA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. TOWNS. Mr. Speaker, Newsroom.org reported on June 6 that a group of human rights and religious freedom activists in India issued a written statement saying that political leaders have failed to guarantee the rule of law for religious minorities. This is significant, Mr. Speaker, because these are Indians saying this. The statement follows a similar one from the All-India Christian Council (AICC). The AICC said that it ''holds the government responsible for the lack of safety of Christians in various parts of India.''

The recent statement was signed by Hasan Mansur, head of the Karnataka unit of the People's Union for Civil Liberties; Ruth Manorama of the National Alliance of Women's Organizations; Sister Dolores Rego, who represents 10,000 Catholic nuns in India; and H. Hanumanthappa, former chairman of the National Commission for Scheduled Castes and Scheduled Tribes, among others.

The statement said that the Indian government is ''incapable of guaranteeing the rule of law for protecting the right to life and security of peace-loving citizens'' and ''has become so anarchic as to have derailed democracy.'' Indian human rights activists are saying that there is effectively no democracy in India.

There have been several recent incidents. Just within the past few days a priest was murdered and five churches were bombed. A group of Christians was savagely beaten while distributing religious literature and Bibles. These are just the latest incidents of violence against Christians, a reign of terror that has been going on since Christmas 1998. In March, the Indian government murdered 35 Sikhs while President Clinton was visiting India. Remember that these Indian human rights leaders hold the government responsible for all these incidents. They were carried out by militant Hindu nationalists under the umbrella of the RSS, the parent organization of the BJP, the political party that rules India.

The Indian government has murdered over 250,000 Sikhs, according to the Politics of Genocide by Inderjit Singh Jaijee of the Movement Against State Repression. And why does a democracy need a Movement Against State Repression? India has also killed more than 20,000 Christians in Nagaland, more than 70,000 Kashmiri Muslims, and tens of thousands of Dalits, Assamese, Manipuris, Tamils, and others. It is holding about 50,000 Sikhs as political prisoners without charge or trial, as well as thousands of others.

It offends me that our government continues to funnel aid to a government that has such a complete disregard for basic human rights. We should immediately cut off American aid to India until everyone there enjoys the liberties that we expect from democratic states. India should be declared a terrorist state. And we should put the Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagaland, and all the other nations seeking their freedom. That is what we can do to ensure freedom and the rule of law in the troubled South Asian subcontinent.

Mr. Speaker, I submit the Newsroom Article of June 6 into the RECORD.

INDIAN HUMAN RIGHTS ACTIVISTS CHASTISE POLITICIANS FOR DETERIORATING RULE OF LAW

DELHI, India, 6 June 2000 (Newsroom)—Prominent Indian advocates of human rights and religious freedom accused political leaders in a written statement of failing to guarantee the rule of law for social and religious minorities and appealed to the government to uphold the rule of law and India's constitutional democracy.

The All Indian Christian Council last week had issued a similar statement expressing concern ''about the unabated violence against Christians'' taking place in the state of Gujarat and elsewhere. The council said it ''holds the central government responsible for the lack of safety of Christians in various parts of India.''

Among the signatories of last month's statement were Hasan Mansur, a Muslim intellectual who also heads the Karnataka unit of the People's Union of Civil Liberties, a well-known civil rights group; Ruth Manorama of the National Alliance for Women's Organizations; Sister Dolores Rego, who represents 10,000 Catholic nuns in India; and H. Hanumanthappa, former chairman of the National Commission for Scheduled Castes and Scheduled Tribes.

Indians are ''deeply disturbed about the virulent, premediated, and recurrent attacks on persons and institutions of the social, cultural, and religious minority communities being carried out in recent months by the Sangh Parivar (various Hindu groups) in different parts of the country,'' the advocates said. ''The unending spate of propaganda unleashed against these communities is a matter of rave concern to us. We are very much distressed about the dubious manner in which the political leaders at the helm of affairs in this country today have been responding to such methodically orchestrated malicious behavior of these communal outfits.''

Government at the national and state levels is so disorganized that it is ''incapable of guaranteeing the rule of law for protecting the right to life and security of peace-loving citizens.'' It ''has become so anarchic as to have derailed democracy that was built up very assiduously during the past 50 years,'' the group charged.

The statement comes amid continuing attacks against Christians and Muslims, as well as Dalits, the lowest group in India's caste system. Dalits typically perform the most menial tasks in Indian society and are shunned by members of upper castes.

The rights advocates expressed their shock at recent attacks on Christians and members of the so-called ''untouchable'' community in India. They took particular note of the murders of seven Dalits who were burned to death by members of the dominant castes in Kambalapalli village in the south Indian state of Karnataka on March 11. Eleven Dalits died in the same way last month in the north Indian state of Bihar.

''We are dismayed at the direction in which the nation is moving,'' the statement said: ''. . . Social, cultural and religious minorities are the constant targets of these atrocious attacks. Recurrence of such assaults has become the order of the day. Inaction, or the lethargic response, to say the least, of the law-enforcing machinery is the maximum that the citizens are (acculturated) to expect from the governance system.''

The Christian Council was especially critical of what it called ''the whitewashing of communal incidents by the minority Commission'' and apathy on the part of the Delhi

government in putting a stop to the violence. ''These are not criminal attacks, but planned, deliberate attacks on the Christian community by the elements of the Sangh Parivar,'' the council said. ''The culture of impunity that has been perpetuated is now getting out of control.''

## TRIBUTE TO MICHAEL J. STACK, JR.

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. BORSKI. Mr. Speaker, I rise today in honor of a personal friend of mine, attorney Michael J. Stack, Jr. in recognition of his commitment to society, the community, and also the legal profession.

Mike Stack, Jr. is the son of the former Congressman, Michael Stack from the Sixth Congressional District (West Philadelphia) of Pennsylvania. He himself is the father of five children and is married to the Honorable Felice R. Stack of the Municipal Court of Philadelphia.

Like his father, Mike Stack answered the call and served in the United States Armed Services with the Infantry in WWII. Mike was recognized for his service with various awards such as: The Good Conduct Medal, WWII Victory Medal, Army of Occupation medal, the WWII Honorable Service Lapel Button, and the Marksman Badge. He was recently chosen ''Distinguished Man of the Year'' by the Catholic War Veterans.

Mike Stack is also a political leader in the Fifty-Eighth Ward, where he maintains the position of Democratic Ward Leader, and has done so since 1970. As long as I have known him, he has managed to adopt a traditional style of avoiding the limelight so he can have a better view of the passing parade in a ward with 30,000 registered voters. I have been proud to work with Mike in making life better for the people of the Third Congressional District.

Mr. Stack is a trial lawyer, pilot, scholar, published author, law professor, and above all a ''seanachi''. He functions in all of these roles with ease and a natural grace.

With all of his accomplishments, he still maintains the greatest modesty. The number of people he has assisted quietly throughout the years may never be known, but is surely massive in number.

Mr. Stack attended St. Joseph's University, graduating with a Bachelor of Science in Economics. Following that, he graduated from the University of Pennsylvania Law School. He is currently a senior member of the Law firm, Stack and Stack.

Mr. Speaker, Mr. Michael J. Stack, Jr. should be commended for answering the call of duty and serving in the United States Armed Service, and for working in the political sphere for a number of years in attempt to better the City of Philadelphia. I congratulate and highly revere Mr. Stack for all of his accomplishments and most importantly his recent naming of ''Distinguished Man of the Year.'' I offer him my very best wishes both now and for the future.

## HONORING MR. WILLIAM DINSMORE

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor a very special man in the 10th Congressional District. Mr. William Dinsmore of Alamo, California was recently awarded the 2000 Lifetime Achievement Award by the University of California, Santa Barbara Alumni Association.

This 1968 graduate has indeed had a lifetime of achievement. From 1985 to 1995 he served as the President and Chief Executive Officer of The Learning Company and built it into the premier brand of home and school educational computer software products in the United States. Under his leadership, The Learning Company earned more than a hundred awards for the exceptional quality of its product line for children and adults and achieved an extraordinary record of revenue and profitability growth. In 1992, The Learning company was deemed a ''company to watch'' by Fortune Magazine and was honored by Forbes Magazine as one of the ''best small companies in the world.''

In 1995 the Learning Company was acquired by Softkey Corporation and yielded the highest price-to-sales ratio ever paid for a software company. This serves as testament to Mr. Dinsmore's success. He is currently using his skills and expertise as a private investor and advisor to select West Coast early-stage companies involved in the Internet, software, and consumer product area.

I take great pride in honoring my constituent, William Dinsmore for his lifetime achievement. His contributions to business and to education have enriched the lives of many throughout the country.

## HONORING THE MASTERCARD-CARE PARTNERSHIP SUPPORTING GIRLS' EDUCATION IN INDIA

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mrs. LOWEY. Mr. Speaker, we have read many accounts of the current economic revolution in India that is being driven by the technology-savvy labor force. While this movement has led to positive developments in India, there is still a serious gender-based educational divide, resulting in low literacy and education rates among women. Narrowing the divide can have a powerful impact, as noted in a recent World Bank report, Engendering Development. The study concluded that one of the best ways to fight world hunger and encourage global economic growth is to educate girls and women.

Today, Thursday, June 15, CARE, one of the world's largest relief and development organizations, holds its annual Capitol Hill event, ''CARE Packages from Congress.'' At that event, CARE will announce that a donation from MasterCard International, which is headquartered in my Congressional district, will support the completion of a six-year project for girls' education in India. The funding will provide primary education to thousands of young women in India this year. It will support 120 formal equivalent education centers serving 300 villages in Rajasthan and Uttar Pradesh, states with the highest illiteracy rates in India. The gift is part of MasterCard's ongoing philanthropic efforts to serve youth and to improve access to education in the United States and internationally.

The project will enable 3,000 girls from the poorest areas in rural India to have access to primary education, and an estimated 25 percent of them will move on to mainstream education. Targeting girls between the ages of 6 and 14, the project plans school schedules, recruits and trains teachers, designs curricula and materials and involves the community to overcome the traditional obstacles to girls' education. With a female literacy rate of only 40 percent (compared to 64 percent for males), India has 196 million females who cannot read or write. In some rural areas, the rate for women drops to 12 percent. Currently, the school drop out rates for girls is 57 percent at the primary stage, 57 percent at the middle stage, and 74 percent at the high school stage, according to CARE statistics.

MasterCard's gift will enable CARE to provide valuable information about this alternative education program for girls to the Indian government so that it can be replicated. I congratulate CARE and MasterCard for their commitment to this very important cause.

## HONORING JANET CARLSEN OF NEWMAN, CALIFORNIA

### HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. CONDIT. Mr. Speaker, I rise here today to recognize the recipient of the John T. Silveira Award for 2000, my good friend, Janet Carlsen.

Janet is being recognized on Saturday, June 17th by the Newman Chamber of Commerce for her unselfish commitment to the community. Janet served as a member of the Newman City Council for twelve years. She then served 10 years as the first woman Mayor of Newman. Janet has never ceased to work on behalf of those who cannot help themselves. She has served with distinction on Gustine-Newman Soroptimist International, Orestimba 50-Plus Club, Newman's Women's Club, Newman Garden Club, Orestimba High School Booster Club, Rebekah Lodge, Newman Chamber of Commerce, Gustine Chamber of Commerce, the Newman Fall Festival Committee and the Stanislaus County Commission on Aging.

In 1993, Janet was recognized for her many civic contributions when the Newman City Council declared March 2, 1993 as Janet Carlsen Day. I consider it an honor to again recognize my dear friend, Janet Carlsen, for her fine leadership and dedication to our community.

## COMMENDING ROGER HOLMES—RECIPIENT OF THE 2000 NATIONAL WETLANDS AWARD

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. VENTO. Mr. Speaker, I rise today to honor Mr. Roger Holmes, a friend, former Director of the Fish and Wildlife Division at the Minnesota Department of Natural Resources (MDNR), and a recipient of this year's National Wetlands Award. The sky blue water of Minnesota's ten thousand plus lakes have kept their sparkle because folks like Roger Holmes built a lifetime career around preserving Minnesota's precious resources.

A product of Minnesota's schooling, Roger received a bachelor's degree in zoology from the University of Minnesota where he also conducted graduate study in wildlife management. For the next 41 years, Roger received an even better education from the school of hard knocks learning how to combine on the ground know-how with academic knowledge, and at the same time, apply it to the political process. From his early days as a biologist on up to Assistant Supervisor at the Minnesota Conservation Department, and to his most recent position as Director of the Fish and Wildlife Division at the MDNR, Roger remained courageous and passionate, yet in tune with the bureaucratic process. In short, he knew his way around, suffered fools poorly, and made many directors and legislators look good along the way.

I had the pleasure as a State Representative of working with Roger during his stint with the Section of Game and Fish at the MDNR to pass the landmark Minnesota Outdoor Recreation Act with State Senator Willett, and enacting new protections for Minnesota nongame species. Throughout this time, Roger was outspoken and objective, not always giving answers that we ''policymakers'' wanted to hear during our brain storming sessions. Although the facts may not always have been pleasant, this process and Roger Holmes' forthright intellectual responses were translated into sound policy; the good result of a true public servant and defender of the environment.

More recently, Roger was one of the state's most outspoken supporters of the Conservation and Reinvestment Act which would provide $350 million annually to the Pittman-Robertson fund for wildlife conservation and restoration. Receiving positive feedback from Holmes and other committed MDNR employees provided a good foundation for me to enter into negotiations for this legislation. Roger Holmes will not have the pleasure of directly using these funds, but it should be noted that indirectly this program is part of the legacy that Roger has shaped. Roger has become a fixture at the MDNR, and will be sorely missed in the years to come.

Mr. Speaker, Roger Holmes deserves our utmost gratitude and admiration for all his hard work and dedication over the years. Please join me in congratulating Mr. Roger Holmes on this prestigious National Wetlands Award, and in wishing Roger, his wife Barbara, and his three children, Kristin, Brad, and Greg, all the best as they embark on a new beginning.

## IN RECOGNITION OF THE 60TH ANNUAL AMERICAN LEGION FLAG RAISING DAY PARADE

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the 60th Annual American Legion Flag Raising Day Parade cosponsored by the American Legion and the Joint Veteran's Affairs Committee of West New York, NJ, in cooperation with the townships of North Bergen, West New York, and Guttenberg.

By honoring our veterans and our flag, the American Legion Flag Raising Day Parade expresses the enduring pride that we Americans feel in our country and our way of life; we can thank our veterans for both.

The two veterans organizations sponsoring this patriotic parade are vital to the preservation and celebration of American heritage. They understand the power and value of our history: Yesterday, they served in the armed services to preserve America; today, they serve in our communities to preserve our heritage.

It is important that we never forget our past and those who fought for our freedom and our future. That is why we remember and honor those who fought and died for our country—it is the least we can do for their sacrifice.

Today, I extend my gratitude to those who have come together to honor America's veterans, and I ask that my colleagues join me in recognizing the 60th Annual American Legion Flag Day Parade.

## HONORING KATHI McDONNELL-BISSEL FOR OUTSTANDING SERVICE TO THE COMMUNITY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure today to join the Milford Senior Center as they celebrate their 30th Anniversary and pay special tribute to an outstanding individual, and my dear friend, Kathi McDonnell-Bissell.

The senior community of Milford, Connecticut is indeed fortunate to have such a dedicated individual working on its behalf. As the Executive Director of this tremendous organization, Kathi has transformed the Milford Elderly Services Agency. When she first came to our community, the Elderly Services Agency was run by two full time and one part-time staff members and located in a church basement. Today, centered at the Milford Senior Center, the agency has grown into a quasi-municipal office, working with the Mayor and city officials to ensure that the ongoing needs of the elderly are a priority in the community. Kathi has been the driving force behind this incredible transformation—her unwavering commitment leaving an indelible mark on our community.

Kathi's extraordinary record of service to the residents of Milford extends beyond her work at the Senior Center. She has been an instrumental force in bringing a number of social service programs to Milford, as well as creating a city-wide network of social services. She has played an integral role in the development of the city's first food bank, furniture exchange, and emergency housing programs. Kathi also began a city-wide project to ensure that no child in the city of Milford would go to bed hungry. Her many contributions to the entire Milford community are truly invaluable.

Kathi has been recognized by numerous local, state and national organization for her tremendous work—a remarkable tribute to her outstanding commitment to public service. Perhaps more importantly, behind the myriad of awards, citations, and recognitions, one can always find the warm, nurturing character that has endeared Kathi to everyone who has had the pleasure and privilege of working with her. I cannot began to express my thanks and appreciation for the assistance that she has given to me, my staff, my family, . . . our community.

I am honored to stand today and join the family, friends, and community members who have gathered today to pay tribute to Kathi McDonnell-Bissell. I am sure I speak for many in saying that her undaunted spirit and vision has been an inspiration to us all. The Milford community is truly indebted to her for the compassion, generosity, and commitment she has shown.

## OLAYA DANCE STUDIO

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. ORTIZ. Mr. Speaker, today I pay tribute to an integral part of our cultural community, the Olaya Dance Studio of corpus Christi, Texas. They will be holding their annual recital this weekend on Saturday, June 17, and I want them to know how much we appreciate what they do.

In the Coastal Bend of South Texas, Olaya Dance Studio contributes mightily to the entertainment of the area through the dancing of children. It is, after all, children who fascinate us as well as entertain us, and teach us a little bit about ourselves.

The dancers at Olaya range in age from 3 through adult. They do a host of dances but are known particularly for Flamenco, which is Spanish classical dance, and Folklorico, traditional Mexican dances from different regions in Mexico. There are nearly 100 dancers, and Olaya Dance Studio attracts both boys and girls.

There are certain times of the year when people around Corpus Christi just cannot get enough of these talented young people. These dancers perform a valuable cultural community service. South Texans celebrate two holidays that are unique to the Southwest Border, Cinco de Mayo and the 16 de Septiembre.

Cinco de Mayo pays homage to a great Mexican battlefield victory over the French in the 19th Century. The 16 de Septiembre celebrates Mexican Independence Day. On these two holidays, and for many other holidays throughout the year, including birthdays, anniversaries or other special occasions, the Olaya dancers are in great demand. They will even go to dinners held at homes of area restaurants to perform for special events.

Olaya Dance Studio is run by Olaya Solia, a director, choreographer, and performer who is dedicated to children and educating them through dance.

I ask that my colleagues join me in commending the Olaya Dance Studio for the contribution they make to the community of Corpus Christi and the Coastal Bend.

## PROVIDING FOR CONSIDERATION OF S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

SPEECH OF

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 14, 2000*

Ms. PELOSI. Mr. Speaker, I rise in strong support of the conference report to the Electronic Signatures in Commerce Act.

This legislation will revolutionize how financial services are provided by allowing business transactions to be started and finished on-line; bringing together technology and the economy.

In addition, S. 761 increases the efficiency and ease of conducting financial business.

Imagine applying for a home mortgage or a car loan on-line. S. 761 not only eliminates unnecessary paperwork, it will save consumers time when they are applying for loans, insurance policies, and other financial services. No more waiting in line, no more being put on hold on the telephone, and no more waiting for applications to be mailed to you. Just the push of a computer key and consumers are able to complete and mail their applications to their financial institutions.

Due to State restrictions, only 1 percent of all mortgage and insurance transactions nationwide occur on-line. By removing these restrictions and allowing consumers to sign contracts on-line through an electronic signature, we can increase the number of automated transactions and reduce the heavy clerical and storage costs of paper files.

I am pleased that language was added to S. 761 which established ''consumer consent'' provisions requiring that consumers be given a choice as to whether they want to receive legal notices and records electronically or in writing. In order to prevent fraud, consumers would also have to grant or confirm their consent electronically before they would be allowed to receive electronic notices and records.

More Americans than ever before are relying on the Internet to conduct business transactions and manage their personal finances. S. 761 will play a vital role in e-commerce and in helping the United States to maintain its role as a technology leader in the global economy.

I urge my colleagues to vote ''yes'' on final passage of S. 761.

## IMPACT AID/TRIO

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. WATTS. Mr. Speaker, today I support two very important federal education programs: the Impact Aid program and the TRIO program.

Impact Aid is one of the oldest federal education programs, dating back to 1950. Impact Aid compensates local educational agencies (LEAs) for the substantial and continuing financial burden resulting from federal activities. These activities deprive LEAs of the ability to collect property or sales taxes from these individuals, for example members of the Armed Forces living on military bases, even though the LEAs are obligated to provide free public education to their children. Therefore, Impact Aid is a federal payment to a school district intended to make up for a loss of local tax revenue due to the presence of non-taxable federal property.

Nationwide, there are approximately 1,500 federally impacted school districts that are educating 1.3 million federal children. In Oklahoma, there are 287 Oklahoma school districts with federal property. Considering the staggering number of federally impacted children, it is abundantly clear that the federal government has an obligation to federally impacted schools.

Impact Aid is one of the only federal education programs where the funds are sent directly to the school district, and therefore, almost no bureaucracy. In addition, these funds go into the general fund, and may be used as the local school district decides. As a result, the funds are used for the education of all students, and there is no rake-off by states or the federal government to fund bureaucrats.

In addition, it is imperative that America's students not only receive a K–12 education, but also a secondary education. The TRIO programs provide services and incentives to increase students' secondary and post-secondary educational attainment. The support services offered by TRIO are primarily to low-income students, first generation college students, and disabled students. Students from low-income families are significantly less likely than other students to persist in college once enrolled and to graduate. While access has been expanded and college campuses have grown more diverse, the problem of college attrition continues to contribute to the gap in educational attainment between disadvantaged students and their classmates.

Because they offer a wide range of support services, the TRIO programs have an extensive history of success. Examples of support services include instruction in reading writing, study skills, math and other subjects; academic counseling; career options; assistance in the graduate admission and financial aid processes; and mentoring. TRIO has assisted countless numbers of students by helping them to succeed in obtaining undergraduate and graduate degrees from institutions of higher learning. A good education opens up doors of opportunity to thousands of students who otherwise would never have a chance at a productive future.

By increasing its support, the federal government can assist schools everywhere in providing a quality education to thousands of children across the country. Therefore, I urge my colleagues to join me in supporting an increase in funding for the Impact Aid and TRIO Programs. Millions of students depend on these programs for a quality education. Let's not disappoint them.

## INTRODUCTION OF THE FAIR BALANCE PRESCRIPTION DRUG ADVERTISEMENT ACT OF 2000

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. STARK. Mr. Speaker, I rise today to introduce the Fair Balance Prescription Drug Advertisement Act, a bill to deny tax deductions for unbalanced direct-to-consumer (DTC) pharmaceutical advertising placing more emphasis on product benefits than risks or failing to meet Federal Food, Drug and Cosmetic Act requirements.

This bill will ensure that prescription drug advertisements provide the public with balanced information concerning product risks and benefits. For example, the bill requires that pharmaceutical ads utilize equivalent space and type size in print ads and equal air time in broadcast media—such as television, radio and telephone communication systems—for risks and benefit descriptions. Today, most drug advertising emphasizes product advantages while failing to clearly—if at all—explain often numerous potential disadvantages.

By denying any tax deduction for such advertising, this bill will encourage drug companies to halt these harmful practices that have been shown to increase health care expenditures, mislead the public, adversely affect physician prescribing practices and lead to unnecessary injuries and deaths. Responsibilities of the FDA and Treasury Departments are to be clearly delineated through regulation.

Since the FDA loosened its DTC advertising requirements in 1997, drug companies have doubled their advertising budgets and spent billions extolling the benefits of their products. DTC advertising increased nearly 20-fold during the 1990s. Last year, drug companies spent nearly $2 billion advertising to consumers, with $1.1 billion for television ads alone.

As one would expect, such advertising has a direct impact on drug expenditures. DTC advertising leads to more physician office visits, increased patient requests for expensive, brand name drugs—even where a generic drug is available—and over-prescribing of optional ''lifestyle'' drugs. Americans spent more than $100 billion on prescription medicines last year—i.e., about 10 cents in every health care dollar. U.S. sales for the antihistamine Claritin, No. 1 in DTC advertising, were $2.3 billion last year, while the well-advertised heartburn medication, Prilosec, brought-in $3.8 billion in sales. Not surprisingly, drug spending increased at a rate of about 15%–18% last year and is on the rise.

Contributing to overall increased expenditures, drug prices continue to soar. On average, prices for the 50 most-prescribed drugs for senior citizens increased at twice the rate of inflation over the past six years—with some drug prices increasing at four times the rate of inflation. Business Week reports that the hikes in drug prices are not only tied to new ''wonder pills,'' but also to the drug industry's bloated advertising budget.

Such spending is particularly troublesome since consumers receive inadequate information about the drugs they purchase. More and more commonly, both television and print ads have become the subject of ridicule due to

their inaudible or illegible short list of warnings. A recent cartoon in the Washington Post mocked the typical concluding remarks of a prescription drug TV ad: ''WARNING: This drug commercial will be followed by a disclaimer that may cause nausea, disgust, and serious doubts.'' A typical Washington Post newspaper ad for Prilosec highlights the drug benefits on a full-page, large print, color ad, and includes a prominent $10 rebate offer. Yet the most important drug information—warnings, contraindications, indications, usage, precautions and adverse reactions—appear on the next page of the paper, separated by two, full columns of World News and in type size that is almost too small to be read by the naked eye. Unfortunately, such advertising has become the norm.

Although the Federal Food, Drug and Cosmetic Act and the Food and Drug Administration (FDA) regulations and guidelines currently regulate drug advertisements, pharmaceutical ads most often fail to provide the public with adequate information about potentially dangerous drug side effects. RxHealthValue is a new, independent group, representing more than 30 consumer groups, private employers, purchasers, health care providers, labor unions and academics. Last month, this organization recommended that the FDA ''develop standards for full disclosure of drug risks and benefits information for all prescription drugs advertised directly to consumers.'' The group also called for specifying that ''fair balance'' means that full disclosure of risks and side effects is given equal print or air time as the description of benefits in the same communication.

I would also like to insert in the RECORD a May 3, 2000 USA Today article providing further evidence of the need for adequate information about drug risks. According to the article, less than 1% of physicians have seen a drug label in the last year. And ''in many cases, patients never even see the package insert, and when they do, the tiny typeface and medical jargon often leave them more confused than ever.'' These inserts are jam-packed with important warnings and most often go unnoticed. The article reports that drug labels are complex and fail to provide patients and doctors with critical information. Consequently, many patients and doctors fail to read drug labels, leading to inappropriate prescribing, illness and even death.

The article also cites the recent withdrawals of Rezulin, Posicor, Duract and the anticipated removal of Propulsid as evidence that both patients and physicians are unaware of critical drug information. The FDA noted that after altering Rezulin's label to recommend monthly liver function tests, less than 10% of patients had the tests. And 85% of the 270 Propulsid-related adverse side-effects reported to the FDA (including 70 deaths) occurred in patients with risk factors already listed on the drug's label. Similarly, all but one of the 12 cases of adverse events (including four deaths) occurred among patients who took the drug for longer than the recommended ten days.

Adding importance to the need to provide accurate, balanced advertising is the fact that the news media often misses the facts. According to a study featured in this month's issue of the New England Journal of Medicine (NEJM), newspaper and television medical reporting is often inadequate or incomplete. The NEJM found that the media often lacks or omits critical information about drug risks, overstates the benefits, cites medical experts without mentioning their affiliation with the drug industry, and fails to provide adequate information about drugs in general. The analysis of 207 recent news stories revealed more than half as completely silent about drug risks or side effects. It is clear both patients and medical professionals need comprehensive drug warning information.

In the event that any drug company claims that changes in tax treatment will directly decrease their investment in research and/or lead to higher drug prices for consumers, I would refer to a recent study that proves how preferential their tax treatment really is today. The nonpartisan Congressional Research Service (CRS) analyzed the tax treatment of the pharmaceutical industry and found taxpayer financed credits contribute powerfully to lowering the average effective tax rate for drug companies—by nearly 40% relative to other major industries between 1990 to 1996.

There should be a responsibility attached to such preferential tax treatment and accurate, balanced advertising on matters affecting people's lives should be an easy obligation to meet.

The need for this bill is clear. In an environment where the Institute of Medicine (IOM) reported between 48,000 to 98,000 people die every year due to medical errors—with medication errors accounting for one out of 131 outpatient deaths and one out of 854 inpatient deaths—providing medical professionals and consumers balanced information about drug risks and side effects is critical.

By denying tax deductions for unbalanced prescription drug ads, we can change pharmaceutical company behavior to ensure that their advertising includes clear, life-saving information that will better inform the American public, reduce health care expenditures and save lives. I look forward to working with my colleagues to make this a reality.

[From USA Today, May 3, 2000]

COMPLEX DRUG LABELS BURY SAFETY MESSAGE

(By Rita Rubin)

If all the information that's supposed to be on prescription labels actually were printed there, pill bottles would have to be 2 feet high. At least.

Most people don't have medicine cabinets the size of refrigerators. So drug labels have evolved into package inserts, those tightly folded sheets of paper covered with fine print detailing risks and benefits. In many cases, patients never even see the package insert, and when they do, the tiny typeface and medical jargon often leave them more confused than ever.

Prescribing and taking medicine has never been more complicated, and critics say patients are becoming sick or dying as a result.

Recent drug withdrawals suggest that doctors, never mind their patients, aren't keeping up. Either they're overlooking warnings scattered throughout inserts or they're not even reading the leaflets.

''Less than 1% of physicians have seen a label in the last year,'' cardiologist Robert Califf, director of Duke University's Clinical Research Center, estimated at a recent Food and Drug Administration advisory committee meeting.

In less than two years, three widely prescribed drugs have been pulled from the market in part, at least, because doctors ignored the package inserts. A fourth will disappear from drugstore shelves this summer for the same reason.

FDA critics say the agency, which regulates package inserts, expects too much of the leaflets. Instead of withholding approval of potentially dangerous drugs, critics say, the agency sends them to market with inserts jam-packed with warnings.

''Should we have relatively dangerous drugs and simply warn people that they might kill or seriously injure them?'' asks Thomas Moore, a health policy fellow at George Washington University in Washington, D.C. ''My perception is that the top management of the FDA seems to have a more permissive view than we have historically had.''

He and like-minded FDA-watchers are quick to tick off Propulsid, Rezulin, Posicor and Duract, four drugs whose inserts underwent multiple revisions as new safety concerns came to light. In each case, the manufacturer also mailed ''Dear Doctor'' letters to alert physicians of label changes.

Apparently, though, some doctors never saw the warnings, and patients died. The last three drugs are now off the market, and Propulsid, which is used to treat severe heartburn, will follow them by mid-August.

''FDA has an almost ritualistic belief in labeling changes, as if they have some magical property to change behavior,'' says Jerry Avorn, chief of the division that tracks adverse medication events at the Brigham and Women's Hospital in Boston. ''There is very little data to support that belief.''

The FDA's own research backs Avorn.

In a ''talk paper'' in January, the FDA noted that 85% of the 270 Propulsid-related adverse side effects reported to the agency—including 70 deaths—occurred in patients with risk factors already listed on the drug's label, such as congestive heart failure or use of antibiotics or antidepressants.

And after Rezulin's label was changed in late 1997 to recommend monthly liver function tests, the FDA found that far fewer than 10% of patients had the tests.

Apparently, even the agency's expert advisers don't always follow the package insert instructions.

At the recent advisory committee meeting, an FDA staff member had to remind urologists on the panel about how to treat patients with Muse, an injectable impotence treatment. Instead of sending men home with a prescription, doctors are supposed to administer the first dose in their office so they can watch for possible side effects.

FLAWED SYSTEM

In many cases, package inserts ''are far from perfect,'' acknowledges Rachel Behrman of the FDA's medical policy office. ''We are working hard to improve that.''

Recognizing that patients as well as doctors need to read package inserts, the FDA hopes to make them ''more user-friendly, more informative, more consistent,'' she says.

''If you flip through the PDR, the Physicians Desk Reference, the medication bible that reprints package inserts for nearly all prescription drugs today, some of our labels are very good, and some are not.''

The older the drug, the more likely its package insert is to fall in the latter category, she says; until recent years, comprehensiveness superceded clarity.

Still, ''the best available science is often not communicated adequately to practicing doctors to shape their prescribing decisions,'' says Avorn, who lectures Harvard Medical School students on the subject.

Rezulin, a diabetes drug, looked so dangerous that Avorn and his colleagues advised diabetes doctors at their hospital to stop prescribing it a year before Parke-Davis, at the FDA's urging, pulled it from the market.

''I'm astonished that the additional year of product life even existed,'' Avorn says.

Why does the FDA approve such medications and allow them to stay on the market? ''There are very strong economic and political pressures when a company has spent hundreds of millions of dollars to develop a drug,'' Avorn says.

Wyeth-Ayerst Laboratories yanked Duract, a painkiller in the same class of drugs as ibuprofen, naproxen and others, from the market in June 1998 after reports of four deaths and eight transplants resulting from severe liver failure. According to the company, all but one of the cases occurred among patients who took the drug for more than 10 days, against the label's advice.

Just two weeks before Duract came off the market, Roche Laboratories pulled Posicor, which is used to treat high blood pressure and chest pain.

Taking Posicor with any of a number of commonly used drugs, including some heart disease treatments, could lead to potentially fatal heartbeat irregularities, the same problem that led to Propulsid's impending withdrawal.

As with Propulsid, changes to Posicor's label were designed to minimize the drug interaction risk.

''In principle, drug interactions can be addressed by appropriate labeling; however, with respect to Posicor, Roche Laboratories believes that the complexity of such prescribing information would make it too difficult to implement,'' the company wrote in a ''Dear Doctor'' letter announcing Posicor's withdrawal.

At least one drug, sorivudine for shingles, never made it to the U.S. market because of concerns about the effectiveness of label warnings. The pill was withdrawn in Japan after 15 users died in just its first month on the market. They had developed aplastic anemia, a blood disorder, after taking sorivudine with a common anti-cancer drug.

Three years later, Bristol Myers Squibb representatives argued before an FDA advisory committee that a ''black box warning''—like the ones on cigarette packages—would adequately minimize sorivudine's risks.

''No one was convinced that it would work,'' says Raymond Woosley, chairman of pharmacology at Georgetown University in Washington, D.C., and a member of that committee, which recommended not approving sorivudine.

Because a drug already on the market, acyclovir, provided a similar benefit with far less risk, the agency followed the advisory committee's recommendation, the FDA's Behrman says. ''We believed zero deaths was the only acceptable number.''

RISK VS. BENEFITS

Rezulin, on the other hand, was the first drug of its class. FDA officials have said the agency sought to remove that drug from the market only after similar, safer medications became available.

''I've heard that line, but I don't buy it,'' Avorn says. ''It's as if we don't have other medications to treat diabetes.''

The risk/benefit issue arose at the FDA advisory committee meeting, where panelists recommended approval of Uprima, which would be the second impotence pill on the market.

Pre-market studies showed that the drug can trigger fainting, especially when taken with alcohol, so committee members suggested a black box warning against drinking on Uprima's label.

But panel member Thomas Graboys, who had to leave the meeting early, says he would have voted against Uprima, partly because of concerns about the label's ability to protect patients.

When the condition a drug treats isn't life-threatening, only the lowest level of risk is acceptable says Graboys, director of the Lown Cardiovascular Center at Brigham and Women's Hospital.

Much inappropriate prescribing could be eliminated if doctors actually read package inserts or looked up the drugs in their PDRs before prescribing them, Woosley says.

Instead, they rely on memory, a Herculean task when one considers that one doctor might prescribe scores of drugs. But that's what they're taught to do in medical school, Woosley says. Doctors wrote nearly 3 billion prescriptions last year; the number is expected to reach 4 billion annually by 2004.

''We've got to start by changing the way we teach people,'' he says. Among his students, ''the kid who gets the 'A' is the one who says 'I don't know, but I'll look that up and get back to you.' ''

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

### HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 14, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. CANNON. Mr. Chairman, I rise in support of Mr. SUNUNU's Amendment increasing funding for the Payment in Lieu of Taxes program for the FY2001 Interior Appropriations Bill. The government has an unpaid obligation to the towns and counties containing lands owned by the federal government, since these are areas that counties do not own and cannot tax. Without PILT, local governments would be forced to eliminate essential public services that benefit residents and visitors in their respective counties.

The federal government owns large portions of lands in many of the counties that I represent in Utah. For example, 93% of Garfield County is owned by the federal government. Our state uses a vast majority of the PILT reimbursements to support education. For FY2001, Utah plans to spend 49.5% of the state budget on K–12 education, among the highest in the nation. But even with this huge commitment, Utah ranks dead last in per student spending with an average of $4,008 per year compared to the national average of $6,407. With this much of the state owned by the federal government, Utah relies heavily on this PILT funding.

I understand that it is difficult to reconcile the many needs in the Interior budget with the limited funds available, but the PILT program has not been sufficiently funded in the past. I urge you to consider the federal responsibility and the needs of Utah's students as you cast your vote on this amendment.

## HONORING SACRED HEART ROMAN CATHOLIC CHURCH OF PHOENIXVILLE, PA

### HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. WELDON of Pennsylvania. Mr. Speaker, it is with great pleasure and enthusiasm that I rise to congratulate Sacred Heart Roman Catholic Church in Phoenixville, Pennsylvania on the momentous occasion of its Centennial Jubilee. This year, Rev. Msgr. John Galyo and the parishioners of the Church celebrate the 100th anniversary of their parish.

Founded by Slovak immigrants in 1900 as a place to worship in their native tongue, Sacred Heart Church quickly developed into a cohesive faith community. However, the growth of the parish, both spiritually and physically, did not come without hard work, determination, and the pride of its people.

The original wooden church was destroyed by fire in the 1920s. Through the tremendous sacrifices of its selfless parishioners, a new brick building was constructed and opened for services by 1929. It remains a house of worship to this day, giving testimony to the undying spirit of the Sacred Heart community.

Although Slovak is no longer the main language spoken by the parishioners, their pride in the Slovak heritage lives on. In fact, Sacred Heart is one of only a few remaining Slovak parishes in the Archdiocese of Philadelphia. Over the course of the century, Sacred Heart has been both a blessing and an inspiration to Southeast Pennsylvania. It emerged from humble beginnings and has clearly prevailed through the often turbulent tests of time to become a thriving and enduring spiritual family.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Msgr. Galyo and the parishioners of Sacred Heart Church as they celebrate a century of tremendous achievements. May they enjoy bountiful blessings and good fortune for many more years to come.

## IN HONOR OF DIANA MARIE FALAT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. KUCINICH. Mr. Speaker, today I honor Diana Marie Falat upon her reception of the Gold Key Award at the National Scholastic Art Exhibition in Washington, DC.

Diana's ceramic pieces have won several awards in the Cleveland area, including three Gold Keys, a Silver Key, and an Honorable Mention, as well as various monetary awards. For her piece entitled ''Petunia'', Diana was named in the Top 25 at the Ohio Governor's art show. This weekend, Diana will be honored at the Kennedy Center for the Performing Arts National Scholastic Art Exhibition with a Gold Key award—the highest award ever achieved in art by a Berea School District student.

Diana's accomplishments are not limited to the field of art. Diana, age 18, is a recent graduate of Berea High School in Berea, Ohio where she was a member of the National Honor Society, RSVP, and the Big Sibs program. She earned a varsity letter in her senior year for girls' golf, and is an accomplished figure skater as well. For the past two years, she has also attended Cuyahoga Community College. In the fall, Diana will attend Wright State University in Dayton, Ohio, where she plans to continue her ceramics and figure skating. Diana's involvement in her school, her community, athletics, and the arts are a testament to her committment to better herself and the world around her.

My fellow colleagues, please join me in honoring Diana Marie Falat for her many various achievements, and especially on her reception of the Gold Key award at the National Scholastic Art Exhibition at the Kennedy Center.

## KOREAN SUMMITT

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. HALL of Ohio. Mr. Speaker, I rise to mark the historic occasion of the summit between President Kim Dae Jung of the Republic of Korea, and Chairman Kim Jong Il of the Democratic People's Republic of Korea.

Much has been written about this unprecedented meeting between the leaders of the two Koreas; what has happened has encouraged not only Korean people, but those of us who are concerned about human rights and humanitarian matters as well. And I hope the course these leaders chart in the months ahead will be a model for other former adversaries to follow.

A reconciliation like the one that has now begun in Pyongyang holds great promise for expanding freedom and prosperity for Korean people on both sides of their border. That is something that Koreans have longed for; it is also something that many Americans are eager to see—especially the hundreds of thousands of Korean-Americans who have enriched the communities of our Nation, and the tens of thousands of active-duty military men and women, and their families.

I first met President Kim when he was living in exile in the United States. Together with many of our colleagues and former colleagues, I tried to help him with the work he was doing to promote human rights for his people. While I have not met Chairman Kim, I have worked with his people on the humanitarian projects that have been an important focus for the DPRK in recent years. So I have a special appreciation for Koreans' and Korean-Americans' sense that this moment is a moving one.

Still, I don't think any outsider can understand how Korean people feel this week. It's hard to imagine how much those in the north and the south have suffered—from food shortages in the north, human-rights concerns in the south, and for both the pain of being tom from their families and their countrymen.

I hope that President Kim will be generous in providing the tangible necessities— food, fertilizer, medicines—that will help so many people in the north. I hope that Chairman Kim will continue to demonstrate courage and confidence in helping separated families reunite. As an American, I also hope that Chairman Kim will take the military steps needed to reassure Koreans living in the south, and U.S. troops stationed along the border, that the years ahead will be peaceful ones.

As important as the specific steps that have come out of this summit are, though, the most important long-term result will be this first step toward healing this divided nation.

Mr. Speaker, the United States has an important role to play in supporting this extraordinary peace initiative. I strongly believe we should lift economic sanctions against North Korea, as President Clinton promised to do nine months ago. I think we should accept Koreans'leadership in the decisions we make together as long-time allies. And I hope the United States will continue to respond generously to the United Nations' relief efforts, and that we will expand our relationship with North Korea's people in other ways.

I have visited many places where people are hurting. One thing I have learned is that—no matter where they live—people who survive terrible hardships have one thing in common: they remember who helped them through their difficulties, and they cannot forget who found excuses to let their friends and families die.

I have been especially proud of our country in refusing to let the political differences we have with North Korea prevent us from upholding our humanitarian tradition of responding generously to the people in need there. Now, with this summit, Koreans in the south have demonstrated to their brothers that they are not going to stand by and let them suffer. I hope the past three days will create the goodwill the leaders of these nations need to improve the lives of their people over time—and to ease the serious suffering of Koreans in the north immediately.

Both North Korea and South Korea have made tremendous progress in a very short time. It is easy to forget the economic strides South Korea has made in the past 30 years, and the diplomatic achievements North Korea has made as it re-orients its economy away from its longstanding alliances and toward a future that is marked by better relations with other nations.

The work ahead will not be easy, but Koreans I know are some of the toughest, hardest-working people I have ever met. I am confident that, if they set themselves to this work, they will accomplish it. And I hope that our country will contribute to their success.

## INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

### HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing legislation to reauthorize the State Criminal Alien Assistance Program. This program is a valuable one that has done much to address the costs incurred by states and localities in incarcerating illegal criminal aliens since its creation in 1994 under the Violent Crime Control and Law Enforcement Act.

The proposal I offer today is a simple one. This bill reaffirms our belief in the value of this program and strengthens our commitment to it by increasing significantly the authorized funding level over the next four years. The authorized level for this program has increased each year since 1995, when it was set at $130 million. This year, $340 million was authorized.

I propose today to increase the funding level for this program to $850 million a year. This increase, I believe, acknowledges the importance of supporting programs which have proven to be successful. More importantly, I believe it aids us in meeting our responsibility at the federal level to assist states and localities in the effort to keep our communities safe. I encourage all of my colleagues to join me in supporting this initiative.

## RECOGNIZING THE CONTRIBUTIONS OF COLONEL CARROLL F. POLLETT

### HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great United States Army officer and soldier, Colonel Carroll F. Pollett, and to thank him for his contributions to the Army and the country. On Friday, June 23, 2000 Colonel Pollett will relinquish command of the Army's 3rd Signal Brigade which is stationed at Fort Hood, Texas in my district for assignment to the Joint Chiefs of Staff in Washington, DC.

Colonel Pollett began his military career in the enlisted ranks attending basic training and earning his credentials in the Signal Corps from the bottom up with such jobs as Radio Operator, Team Chief, Operations Sergeant and Platoon Sergeant. He was commissioned a Second Lieutenant in the Signal Corps following his graduation from Officer Candidate School and has commanded troops as a Signal Platoon Leader, Company Commander, and Battalion Commander before taking command of the 3rd Signal Brigade. Carroll has served in staff positions from company level to the Department of the Army and along the way found time to earn a bachelor's degree and two master's degrees. He has served at numerous posts both in the United States and Europe during times of peace and war.

Carroll is a consummate professional whose performance personifies those traits of courage, competency and commitment that our nation has come to expect from its Army officers. We are saddened that he will be leaving, but we will wish him Godspeed and good luck in his new assignment.

Let me also say that every accolade to Carroll must also be considered a tribute to his family, his wife Dayna and their two sons, Derek and Brian. As a wife and mother, Dayna has been a true partner in all of his accomplishments.

Carroll's career has reflected his deep commitment to our nation, and has been characterized by dedicated selfless service, love for

soldiers and their families and a commitment to excellence. I ask Members to join me in offering our heartfelt appreciation for a job well done and best wishes for continued success to a great soldier and friend—Colonel Carroll F. Pollett.

## INTRODUCTION OF LEGISLATION TO GRANT FEDERAL CONSENT TO THE KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, today I announce my intention to introduce legislation to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact, a successful project I have worked on for over a decade.

In 1987 1 sponsored enabling legislation in the Missouri House of Representatives to establish a bi-state cultural district for the Kansas City metropolitan area of five counties in Western Missouri and Eastern Kansas. This unique effort in our nation provides a secure source of local funding for metropolitan cooperation across state lines to restore historic structures and cultural facilities. Through the next seven years I worked closely with my counterparts in the Kansas State Legislature, the Mid-America Regional Council, KC Consensus, and civic leaders and elected officials to secure State and Federal approval. When the Bi-State Metropolitan Cultural District Compact was finally sent to the U.S. Congress for authorization in 1994, 1 appeared in Washington, D.C. in support of passage of this Compact, along with my co-sponsor, Missouri State Senator Harry Wiggins.

I am proud to seek approval of the continuation of the Kansas and Missouri Metropolitan Culture District Compact. Approval of new State and Federal legislation to extend the Compact is necessary for three reasons. First, the existing Bi-state Contract sunsets at the end of the 2001 which means the local revenue stream will end unless new legislation extends the authority. Second, the new Contract expands the cultural definition to include sports facilities important to the region. Finally, with the consolidation of the governments of the City of Kansas City, Kansas and Wyandotte County into the unified government, the Kansas representation on the Bi-State Board was decreased by two Board Members. Consequently, Missouri currently has an advance of two votes. The new law corrects this inequity so that membership on the Board is balanced with half of the Members from each state.

Over the past four years the Greater Kansas City area has seen the successes of the original Compact. It has made possible the restoration of Union Station which is one of the Midwest's greatest historic landmarks and the largest preservation project currently underway in the United States. The restoration project has been a unique example of a bi-state, private-public, local-federal partnership. Continuation of the Compact will allow the metropolitan area to further this productive alignment for successful arts and cultural initiatives in the region, and I expect more will be done in Kansas using the revenue in the next phase of the Compact.

Mr. Speaker, I am requesting the House join me in supporting this worthwhile and successful effort in our districts by granting federal consent of the Kansas and Missouri Metropolitan Culture District Compact.

## CONGRATULATING FRESNO COMPACT

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Fresno Compact for being awarded a ''1999 Distinguished Performance Award,'' by the National Alliance of Business (NAB). This award designates Fresno Compact as the number one local business-education coalition in the United States for 1999.

Fresno Compact is a broad-based coalition of leaders from business and education, whose focuses are to improve student achievement and to bring business leaders and educators together. The Compact helps coordinate such programs as the high school ''employment Competency Certification'' and the Chamber of Commerce's business partnership programs. It also participates in school-to-career activities of the State Center Consortium and works with the Business Education Committee.

Fresno Compact began its alliance more than ten years ago. It focuses on influencing educators to provide teaching that better prepares students for the workforce. According to NAB President Robert Jones, Fresno Compact is a ''catalyst that focuses the attention of Central California business, education and political leaders on long-term, cooperative programs that are designed to raise student achievement levels and provide skills needed by local employers.''

Mr. Speaker, I want to congratulate Fresno Compact for being awarded the ''Local Coalition of the Year'' award. I urge my colleagues to join me in wishing Fresno Compact many more years of continued success.

## IN RECOGNITION OF MS. JULIE WILLIAMSON

### HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. PHELPS. Mr. Speaker, today I rise to recognize one my district's finest teachers, Ms. Julie Williamson. A first grade teacher at the Pioneer School in Neoga, IL, Ms. Williamson recently received the award for ''Illinois Ag in the Classroom Teacher of the Year'' by the Illinois Farm Bureau. She was chosen as the recipient from a group of more than 1000 Illinois teachers.

Ms. Williamson's method of teaching allows students to learn about and appreciate the benefits of agriculture. She teaches her students where the products come from and how the products reach them in their everyday lives. She wants children to understand the connection between the farm and the table. Ms. Williamson believes that people need to understand where their food originates in order to be more appreciative of the people who supply it. Some of the activities that she brings into her classroom are: bread making, field trips to local farms and orchards, and honey-making with live bees. Ms. Williamson's next step will be to attend the U.S. Department of Agriculture National Ag in the Classroom Conference in Salt Lake City.

It is with this, Mr. Speaker, that I say congratulations to Ms. Julie Williamson on her excellent accomplishment. Due to her dedication to her students and community, it is clear that Ms. Williamson is an asset to Illinois and the educational system.

## HONORING PROFESSOR MARGARET MURNANE

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. UDALL of Colorado. Mr. Speaker, today I honor one of my constituents, Margaret Murnane, who is a physicist at the University of Colorado at Boulder. This week Professor Murnane received a ''genius'' award from the MacArthur Foundation for her work in optical physics. She is one of just twenty-five Americans named as MacArthur fellows this year.

Professor Murnane has developed a camera-like laser that emits pulses of red light. Applications of this laser technology range from laser surgery to monitoring water content in cooking. Additionally, this laser can aid scientists visualize processes that are too fast for the human eye to detect, such as chlorophyll harvesting sunlight, which is a process in plant growth.

When she was a child, her father used to give her math puzzles to solve. Without a doubt, this practice contributed to her passion for science. This shows what a little parental involvement can do to further the development of a child's mind.

Professor Murnane's contributions to science, education and technology will have a large impact on our society for years to come. I am pleased to honor her today for her accomplishments.

## COMMEMORATION OF THE 50TH ANNIVERSARY OF THE START OF THE KOREAN WAR—A SPECIAL TRIBUTE TO THE 503D FIELD ARTILLERY BATTALION OF THE 2D INFANTRY DIVISION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the courageous Americans who fought and died in defense of freedom in the Korean War. On June 25th, we will commemorate the 50th anniversary of the start of that conflict—the so-called ''Forgotten War''—which claimed more than 35,000 American lives.

On behalf of President Clinton, I will co-chair, with Veterans Administration Secretary

Togo West, a Presidential Mission to Korea to represent the people of the United States during the anniversary commemoration ceremonies in Seoul. We will be accompanied on that mission by some of my comrades-in-arms with whom I served during my wartime tour in Korea, members of the 503d Field Artillery Battalion of the 2d Infantry Division.

The battalion landed in Korea in August 1950, arriving in time to participate in hard-fought battles that defeated the North Korean offensives against the United Nations forces on the Pusan Perimeter. When the Chinese entered the war in November with massive ground assaults against UN forces in North Korea, the 503rd and rest of the 2d Infantry Division fought their way out of encirclement by the Chinese near Kunu-ri.

The battles in North Korea exacted a terrible price—the 503d lost almost all of its equipment and nearly half of its men. But in early 1951, overcoming many obstacles, the battalion rebuilt itself into a combat-ready unit, and played a major role in the 2d Infantry Division's stubborn stand against a far stronger force during the May 1951 Chinese offensive, an action that earned the entire division a Presidential Unit Citation.

During the battalion's fifteen months in Korea, members of the 503d received nineteen Silver Stars, four Distinguished Flying Crosses, and seventy-nine Bronze Stars. The battalion suffered 512 casualties, including 150 men who died in Communist prison camps and 79 who remain listed as missing in action.

The 503d, a Black unit, lived up to its motto of ''We Can Do It,'' serving with heroic valor in the face of relentless attacks by the enemy. In doing so, it shattered the biased and unfair negative stereotypes attached to Black fighting men and women in Korea and earlier wars.

Mr. Speaker, today I pay special tribute to my brave and loyal Brothers who served in the 503d Artillery Battalion, and join with them in saluting all of our comrades-in-arms in Korea, whom we will never forget.

PRESIDENTIAL MISSION TO THE 50TH ANNIVERSARY COMMEMORATION MEMBERS OF THE 503D ARTILLERY BATTALION—JUNE 25, 2000

Ronald Chatters, Samuel Gilliam, Harvey Ginn, Robert Greer, Hezekiah Gregory, Walter Jackson, William Jackson, Elgin Miller, Donald Minter.

Henry Mitchell, Charles B. Rangel, Leroy Sykes, James Thompson, John Worley, Robert Lee Wyatt.

## COMMENDING DR. RAMEK HUNT, DR. GEORGE JENKINS, AND DR. SAMPSON DAVIS

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. PAYNE. Mr. Speaker, I would like to draw to the attention of my colleagues a remarkable and powerful story about three young men who have been selected as recipients of my Congressional Community Service Award. They have also received Year 2000 Essence Award for outstanding community service and have been honored by the organization 100 Black Men. Theirs is a success story rooted in their youthful friendship and nurtured over the years by mutual support and shared determination to reach their goals against all odds.

Thirteen years ago, three teenage boys from the streets of Newark, New Jersey made a pact that they would encourage, support and stand by each other until each graduated from medical school. With hard work, tenacity, and determination to overcome all obstacles, an amazing thing happened—these three friends realized their youthful goal. Their impossible dream came true. Last year, Ramek Hunt and Sampson Davis received degrees from the University of Medicine and Dentistry of New Jersey Robert Wood Johnson Medical School, and George Jenkins graduated from UMDNJ Dental School.

Growing up, Dr. Ramek Hunt lived in Orange, Newark and Plainfield, New Jersey, eventually returning to and settling in Newark. There, he attended University High School and clearly succeeded, but the path to success was often rocky. He began to focus on his future when a recruiter from Seton Hall University visited his school and spoke about careers in medicine and dentistry. George Jenkins encouraged Ramek and Sam to go with him to Seton Hall and become doctors.

Dr. George Jenkins was born in South Carolina, but has lived in Newark, New Jersey since the age of two. He first lived in the Stella Wright Housing projects and then moved to the High Park Gardens Co-op, where he still resides. Dr. Jenkins presence in the Newark community is a source of inspiration for young people who look to him as a solid role model.

Dr. Sampson Davis was born and raised in Newark, New Jersey where he excelled at academics and sports at an early age. As a young man, he reached for the stars, determined to succeed not only for himself, but for the good of the entire community.

Even today, the three friends meet together with the young people of the community and they share a new goal—to open a health clinic in their old neighborhood. Mr. Speaker, I know my colleagues join me in commending these remarkable young men, who have set such a fine example of determination to succeed as well as dedication to community service. Let us express appreciation for their work and extend best wishes for continued success to Doctors Ramek Hunt, George Jenkins and Sampson Davis.

## COLUMBIA, MISSOURI FIRE DEPARTMENT

### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. HULSHOF. Mr. Speaker, we all have probably heard the favorite saying of the former Speaker of the U.S. House, Tip O'Neill, ''that all politics are local.'' Taking this quip to heart, the actions of William Markgraf, the Fire Chief of Columbia, Missouri, show that in this rapidly shrinking world, even strong international relations can be encouraged locally.

Recently, Chief Markgraf informed me about a remarkable relationship that he has formed with another firefighter from Moers, Germany. The story begins about 12 years ago, when a volunteer firefighter named Michael Stroinski from Moers trained and worked with the Columbia Fire Department during their Spring Fire School. Moers, which is about 15 minutes outside of Dusseldorf, has a fire department that is largely composed of volunteers and serves nearly 125,000 people. For the last twelve years, Michael has returned nearly every year to Columbia, sometimes bringing as many as six of his company-mates from Germany with him to train, work and live with members of the Columbia Fire Department. In kind, Michael has repeatedly extended a similar invitation to Chief Markgraf and others from the C.F.D., who have gratefully accepted, resulting in a vibrant exchange program between Moers and Columbia firefighters.

This July, Moers will be celebrating the 150th Anniversary of its central fire station and has invited members of the Columbia Fire Department to attend this celebration. For this reason, I would like to send my thanks and the thanks of those in this chamber to the people of Moers, Germany for the hospitality they have extended to my constituents. In addition, I would like to recognize Michael Stroinski, Captain of Moers Fire Station One, for his meritorious service to his city and the people of Columbia in the line of duty, as well as for his role in fostering a partnership and good relations between these two international communities.

Mr. Speaker, it is my hope that this anniversary celebration will be as successful as the relationship formed between Columbia and Moers, and I wish Michael and the other German firefighters many safe returns to Columbia, Missouri.

## HONORING MS. BOOS' SECOND GRADE CLASS FROM EVERGREEN AVENUE SCHOOL

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. ANDREWS. Mr. Speaker, today I commemorate a special occasion in which 38 children from Evergreen Avenue School have excelled in the classroom. Ms. Boos' second grade class is a remarkable group of young people. I wish the best of luck and continued success in school to Vanessa Adams, Natasha Barnett, Armand Brown, Roberta Burns, Adrienne Curry, Amber Darling, Brittany Feldman, Ashley Hecht, Ashley Kersey, Markie McDonald, Samantha Miller, Allen Moore, Scharron Nock, Brandon Rivera, Nicholas Schoning, David Viereck, Rashon Warrington, Jaquel Williams, Conner Wisely, Chloe Berger, Brittani Brydges, Robert Carter, Francis Connor, Shaneyce Cordy, Ashley Demarco, Thomas Hair, Hailey A. Headrick, Nicole L. Miller, Phillip Morris, Joseph Nunn, Nicole Pentz, Kelsey Serra, Renia Singleton, Angela Vincent, Amy Lynn Watson, Alexander Weiss, Darnell Whye, Analya Young.

## COMMEMORATING CHESTERFIELD MISSOURI

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. TALENT. Mr. Speaker, I rise today to commemorate the city of Chesterfield, Missouri which celebrated its birthday on the 1st of June.

Throughout its 400-year history, the area of Chesterfield, Missouri has cultivated a deep tradition and distinguished itself as one of St. Louis County's fastest growing communities. Chesterfield's most famous citizen, Frederick Bates, settled there in 1819 and served as Secretary of the new territory. This area remained a collection of rural communities influenced by German settlers throughout the 19th century and for most of the 20th century. In the 1960's, Chesterfield began aggressive development that paved the way to the prosperous city it is today. The city officially incorporated in 1988 and its economy and community continues to thrive.

Mr. Speaker, as a resident of Chesterfield, it gives me great pleasure to recognize this outstanding city and its citizens for their contributions in making our community a great place to live, work, and raise a family.

I would like to wish the city of Chesterfield a happy birthday and hope for the area's continued success in the new century.

## TRIBUTE TO ANNA WANG

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. HOLT. Mr. Speaker, today I pay tribute to Anna Wang, a Supervising Librarian at the Monmouth County Library Headquarters. Mrs. Wang is retiring after 32 years of dedicated service to the library and the community. I join her family, friends, and grateful colleagues in honoring her for her talents and skills that she has shared with our community.

Mrs. Wang has worked diligently to select, process and organize the largest Chinese language collection in a public library in New Jersey. This collection, housed in the Shrewsbury, Marlboro, Holmdel, and Manalapan libraries, has been a vital resource for the people of New Jersey.

Mrs. Wang has also coordinated Chinese ethnic festivals with local schools and the Friends of the Monmouth County Library; she has arranged an exchange program with the National Central Library in Taipei, Taiwan; and she has obtained numerous dollars in federal grants for these programs. Her talents and hard-work will be sorely missed by the entire community.

Mrs. Wang is one of those truly amazing individuals who devotes all of her time to public service. In addition to her tremendous accomplishments at work, Mrs. Wang manages to serve as president of the New Jersey Chinese Book Club. She is also a columnist for the New Jersey Sino Monthly Magazine and the Global Chinese Times. And she is the author of three books.

I ask my colleagues in the House to join me in thanking Mrs. Wang for her and contributions to New Jersey, her dedication, and her hard work, and I wish her a happy productive retirement.

## PERSONAL EXPLANATION

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. VISCLOSKY. Mr. Speaker, I apologize for my absence recently from the House of Representatives on June 13, 2000.

On June 13, 2000, I was unavoidably detained at a school event for my youngest son, and unfortunately missed one recorded vote. Had I been present, I would have voted Aye for Roll Call vote 265.

## HONORING HOWARD M. FEUER FOR HIS 40 YEARS OF SERVICE TO THE SOCIAL SECURITY ADMINISTRATION

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. CROWLEY. Mr. Speaker, I rise today to honor Howard M. Feuer for his long and distinguished career of service to the Social Security Administration. Next week, Mr. Feuer will retire after 40 years of service to the Agency.

In this era of frequent career changes, Mr. Feuer's 40 years of service should be duly noted. He is one of the most respected and experienced Area Directors in the Social Security Administration. For half of his 40 year career, Mr. Feuer has served as an Area Director. He oversees the operations of 26 field offices in Brooklyn, Queens, Nassau and Suffolk Counties in New York State, including a staff of over 800 SSA employees.

Throughout his career with Social Security, he has received many awards, including a Commissioner's Citation for his dedication to achieving the administration's goals of service to the public and value of its employees.

Howard Feuer earned a BBA and an MBA from CCNY-Baruch College. He has held many positions in both Social Security offices and the New York Regional Office. Mr. Feuer has been an innovator, embracing technological enhancements and maximizing the efficacy of his Area's resources. He has been a mentor to many of the management staff in the Region and is a recognized leader among Area Directors throughout the country. For 25 years, he has been directly involved in labor relations activities, including contract negotiations on the regional and national levels.

Howard M. Feuer is a man of incredible vision and foresight. His career has been dedicated to a level of service and efficiency that has no comparison. His commitment to the achievement of the goals of the Social Security Administration has been demonstrated in his unceasing efforts to improve the quality and productivity of his offices. Howard Feuer is now retiring from government service after a distinguished career. I know that his absence will be felt by staff nationally, regionally and locally.

Mr. Speaker, please join me in commending Howard M. Feuer. With his retirement, the American public will be losing one of its most dedicated public servants.

## PERSONAL EXPLANATION

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district on June 12, 2000, and June 13, 2000, to attend a family funeral. I missed recorded votes for H.R. 4577, making appropriations for FY 2001 Labor/Health & Human Services/Education, and H.R. 4079, to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

I ask that the record reflect that, had I been present, I would have voted ''aye'' on rollcall votes numbered 258, 260, 261, 263, 265, 266, 267, 269. I woud have voted ''nay'' on rollcall votes numbered 259, 262, 264, 268.

## EDUCATION IN MINNESOTA

### HON. BOB SCHAFFER

OF COLORADO

### HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. SCHAFFER. Mr. Speaker, today I speak on behalf of myself and Mr. HOEKSTRA of Michigan. The Subcommittee on Oversight and Investigations of the House Education and Workforce Committee conducted an oversight field hearing Monday, June 6, 2000, in the State of Minnesota.

Among the most informative presentations made before the member participants was one delivered by Mr. John H. Scribante, a Minnesota businessman and an honorable American.

Mr. Scribante's passion for children and their need for first-rate learning opportunity was most impressive and we hereby submit for the RECORD the remarks of Mr. Scribante regarding the important topic of school reform.

Mr. Speaker, we commend the excellent observations and conclusions made by Mr. Scribante to our colleagues and submit the following for the RECORD.

EDUCATIONAL FASCISM IN MINNESOTA

(A Statement Submitted by John H. Scribante—Entrepreneur; Respectfully submitted to the U.S. House of Representatives Subcommittee on Oversight and Investigations Committee on Education and the Workforce—June 6, 2000)

STATEMENT

We're gathered here this morning at a very interesting time . . . 56 years ago today, D-Day, 2,500 Allied soldiers died in Normandy fighting Fascist Germany for the freedom for Americans to pursue liberty. This offers us a unique perspective on this monumental issue of educational change. We're poised at the beginning of the 21st century, and while the rest of the world is abandoning central labor planning, Minnesota is driving through

School-to-Work programs for central control of its economy against the will of the people.

Consider that in just over 200 years, this country became the Greatest Nation on Earth. We've had more Nobel Prize recipients than any other industrialized nation. We've sent men into outer space and brought them back alive, and our science and technologies are copied worldwide. Those who accomplished these incredible feats were the product of an education system that emphasized academics, not life-long job training.

I've been to Eastern Europe, I've seen the life destroying results of governments trying to plan the economy and control education, and I've spoken to people who have been subject to their central controls. This is not what America was founded on . . . and besides; it has been proven not to work. Those of you who have sworn to uphold the United States Constitution will be hard pressed to support such a system of tyranny.

Today in Minnesota, the best interests of children have become secondary to the interests of bureaucrats, un-elected non-profits, and economic forecasts. In many districts, children are already being required to choose a ''career cluster'' by the end of 8th grade that will determine their secondary school curriculum. This system is a radical shift towards government central planning.

We don't know what we will learn tomorrow. We can be sure that at any particular time, we are overlookng valuable information and opportunities. Our knowledge is incomplete and resources are, undoubtedly being misdirected. We have a 225-year proven method for discovering and correcting these errors called Capitalism. Entrepreneurs search out instances where resources are being underutilized and redirect them to those that produce profits . . . nothing else approaches its power to stimulate discovery. Since we don't know today what we may learn tomorrow about educational methods and knowledge, we need entrepreneurship in education.

History has proven, time and time again, that where competition does not exist, mediocrity thrives. Nowhere is this truer than in many of America's public schools.

If you must have government-funded education, at least leave the private schools and home schools alone to compete for ideas and innovation.

BUSINESSES HAVE BEEN DUPED

Businessmen and women are being told that they can and should become partners in the education of our children. With tax funded incentives, subsidies, reimbursements, and free training . . . how can these businesses resist?

According to the Minnesota School to Work publication called Making Connections, page 11: the SCANS report instructs business to ''look outside your company and change your view of your responsibilities for human resource development. Your old responsibilities were to select the best available applicants and to retain those you hired. Your new responsibilities must be to improve the way you organize work and to develop the human resources in your community, your firm, and your nation.''

The Minnesota STW program seeks 100% employer compliance and further provides a ''Work-Based Learning Coordinator'' to ''help'' me in my ''responsibilities'' of complying with this lunacy. Who is running my business anyway? I've got all the capital at risk . . . Just leave me out of this mess.

This experiment may be very attractive in the short run . . . but business will pay in the long run in higher taxes to fund these programs, in less educated people and a loss of economic freedom. Productive labor is their goal, not an educated populace. This will be the end of a free America.

My company needs entrepreneurial minds and intellectual capital. People who can think, read, write, and add. I interview many young people who are products of Minnesota schools, and they cannot solve simple conversion equations. Who is training students for what I need? What is wrong with teaching people how to think? I don't need work skills . . . I need people who can think of great ideas and be willing to put their knowledge to the test!

Why is it that the government vigilantly looks for predatory pricing, anticompetitive, and monopolistic behavior in the private sector, and yet it is the greatest offender?

To quote Ralph Moore ''The REAL credit in life should go to those who get into the ARENA—if they fail, they at least fail while DARING TO BE GREAT. Their place in life will never be with those COLD AND TIMID SOULS who know neither victory nor defeat.''

In a free market economy, consumers ultimately determine what is produced. What school or government bureaucrat could have predicted ten years ago how many webmasters we would need today? From the information I've seen from the Department of Labor's SCANS reports, they're planning on teaching manure spreading, car washing, working the fryer at the diner and how to take a message off an answering machine.

In St. Cloud, MN, the STW program has already put a company out of business and severed off the arm of a 17-year-old student running a machine on a STW assignment.

School-to-work is a dangerous shift in education policy in America. It moves public education's mission from the transfer of academic knowledge to simply training children for specific jobs. And most tragically, the job for which it will train will have little or nothing to do with that child's dreams, goals, or ambitions.

Parents, however in this three way partnership with business and the State may be troubled knowing that their children are the pawns that the educational system trains to meet the needs of industry.

The economic goals of bureaucrats should never be promoted over the virtue and importance of knowledge. School to work transition issues would disappear if schools focused on strengthening core curricula, setting high expectations, and improving discipline and forgetting about retrying failed ideas.

THE RESULT

The sad truth is, in exchange for federal chump change, the state of Minnesota sold out it's commitment to high academic standards and agreed to follow national standards based on moral relativism, politically correct group thinking, and getting kids out of the classroom to work in local businesses, beginning in kindergarten.

Our state threw out a system of education that worked brilliantly for most all Minnesota youngsters. It worked brilliantly, that is, until approximately 35 years ago when Minnesota public education started flirting with the progressive, trendy movement away from high academic standards. Under the Profile of Learning, high academic standards are practically banned from the classroom.

In 1993, the Minnesota legislature repealed 230 education statutes, thus creating a structural vacuum to make way for the new Federal Goals 2000 system already in the works. This left Minnesota without tried and true standards.

There are no longer any course requirements for any child in Minnesota. No 4 years of English, no 4 years of history, no 3 years of math, or a year of geography, or years of science. Most public schools don't have a copy of the Declaration of Independence or the Constitution and few even mention them in classes.

This system is really nothing new. Tyranny has always waited in the wings, ready to step to center stage at the first hint of apathy towards freedom.

For over 230 years we've enjoyed the finest freedom and prosperity the world has ever known. Yet we were warned by Edmund Burke that, ''The eternal price of liberty is vigilance.'' As a people we've been asleep at the switch, and now our entire nation, not just Minnesota, has signed on to this crazy new system of totalitarianism, where everyone is under government's control, from cradle to grave.

This system has been tried around the world, across the centuries. But it is radically new for those of us used to freedom. This new system has more to do with fascism than freedom.

Now we need to work to eliminate the entire STW & Goals 2000 system, while there is time. As Sir Winston Churchill wrote to convince the British to join in the fight against Nazi Germany.

''If you will not fight for the right—when you can easily win without bloodshed, if you will not fight when your victory will be sure—and not too costly, you may come to the moment when you will have to fight—with all the odds against you—and only a precarious chance of survival. There may be even a worst case. You may have to fight—when there is no hope of victory, because it is better to perish than to live as slaves.''

## THE 102ND ANNIVERSARY OF THE U.S. NAVY HOSPITAL CORPS

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. ORTIZ. Mr. Speaker, the tradition of Naval enlisted medical personnel goes back to the navy of the 13 Colonies in the Revolutionary War, before they even declared independence. These medical sailors were known by many designations: first the Loblolly Boys, whose job it was to sound the bell for daily sick call aboard ship, and to spread the floor of the sickbay with sand so that the ship's surgeon would not slip on the blood there.

Later they were known as the Surgeons' Stewards, the Apothecaries, and the Baymen. Then, on June 17, 1898, in the midst of the Spanish-American War, Congress authorized The Hospital Corps of the United States Navy. They were and still are the only ''Corps'' in the U.S. military composed entirely of enlisted members. Since that founding, Navy Corpsmen have had the responsibility and the honor of caring for the Fleet and the Marines.

The first corpsman to earn a Medal of Honor was serving with the Marines in China when the U.S. took part in the intervention there to end the Boxer Rebellion at the turn of the last century.

Between the turn of that century and the onset of World War I, corpsmen sailed around the globe with President Teddy Roosevelt's Great White Fleet, landed in Nicaragua with the Marines, and a second corpsman earned the Medal of Honor in San Diego Harbor a few years later, aiding his shipmates when the *USS Bennington*'s boiler exploded.

Corpsmen took care of navy shore parties during the Moro Uprising in the Philippine Islands and hit the beach with the Marines during the seizure of Vera Cruz, Mexico, in 1914.

In both of these actions corpsmen were again honored by Congress. Corpsmen took care of the Marines when they landed in Santo Domingo, and then in Haiti for the first time.

Then in the ''Great War,'' the ''War to End All Wars,'' corpsmen were with the fleet, hunting U-boats in the first Battle of the Atlantic. They earned two more Medals of Honor in that war, serving with their Marines in the barbed wire and poison gas hell of the trenches and forests of France.

Between the World Wars, corpsmen went ashore with the Marines in Nicaragua a second time. Then at Pearl Harbor several corpsmen, still tending to their shipmates' wounds, were and still are entombed within the *USS Arizona.* And as the globe tore itself apart during World War II, they were serving with the fleet in Pacific actions against the Imperial Japanese Navy and with the Atlantic Fleet again combating the German U-boat menace. They were aboard hospital ships, on medevac planes, and manning hospitals and clinics around the world. And they were in every landing on every invasion beach from North Africa to Normandy, and from Guadalcanal to Japan.

During the battle for the island of Iwo Jima a corpsman helped raise the Stars and Stripes atop Mt. Suribachi and was then immortalized along with his Marines in the statue that is now the Marine Corps Memorial just across the Potomac River in Arlington. And after Iwo Jima and the last major battle of the war, on the island of Okinawa, seven more Medals of Honor were hung 'round the necks of corpsmen.

Corpsmen were again in action as the Cold War turned hot on the Korean Peninsula. They served alongside their Marines, from the early bleak days inside the Pusan Perimeter to the Inchon Landings, up to the frozen Chosin Reservoir, and back down to the stalemated trench warfare along what became the DMZ. And they earned five of the seven Medals of Honor awarded to the Navy during those three bitter years.

Corpsmen were aboard the *USS Nautilus* when she surfaced at the North Pole, and they accompanied their Marines ashore in Lebanon for the first time and then to the Dominican Republic. They were aboard the hospital ships off the coast of Vietnam. While ashore there, again in action with the Marines in the sweltering jungles and rice paddies, corpsmen earned their 19th, 20th, and 21st Medals of Honor.

Corpsmen were with their Marines hitting the beach in Grenada, and then going ashore in Lebanon for the second time. Over a dozen corpsmen were killed there at the Beirut Airport by the terrorist truck bombing of the Marine barracks. They sailed aboard the hospital ships and served again with their Marines in the invasion of Panama, and in Desert Shield/Desert Storm aboard the ships of the Fleet, manning hospital ships in the Persian Gulf and ashore staffing Navy forward fleet hospitals, and on the front lines in Saudi Arabia, Kuwait, and Iraq.

Just in the last decade they've accompanied their Marines ashore in Haiti yet again, and for famine relief in Somalia. They've cared for Haitian refugees in Guantanimo Bay, Cuba, and for Kurdish refugees in Guam. They've carried on their healing traditions with the fleet hospitals in the bitter conflict in the former Yugoslavia, and gone at a moment's notice with the Marines to evacuate American and allied nationals from countless hot spots around the globe. They've held their heads high as they helped to safeguard health and heal injury and disease throughout the Fleet, with the Fleet's Marines, for all their families, for military retirees, and in hundreds of isolated duty stations flung across the globe, even to the South Pole.

Just two years ago, Congress awarded another corpsman the Medal of Honor, this one belatedly, for his actions in Vietnam. It was the 22nd such honor awarded to Corpsmen, who've won more Medals of Honor than any other rating in the military. This is even more remarkable for the fact that all of these Congressional honors were earned while helping others, and that in so doing they never fired a weapon except in defense of their patients. And of the 22 men so honored, 10 gave their lives in earning that honor, sacrificing their lives to save others.

Saturday is the Hospital Corps' 102nd Anniversary. And after more than a century, the sons and daughters of corpsmen, and the grandchildren of corpsmen, are now serving their country as Corpsmen, carrying on the long, proud, honored tradition of their forebears.

And as they celebrate this landmark in time, they do so in camaraderie with their teammates in healing, the Navy's dental technicians, nurses, doctors, dentists, and administrators, scientists, and clinicians of the Medical Service Corps, with their partners throughout military medicine, and with all those they've cared for. They look back in pride at the good they've accomplished and remember fondly all those who've made them what they are, establishing these traditions of helping and of serving, whenever and wherever help and service are needed, sacrificing much—and too frequently sacrificing all—to do so. And finally, they look eagerly ahead to a future full of challenges unimagined, and more opportunities to do what they do best: to care for those who need them.

And so, Happy 102nd Birthday, United States Navy Hospital Corps!

## PROVIDING FOR CONSIDERATION OF S. 761, ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

SPEECH OF

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 14, 2000*

Mr. SESSIONS. Mr. Speaker, I would like to take a moment to clarify a provision contained within S. 761, the Electronic Signatures in Global and National Commerce Act. Mr. Speaker, the final conference agreements strikes title III of the House bill (H.R. 1714) with respect to electronic records, signatures or agreements covered under the federal securities laws because the title I provisions of the conference agreement are intended to encompass the title III provisions. The reference in section 101(a) of the conference agreement to ''any transaction in or affecting interstate or foreign commerce'' is intended to include electronic records, signatures, and agreements governed by the Securities Exchange Act of 1934 and all electronic records, signatures, and agreements used in financial planning, income tax preparation, and investments. Therefore, the conference agreement does not need to single out or treat differently electronic records, signatures and agreements regulated by federal securities laws in a separate title.

## IN HONOR OF 70 X 7 EVANGELISTIC MINISTRY'S UPCOMING TRIP TO LATVIA

### HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 15, 2000*

Mr. LUCAS of Kentucky. Mr. Speaker, today I recognize the 70 X 7 Evangelistic Ministry's upcoming trip to the former Soviet Republic of Latvia.

The 70 X 7 Evangelistic Ministry was founded by Rev. Gregg W. Anderson, who lives in Highland Heights, in Kentucky's Fourth Congressional District. Next month, Reverend Anderson will make his eighth missionary visit to Latvia. Reverend Anderson and his team will spend 2 weeks (July 11–27) ministering to people in Latvia's prisons and missions and providing humanitarian aid to the prison system.

Today I commend Reverend Anderson and his team for their commitment to helping those in need. I also commend Dr. iur. Viltold Zahars, the Head of the Latvian Prison Administration. Without his cooperation, these humanitarian trips of goodwill would not be possible.

I ask you to join me in commending these fine people, and wishing the 70 X 7 Evangelistic Ministry a safe and productive journey.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed Department of Transportation Appropriations Bill.**

**The House passed H.R. 4578, Interior and Related Agencies Appropriations 2001.**

**The House passed S. 2722, to authorize the award of the Medal of Honor to Ed W. Freeman, for conspicuous acts of gallantry during the Vietnam War, James K. Okubo, for conspicuous acts of gallantry during World War II, and Andrew J. Smith, conspicuous acts of gallantry during the Civil War—clearing the measure for the President.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S5165–S5280***

**Measures Introduced:** Fifteen bills and one resolution were introduced, as follows: S. 2732–2746, and S. Con. Res. 123. **Pages S5240–41**

**Measures Reported:** Reports were made as follows:

S. 11, for the relief of Wei Jingsheng.

S. 150, to the relief of Marina Khalina and her son, Albert Mifakhov.

S. 451, for the relief of Saeed Rezai.

S. 1078, for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey, with an amendment in the nature of a substitute.

S. 1513, for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 2019, for the relief of Malia Miller. **Page S5240**

**Measures Passed:**

***Transportation Appropriations:*** By a unanimous vote of 99 yeas (Vote No. 132), Senate passed H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, after taking action on the following amendments proposed thereto:

**Pages S5166–86, S5188–S5215**

Adopted:

Shelby (for McCain) Amendment No. 3441, to require a cap on the total amount of Federal funds invested in Boston's "Big Dig" project. **Pages S5182–84**

Lautenberg (for Torricelli) Amendment No. 3443, to express the sense of the Senate that Congress and the President should immediately take steps to address the growing safety hazard associated with the lack of adequate parking space for trucks along Interstate highways. **Pages S5182–84**

Lautenberg (for Torricelli) Amendment No. 3445, to provide for a study on noise impacts of railroad operations, including idling train engines on the quality of life of nearby communities, the quality of the environment (including consideration of air pollution), and safety. **Pages S5182–84**

Shelby (for Domenici) Modified Amendment No. 3432, to make grants to carry out the Small Community Air Service Development Pilot program. **Pages S5184–86**

Lautenberg (for Reed) Modified Amendment No. 3436, to provide $10,000,000 for the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island. **Pages S5184–86**

Lautenberg (for Kohl) Modified Amendment No. 3438, to state the sense of the Senate regarding funding for Coast Guard acquisitions and for Coast Guard operations during fiscal year 2001. **Pages S5184–86**

Lautenberg (for Dodd) Modified Amendment No. 3447, to provide that new starts funding shall be available for a project to re-electrify the rail line between Danbury, Connecticut and Norwalk, Connecticut. **Pages S5184–86**

Shelby (for Cochran) Amendment No. 3451, to make available funds previously appropriated for the Star Landing Road project in DeSoto County, Mississippi. **Pages S5184–86**

Lautenberg (for Baucus/Burns) Amendment No. 3452, to provide that the non-Federal share of project number 1646 in section 1602 of Public Law No.105–178, may be funded by Federal funds from an agency or agencies not part of the Department of Transportation. **Pages S5184–86**

Shelby (for Nickles) Amendment No. 3453, to provide for the conveyance of airport property to an institution of higher education in Oklahoma.

**Pages S5184–86**

Shelby (for McCain) Amendment No. 3440, to condition the use by the FAA Airport Office of non-safety related funds on the FAA's completion of its investigation in Docket No. 13–95–05. **Page S5188**

By 95 yeas to 3 nays (Vote No. 131), Allard Amendment No. 3430, making supplemental appropriations for fiscal year ending September 30, 2000, for reduction of the public debt.

**Pages S5177–78, S5189–90**

Shelby Amendment No. 3454, designating the New Jersey Transit commuter rail station to be located at the intersection of the Main/Bergen line and the Northeast Corridor line in the State of New Jersey shall be known and designated as the "Frank R. Lautenberg Transfer Station". **Pages S5196–97**

Withdrawn:

Collins (for Collins/Schumer) Amendment No. 3439, to express the sense of the Senate that the Strategic Petroleum Reserve should be used to address high crude oil and gasoline prices.

**Pages S5173–76**

Wyden Amendment No. 3433, to require the Inspector General of the Department of Transportation to review certain airline customer service practices and to make recommendations for reform.

**Pages S5178–80**

During consideration of this measure today, the Senate also took the following action:

By 46 yeas to 52 nays (Vote No. 130), Senate failed to uphold the defense of germaneness with regard to Voinovich Amendment No. 3434, to provide increased flexibility in use of highway funding, therefore, the amendment was ruled as not germane, and thus fell. **Pages S5168–73**

Senate agreed to a modified motion to instruct conferees on the part of the Senate to accept section 318 of the bill as passed by the House of Representatives, but to authorize the Department of Transportation, pursuant to a study by the National Academy of Sciences, in conjunction with the DOT, to recommend, but not to promulgate without approval by a Joint Resolution of Congress, appropriate corporate average fuel efficiency standards.

**Pages S5197–S5214**

Senate insisted on its amendment, and requested a conference with the House thereon. **Page S5197**

Subsequently, following adoption of the modified motion to instruct the conferees (listed above), the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Shelby, Domenici, Specter, Bond, Gorton, Bennett, Campbell, Stevens, Lautenberg, Byrd, Mikulski, Reid, Kohl, Murray, and Inouye. **Page S5214**

***U.S. Army 225th Birthday Recognition:*** Committee on the Judiciary was discharged from further consideration of H.J. Res. 101, recognizing the 225th birthday of the United States Army, and the resolution was then agreed to. **Page S5279**

**Measure Indefinitely Postponed:**

***Transportation Appropriations:*** S. 2720, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001. **Page S5280**

**Electronic Signatures in Global and National Commerce Act—Conference Report:** Senate began consideration of the conference report of S. 761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces. **Pages S5215–31**

A unanimous-consent agreement was reached providing for further consideration of the conference report, with a vote to occur thereon, on Friday, June 16, 2000, at 9:30 a.m. **Page S5280**

**Appointment:**

***Federal Judicial Center Foundation:*** The Chair, on behalf of the President pro tempore, pursuant to Public Law 100–702, appointed Richard D. Casey, of South Dakota, to the board of the Federal Judicial Center Foundation. **Pages S5279–80**

**Nominations—Agreement:** A unanimous-consent agreement was reached providing for consideration of the nominations of Laura Taylor Swain, to be United States District Judge for the Southern District of New York, Beverly B. Martin, to be United States District Judge for the Northern District of Georgia, and Jay A. Garcia-Gregory, to be United States District Judge for the District of Puerto Rico, on Friday, June 16, 2000.

**Defense Authorization—Agreement:** A unanimous-consent agreement was reached providing for further consideration of S. 2549, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and certain amendments to be proposed thereto, on Monday, June 19, 2000, at 3 p.m., and Tuesday, June 20, 2000, at 9:30 a.m. **Page S5215**

**Foreign Operations Appropriations—Agreement:** A unanimous-consent agreement was reached providing for consideration of S. 2522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, on Tuesday, June 20, 2000.

**Page S5215**

**Messages From the House:** **Page S5239**

**Communications:** **Pages S5239–40**

**Executive Reports of Committees:** **Page S5240**

**Statements on Introduced Bills:** **Pages S5241–72**

**Additional Cosponsors:** **Pages S5272–74**

**Amendments Submitted:** **Pages S5275–79**

**Authority for Committees:** Page S5279

**Additional Statements:** Pages S5237–39

**Privileges of the Floor:** Page S5279

**Record Votes:** Three record votes were taken today. (Total—132) Pages S5173, S5189, S5197

**Adjournment:** Senate convened at 9:45 a.m., and adjourned at 7:55 p.m., until 9:30 a.m., on Friday, June 16, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5280.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the following business items:

S. 2487,to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation, with an amendment in the nature of a substitute;

S. 2438, to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, with an amendment in the nature of a substitute;

S. 1510, to revise the laws of the United States appertaining to United States cruise vessels, with an amendment in the nature of a substitute;

S. 1534, to reauthorize the Coastal Zone Management Act, with an amendment in the nature of a substitute;

S. 1687, to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission, with amendments;

S. 2440, to amend title 49, United States Code, to improve airport security, with an amendment in the nature of a substitute;

S. 2412, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and 2003;

S. 893, to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels; and

The nominations of J. Randolph Babbitt, of Virginia, Robert W. Baker, of Texas, Edward M. Bolen, of Maryland, Geoffrey T. Crowley, of Wisconsin, Robert A. Davis, of Washington, and Kendall W. Wilson, of the District of Columbia, each to be a Member of the Federal Aviation Management Advisory Council, Department of Transportation; Delmond J.H. Won, of Hawaii, to be a Federal Maritime Commissioner; and a nomination list for promotion in the United States Coast Guard.

## FOREIGN OIL SOURCES

*Committee on Energy and Natural Resources:* Committee concluded hearings on certain provisions of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, after receiving testimony from Senator Jeffords; former Senator Johnston, J. Bennett Johnston and Associates, Washington D.C.; Ernest J. Moniz, Under Secretary of Energy for Science, Energy and Environment; Richard L. Lawson, National Mining Association, Steven E. Plotkin, Center for Transportation Research, Argonne National Laboratory, and Jaime Steve, American Wind Energy Association, all of Washington, D.C.; Jerry Jordan, Jordan Energy, Inc., Columbus, Ohio, on behalf of the Independent Petroleum Association of America and the National Stripper Well Association; and Paul Vermylen, Meenan Oil Co., Syosset, New York, on behalf of the Independent Fuel Terminal Operators Association.

## CONCESSIONS MANAGEMENT PROGRAM

*Committee on Energy and Natural Resources:* Subcommittee on National Parks, Historic Preservation, and Recreation concluded oversight hearings to examine a General Accounting Office report on the problems which plague the Concessions Management Program of the National Park Service, after receiving testimony from Barry T. Hill, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Maureen Finnerty, Associate Director, Park Operations and Education, National Park Service, Department of the Interior; and Philip H. Voorhees, Washington, D.C., on behalf of the National Parks Conservation Association.

## HEAVY-DUTY DIESEL EMISSION RULE

*Committee on Environment and Public Works:* Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded hearings to examine Environmental Protection Agency emission standards for heavy duty trucks and buses and the accompanying low sulfur requirement for diesel fuel, after receiving testimony from Robert Perciasepe, Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; J. Louis Frank, Marathon Ashland Petroleum, Findlay, Ohio; Jerry Thompson, Citgo Petroleum Company, Tulsa, Oklahoma, on behalf of the National Petrochemical and Refiners Association; Robert J. Looney, Cenax Harvest States Cooperative, on behalf of the National Council of Farmer Cooperatives, David S. Addington, American Trucking Associations, Inc., and Bruce Bertelsen, Manufacturers of Emission

Controls Association, all of Washington, D.C.; and James A Haslam, III, Pilot Oil Corporation, Knoxville, Tennessee, on behalf of the Society of Independent Gasoline Marketers of America.

**INTERNATIONAL TERRORISM**

*Committee on Foreign Relations:* Committee held hearings to examine the report of the National Commission on Terrorism evaluating the changing threat of international terrorism and United States laws, policies, and practices for preventing and punishing terrorism aimed at U.S. citizens, receiving testimony from L. Paul Bremer, III, Chairman, and Maurice Sonnenberg, Vice Chairman, both of the National Commission on Terrorism; Michael A. Sheehan, Coordinator for Counterterrorism, Department of State; and Dale L. Watson, Assistant Director, Counterterrorism, Federal Bureau of Investigation, and James S. Reynolds, Chief, Terrorism and Violent Crime Section, Criminal Division, both of the Department of Justice.

Hearings recessed subject to call.

**BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 11, for the relief of Wei Jingsheng;

S. 150, to the relief of Marina Khalina and her son, Albert Mifakhov;

S. 451, for the relief of Saeed Rezai;

S. 1078, for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey, with an amendment in the nature of a substitute;

S. 1513, for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas;

S. 2019, for the relief of Malia Miller; and

The following nominations of Jay A. Garcia-Gregory, to be United States District Judge for the District of Puerto Rico; Beverly B. Martin, to be United States District Judge for the Northern District of Georgia; Laura Taylor Swain, to be United States District Judge for the Southern District of New York; Julio F. Mercado, of Texas, to be Deputy Administrator of Drug Enforcement Department of Justice; Daniel G. Webber, Jr., to be United States Attorney for the Western District of Oklahoma; James L. Whigham, to be United States Marshal for the Northern District of Illinois; and Russell John Qualliotine, to be United States Marshal for the Southern District of New York.

# House of Representatives

## *Chamber Action*

**Bills Introduced:** 21 public bills, H.R. 4669–4689, and 2 resolutions, H. Con. Res. 354–355, were introduced. **Pages H4590–91**

**Reports Filed:** No Reports were filed today.

**VA, HUD, and Independent Agencies Appropriations 2001:** The House agreed to H. Res. 525, the rule that is providing for consideration of H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001 by a yea and nay vote of 232 yeas to 182 nays, Roll No. 278. **Pages H4489–98**

**Interior and Related Agencies Appropriations 2001:** The House passed H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001 by a yea and nay vote of 204 yeas to 172 nays, Roll No. 291. The House previously considered the bill on June 13 and June 14. **Pages H4498–H4585**

Rejected the Dicks motion to recommit the bill to the Committee on Appropriations with instructions to report it back with an amendment to increase funding for the National Endowment for the Arts by $15 million, the National Endowment for the Humanities by $5 million, and Office of Museum Services by $2 million by a recorded vote of 184 ayes to 188 noes, Roll No. 290. **Pages H4584–85**

Agreed To:

Dicks amendment that exempts activities otherwise authorized by law related to the planing and management of national monuments or activities related to the Interior Columbia Basin Ecosystem Management Plan from any limitations imposed under the Act (agreed to by a recorded vote of 243 ayes to 177 noes, Roll No. 281); **Pages H4500–20**

Slaughter amendment that defers an additional $22 million of prior year clean coal technology funding (agreed to by a recorded vote of 207 ayes to 204 noes, Roll No. 283); **Pages H4524–38, H4539–40**

Sanders amendment No. 28 printed in the Congressional Record that increases funding for weatherization assistance and energy conservation programs by $45 million and reduces fossil fuel energy research and development programs accordingly; **Pages H4544–50, H4555**

Nethercutt amendment that increases funding for the Indian Health Service by $22 million; **Pages H4559–69**

Nethercutt amendment that implements the previously agreed to Dicks amendment except for activities related to planning and management of national monuments (agreed to by a recorded vote of 197 ayes to 180 noes, Roll No. 288); **Pages H4573–74**

Kelly amendment that clarifies the activities of the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers Program; **Pages H4574–75**

Doolittle amendment No. 22 printed in the Congressional Record that prohibits the Forest Service from buying vehicles painted any color other than white; **Page H4575**

Wilson amendment, as amended by Udall of New Mexico, that prohibits any funding to be used by the Bureau of Land Management, National Park Service, or the Forest Service to conduct a prescribed burn of Federal land if any provisions of the Federal Wildland Fire Policy are not implemented (the underlying Wilson amendment similarly required compliance with the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995); **Page H4577**

Rejected:

Nethercutt amendment to the Dicks amendment that sought to strike reference to activities related to the Interior Columbia Basin Ecosystem Management Plan (rejected by a recorded vote of 206 ayes to 221 noes, Roll No. 279); **Pages H4501–08**

Hansen amendment to the Dicks amendment that sought to strike reference to the planning and management of national monuments (rejected by a recorded vote of 187 ayes to 234 noes, Roll No. 280). **Pages H4510–19**

Stearns amendment, as modified, that sought to decrease National Endowment for the Arts funding by $1.9 million or approximately 2 % and increase wildland fire management funding accordingly (rejected by a recorded vote of 152 ayes to 256 noes, Roll No. 282). **Pages H4520–22, H4538–39**

Royce amendment that sought to increase the deferral of prior years clean coal technology funding by $237 million; **Pages H4541–44, H4555**

Sanders amendment No. 29 printed in the Congressional Record that sought to make available $10 million to establish a northeast home heating oil reserve and transfer strategic petroleum reserve funding for this purpose (rejected by a recorded vote of 193 ayes to 195 noes, Roll No. 286); **Pages H4550–55, H4556**

DeFazio amendment No. 10 printed in the Congressional Record that sought to prohibit the use of any funding to assess fines for failure to pay fees for vehicle passes imposed under the recreational fee demonstration program; and **Pages H4575–76**

Weldon of Florida amendment No. 48 printed in the Congressional Record that sought to prohibit any funding to be used to publish Class III gaming procedures under part 291 of title 25, code of Federal Regulations (rejected by a recorded vote of 167 ayes to 205 noes, Roll No. 289. **Pages H4578–82**

Withdrawn:

DeFazio amendment No. 11 printed in the Congressional Record was offered and subsequently withdrawn that sought to prohibit the use of any funding to enter into a new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in Oregon and California. **Page H4575**

Point of Order Sustained Against:

Young of Alaska amendment No. 50 printed in the Congressional Record that sought to implement the North Prince of Wales Island Collaborative Stewardship Project for negotiated salvage permits. **Pages H4576–77**

Rejected the Obey motion to rise by a recorded vote of 183 ayes to 218 noes, Roll No. 284. **Pages H4540–41**

Rejected the Doggett motion to rise by a recorded vote of 169 ayes to 214 noes, Roll No. 287. **Pages H4556–57**

The House agreed to H. Res. 524, the rule that is providing for consideration of the bill on June 13.

**Authorizing the Medal of Honor for Conspicuous Acts of Gallantry and Intrepidity at the Risk of Their Lives and Beyond the Call of Duty:** The House passed S. 2722, to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith—clearing the measure for the President. **Pages H4586–87**

**Legislative Program:** The Majority Leader discussed the legislative Program for the week of June 19. **Page H4585**

**Meeting Hour—Monday June 19:** Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m., on Monday, June 19, for morning hour debate. **Page H4587**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of June 21. **Page H4587**

**Senate Messages:** Message received from the Senate today appears on page H4498.

**Referrals:** S. 1967 was referred to the Committee on Resources and S. 2498 was referred to the Committee on House Administration. **Page H4587**

**Amendments:** Amendments ordered printed pursuant to the rule appear on page H4593.

**Quorum Calls—Votes:** One quorum call (Roll No. 285), one yea and nay vote and twelve recorded votes developed during the proceedings of the House today and appear on pages H4497–98, H4508–09, H4518–19, H4519–20, H4538–39, H4539–40, H4540–41, H4555–56, H4556, H4556–57, H4574, H4582–83, H4584–85, and H4585.

**Adjournment:** The House met at 9:00 a.m. and adjourned at 1:25 a.m. on Friday, June 16.

# Committee Meetings

## HOUSING FINANCE REGULATORY IMPROVEMENT ACT

*Committee on Banking and Financial Services:* Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises continued hearings on improving regulation of housing Government Sponsored Enterprises, Housing, focusing on H.R. 3703, Housing Finance Regulatory Improvement Act. Testimony was heard from public witnesses.

Hearings continue June 21.

## INTERNET GAMBLING PROHIBITION ACT

*Committee on Commerce:*. Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 3125, Internet Gambling Prohibition Act of 1999. Testimony was heard from Representative Goodlatte; Kevin V. DiGregory, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

## FACA: CONFLICTS OF INTEREST AND VACCINE DEVELOPMENT

*Committee on Government Reform:* Held a hearing entitled: ''FACA: Conflicts of Interest and Vaccine Development—Preserving the Integrity of the Process.'' Testimony was heard from James L. Dean, Director, Office of Governmentwide Policy, GSA; Marilyn L. Glynn, General Counsel, Office of Government Ethics; and the following officials of the Department of Health and Human Services: Linda A. Suydam, Senior Associate Commissioner, FDA; and Dixie Snider, Executive Secretary, Advisory Committee on Immunization Practices, Centers for Disease Control.

## F–22 COST CONTROLS

*Committee on Government Reform:* Subcommittee on National Security, Veterans Affairs, and International Relations held a hearing on ''F–22 Cost Controls: Will Production Cost Savings Materialize?'' Testimony was heard from the following officials of the National Security and International Affairs Division, GAO: Allen Li, Associate Director; and Leonard L. Benson, Senior Evaluator; the following officials of the Department of Defense: Darleen A. Druyun; Principal Deputy Assistant Secretary, Acquisition Management, U.S. Air Force; and George Schneiter, Director, Strategic and Tactical Systems.

## MISCELLANEOUS MEASURES; OVERSEAS PRESENCE ADVISORY PANEL RECOMMENDATIONS

*Committee on International Relations:* Favorably considered the following resolutions and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H. Con. Res. 352, expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; H. Res. 500, amended, expressing the sense of the House of Representatives concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe; H. Con. Res. 275, amended, expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements; and H. Res. 259, supporting the goals and ideals of the Olympics.

The Committee also held a hearing on Progress on Implementing Overseas Presence Advisory Panel Recommendations. Testimony was heard from Bonnie R. Cohen, Under Secretary, Management, Department of State.

## OVERSIGHT—INTERNET-COPYRIGHTED WEBCAST PROGRAMMING

*Committee on the Judiciary:* Subcommittee on Courts and Intellectual Property held an oversight hearing on Copyrighted Webcast Programming on the Internet. Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; and public witnesses.

## MISCELLANEOUS MEASURES; OVERSIGHT—DRUGS THREAT POSED

*Committee on the Judiciary:* Subcommittee on Crime approved for full Committee action the following bills: H.R. 4033, amended, Bulletproof Vest Partnership Grant Act of 2000; and H.R. 4640, DNA Analysis Backlog Elimination Act of 2000.

The Subcommittee also held an oversight hearing on ''The Threat Posed by the Illegal Importation, Trafficking, and Use of Ecstasy and Other 'Club' Drugs.'' Testimony was heard from Lewis Rice, Jr., Special Agent in Charge, New York Division, DEA, Department of Justice; John Varrone, Acting Deputy Assistant Commissioner, Office of Investigations, U.S. Customs Service, Department of the Treasury; and public witnesses.

## AGRICULTURAL OPPORTUNITIES ACT

*Committee on the Judiciary:* Subcommittee on Immigration and Claims held a hearing on H.R. 4548, Agricultural Opportunities Act. Testimony was heard from Representative Pombo; John R. Fraser, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Department of Labor; Cindy Fagnoni, Director, Education, Workforce, and Income Security Issues, Health, Education, and Human Services Division, GAO; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Energy and Mineral Resources approved for full Committee action H.R. 3432, to direct the Minerals Management Service to grant the State of Louisiana and its lessees

a credit in the payment of Federal offshore royalties to satisfy the authorization for compensation contained in the Oil Pollution Act of 1990 for oil and gas drainage in the West Delta Field.

The Subcommittee also held a hearing on the following bills: S. 1030, to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws; and H.R. 4340, Mineral Revenue Payments Clarification Act of 2000. Testimony was heard from Representatives Udall of New Mexico and Skeen; Kathy Karpan, Acting Principal Deputy, Land and Minerals Management, Department of the Interior; and public witnesses.

## NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 4442, National Wildlife Refuge System Centennial Act. Testimony was heard from Jamie Rappaport Clark, Director, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Water and Power approved for full Committee action the following bills: S. 1275, Hoover Dam Miscellaneous Sales Act; H.R. 2984, amended, to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; H.R. 3595, amended, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; S. 986, Griffin Project Prepayment and Conveyance Act; H.R. 1787, Deschutes Resources Conservancy Reauthorization Act of 1999; H.R. 4389, amended, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; H.R. 1113, Colusa Basin Watershed Integrated Resources Management Act; and H.R. 2348, amended, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

## SMALL BUSINESS OMBUDSMAN—REGULATORY FAIRNESS PROGRAM

*Committee on Small Business:* Subcommittee on Regulatory Reform and Paperwork Reduction held a hearing on the Small Business Ombudsman and the Regulatory Fairness Program. Testimony was heard from public witnesses.

## UNITED-U.S. AIRWAYS—PROPOSED MERGER

*Committee on Transportation and Infrastructure:* Concluded hearings on the Proposed United-US Airways Merger. Testimony was heard from Representatives Myrick and Slaughter; D. Michael Fisher, Attorney General, State of Pennsylvania; Mike Hatch, Attorney General, State of Minnesota; and public witnesses.

## UNITED STATES-VIETNAM RELATIONS

*Committee on Ways and Means:* Subcommittee on Trade held a hearing on United States-Vietnam Relations, including the renewal of Vietnam's waiver under the Jackson-Vanik amendment to the Trade Act of 1974. Testimony was heard from Representative Rohrabacher; Douglas Peterson, U.S. Ambassador to Vietnam; and public witnesses.

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## COMMITTEE MEETINGS FOR FRIDAY, JUNE 16

### Senate

No meetings/hearings scheduled.

### House

No Committee meetings are scheduled.

*Next Meeting of the* SENATE

9:30 a.m., Friday, June 16

Senate Chamber

**Program for Friday:** Senate will continue consideration of the conference report on S. 761, Electronic Signatures in Global National Commerce Act, with a vote to occur thereon; following which, the Senate will consider the nominations of Laura Taylor Swain, to be United States District Judge for the Southern District of New York, Beverly B. Martin, to be United States District Judge for the Northern District of Georgia, and Jay A. Garcia-Gregory, to be United States District Judge for the District of Puerto Rico.

Also, following the confirmation of the aforementioned nominations, the Senate will begin a period of morning business, at which time four Senators will be recognized for speeches.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, June 19

House Chamber

**Program for Monday:** Consideration of H.R. 4635, VA, HUD Appropriations 2001 (open rule).

## Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E1031
Baca, Joe, Calif., E1022
Berman, Howard L., Calif., E1022
Borski, Robert A., Pa., E1024
Cannon, Chris, Utah, E1028
Clay, William (Bill), Mo., E1018
Clyburn, James E., S.C., E1022
Condit, Gary A., Calif., E1024
Crowley, Joseph, N.Y., E1032
DeLauro, Rosa L., Conn., E1025
Edwards, Chet, Tex., E1029
Hall, Tony P., Ohio, E1029
Hoekstra, Peter, Mich., E1032
Holt, Rush D., N.J., E1032
Hulshof, Kenny C., Mo., E1031
Kelly, Sue W., N.Y., E1029
Kildee, Dale E., Mich., E1018
Kucinich, Dennis J., Ohio, E1028
Lowey, Nita M., N.Y., E1024
Lucas, Ken, Ky., E1034
Matsui, Robert T., Calif., E1019
McCarthy, Karen, Mo., E1021, E1030
Menendez, Robert, N.J., E1025
Miller, Gary G., Calif., E1017, E1019
Ortiz, Solomon P., Tex., E1025, E1033
Packard, Ron, Calif., E1023
Payne, Donald M., N.J., E1017, E1020, E1031
Pelosi, Nancy, Calif., E1022, E1026
Phelps, David D., Ill., E1030
Radanovich, George, Calif., E1030
Rangel, Charles B., N.Y., E1030
Sandlin, Max, Tex., E1018
Schaffer, Bob, Colo., E1017, E1019, E1032
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Stark, Fortney Pete, Calif., E1026
Talent, James M., Mo., E1032
Tauscher, Ellen O., Calif., E1024
Towns, Edolphus, N.Y., E1023
Udall, Mark, Colo., E1030
Udall, Tom, N.M., E1017, E1020
Vento, Bruce F., Minn., E1025
Visclosky, Peter J., Ind., E1032
Watts, J.C., Jr., Okla., E1026, E1032
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