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House of Representatives

The House met at 9 a.m.

The Reverend Claude Pomerleau, University of Portland, Portland, Oregon, offered the following prayer:

Lord and Master of the universe, we dare to call You Mother and Father because You are the Source of all that we are, all that we have and all that we do. You have sent us Your Spirit, and so we also call ourselves Your children. We know that You love us all, and that this gift goes beyond our greatest expectations.

O God, bless all the Members of the House this day and always. May they act in accordance with Your Spirit as they serve this Nation and work for a more peaceful and secure world. May they be just and compassionate in their work as You are just and compassionate with Your creation, and may they be a sign of Your presence for this Nation and the world.

We pray that we may always be instruments of Your peace, even in the midst of unresolved problems and constant human conflicts. And, as a result, may we strive to be a mosaic of Your renewing presence in this world, through which we have a brief but glorious passage. 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.

Mr. MCNULTY. 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.

Mr. MCNULTY. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

NOTICE

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The vote was taken by electronic device, and there were—yeas 267, nays 50, answered ''present'' 1, not voting 116, as follows:

[Roll No. 514]

YEAS—267

Abercrombie
Allen
Andrews
Baca
Bachus
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Camp
Campbell
Capps
Cardin
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Cunningham
Danner
Davis (IL)
Deal
DeGette
DeLauro
DeMint
Deutsch
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Ehlers
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hill (IN)
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Horn
Hostettler
Houghton
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Regula
Reynolds
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velazquez
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (PA)
Weygand
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—50

Aderholt
Baird
Baldacci
Borski
Brady (PA)
Capuano
Costello
Crowley
DeFazio
Dickey
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hill (MT)
Hilleary
Hilliard
Hoekstra
Holt
Hutchinson
Kucinich
LaFalce
Lipinski
LoBiondo
McDermott
McNulty
Miller, George
Moran (KS)
Neal
Oberstar
Obey
Phelps
Ramstad
Riley
Sabo
Sanchez
Sawyer
Schaffer
Slaughter
Stark
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller
Wu

ANSWERED ''PRESENT''—1

Smith (MI)

NOT VOTING—116

Ackerman
Archer
Armey
Baker
Barton
Berman
Bilbray
Bilirakis
Blumenauer
Boehlert
Bonior
Bono
Boucher
Brown (FL)
Burton
Calvert
Canady
Cannon
Carson
Castle
Chenoweth-Hage
Clay
Collins
Conyers
Crane
Cubin
Cummings
Davis (FL)
Davis (VA)
Delahunt
DeLay
Diaz-Balart
Dicks
Dixon
Doolittle
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Filner
Foley
Ford
Fossella
Franks (NJ)
Gephardt
Gilchrest
Goss
Graham
Hansen
Hayes
Hefley
Herger
Hinchey
Hoyer
Hulshof
Johnson (CT)
Johnson, Sam
Kaptur
King (NY)
Kleczka
Klink
Largent
Lazio
Leach
Lewis (GA)
Lowey
Martinez
McCarthy (MO)
McCollum
McGovern
McIntosh
McKinney
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Millender-McDonald
Miller (FL)
Mollohan
Norwood
Owens
Paul
Peterson (MN)
Pombo
Porter
Quinn
Radanovich
Rangel
Reyes
Rodriguez
Rogan
Rogers
Rush
Sanders
Scott
Shuster
Smith (TX)
Souder
Spence
Stabenow
Strickland
Tancredo
Thomas
Vento
Vitter
Waters
Watt (NC)
Waxman
Weldon (FL)
Wexler
Whitfield
Wicker
Wise
Young (AK)

□ 0931

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. OWENS. Mr. Speaker, this morning I was unavoidably absent on a matter of critical importance and missed the following vote:

On the Journal (rollcall No. 514), I would have voted ''yea.''

Mr. FOLEY. Mr. Speaker, on rollcall No. 514, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 514, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 514, I was inadvertently detained. Had I been present, I would have voted ''nay.''

□

PLEDGE OF ALLEGIANCE

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

Mr. SIMPSON 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 PRO TEMPORE

The SPEAKER pro tempore. One minutes will be postponed until the end of the day except for the gentlewoman from Illinois (Ms. SCHAKOWSKY).

□

ANNOUNCEMENT OF THE PASSING OF FORMER CONGRESSMAN SIDNEY YATES

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise with a very sad announcement. Congressman Sidney Yates died last night.

Those who loved the arts, who cherish the environment, who struggle for human freedom and dignity lost a hero. Many of us, many of you lost a very dear friend, a true gentleman in this body for 48 years.

There will be an opportunity at a later time for those who are moved to pay tribute to Sid to speak on this floor, and details about arrangements will be provided to all Members as soon as they are available.

□

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 612 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 612

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The Conference report shall be considered as read.

SEC. 2. House Resolutions 586, 592, 595, 599, and 600 are laid on the table.

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

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

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 612 is a standard conference report rule providing for consideration of the conference report to accompany H.R. 4475, the Department of Transportation and Related Agencies Appropriations for the Fiscal Year 2001.

The rule waives all points of order against the conference report and against its consideration. Additionally, the rule provides that the conference report shall be considered as read. Finally, the rule lays House Resolutions 586, 592, 595, 599, and 600 on the table.

Mr. Speaker, whether cross-town or cross-country, by car, train or plane, ensuring the safety and efficiency of our transportation networks is one of the Federal Government's highest responsibilities. The conference report accompanying H.R. 4475 continues the Republican Congress' focus on safety for all modes of transportation.

This bill improves and invests in the Nation's infrastructure and safety by targeting funds to critical programs such as air traffic control modernization, airport improvement grants, motor carrier safety, and increasing investments in highway safety research.

The bill enhances the safety and capacity of the aviation system and the highway and rail networks. It makes runway prevention systems and devices eligible for airport improvement funds and directs the FAA to make such requests for discretionary funding the highest priority. Under this bill, air traffic services continue to make up an integral part of aviation safety.

The bill provides a total of nearly $17.8 billion in discretionary budget authority for our Nation's infrastructure and transportation safety, including the Federal Aviation Administration, transit program spending, the United States Coast Guard, and the National Highway Traffic Safety Administration.

The bill includes $279 million for the Federal Motor Carrier Safety Administration, an increase of more than 50 percent from last year's levels, to improve the safety of the trucks of our Nation's roads. The underlying legislation also increases investments to critical highway safety research and development of smart vehicle technologies.

Another significant piece of the Transportation Appropriations is to fund the drug interdiction activities carried out by the U.S. Coast Guard. The bill provides for $565 million for these activities, helping the men and women of the Coast Guard prevent addictive and deadly narcotics from ever reaching our shores, let alone our neighborhoods and school yards.

Additionally, the bill meets the funding obligations for the highway and aviation accounts, as prescribed under TEA–21 and AIR–21 reauthorization bills. These programs are critical to improvements and modernization of our roadways and our airways, providing desperately needed funds across the Nation.

The bill also contains an increase in funding for pipeline safety, an increase of 25 percent over last year.

I am also pleased the underlying bill makes available a $2 million continuing appropriation for the Rochester Genesee Regional Transportation Authority bus project, an important public transportation project that will serve my district and region. It also contains an additional appropriation for reverse commuting that will help those most in need to reach their jobs, wherever they may be, demonstrating our commitment to better, safer public transportation.

Similarly, the conference report provides much needed funding of $2 million for the Niagra Falls Transportation Authority in the Buffalo area. Under this legislation, Western New York will be able to be better served with more reliable and safe bus transportation and improve job access and reverse commute efforts.

Mr. Speaker, safety should remain the Federal Government's highest responsibility in the transportation area, and clearly this bill addresses those needs and concerns.

In conclusion, I would like to commend the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their hard work in bringing this measure before the House today. I would also like to commend the gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Transportation, and the gentleman from Minnesota (Mr. SABO), the ranking member, for their hard work and continued commitment to our Nation's infrastructure.

Mr. Speaker, I urge my colleagues to support the rule and the underlying measure.

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

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

Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time.

Mr. Speaker, this rule will waive all points of order against the conference report to accompany H.R. 4475. This is the bill that makes appropriations for the Department of Transportation and related agencies in the year 2001.

Mr. Speaker, the bill funds much of the Nation's transportation infrastructure. It includes money for the construction, the maintenance, the operation of highways, airports, public transit systems and Amtrak. It also supports transportation safety and research for all modes.

The bill spends $3.5 billion in discretionary spending, more than last year. This is an investment that will pay off in safer and more efficient transportation for most Americans.

The conference agreement sets a national standard for drunken driving. Drivers will be considered legally drunk if they have a blood alcohol level of 0.8. This standard will save lives and reduce traffic accidents.

I am also pleased with the bill because it includes funds for the Centennial of Flight Commission. This is a national commission helping to coordinate and promote the celebration of the centennial of the Wright Brothers' first flight. The anniversary will take place in the year 2003.

The bill also funds programs on the Department of Treasury, Executive Office of the President, General Services Administration, National Archives and Records Administration.

This will be the last House vote on the Transportation appropriations bill under the gentleman from Virginia (Mr. WOLF) as chairman of the Subcommittee on Transportation. The gentleman from Virginia (Mr. WOLF) will be leaving this particular position of chairman of the Subcommittee on Transportation in the next Congress.

And despite many of the tensions around here, the Transportation appropriations bill has emerged largely without partisanship. That is a tribute to the leadership and fairness of the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO). I join my colleagues on both sides today in thanking the gentleman from Virginia (Mr. WOLF) for a job well done.

This is the way I think in the House of Representatives that we are to conduct our business, in a very good, very efficient, very bipartisan way.

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

Mr. REYNOLDS. Mr. Speaker, does the gentleman from Ohio (Mr. HALL) have any further speakers?

Mr. HALL of Ohio. Mr. Speaker, I have one speaker.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. OBEY), who is the ranking minority member of the Committee on Appropriations, former chairman of the committee.

Mr. OBEY. Mr. Speaker, I am sorry to say that this conference report demonstrates that people who too frequently promise regular order should be regarded in the same way that Blaze Starr regarded men who used the phrase ''trust me.''

The process by which this bill is being brought to the floor is truly amazing. The normal process, the legislative process is for both Houses to pass bills. Then we have a conference between the committees representing both Houses. They produce a document, and then each House has an opportunity to vote on that document.

If the Senate has adopted amendments out of the normal scope of the conference, then House Members are protected and authorizing committees

are protected by having the ability to have a vote on those amendments on the House floor.

Instead, this rule today takes the conference report on this bill, and instead of bringing it back as a conference report, it introduces as a new bill the conference report.

□ 0945

It then files a report that refers to that conference report. So to figure out what is in this bill, Members do not have to just go and look at the document accompanying this conference report, they have to go look at a second document. It is a two-step operation and it has two convenient results: Number one, it makes it just a little bit more difficult for the average rank-and-file Member to figure out what has been done in the conference; and, secondly, it guts our ability as an institution to deal with subject matters that individual Members, rather than a few power brokers in this House, feel that they ought to have an ability to comment on.

Now, this abuse on this bill would be far less disturbing if it were not part of a broad pattern of abuse of the legislative process which is having the effect of depriving the great majority of Members in this institution in both parties from having a real opportunity to play a meaningful role in the resolution of these issues.

One Member told me earlier this week that we are evolving into a system in which no more than 30 or 40 people have any meaningful input on the major decisions happening here, and nearly half of those people are staff. That is a sad reality. That means that well over 400 of the 435 Members of this institution are effectively cut out of the process, and that means 400 congressional districts, representing 200 million Americans, virtually have little league say, at best, in the decisions that are made here. And that simply is not fair.

In fact, one Member observed to me that, given the way this House has approached appropriation bills for the past year, most Members really do not have to show up in this place for real until October because the institution spends most of its time passing meaningless resolutions trying to nail the people on the other side of the aisle on controversial issues, or else we pass appropriation bills that have no relationship whatsoever to what is expected to finally be in those bills when they emerge as a final product. So we debate political press releases, unfortunately, instead of debating our real convictions on these bills, and that is a destruction of the process that needs to stop.

I would note that the reason that this is being done today is simply to get around Senate rules, because we are apparently afraid that an individual Senator on the majority side of the aisle is unhappy with the contents of this bill and wants to read the bill on the floor. Now, the problem is that this House's rules are being destroyed in order for us to deal with the Senate rules as an institution, and the leadership of the House is making that worse.

In the Senate, major appropriation bills in the Senate, major appropriation bills involving half of the departments of the Federal Government, were never even taken to the Senate Floor. And we have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term Representative Democracy. The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.

Last night, for instance, we had, after 2 months of waiting to go to conference because the majority party leadership was trying to decide what the contents of the agriculture bill should be, after 2 months we finally went to conference, after we had a motion to instruct the committee to have a full-blown conference on the Agriculture bill, and we had a very meaningful debate in that conference. But even then, at the end of that conference, we had to have the majority members march up to the leadership offices to find out what their marching orders were for the rest of the conference.

Now, I just do not believe that we ought to be proceeding in this manner. And what I find ironic about this is that the very people in this institution and in the House leadership who cry the most about central government power in Washington, are the very same people who are day by day centralizing power in this institution. And that is not only wrong, it is dangerous. There needs to be a happy medium between power that lodges in the hands of individual Members, committees and the leadership.

I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here. And that is the real problem with this rule.

I have problems with the underlying bill. I intend to vote against it, and I will explain why during the debate on that bill. But even more important to me is the increasing abuse of process. This House works best when we take advantage of the expertise that all Members have in each and every one of our committees. They bring that expertise to bear. It is leavened by the judgment of the leadership, which is a perfectly appropriate role.

But when we wind up having the judgment of the leadership come down like a hammer and prevent committees from doing their work in an orderly manner, and then they prevent individual Members from having a say on nongermane Senate amendments, it reminds me of the fights we used to have when the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. MILLER) and the gentleman from California (Mr. BROWN) and the Republican counterparts, when the Republicans were in the minority, used to raise ''you know what'' because all kinds of nongermane amendments were being offered in Senate and the authorizing committees had no way here to protect themselves. That is why we built in some of these rules and protections. Today they have been stripped away in the name of one word: Convenience. There ought to be a higher standard in this place.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I rise to not disagree with my friend, the gentleman from Wisconsin (Mr. OBEY). This is not the normal procedure. But I do rise to tell the Members of the House that no Member of the House is disadvantaged by using this procedure.

The conference report on H.R. 4475, and the new bill that is numbered H.R. 5394, are identical. The language of the new bill has been available to the Members at the same time as the conference report on H.R. 4475 because it is printed in the statement of the managers. So no Member of the House has been disadvantaged.

As the gentleman from Wisconsin (Mr. OBEY) has pointed out, this was done to accommodate the other body. Whether that is the best procedure or not, it has been done before, but it is not really the regular order. The main issue here is Members of the House have not been disadvantaged by this procedure. The words in the copy of the bill in the statement of the managers on the conference report and the new bill are identical and they have been available to the House Members. Members are not disadvantaged because of timing and thus disadvantaged because of the language in the introduced bill.

So I think we ought to go ahead and pass this rule, and then I think we ought to go ahead and pass this conference report. As usual, as many Members often say, it is not perfect. There are things in there Members can be opposed to, but there are a lot of good things in there. This conference agreement provides for the highway needs and the transportation needs of the United States of America. And I believe, Mr. Speaker, that we ought to get on with business.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I will vote against H. Res. 612, the rule on the conference report for H.R. 4475, the FY2001 Transportation Appropriations bill. Like many of my colleagues, I voted ''no'' to signal my frustration at the chaotic manner in which this bill was fashioned. I

would also like to take this opportunity to express an additional concern I had relating to the National Corridor Planning and Development Program.

First, let me thank the conferees for including significant investments for the Dallas Area Rapid Transit (DART) system. I am pleased that the bill includes my $70 million request for DART to construct the North Central Light Rail Extension. This funding fulfills the federal government's commitments under a full funding grant agreement reached between DART and the Federal Transit Administration in October, 1999, and will ensure that the North Central extension can proceed on schedule.

I would also like to thank the conferees for including $2 million for DART to acquire new buses that will be used throughout the 13 member jurisdictions within DART's service territory.

I was extremely disappointed, however, that the conferees could not fund my $12 million request for the I–35 Bridge under the National Corridor Planning and Development Program. In recognition of the increased trade and traffic that NAFTA would bring to Texas, I–35 was designated as a corridor under the National Highway System Designation Act of 1995. The I–35 Bridge project is necessary to alleviate the heavy local and trade-related traffic that now traverses the Dallas area. Although the conferees did include $1.325 million for I–35 construction in the Waco, Texas area, I was disappointed that no funding was provided for the heavily congested part of I–35 that traverses Dallas.

Moreover, I am extremely concerned that the State of Texas has again been shortchanged under the National Corridor Planning and Development Program. Under H.R. 4475, total earmarks for this program total approximately $95 million. However, only $5.675 million, or less than 6 percent, was targeted toward projects in Texas. Even more disturbing was that the bill provided funding for two individual projects that both individually exceed the total amount earmarked for Texas, and that these two projects are located in states that are not adjacent to Canada or Mexico.

Thd distribution provided in the National Corridor Planning and Development Program is fundamentally unfair to Texas. The corridor and border programs, authorized in TEA–21, were designed specifically to target assistance to nationally significant roadways that foster international trade and economic growth and that improve the flow of commerce at U.S. ports of entry. Texas has four nationally significant corridors, two of which (I–35 and I–10) carry almost 50 percent of all NAFTA trucks. Texas border crossings carry nearly 80 percent of international truck traffic, with 40 percent of this traveling through the state to other destinations in the U.S. and Canada. However, in the first two years of the programs, Texas has received only $36 million out of approximately $245 million, or less than 15 percent. By decreasing this meager amount to 6 percent, H.R. 4475 certainly goes in the wrong direction.

Mr. Speaker, I am extremely disappointed in this aspect of the Transportation Appropriations bill, and I now intend to redouble my efforts in this area so that future distributions to Texas will be more equitable.

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

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 136, not voting 53, as follows:

[Roll No. 515]

YEAS—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
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Davis (FL)
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Frelinghuysen
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Green (WI)
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Gutknecht
Hall (OH)
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Hill (IN)
Hilleary
Hobson
Hoeffel
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Larson
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LaTourette
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Lewis (CA)
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Lipinski
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
McCrery
McHugh
McInnis
McKeon
McNulty
Menendez
Mica
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Souder
Spratt
Stabenow
Stearns
Stump
Sununu
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
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Thomas
Thornberry
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Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
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Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (FL)

NAYS—136

Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berry
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Clayton
Coburn
Condit
Costello
Crowley
DeGette
DeLauro
Deutsch
Dingell
Doggett
Edwards
Etheridge
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
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Lee
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Lucas (KY)
Luther
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
Meehan
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Nadler
Napolitano
Neal
Oberstar
Obey
Owens
Pallone
Pastor
Payne
Pelosi
Petri
Phelps
Price (NC)
Rivers
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Sensenbrenner
Sherman
Slaughter
Smith (WA)
Snyder
Stark
Stenholm
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watt (NC)
Weiner
Wexler
Woolsey
Wu

NOT VOTING—53

Ackerman
Baker
Berman
Blumenauer
Boucher
Cannon
Carson
Clay
Conyers
Crane
Cummings
Delahunt
Diaz-Balart
Dicks
Dixon
Engel
Eshoo
Foley
Franks (NJ)
Gilchrest
Goss
Hansen
Hefley
King (NY)
Klink
Lazio
Lewis (GA)
Lowey
Martinez
McCollum
McIntosh
McKinney
Meek (FL)
Meeks (NY)
Metcalf
Miller (FL)
Paul
Porter
Rangel
Reyes
Rodriguez
Rush
Shadegg
Shows
Shuster
Smith (TX)
Spence
Strickland
Vento
Waters
Waxman
Wise
Young (AK)

□ 1015

Messrs. HILL of Montana, DOGGETT, ALLEN, PASTOR, WATT of North Carolina, MINGE, and Ms. HOOLEY of Oregon changed their vote from ''yea'' to ''nay.''

Messrs. CLYBURN, MCNULTY and OLVER changed their 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. FOLEY. Mr. Speaker, on rollcall No. 515, I was unavoidably detained. Had I been present, I would have voted "yea."

□

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4475, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Virginia?

There was no objection.

□

CONFERENCE REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 612, I call up the conference report on 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 612, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 5, 2000, at page H8922.)

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

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

Mr. Speaker, I have the pleasure to present today the conference report on the Department of Transportation and related agencies. In total, the bill provides $17.8 billion in discretionary budget authority for critical operations of the Department of Transportation, an increase of $3.5 billion over fiscal year 2000. Much of the increase over last year's level is attributed to mandated increases in the Federal Aviation Administration as a result of the enactment of AIR21. In addition, the increase over last year is a result of additional operational requirements of the U.S. Coast Guard.

Allow me to mention a couple of highlights:

$4.5 billion for the Coast Guard, of which $565 million is for drug interdiction;

$12 billion for the Federal Aviation Administration, a 25 percent increase over last year, consistent with the requirements of AIR21, of which $3.2 billion is for airport improvement programs;

$30 billion for the federal-aid highways program, an increase of almost $2 billion over last year and consistent with TEA21;

$720 million for the emergency relief highway program to fund the backlog of overdue bills to restore highways damaged in previous natural disasters;

$6.3 billion for transit program spending, an increase of $486 million;

$279 million for the Federal Motor Carrier Safety Administration, more than double last year, to improve truck safety on our Nation's roads;

$404 million for the National Highway Traffic Safety Administration, an increase of nearly 10 percent, again safety;

$725 million for the Federal Railroad Administration, of which $521 million is for Amtrak;

$47 million for pipeline safety, which is an increase of over 25 percent.

In addition, the conference agreement contains several items that have been of deep interest to a lot of Members. The agreement before the body contains the following resolutions on rollover, hours-of-service, and .08.

First, on rollover, the agreement permits the National Highway Traffic Safety Administration to move forward with its rollover testing proposal while the National Academy of Sciences studies static versus dynamic testing. Once the study is completed, the administration must propose any appropriate revisions to their testing procedures.

Second, the agreement permits the Federal Motor Carrier Safety Administration to collect and analyze public comments and data on its proposed hours-of-service rule-making during fiscal year 2001. The administration may also issue a supplemental notice of proposed rule-making once this analysis is complete. However, the agreement prohibits the Federal Motor Carrier Administration from taking any final action on the proposed rule during the year 2001. However, a lot of Members in this body and on the committee will be watching to see the Motor Carrier move ahead, because over 5,000 people a year are killed with regard to trucks every year and a number because of tired truck drivers.

Third, the agreement modifies the Senate provision on .08 but still adopts a national standard for drunk driving. This new provision requires all States to adopt a blood alcohol level of .08 by fiscal year 2004. If States do not adopt this standard, they will lose a portion of their highway funds each year, 2 percent in the year 2004, 4 percent in 2005, 6 percent in 2006, and 8 percent in 2007. However, the highway funding would be restored if a State moves to the lower standard by the end of the year 2007. This is basically in honor and in memory of the moms and dads who have lost loved ones on the road because by doing this, we will save four to 500 lives every year. It is my understanding that the Department of Transportation and the White House supports all three of these compromises.

Mr. Speaker, the conference agreement also includes a provision relating to the Central Artery project. This provision is the culmination of 6 years of review and scrutiny by this committee and the Department of Transportation's Inspector General on the project. The Central Artery/Tunnel project in Boston, first estimated to cost $2.5 billion in fiscal year 1985, is now estimated to top $13.1 billion. This provision contained in the conference agreement codifies a recent agreement with Massachusetts officials and the Federal Highway Administration which limits Federal financial participation in the project to $8.5 billion, and sets forward other terms and conditions, including the requirement that the Commonwealth of Massachusetts undertake a balanced statewide construction program of $400 million a year.

Mr. Speaker, this provision is not meant to impugn the administration of, or the recent actions by, the Massachusetts Turnpike Authority. In fact, over the last recent months, the new administration has been forthcoming with details of the cost overruns and the cost to complete the project, something that previous MTA officials withheld from Federal officials. This provision is not to prejudice the current administration of the MTA but rather to ensure that the Federal Highway Administration and the Secretary of Transportation fulfill their fiduciary responsibilities to the American taxpayer.

This conference agreement is a good bill, it is balanced, and it is a bill which will clearly, whether it be on the rollover, whether it be on the .08, whether it be on the trucks and the others and the Coast Guard will save lives. Seldom do we get an opportunity to vote for something that we clearly know will save so many lives. It deserves, hopefully, the body's support. It is my understanding the administration has no serious objections to the bill and will sign it.

Before I close, I would like to thank the gentleman from Minnesota (Mr. SABO), the ranking member, and the other members of the subcommittee for the bipartisan spirit which they have shown in helping us to reach an agreement on these issues. This has never been a partisan bill, and I am pleased that this tradition continues. The gentleman from Minnesota (Mr. SABO) and the gentleman from Wisconsin (Mr. OBEY) have been most gracious and willing to reach compromises needed to move this bill forward to the President.

The gentleman from Florida (Mr. YOUNG), our full committee chairman who has done such an outstanding job, has always ensured that this subcommittee's allocation is ample to accommodate the needs of this subcommittee. With that spirit, I think we have a good bill.

Mr. Speaker, I would like to also take a moment to express my deepest

appreciation for the fine work done by the professional staff on the transportation appropriations subcommittee, including John Blazey, Stephanie Gupta, Rich Efford, Linda Muir, Cheryl Smith and the detailee from the Department of Transportation, Chris Porter.

These professionals have been instrumental in bringing together this important bill. They epitomize, and I speak really for staff people on all the committees, the countless committee staffers who work long hours on Capitol Hill with little or many times no recognition. Now, thanks to their efforts, we are sending a bill to the President that will improve the lives of all Americans by helping to ensure that they not only can go where they want to go but can get there safely.

Stephanie Gupta worked tirelessly to include the .08 standard which will make certain that our sons and daughters and moms and dads can return home safely at night. Her perseverance on this issue, in the face of incredible odds, was crucial in the inclusion of .08. Again, 500 lives.

Additionally, Rich Efford diligently worked to guarantee that the FAA was giving adequate attention to the problem of runway incursions and other safety issues that are so important to Members on both sides of this issue. Rich sacrificed time with his own family for the purpose of making sure that air travel is safer for all of our families.

And Linda Muir is the glue that holds it all together in the subcommittee office. Her organizational skills and good humor have made all of our jobs a lot easier.

Cheryl Smith, from the minority side, is a true professional whose knowledge and experience were valuable assets to the committee's work.

I also want to thank Geoff Gleason from my staff for the committee who for 2 decades, first working with Mr. Solomon and the gentleman from New York (Mr. SWEENEY) and now in my office has been invaluable in our work with our colleagues in bringing this legislation up.

Finally, I would like to thank the staff director, John Blazey, who oversaw the hundreds, and I would say thousands of projects in this bill and is one of the finest professionals on Capitol Hill. I was a staffer on Capitol Hill for a number of years before I had the opportunity to serve and watching John, I can tell you, he is a tribute to the staff that does such a good job on both sides of the aisle. Through his guidance and leadership, we have brought forth an excellent bill which tackles many of the concerns at the heart of transportation in America.

□ 1030

John Blazey knows more about these issues perhaps than anyone else certainly in the Congress, and maybe in the country. I know he will be an asset to the new Bush Administration when they take over in January of next year.

As this will be my last year as chairman of this transportation appropriations bill, I want to extend my heartfelt thanks to the staff, to the Members on both sides, to the leadership and to the gentleman from Florida (Mr. YOUNG) for helping.

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

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

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

Mr. SABO. Mr. Speaker, let me first share the kind words of the gentleman from Virginia (Chairman WOLF for our staff, all the staff he mentioned, along with Marjorie Duske of my staff. They do outstanding work. This is a big and complicated bill to put together, and they do an outstanding job. We owe them our heartfelt thanks for the hours and hours of work they put in producing this bill. They are competent, they are professional, they are fair, and my thanks go to all the staff that works on this bill.

As the gentleman from Virginia (Chairman WOLF) indicated, this is his last year chairing the Subcommittee on Transportation. I have had the opportunity over the last 4 years to serve as the ranking member on this subcommittee and as a member for the entire 6 years that the gentleman from Virginia (Mr. WOLF) has chaired the subcommittee. The gentleman has done an outstanding job. He is professional, he is tough, he is fair, and he knows what he is doing, and he works hard. I expect on many issues we come from differing points on view, on many issues that come before this Congress, but in terms of working on this subcommittee, I have always found the gentleman to be totally open, to be fair in dealing with the members of the minority. His commitment to the transportation system in this country, in particular to safety issues, the transportation system is better because of his efforts; but in particular I have to say that his constant attention to safety issues has been simply outstanding.

I would say to the gentleman from Virginia (Mr. WOLF), this House and the whole country owes the gentleman a big thank you for 6 years of an outstanding job.

On the bill itself, it is a good bill. I intend to vote for it. I am not going to go through the same detail the Chairman did. Everything the gentleman said is accurate. It is a bill that will make substantial improvement to the transportation systems of this country.

I agree with most everything in the bill, but let me just briefly mention one issue where the Chair and I disagree. He is on the winning side; I am on the losing side. But in the context of our Federal system in this country, there are certain things that the Federal Government has responsibilities for; there are other things that State government has responsibility. Clearly one area where the States have preeminence is creating and enforcing the traffic laws of our country.

One of the most difficult issues for States to deal with is to establish the framework for dealing with drunk drivers. That involves their responsibility not only for creating law, but creating a court system to deal with it, creating the enforcement mechanisms, creating and spending the money for penalties and creating and spending the money for treatment.

There are many components that go into a State having a rational and strong drunk driving law. In my judgment, it is a serious mistake for the Federal Government to move in on one component of a complex and difficult problem and say to the States, you do what we think is right, or we will take your highway money away, or a portion of your highway money away.

It is the type of thing we do too frequently in this institution, not with careful thought, but simply because somebody at some point thinks it is a good idea. We add it as a rider to a bill, and the States have to comply.

It may or may not be the right thing to do. It may vary from State to State. What I am certain of, however, is that setting the blood alcohol content level is only one small part of establishing a comprehensive drunk driving policy for a State; and for us to insert our judgment on simply this one issue, and leaving the States with all the complexity of other things to deal with, to me represents the arrogance at times that we carry in the Federal Government as it relates to State and local government in this country. So I strongly oppose what we are doing on this particular provision.

Nonetheless, I intend to vote for the total bill, because, overall, it is a very good bill for transportation and safety in this country.

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

Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Committee on Appropriations Subcommittee on Treasury, Postal Service and General Government.

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

Mr. Speaker, I rise to discuss those provisions of this conference agreement which come under the jurisdiction of the Subcommittee on Treasury, Postal Service and General Government. These provisions are ones that we hope will allow the conference report, which has been over in the Senate and, unfortunately, has not been successful in passage, to allow that to be brought up again and finally passed. We believe that these represent the final compromises and agreements on the Treasury-Postal legislation, and those changes are incorporated into this bill.

The provisions include more funding for the IRS, and they are items that the administration has indicated that

they need to have in order to fully support the fiscal year 2001 conference report that we passed on September 14.

The conference report includes an additional $348 million for the programs of the Department of Treasury, the Executive Office of the President, the National Archives, and the General Services Administration. When combined with the amounts that are in H.R. 4985, the fiscal year 2001 conference agreement, it provides $15.9 billion for agencies under the jurisdiction of the Subcommittee on Treasury, Postal Service and General Government. That is an increase of $2.3 billion from fiscal year 2000, or 16.4 percent.

Included in the amount under consideration in the conference report pending before us now are these, among others: $37.2 million for Treasury-wide efforts to combat terrorism, that is an increase; an increase of $215 million for the IRS, including $71.8 million for ongoing efforts related to information systems modernization, $141 million to support ongoing reform efforts, including staff for customer service and audits, and $3.1 million for money laundering; an additional $16.6 million for the Customs Service, to enhance both infrastructure and staffing along the northern border, specifically to counter terrorist threats in that area; an additional $30 million to establish and operate a metropolitan area law enforcement training center for the Department of Treasury, the U.S. Capitol Police, the Washington, D.C. Metropolitan Police Department and other Federal agencies; $5 million for the enhanced operation of the Office of National Drug Control's Technology Transfer Program; and $2.5 million as a transfer to the Elections Commission of the Commonwealth of Puerto Rico for objective nonpartisan citizens education for choice by voters on the island's future status.

Let me just say a few words about this latter item, because it proved to be one of the more contentious ones. It is money that is provided for the Puerto Rico referendum on statehood or independence. After many long hours of numerous variations on a theme, we were able to secure a compromise with the administration on the use of these funds.

The funds are provided with the following conditions: they are not available until March 31, 2001; the funds may not be used by the Elections Commission until 45 days after the commission submits to the Committees on Appropriations an expenditure plan developed jointly by the Popular Democratic Party, the New Progressive Party, and the Puerto Rico Independence Party; and the expenditure plan must be approved by the Committees on Appropriations prior to any funds being spent.

I want to pay special tribute to my colleague, the gentleman from Maryland (Mr. HOYER). This has been a difficult bill, to negotiate the final agreements. He and his staff have worked extremely hard with us, and I believe what we have achieved is good legislation.

I want to thank the staff of my subcommittee, led by the clerk, Michelle Mrdeza, Jeff Ashford, Kurt Dodd, Tammy Hughes, our detailee, Doug Burke, Kevin Messner from any own staff, and, of course, on the other side, Pat Schlueter and Scott Nance, who have played key roles in getting this legislation to where we are today.

I believe we have legislation that can be supported, and I hope that Members will support it.

Mr. SABO. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Wisconsin (Mr. OBEY), ranking member of the full Committee on Appropriations and a member of the Subcommittee on Treasury, Postal Service and General Government.

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

Mr. Speaker, I would like to vote for this bill. I think in many ways it is a good bill. This subcommittee is run by a very classy guy. The gentleman from Virginia (Mr. WOLF) has been a very good chairman for this subcommittee, and I think everybody in this institution knows it. And the gentleman from Minnesota (Mr. SABO) is one of the classiest people who has ever been in this institution, and he has done a fine job as well. But I am going to vote against it, and I want to explain why.

I do not need any lectures from anybody about the dangers of drunk driving. When I was in junior high school, I was knocked off my bicycle by a truck driver who had spent 4 hours in a tavern rather than doing what he was supposed to be doing that day. My grandfather was killed in an accident involving drunk driving. So I have had experience with drunk drivers.

But I have also had experience with seeing people killed or maimed because of bad highways. I used to live on a two-lane highway, Highway 29, in Marathon County, Wisconsin. A car was demolished simply pulling into our driveway because it was a badly engineered road. If that highway had been modernized, those people would not have been mangled. The problem with this bill is that it sacrifices highway safety in one area because of concern in another area, and I think that is wrong.

Now, I do not know what the proper blood alcohol level ought to be, but I do know that if the Federal Government is going to penalize States by taking away highway money that they need to modernize dangerous roads, that then States ought to be judged on the whole array of their laws involving drunk driving, and not just one piece.

I want to give some examples. This proposal originated with a Senator from New Jersey. I want to compare my State's record to New Jersey's.

Virginia has often been cited as a reason why we should lower the blood alcohol level. But I want to point out, Wisconsin, my State, has a prohibition on open containers containing alcohol in motor vehicles; Virginia does not.

On blood alcohol testing, Wisconsin has mandatory testing of all drivers after an accident; New Jersey and Virginia do not.

Wisconsin requires mandatory early assessment of drunk drivers to determine alcohol dependency; and it requires treatment, if needed. Virginia and New Jersey do not have those requirements.

In Wisconsin, the Department of Motor Vehicles can revoke a license for drunk driving; in New Jersey, only a court can revoke a license for drunk driving, and that takes much longer.

In Wisconsin, if you compare the traffic fatality rate between 1975 and 1997, Wisconsin's has improved by 61 percent; New Jersey's has improved by only 45 percent.

Yet Wisconsin is being penalized. It is going to lose money because it does not have a .08 alcohol level, and New Jersey happens to have it.

The most significant reason that Wisconsin has been able to attack successfully drunk driving is because we have an initiative under which we have a broad-based county-by-county supervision program that oversees drunk drivers in all aspects of their lives.

□ 1045

And that has dramatically reduced recidivism. And according to the National Highway Safety Administration, which authorized a study of this, if you have a program like we have, you are 12 times less likely to engage in drunk driving than you are if you do not have that kind of a program.

Mr. Speaker, my objection is very simply this: All of us as human beings want to be judged on the basis of our entire conduct, not on the basis of any one little imperfection that someone happens to see. The same should be true of States. We should not take away precious highway aids from States who have done a far better job overall in dealing with the drunk driving issue, just because they happen to not meet somebody's standard of perfection on one narrow item, and that is why the National Governor's Association, The League of Cities, AAA, the Conference of State Legislatures and the International Association of Chiefs of Police all oppose this narrow approach to this problem.

I am going to vote against this in protest to the way Congress has looked only at one narrow issue, rather than the whole range of issues in determining what a State's level of highway aid ought to be. I thank the gentleman from Minnesota (Mr. SABO) for yielding me the time.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Transportation for yielding the time to me, and I want to compliment him for working through a difficult conference and producing what I think is a really fine bill.

It meets the needs of America. There are more needs that need to be met, but this bill goes right directly to the heart of some of the hot transportation problems, whether it is surface transportation or whether it is air transportation.

Are there negatives? Are there things you could look for to be against? Of course. In any bill that comes before this House, if my colleagues want to find something to be against, they can find something to be against. There are 435 of us here. I would suspect that there are a lot more than 3 or 4 ideas or positions on any issue.

But I want to specifically compliment the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), the ranking member of the subcommittee.

The gentleman from Virginia (Mr. WOLF) mentioned our staff, John Blazey, Rich Efford, Stephie Gupta and the other members of the staff. These people are professionals. They know what the needs are, and they do the best they can to give us advice so that we can utilize the money available to meet those needs.

I wanted to talk specifically for just a few minutes today about the United States Coast Guard. There are many who believe that the United States Coast Guard, because they are a uniform service, because they carry guns, because they enforce laws, because they go to war when America go goes to war or to deployment, as they did in Kosovo or as they did in Bosnia, they are part of the national defense system and get funded through the Defense appropriations bill. That is not the case.

The United States Coast Guard is funded in this bill on transportation. I represent a county in Florida where we are very fortunate to have three Coast Guard stations in that county, Pinellas County, Florida. We have the major Coast Guard air station for the entire system.

We also have a major sea station, and we have a fast boat station for quick access to the Gulf of Mexico to take care of close in problems with people that are boating or fishing or whatever and need the service of the Coast Guard. But the Coast Guard is called upon to be deployed 365 days a year; and for years, the Coast Guard had to squeeze their budget, really squeeze to get by, to keep their operational activities going.

I would like to say to the gentleman from Virginia (Chairman WOLF), I thank him so much. In this bill, the gentleman has really met the needs of the United States Coast Guard. I believe that Commandant Loy, who is an outstanding leader, would say to the gentleman, as he has to me, and he probably has to the gentleman, that this bill really makes them feel comfortable.

If my colleagues want to not vote for this bill for any reason like they did not get a new bridge in their districts, or did not get some new highway money, or did not get some aviation assets in this bill, think of the United States Coast Guard. They not only protect our coast and our harbors, but they risk their own lives in search and rescue missions, where they go into weather situations that other people are running from to save lives and to save property.

In the interdiction of drugs, the United States Coast Guard has an outstanding record. These are the drugs that are trying to be brought into the United States to seriously affect people of this great country, and the Coast Guard just does a great job of preventing this. As I said, they are deployed every day. They risk their lives every day.

And I say to the gentleman from Virginia (Chairman WOLF) and to the gentleman from Minnesota (Mr. SABO), the ranking member and to the staff of this subcommittee, I just want to say as one Member who has a personal experience with the Coast Guard, my colleagues have done a good job for the United States Coast Guard.

I thank my colleagues for that. I appreciate that, and I will enthusiastically support this bill.

Mr. OLVER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), who is the ranking member on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. OLVER) for yielding me the time, and I rise in support of this conference report and particularly to discuss the component of this conference report which deals with the Treasury Postal bill, of which I have the honor of being the ranking member and working with the gentleman from Arizona (Chairman KOLBE).

As the gentleman from Arizona (Chairman KOLBE) indicated in his opening remarks, this has been a difficult bill and difficult for us to come to agreement between ourselves and with the administration, but I believe we have done so.

I believe we have done so in a very responsible fashion, which provides for an additional sum for the IRS, which is critical for the agency to meet the mandates of the Restructuring and Reform Act of 1998. I think there is agreement on that between the gentleman from Arizona (Chairman KOLBE) and myself in our subcommittee.

Without this funding, a successful completion of the 2001 filing season would quite possibly have been at risk. Customer service would have been reduced and audit coverage could have continued to decline. In addition, this legislation continues the modernization of the IRS by upgrading its computer systems and business practices.

All of that was critically important to do, and I am pleased that we are adding a sum sufficient to accomplish those objectives in this conference report.

Mr. Speaker, it also includes more than $37 million in funding to counter terrorist threats along our northern border, enhances the Federal Government's joint terrorism task force, and to establish a new national terrorist asset tracking center, which was very important to the administration. They had asked for $50 million. They did not get all $50 million but they got about $38 million, and that was a significant step forward in countering terrorism.

Finally, Mr. Speaker, I want to thank the conference for including sums, and this is the transportation conference, so that we might complete the reconstruction of the Wilson Bridge.

Mr. Speaker, I will vote for this conference report, both because the transportation side of it is good, and I think the Treasury Postal side is a very good step forward.

I want to join in the remarks of the gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Transportation, with reference to the gentleman from Virginia (Mr. WOLF). FRANK WOLF is a good friend of mine. He is a man of great character, intellect and deep integrity.

He is a fine Member of this body, and he has, as the gentleman from Minnesota (Mr. SABO) indicated, led this committee for 6 years, in a very, very bipartisan and substantive way. And I join the gentleman from Minnesota (Mr. SABO) in his complimentary remarks about the leadership of the gentleman from Virginia (Mr. WOLF), who is such an important Member of the Washington metropolitan delegation.

Mr. Speaker, I also want to thank the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Treasury, Postal Service and General Government, and thank, as he did, the staff: my own staff, Pat Schlueter and Scott Nance who worked very hard on this bill. I thank the gentleman from Arizona (Chairman KOLBE) for his words about them, and then Michelle Mrdeza who is our staff director. She does an extraordinary job trying to keep all the component parts of our bill together.

It has been a very difficult year for her, because, as all of my colleagues know, we have had some problems on the Senate side passing the bill. I also want to thank Jeff Ashford, Kurt Dodd, Doug Burke, and Tammy Hughes for their work on this bill.

As the gentleman from Virginia (Mr. WOLF) said and as the gentleman from Arizona (Mr. KOLBE) said and as the gentleman from Minnesota (Mr. SABO) said, we cannot do this work without very conscientiousness, very able, very hard-working staff; and although this has been a difficult process, they have stayed with it, and their effort was a critical component of our success.

Mr. Speaker, as I said, I will support the conference report, which includes the additions which I think will make the Treasury Postal bill a signable bill by the President.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. WOLF) for shepherding a very, very complex bill through a very complicated legislative process.

Most of all, I also want to thank the regional delegation for working together in a bipartisan manner, and the administration and my House leadership for the inclusion of the $600 million for the Woodrow Wilson bridge. This is a major artery along the North-South expressway. It is in danger of falling into the Potomac River if a new bridge is not completed. This will complete the $1.5 billion Federal obligation and just my thanks to all concerned.

Finally, to my colleague, the gentleman from Virginia (Mr. WOLF), I thank him for his leadership in the last 6 years of this subcommittee. It has meant a lot to this region. It has meant a lot to this country, and it has been just a pleasure to serve with the gentleman in this capacity and the value the gentleman has added to our region, I think is second to anything anybody has ever done. The gentleman has made a huge difference.

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

Mr. DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to join my friend from Virginia (Mr. DAVIS) and say we see a lot of partisanship, but one of the positive things for me in this Congress is working with the Washington metropolitan delegation which is very bipartisan. It is almost half and half in terms of its makeup, and we work very well together. This was a great success for our region and for our country. I thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Virginia (Mr. DAVIS) and certainly the gentleman from Virginia (Mr. MORAN) and our four Senators who worked so hard on reaching this objective. I thank the gentleman from Virginia (Mr. DAVIS) for yielding to me.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER). It has been a pleasure working with the gentleman, and I also thank the gentleman from Virginia (Mr. MORAN) as well.

Mr. OLVER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am very happy to vote for this legislation. I want, first, to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO), our ranking member, and the majority and minority staff, John Blazey for the majority and Cheryl SMITH for the minority staff, for the work that they have done; and it is a very fine piece of work on what is a bipartisan bill.

Mr. Speaker, I want particularly to thank the chair and the ranking member and the majority and minority staff for working with me and the other Members of the Massachusetts delegation to repair the necessary working relationship between the Federal Highway Administration and the Massachusetts Highway Administration, making certain that my State would continue to have or could depend upon a balanced construction program during the final years of the construction of what is the largest and most complex construction project in the history of this country.

Mr. Speaker, I also want to pay tribute to the gentleman from Virginia (Mr. WOLF), the chairman, who will move on to some other subcommittee or some other ranking chairmanship position in the next Congress. I want to commend him for what has been the hallmarks of his tenure as chairman which, in my mind, clearly has been both fairness and safety.

□ 1100

Throughout his years he has focused on the safety of the traveling public, whether it was rail, whether it was air travel, whether it was highway travel. In that, I want to commend him for his persistence in his advocacy of what I believe is a carefully and judiciously crafted phase-in of the .08 blood alcohol content requirement.

Remember, here, no one loses any dollars for at least 6 years. I do not in any way doubt that the blood alcohol content provision can be viewed as only one part of a comprehensive program in dealing with driving under the influence. But if adopted, if adhered to, if enforced, this provision can save 500 lives every year, and in so doing, save hundreds and probably thousands of families from the grief of loss that occurs when there is a senseless DUI accident. I commend the chairman for his persistence in his work on that.

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

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, 2 decades ago I had the privilege of being first elected to serve here in the Congress, and one of the greatest members of that class in 1980 was the gentleman from Virginia (Mr. WOLF), who, as has been pointed out by virtually everyone here, has served extraordinarily well as chairman over the past 6 years of this very important subcommittee.

I listen to my colleagues who are proud to represent this Washington, D.C. metropolitan area, and yet I have to say that the gentleman from Virginia (Mr. WOLF) has also done an awful lot to help us deal with one of the most pressing problems that we have in my State, especially in the southern part of the State which I am privileged to represent, and that is transportation.

The gentleman from Massachusetts (Mr. OLVER) just mentioned the focus on safety, and that, obviously, is a high priority. I want to praise the gentleman from Virginia (Mr. Wolf) for focusing on air traffic safety, which is obviously a very important issue, near and dear to virtually all of us who live outside of the Washington, D.C. metropolitan area who travel by air regularly.

Of course, for those of us who suffered through the horrible delays this past summer, we want to bring about some kind of resolution to ensure that that kind of thing does not, as many have predicted, get worse.

Let me talk briefly about just four specific Southern California priorities that we have.

First and foremost, for years we have worked together to deal with the challenges that have confronted the Metropolitan Transit Authority in Los Angeles. Dealing with the construction there has been difficult, but the gentleman from Virginia (Mr. WOLF) has regularly been understanding of the very important needs that we have faced there, and the fact that in Southern California, Los Angeles was the largest city on the face of the Earth without a mass transit system. The gentleman from Virginia (Mr. WOLF) has helped us as we have moved ahead to try and address that need.

Specifically, in the area that I represent, there are three particular priorities that we have. That is, number one, when we look at the fact that we live in a global economy, international trade is very, very important for our survival. The ports of Long Beach and Los Angeles are going to be providing an opportunity to expand trade in both directions, to the Pacific Rim and other parts of the world.

A project known as the Alameda Corridor was established to make sure that goods could get to and from the ports of Long Beach and Los Angeles in the Los Angeles area to downtown.

One of the things that we had to realize, though, and it did not come to our attention until a few years ago, is that once things got to downtown Los Angeles, they had to get to the rest of the Nation. So we established a priority known as the Alameda Corridor East so on the east side of Los Angeles, going to the rest of the country, we could deal with grade separations and other problems that existed there that would jeopardize the ability of goods to move in both directions. So there is very important funding here for the Alameda Corridor East, which is important.

The other priority we have in our area, which is a very, very important one and with a great partnership, as the gentleman from Virginia (Mr. WOLF) knows between the local communities, the private sector, and the Federal Government, has been something known as Foothill Transit. It has had wonderful success.

Again, I believe, as I have testified before, the subcommittee of the gentleman from Virginia (Mr. WOLF) should be a model for the rest of the

country of how we can see disparate levels of government come together, along with the private sector, to proceed with meeting this very, very important need.

Then there is one little item, we in Southern California you may recall suffered fires and ensuing rains which caused mudslides. We have a very important road known as Chantry Flats, which has been wiped out because of those storms. I am very appreciative of the fact that we are going to be able to have the resources in to make sure that we construct that and get it back on track.

So let me just say that along with the priorities that have been outlined by so many, the Coast Guard, which the gentleman from Florida (Mr. YOUNG) talked about, very important to California, the gentleman from Virginia (Mr. WOLF) is part of that important Maryland, Virginia, and metropolitan Washington D.C. area.

His interest in dealing with national concerns, even those 3,000 miles away, has not gone unnoticed; and I greatly appreciate the time and effort he has put in to addressing our needs.

Mr. OLVER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, the authorizing committee.

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

Mr. Speaker, I join gladly in the praise of the retiring chairman, retiring from the chairmanship, the gentleman from Virginia (Mr. WOLF), for his steadfast advocacy for safety in transportation, which has been very effective and has indeed made our Nation's transportation systems safer.

This may indeed be a good bill, but the manager's report does not measure up to that standard. It includes a listing of 162 airport projects which the managers would like to see funded out of FAA discretionary funds.

In the past, to be sure, there have been listings of projects for specific airports, but without specific dollar amounts and with less prescriptive language, and far fewer projects, only a handful compared to the 162 listed in this manager's report, or in excess of $300 million.

I know that gold rush did not start in this body, it started with the other body. I would like to clarify the legal situation on these projects.

The law governing aviation discretionary funds requires the FAA to establish, and they have established for decades, a priority system to decide which projects will get these very limited funds. The highest priority goes to projects that will bring airports into compliance with safety standards. Next are projects that allow the airport to accommodate large aircraft. The next is standards, standards that continue with other forms of development in aviation.

Many of the projects listed in this manager's report, I concede, are of sufficient quality in and of themselves, as we have analyzed them, to qualify for funding under these established FAA standards in the regular order. But what I want to point out is that aviation is not like highways. An improvement to a highway project in Boston does not necessarily benefit California, but in the national system of integrated airports, an improvement in one airport, a major hub airport, means potentially a vast improvement for all of aviation.

The FAA should have and does have discretion to fund improvements to increase capacity, to improve safety, to reduce bottlenecks. If next year we have the same kind of delays and problems in aviation that we have had this year and last year, travelers might not feel so comfortable traveling in an aviation system designed by Congress.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General that was found in a report expressing congressional preference.

The Comptroller General found that Congress cannot require the Navy to select a particular aircraft the language in the committee report wanted the Navy to require and to abandon normal procurement procedures.

The Comptroller General wrote: ''It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies.''

Accordingly, I believe it is incumbent on FAA to continue to use its priority system to award discretionary funds and assure that those funds will be directed to the greatest safety benefit and not to the specific, narrowly drawn, targeted little projects listed in this manager's report.

As chair of the Subcommittee on Aviation for many years, I steadfastly resisted designating projects in our authorizing bill and have continued, as ranking member of the full committee, to resist such designation. It should not be done in a manager's report of appropriations.

Mr. SABO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

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

Ms. KILPATRICK. Mr. Speaker, to the gentleman from Virginia (Mr. WOLF), for all his hard work, I thank him very much. As a new member on the subcommittee, I do appreciate the gentleman's diligence, his sincerity, as well as his equal handling of us as we worked together in a bipartisan way on this committee, and thanks to Mr. John Blazey and his staff for all the work they have done in working with us.

I want to take this opportunity to thank the gentleman from Minnesota (Mr. SABO) for his style, grace, and hard work as he works together with all of us to make sure that our transportation needs are met on our side of the aisle; and to Cheryl Smith on the staff, as well.

Mr. Speaker, I rise in support of the transportation bill that we have before us. It is a good bill, but it is not a perfect bill, as many things are not in the world that we live in today.

The bill is good, and I want to make a special point to thank the staff on both sides of the aisle for working with Michigan on our transit concerns. We do have a problem in Michigan, and it is a long problem. I hope as this Congress moves forward in the 107th Congress that we will address that problem.

Our State Department of Transportation must not work around the appropriations process, must not overlook the Members on both sides of the aisle, and must work with us as members of appropriations, both the gentleman from Michigan (Mr. KNOLLENBERG) and myself, who represent our State and our entire State delegation.

I thank the staff for their work with us to make sure that all the Members' concerns are addressed. I pledge that I will continue to do that with the Members, and will hope our State Department of Transportation will do the same, and not try to usurp our appropriations authority.

I want to speak briefly on the .08 blood alcohol level. I think it is wonderful and it will save at least 500 lives, as has been mentioned, but we can do more, and not just on this issue, by having further, stronger laws that will save more American lives. The .08 by itself, it will save some, but I think we can do better. We can enforce open container laws. We can have administrators revoking licenses and not waiting for a judicial decision. We can also have mandatory blood testing after accidents to encourage people not to drink. I think all of that must work together if in fact we are going to really address drunk driving in our country. It is a problem. This may be a first step, but we need to do more.

The chairman, the gentleman from Virginia (Mr. WOLF), and the gentleman from Minnesota (Mr. SABO) our ranking member, I thank them for their time, for their insistence that we bring a bill that provides safety for our American citizens and also addresses the nation's highway needs.

Transit in America is still important. Many people in America do not drive cars, so our highways have to be safe, our transit systems have to be adequate, and we have to continue to work together.

I rise in support of the conference report. The process is a little less than

what is desired, but I am happy that we have reached this point. I urge my colleagues to vote for the transportation conference report.

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

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

□ 1115

Ms. GRANGER. Mr. Speaker, I rise today in strong support of the fiscal year 2001 Transportation appropriations conference report. Not only does this legislation continue our critical investment in our Nation's infrastructure, it also appropriates $5 billion to pay down the national debt.

This legislation is consistent with the Transportation Equity Act for the 21st Century. It provides an increase of almost 7 percent in Federal aid highway spending. Outlays, mostly needed for transportation infrastructure, are up 13.3 percent.

The conference agreement also includes $720 million for emergency relief for highways to cover the cost of highway repairs resulting from previous disasters. In short, this legislation addresses our Nation's transportation needs.

Mr. Speaker, I am honored to serve on the Subcommittee on Transportation of the Committee on Appropriations, and I want to thank the gentleman from Virginia (Chairman WOLF) for the outstanding job that he has done as chairman.

Mr. Speaker, I also want to thank John Blazey, Rich Efford, Stephanie Gupta, and Linda Muir for all their hard work and long hours. I feel fortunate to have the opportunity to work with such an outstanding staff and committee.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Northern Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Minnesota (Mr. SABO), my friend and colleague and the ranking member of the Subcommittee on Transportation of the Committee on Appropriations, very much for yielding to me for his leadership on this bill, and I thank the gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Transportation for his exemplary leadership.

This bill is balanced. It is fair. It is responsible. It maintains and in fact improves our Nation's entire transportation infrastructure. I urge that it be supported. It also makes our roadways safer by encouraging States to adopt stricter thresholds for drunk driving. It contains a matter of vital importance to the entire mid-Atlantic corridor and to interstate commerce.

As Members may be aware, this metropolitan Washington region suffers from the second worst traffic congestion in the entire country. No place is this problem more critical than at the Woodrow Wilson Bridge. It was built 40 years ago. It is crumbling before our eyes. Ten lanes of traffic are having to converge into six lanes.

We are told that, if we do not get this bridge rebuilt within 5 to 6 years, we may have to divert 20,000 trucks from being able to cross the bridge. Not only would that be a nightmare scenario for the region, but it would be a severe handicap to this Nation's economy. So the $600 million that is included in this bridge is critically important.

I would remind any Members that have questions about this, this is a federally owned bridge. It is a Federal responsibility. It will be turned over to the States as soon as it is reconstructed, as soon as we have a new bridge built. The States will pick up the financing from here on this. But this was necessary, and it was necessary now.

I am very appreciative, not only to all the Members of the subcommittee, its leadership, its staff, but also the Members of the regional delegation on the House and Senate side who worked together in a bipartisan constructive manner.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from Virginia (Chairman WOLF) for yielding me this time.

Mr. Speaker, I rise today in strong support of the Transportation bill, and I wanted to congratulate both the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), the ranking member. I want to particularly thank the gentleman from Virginia (Chairman WOLF) for his courageous leadership on the .08 issue. We have been fighting for this a very long time. Without his hard work, we would not be at this point today.

When I first introduced this legislation 3 years ago, I knew that it was going to be an uphill road to victory. I also knew that this was the right thing for the American people.

Quite simply, this is about saving lives. Five hundred to 600 lives will be saved in the United States each year when every State adopts the .08 standard. Tens of thousands of injuries will be avoided. These two statistics are too compelling to ignore.

What we are talking about is not putting our values on someone else. All we are saying is, if one is going to drink, just do not drive. This is the right standard. It is the right time.

We know that the relative risk of a fatality on the road is 11 times greater at BACs between .08 and .09.

Mr. Speaker, I want to thank the gentleman from Virginia (Chairman WOLF) again for his courageous work on this important issue.

I rise today in strong support of the Transportation Appropriations bill. I am also pleased to announce that today, Congress is standing up in defense of safer roads. Congress is poised with this vote to make .08 the law of the land.

I want to thank Chairman WOLF for his courageous leadership on this issue. Without his hard work, we wouldn't be at this point today.

When I first introduced legislation on this issue three years ago, I knew that it was going to be an uphill road to victory. I also knew that this was the right thing for the American people.

Quite simply, this is about saving lives. 500–600 lives will be saved in the U.S. each year when every state adopts the .08 standard. And tens of thousands of injuries will be avoided. These statistics are too compelling to ignore. There are just too many accidents involving .08 drivers for us to stand by. This is the right standard and this is the right time.

We know that the relative risk of a fatality on the road is eleven times greater at BACs between .05 and .09 than with no alcohol in your blood. And the Administration and the Department of Transportation released two reports last month showing that .08 works for states that have already adopted it. In fact, Illinois alone, which adopted .08 in 1997, has seen a 13.7% decline in the number of drunk drivers involved in fatal crashes.

We have fought so hard for this standard over the cries of the restaurant and liquor lobbies. They say that ordinary people who have a glass of wine with dinner will be pulled over and charged with drunk driving. That's simply not true. It takes four drinks in one hour on an empty stomach to get a 170 pound man to .08. No dinner, just drinks. It takes four of them. That's a far cry from a glass of wine with dinner.

We knew this then and we know it now. Drinking and driving do not mix.

Again, I just want to express my great pleasure to announce this important victory today. I urge my colleagues to support this conference report.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

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

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

Mr. Speaker, I want to commend the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), ranking member, for the work they have done on a bill that has very many good things, whether it be the Coast Guard, the .08 blood alcohol level, highway safety and construction, and mass transit.

But I do have two problems with this bill. The first is this bill is indicative of the fact that the budget process in this Congress has become a fallacy. This bill is over the House mark, it is over the Senate mark, and it is over the administration's mark. It is leading us down the path to where we have eroded or evaded the Budget Act and even the Unified Budget Act of 1968. So I think that is a problem in this bill.

Second of all, I have to say this bill includes language which prohibits the Houston Metro from using its share of Federal funds for a light rail project. The Houston Metro is the only agency in the country that has that prohibition. It seems to me this is a case of

Washington knows best, telling the City of Houston and its areas what it is going to do.

They are going to build the rail project anyway with their own money. But Houston will be the only city that is not allowed to use Federal funds. I think this is a mistake, and I think it is a problem in this bill. I would hope in the future we can correct it.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Virginia (Mr. WOLF) has 4½ minutes remaining. The gentleman from Minnesota (Mr. SABO) has 1½ minutes remaining.

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

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the chairman for his leadership and his excellent efforts with the issue of .08. I think that we will save lives, and I appreciate having the opportunity to vote on this legislation that includes this instructive and positive legislative initiative.

Let me thank the gentleman from Minnesota (Mr. SABO), the ranking member, as well for his kindness; and I say that to him on behalf of the constituents of the 18th Congressional District. We appreciate the gentleman's balance and also his interest in our issues, and that of all of our colleagues.

This bill has some very good elements: The ATP program in Houston for $2.5 million and a connectivity program for $750,000 that is very important to the residents of the third ward.

The pipeline safety allocation is very important to me, and the transit programs are likewise. I am delighted that we saw fit to ensure that more people in this Nation have rail. I might cite for my colleagues, Atlanta, Baltimore, Canton, Akron, Cleveland, Florida, and a variety of other places.

So my concern is, Mr. Speaker, that here we are in Washington dictating to the citizens of Houston that they cannot have light rail. This is the mayor of the city of Houston, the county judge, the partnership, residents and others who have expressed their desire for light rail.

I would simply say that I applaud this bill. I will support this bill. But I look forward to the needs of the people of Houston being addressed in the next session so that we can move forward on our light rail project.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. WOLF) has 4½ minutes remaining. The gentleman from Minnesota (Mr. SABO) has 30 seconds remaining.

Mr. WOLF. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I want to thank the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO), the ranking member, for doing an excellent job with this bill. I am going to vote for this bill.

I have served on this subcommittee every year that I have been on the Committee on Appropriations and have dealt with transportation problems in many different cities as well as transportation issues for the City of Houston and the metroplex around Houston. Up until now, we have had excellent opportunity to work with Houston.

Unfortunately, we have a new mass transit system that has decided to break what I thought was a model for the Nation of different transportation entities working together and sometimes overlapping and being concerned about mobility in Houston. We now have a metro system that has decided that they are going to build a megamulti-billion dollar rail system without the input of the people of Houston, without the people of Houston even gathering the information that would deal with this.

It is the age-old bureaucratic strategy of let us build a little bitty short system, and then when it does not work, we can force the people into building a bigger system.

Now, I have very serious concerns about that. I especially have concerns that, when we have a full-funding agreement on the mass transit monies going to Houston, that they want to come in and undermine that full funding agreement by taking some of that money and putting it into a rail system that has not been designed or considered by everybody in the Houston metroplex.

Therefore, I told the Houston Metro System that, when they get their act together, when they look at congestion studies, when they look at the regional mobility plan, then we can talk about a rail system as part of that overall regional mobility plan.

I have one other issue. I am for .08. Texas has .08. But I have very strong concerns about the Federal Government blackmailing States into doing something that maybe the States have a different idea in how to solve the problem.

But I am going to support this bill, and I urge my colleagues to do so also.

Mr. SABO. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, let me quickly say with great respect to the gentleman from Houston, Texas (Mr. DELAY), that the City of Houston, the County of Harris has a regional mobility plan. In fact, County Judge Echols has sent this multipage document to all Members of Congress. In addition, the Houston Partnership right now is involved in a regional plan, an additional plan.

I know that the Congress needs to move forward on this bill, and we cannot debate local issues. But I hope the Congress realizes this is not a local issue. This is a question of equality and parity when all of the other areas of the Nation are able to get dollars for light rail. I think, if the community wants light rail and meets the requirement, then this Congress should give them consideration. I look forward in the future Congresses and elsewhere to provide that for my community.

Mr. WOLF. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, in closing, let me just comment a little bit on the situation of the gentleman from Texas (Mr. DELAY). Nobody has been a stronger advocate in my times on the committee for mass transit in Houston than the gentleman from Texas (Mr. DELAY). He had the subcommittee go down there years ago to look at it, and I understand what he is trying to do. The same thing has happened in other parts of the country. People want to immediately move to rail.

In my area, we eventually would like to have rail going out to Dulles Airport. I support that. But our intermediate step is the rapid bus transit which will be for one-tenth of the cost. In some respects, that is really modeled after what has been taking place in Houston. So what the gentleman from Texas (Mr. DELAY) is saying is one moves to that and then afterward. So I think he has been a very strong advocate for the entire time.

In closing, Mr. Speaker, this is a good bill. I echo the comments of the regional delegation who worked together. The Woodrow Wilson Bridge, it is the whole north-south corridor which, if it ever collapsed or prohibited the use of trucks, it would just devastate the economy of the Northeast.

The Coast Guard, as the gentleman from Florida (Chairman YOUNG) said, the necessary increase, particularly for the men and women who serve and are risking their lives; the increase for drug interdiction, the increase for the FAA; the .08 which will save so many lives.

So in closing, I urge passage. Again, I want to thank the gentleman from Minnesota (Mr. SABO). I could not have had a better working relationship. God bless. Thank you.

I urge the passage of the bill.

Mr. KOLBE. Mr. Speaker, I rise in reluctant support of this conference report. I say reluctant because there is a provision in this bill which tramples state rights.

The conference agreement requires states to adopt a .08 blood alcohol law and provides highway sanctions beginning in fiscal year 2004. Reductions in highway funds of 2 percent per year would be phased in, not to exceed 8 percent, for those states that are in noncompliance. Now I strongly support measures to discourage drunk driving. But this provision disregards the right of states to regulate alcohol sales. Such a provision should not be included as a part of this conference report and it should have been rejected.

Unfortunately it was not. And as opposed as I am to this provision I am going to vote for this report. It provides much needed federal funds to increase the capacity and safety of our nation's transportation infrastructure. In total, the bill provides nearly $17.8 billion in discretionary budget authority, an increase of

$3.5 billion over the fiscal year 2000 enacted level. Outlays, mostly needed for transportation infrastructure, are up 13.3 percent compared to the fiscal year 2000 enacted level. The conference agreement provides $12 billion for the Federal Aviation Administration—$2.5 billion (25 percent) over the fiscal year 2000 enacted level and 7 percent more than the Administration's request. Funding for the airport improvement program is $3.2 billion, an increase of $1.25 billion—or 64 percent—over the fiscal year 2000 enacted level. It also includes $5 billion is provided in the conference report to reduce the public debt.

Thus, despite my misgivings about the impact of this bill on state's rights. I will vote for this bill. However, I will continue to work with my colleagues to overturn this provision or to lessen its impact on state's rights.

Mr. CRANE. Mr. Speaker, I just wanted to take this opportunity to congratulate all those responsible for bringing to the House Floor a transportation appropriations measure that will be of great benefit to this country. I know a lot of hard work went into the crafting of this conference report and I want everyone who contributed to it to know that they have my thanks.

Assuming this legislation is signed into law, as I surely hope it will be, Americans will benefit in a number of ways.

First, they will be able to travel more quickly and easily thanks to the multitude of highway, rail, airport and mass transit projects that are funded by this measure. With traffic congestion growing on our existing roads and at our airports, that is very important.

Second, they will know that the taxes they have paid to finance highway and airport improvements are being spent for those purposes. In this day and age, when cynicism about government is all too prevalent, it is equally important that money raised for a particular purpose be spent as intended.

And last but not least, they will have reason to believe that the foundation is being laid for a transportation network that will meet people's needs for decades to come. Given the increase in commuting times in many of our metropolitan areas, that is reassuring.

A good example of why people should derive reassurance from this legislation can be found in the transportation infrastructure investments it makes in the Chicago area. Not only does it provide funding for three METRA commuter rail projects in the region, including one in the district I am privileged to represent, but it also funds a pair of Chicago Transit Authority route rehabilitation projects. In addition, and this is very reassuring, the language and the explanation of the conference report pave the way for Full Funding Grant Agreements for all five of those projects, which greatly improves the prospects that they will be completed on schedule.

In addition, the conference report makes several investments in the development of several future-oriented intelligent transportation systems in the Chicagoland, including one for Lake County, Illinois, much of which I am privileged to represent. Also, it funds a study of the possibility of extending METRA's commuter rail service from Chicago all the way to Milwaukee, plus it provides money for bus routes and numerous other transportation improvements.

All of these things bode well for the residents of my district, the people of the Chicago area and all of those who come to the Chicagoland on vacation or to conduct business. On their behalf, I would like to reiterate my thanks to all those responsible and to urge enactment of this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4475, the FY 2001 Transportation and Related Agencies Conference Report. This bill includes significant funding for projects that will ease traffic congestion in Northern Virginia which was the dubious distinction of the second worst traffic congestion in the nation. Most importantly, I would like to applaud the inclusion of $600 million for the replacement of the Woodrow Wilson Bridge. This is money that is desperately needed to fund a vital East Coast Interstate link. Additionally, this bill contains important funding for other Northern Virginia projects including $50 million for rail out the Dulles Corridor, $3 million for bus funding in Prince William County, $500,000 to complete the Fairfax County trail system, $500,000 for the Fair Lakes League Shuttle, $500,000 for Potomac River Jet ferry boat funding for ferry service from Prince William County to the Navy Yard and Washington Harbour, and $5 million for 14th Street Bridge improvements.

Since I first came to Congress in 1995, finding the appropriate solution for replacing and paying for a new Woodrow Wilson Bridge has been one of my top priorities. We face a critical time frame to follow in replacing the old bridge structure in order to avoid regional and eastern seaboard gridlock. The replacement of this rapidly aging structure is urgent and desperately needed. The $600 million we secured today brings the total federal commitment to $1.5 billion. This will fulfill our obligation to this project.

For quite some time, the federal government and Virginia and Maryland have known that the bridge needed to be replaced, or truck traffic would have to be rerouted throughout the entire Washington Metropolitan area. However, there has been ongoing debate about the level of commitment the federal government needed to provide to the project. That is because the Woodrow Wilson Bridge is truly a unique circumstance. It is the only federally-owned bridge in the United States, it is the midpoint between Maine and Florida on Interstate 95, it is technically located in Maryland, Virginia, and the District of Columbia, and it links the Capital Beltway at its southern crossing point between Maryland and Virginia. These factors have all combined to significantly shorten the life of the current bridge and create the dire circumstance that our region and the east coast faces.

As the midpoint between Maine and Florida in the Interstate system, it carries an unusually large amount of interstate commerce up and down the east coast. In 1993, it was estimated by the Bureau of Transportation Statistics that 1.3 percent of gross domestic product carried by truck crossed the Wilson Bridge. That is $58 billion, a figure that I am certain has only increased in the past seven years. Four hundred and fifty miles is the average distance traveled by truck shipments once they have crossed the bridge. It is important to note the many cities that fall within that 450 mile travel shed: Boston, Baltimore, Philadelphia, Norfolk, New York City, Richmond, Raleigh, Newark, Savannah, Hartford, and Trenton. Forty-nine percent of heavy trucks, or 7,000 trucks crossing the bridge go beyond the immediate area. That means that consumers up and down the east coast would face higher prices for products and services if truck traffic had to be rerouted and delivery of products was slowed.

As the southern crossing point for the Capital Beltway, it has carried more traffic and heavy trucks than it was designed to hold. When the bridge was opened in 1961, it was designed as a lightweight, flexible structure to serve a 4-lane beltway without heavy truck traffic. As early as 1969, the bridge began carrying more traffic than its designed capacity of 75,000 vehicles. In 1975, the decision was made that Interstate 95 should not be routed through Washington, D.C. as originally planned, and the bridge is now the default southern crossing for I–95. To accommodate that change, the beltway was widened to eight lanes but the structural limitations of the bridge meant that it could not be widened. While we may all now agree with the 1975 decision, it had serious implications for the life span of the Woodrow Wilson Bridge. In 1988, the bridge begins to carry 150,000 vehicles daily. This history doomed the original bridge structure to fail much earlier than anticipated and put us in the situation we face today.

In TEA–21, this Committee and the 105th Congress recognized the federal responsibility for the bridge and funded the construction of the bridge at $900 million. As I have said, now we have come up with the additional $600 million federal commitment to allow this project to go forward. Virginia and Maryland must now make their funding commitment available so this urgent project goes forward on time.

While the Wilson Bridge project will receive a large amount of federal funding, without this commitment for the Bridge, the entire Washington Metropolitan area could face potential gridlock. One of the nation's strongest regional economies and the seat of our federal government could face a grave threat should this bridge project not move forward in a timely manner. As we have seen in the past, a shutdown Wilson Bridge can shut down this region and our Nation's Capital.

I am also proud that we have been able to include an additional $50 million for rail out the Dulles Corridor. This follows on the $86 million I was able to secure in the TEA–21 legislation in the 105th Congress and the $25 million we were able to secure in last year's transportation appropriations bill. This is a critically needed project that will serve the ongoing growth out the Dulles Corridor. Rail to Dulles will significantly ease congestion in the Tysons Corner region and through Reston and Herndon in my Congressional District.

I would also like to note the inclusion of three projects that will help ease congestion in the I–95 corridor and for my constituents in Prince William County. H.R. 4475 provides funding for necessary improvements on the 14th Street Bridge. These improvements will significantly relieve the bottleneck that occurs during the morning and evening rush hours. This bill includes $3 million for bus funding for Prince William County to replace an aging fleet. Also, it includes $500,000 for funding for ferry service from Prince William County to the Washington Navy Yard and Washington Harbour. These two items will provide alternatives to those who otherwise face long commutes through the Springfield Interchange replacement project.

Mr. Speaker, in closing, the Woodrow Wilson Bridge serves the people who serve our

government in all three branches of government. Gridlock in the Nation's Capital is one of the gravest threats facing the daily operation of our Republic. I would also like to thank my good friend, Mr. WOLF for his leadership on this important bill and his leadership chairing the Subcommittee on Transportation Appropriations. His commitment to providing the necessary transportation funding for this nation's vital projects is enabling all our communities address the tremendous growth we are undergoing nationwide and ensuring that our families are able to spend less time in traffic and more time at home.

Mr. SHUSTER. Mr. Speaker, I rise to discuss H.R. 4475, the fiscal year 2001 transportation appropriations bill.

I am pleased that the conference report honors the funding guarantees in TEA–21 and AIR–21, while still providing sufficient funds for other important transportation programs such as the Coast Guard and AMTRAK.

As you know, I have long believed that we could honor the principle of dedicating trust fund revenues to their intended purposes while still maintaining sufficient funding for other important transportation programs, and this bill proves it.

By fully funding TEA–21 and AIR–21, this bill will have far-reaching impacts on the quality of life in our communities, the nation's economy, and our competitiveness in the world marketplace.

The benefits of shortened travel times, increased productivity, and improved safety will affect every American and every business everyday.

In particular, the resources provided by this bill are an important first step toward reducing the aviation gridlock that we began to experience last summer.

I am disappointed by the conferees' decision to include many legislative and unauthorized provisions that, had they been included in the House bill, would have violated the rules of the House.

I am particularly concerned by the provision that will penalize each state that does not adopt a legal blood alcohol content limit of .08 percent by reducing that state's federal highway funding.

Congress addressed the problem of drunk driving most recently 2 years ago in TEA–21.

In TEA–21, Congress provided a generous financial incentive to states that adopt .08 BAC laws, as well as incentives for a number of other anti-drunk driving approaches that have proven very effective in targeting the most egregious offenders.

TEA–21 conferees wanted to encourage states to adopt a .08 BAC law, but did not want to do so at the expense of other, more effective programs that the states were employing to reduce drunk driving accidents.

The Transportation and Infrastructure Committee, as the committee of jurisdiction over this provision, will look at the .08 funding sanction very carefully in the next Congress to determine whether or not it is appropriate and effective.

In addition, I am disappointed that the conference report alters the distribution of funds made available by the revenue aligned budget authority provision of TEA–21, which increases or decreases funding based on actual gas tax revenues deposited in the Highway Trust Fund.

In doing so, the conference report alters the distribution of contract authority from the Highway Trust Fund that was painstakingly arrived at by the TEA–21 conferees.

I am also concerned about the unprecedented earmarking of airport improvement program funds in the report accompanying this bill.

The AIP discretionary funds earmarked by this report are funds that the FAA should be targeting to the highest priority safety, security and capacity enhancing projects.

FAA has its own internal priority system for deciding which airports should get the few discretionary dollars that are available.

This system puts the highest priority on projects that will enhance safety. That is entirely appropriate.

In issuing discretionary AIP grants, I would urge the FAA to stick to its priority system and not be swayed by earmarks in the joint explanatory statement accompanying this conference report, which after all, are not legally binding.

If, nevertheless, the FAA chooses to fund these earmarks, I urge the FAA to look, in the first instance, to the airport's entitlement funds to provide the money.

Finally, I am also disappointed that the conference report includes funding for transit new start projects that were neither authorized in TEA–21 nor cleared by the Transportation and Infrastructure Committee.

Demand for new starts funding already far exceeds available resources. Funding unauthorized projects spreads limited resources too broadly, and will produce a lower return on federal investment.

Mr. PASCRELL. Mr. Speaker, I rise in strong support of this conference report and commend the Committee for its hard work.

I am especially pleased and delighted because this Conference Report includes funding for the New Jersey Community Development Center's ''Transportation Opportunity Center,'' which is located in Paterson, New Jersey.

The Transportation Opportunity Center will demonstrate the vital role that transportation and the transportation industry plays in extending economic opportunity to low income individuals—particularly those moving from welfare to work.

The Center is in the heart of Paterson's historic district and will be used to educate low-income citizens about using existing public transportation to access suburban-based jobs.

It is through innovative programs like the Transportation Opportunity Center that we can continue to increase access to transportation for low-income citizens who are striving to participate in this prosperous economy.

These changes are good for our environment, good for our economy, and good for our quality of life.

I have said so many times—and I think you would all agree—that we do not invest in our transportation system merely to improve roads and bridges.

Transportation is not merely about getting from point A to point B. We invest in transportation to improve the very quality of life for our citizens.

That is what this project will do.

Again, I thank the Committee for its hard work, and I urge my colleagues to support this Conference Report.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 50, not voting 39, as follows:

[Roll No. 516]

YEAS—344

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Barr
Barrett (NE)
Bartlett
Bass
Becerra
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds

Riley	Skeen	Traficant
Rivers	Skelton	Turner
Rodriguez	Slaughter	Udall (CO)
Roemer	Smith (MI)	Udall (NM)
Rogan	Smith (NJ)	Upton
Rogers	Smith (WA)	Visclosky
Ros-Lehtinen	Snyder	Vitter
Rothman	Souder	Walden
Roukema	Spratt	Walsh
Roybal-Allard	Stabenow	Wamp
Rush	Stark	Watkins
Sabo	Stenholm	Watt (NC)
Sanchez	Stupak	Watts (OK)
Sanders	Sununu	Weiner
Sandlin	Sweeney	Weldon (FL)
Sawyer	Tancredo	Weller
Saxton	Tanner	Wexler
Scarborough	Tauscher	Weygand
Schakowsky	Tauzin	Whitfield
Scott	Taylor (NC)	Wicker
Serrano	Terry	Wilson
Shaw	Thomas	Wolf
Shays	Thompson (CA)	Woolsey
Sherman	Thompson (MS)	Wu
Sherwood	Thune	Wynn
Shimkus	Thurman	Young (AK)
Shows	Tiahrt	Young (FL)
Simpson	Tierney	
Sisisky	Towns	

NAYS—50

Archer	Green (TX)	Rohrabacher
Baldwin	Green (WI)	Royce
Barcia	Gutknecht	Ryan (WI)
Barrett (WI)	Hayworth	Ryun (KS)
Barton	Herger	Salmon
Bentsen	Hoekstra	Sanford
Boehner	Hostettler	Schaffer
Brady (TX)	Johnson, Sam	Sensenbrenner
Bryant	Jones (NC)	Sessions
Chabot	Kasich	Shadegg
Coburn	Kind (WI)	Stearns
Cox	Kleczka	Stump
Cubin	Largent	Taylor (MS)
DeMint	Obey	Thornberry
Doggett	Oxley	Toomey
Gillmor	Petri	Velazquez
Graham	Pitts	

NOT VOTING—39

Ackerman	Hansen	Paul
Baker	Hefley	Rangel
Ballenger	Hutchinson	Reyes
Berman	King (NY)	Shuster
Blumenauer	Klink	Smith (TX)
Campbell	Lazio	Spence
Carson	Lewis (GA)	Strickland
Clay	McCollum	Talent
Diaz-Balart	McIntosh	Vento
Dicks	Meek (FL)	Waters
Eshoo	Meeks (NY)	Waxman
Franks (NJ)	Metcalf	Weldon (PA)
Goss	Miller (FL)	Wise

□ 1150

Messrs. BENTSEN and HERGER changed their vote from ''yea'' to ''nay.''

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

H.R. 4444. An act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 5036. An act to amend the Dayton Aviation Heritage preservation act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

H. Con. Res. 89. Concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

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. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 468. An act to establish the Saint Helena Island National Scenic Area.

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I Have A Dream'' speech.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 707) ''An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes,'' with amendment.

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

S. 134. An act to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area.

S. 1367. An act to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1925. An act to promote environmental restoration around the Lake Tahoe basin.

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2111. An act to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation.

S. 2273. An act to establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2331. An act to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public

use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

S. 2439. An act to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system, and for other purposes.

S. 2478. An act to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2499. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Pennsylvania.

S. 2691. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

S. 2749. An act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States.

S. 2757. An act to provide for the transfer and other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington.

S. 2865. An act to designate certain land of the National Forest System located in the State of Virginia as wilderness.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2885. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes.

S. 2942. An act to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3000. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

S. Con. Res. 143. Concurrent resolution to make technical corrections in the enrollment of the bill, H.R. 3676.

S. Con. Res. 144. Concurrent resolution commemorating the 200th anniversary of the first meeting of Congress in Washington, DC.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1236) ''An Act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.''.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1849) ''An Act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.''.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2311) ''An Act to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.''.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 835) ''An Act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes,'' and agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH of New Hampshire, Mr. WARNER, Mr. CRAPO, Mr. BAUCUS, and Mrs. BOXER, to be the conferees on the part of the Senate.

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CONFERENCE REPORT ON H.R. 3244, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 613 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 613

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and friend, the gentlewoman from New York (Mrs. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 613 is a rule waiving all points of order against the consideration of the conference report to accompany H.R. 3244, the Victims of Trafficking and Violence Protection Act of 2000.

H.R. 3244 was passed by the House earlier this year on May 9 by voice vote. On September 27, our colleagues in the other body considered and passed this important legislation with an amendment by unanimous consent.

I would like to congratulate the gentleman from New Jersey (Mr. SMITH) for introducing the legislation and for his steadfast support of human rights around the world.

I also would like to thank the gentleman from New York (Chairman GILMAN); the gentleman from Connecticut (Mr. GEJDENSON), the ranking member; and all the conferees for their efforts.

Finally, I would like to extend a special thanks to my colleague and friend, the gentlewoman from Maryland (Mrs. MORELLA), for all her work to fight violence against women; and I wish to congratulate her on the reauthorization of the Violence Against Women Act.

The conference report includes three divisions: division A includes the Trafficking Victims Protection Act of 2000; division B, I am pleased to inform my colleagues, includes the Violence Against Women Act of 2000; and division C consists of three other important anti-crime measures.

Division B reauthorizes through fiscal year 2005 the Violence Against Women Act, or VAWA, which expired just last week.

As a former prosecutor and judge who served on the Domestic Violence Task Force back in my hometown of Columbus, Ohio, I have seen firsthand the ravages of domestic violence.

As such, I am firmly committed to doing all that I can to put an end to domestic violence and to ensure that victims have access to high-quality treatment, protective services, and ultimate justice.

The Department of Justice estimates that violence against women has decreased by 21 percent since this law was passed in 1994. By acting today, we will provide the needed protection to American women from the violence that seeks to destroy their lives; and, hopefully, these numbers will continue to decrease.

Specifically, the legislation authorizes $3 billion over the next 5 years to fund programs that support State and local efforts to shelter battered women, train police and court officials in domestic abuse cases, and provide counseling service as well as a hotline for battered women.

In addition, it enacts a number of new programs. It authorizes $10 million in grants for disabled victims of gender-motivated crimes and requires shelters to comply with the Americans with Disabilities Act.

Mr. Speaker, additional funding is authorized to train emergency medical personnel in treating sexually abused patients, and it establishes procedures for handling evidence in rape cases.

The bill also ensures that the Legal Services Corporation grantees can help victims of sexual abuse obtain the needed assistance in civil cases against their attackers, and needed funding is provided for transitional housing assistance to women and their children when escaping domestic abuse.

Finally, this legislation doubles the amount authorized for the Violence Against Women Act over the next 5

years and extends the Violent Crime Reduction Trust Fund.

Mr. Speaker, women who suffer from violence need our help and assistance. They need to know that there is someone to turn to and someplace safe to go to escape from the violence which they too often suffer.

This reauthorization fills that need and sends a strong message that someone cares and that help is there.

Mr. Speaker, division A of this important legislation includes H.R. 3244, the Trafficking Victims Protection Act. This legislation combats the trafficking of persons into the sex trade, slavery, and slavery-like conditions in the United States and many other countries around the world.

Through prevention, prosecution and enforcement against traffickers, as well as protection and assistance for victims of trafficking, this important legislation fairly allocates resources, modifies existing law, and increases international cooperation to decrease the global trade of men, women, and children.

According to the Department of State, between one and two million women and children are trafficked each year worldwide into forced labor, domestic servitude, or sexual exploitation. Incredible in this day and age.

Of these, approximately 50,000 individuals are trafficked to the United States each year. This is a major criminal enterprise generating billions of dollars annually. Trafficking is now considered the third largest source of profits for organized crime, behind only drugs and guns.

□ 1200

Victims of trafficking are first acquired in a number of different ways. Some are forcibly kidnapped and taken out of their own countries. Others are deceived with offers of good work or a better life. But no matter how they are taken, trafficking victims are universally subject to cruel mental and physical abuse, including beatings, rape, starvation, forced drug use, confinement and seclusion. Many victims suffer mental breakdowns and are exposed to sexually transmitted diseases. Ultimately, many cannot survive these harsh conditions.

H.R. 3244 works to prevent trafficking through measures to increase awareness and enhance economic opportunity for potential victims of trafficking as a method to deter them from becoming victims in the first place. Further, this legislation urges countries to prohibit and punish severe forms of trafficking and establishes minimum standards applicable to countries that have a significant trafficking problem and assistance for programs and activities designed to meet the standards.

For those who are unfortunate enough to have been trafficking victims, the legislation establishes programs and initiatives to assist in their safe integration, reintegration, or resettlement. For victims located in the United States, the bill provides protection while in Federal custody and amends current law to grant nonimmigrant visas to victims who would face a significant possibility of retribution or other harm if they were forced to leave. In addition, we make those funds seized from traffickers available for victims' restitution and victims assistance programs.

Mr. Speaker, finally, division C includes three other important provisions which all passed the House earlier this year. The first bill, Aimee's Law, passed in July. That requires the Attorney General to transfer Federal law enforcement assistance funds from any State that convicted a person of a first offense of murder, rape or a dangerous sexual offense to the State that ultimately convicts that same person of a subsequent offense. In other words, Aimee's Law encourages States to keep murderers, rapists and child molesters behind bars and hold them financially accountable if they do not to the States that end up having to incarcerate on the second offense.

The second bill, the Justice for Victims of Terrorism Act, also passed the House in July. It provides assistance to American victims of terrorism and allows those victims who prevail in court to collect against the frozen assets of terrorist countries. It is designed to send a strong message to terrorists and their state sponsors and will allow victims of past terrorist acts to finally receive some level of justice.

Finally, the third bill, the Twenty-First Amendment Enforcement Act, passed the House in August. It grants States that have the authority to regulate interstate sale of alcohol within their borders the right to do so.

Mr. Speaker, this law is straightforward and noncontroversial. Its adoption will allow the House to consider and pass this important conference report. I urge all my colleagues to support both the rule and these essential provisions which seek to protect women, end violence, and fight crime.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Mr. Speaker, this resolution waives all points of order against the conference report on H.R. 3244 and against its consideration.

Mr. Speaker, in June 1994, I first introduced legislation addressing the growing problem of Burmese women and children being sold to work in the thriving sex industry in Thailand. This legislation responded to reports indicating that thousands of Burmese women and girls were being trafficked into Thailand with false promises of good-paying jobs in restaurants or factories and then forced to work in brothels under slavery-like conditions. Some of the victims were as young as 5 years old.

As I learned more about this issue, it became clear that it was not limited to one particular region of the world. In fact, in the wake of the discovery of a prostitution ring of trafficked women in Florida and the Carolinas, as well as a group of Thai garment workers held captive in California, I soon realized that this was an issue that must be dealt with in our own backyard as well.

Six years later I am proud to be standing here today to support this important legislation. H.R. 3244 sets forth policies not only to monitor but to eliminate trafficking here in the United States and abroad. More importantly, it does so in a way that punishes the true perpetrators, the traffickers themselves, while at the same time taking the necessary steps to protect the victims of this heinous crime. Finally, it uses our Nation's considerable influence throughout the world to put pressure on other nations to adopt policies that will hopefully lead to an end this abhorrent practice.

The bill recognizes the fact that trafficking is not exclusively a crime of sexual exploitation. Taken independently, this action is an egregious practice in and of itself. It is also important, however, to be aware that people are being illegally smuggled across borders to work in sweatshops, domestic servitude or other slavery-like conditions.

Mr. Speaker, developing this initiative has been a long and arduous process. At the beginning of this endeavor many of the groups involved had different approaches to defining and dealing with this issue. In addition, we also had to deal with a State Department that was less than cooperative when dealing with the Congress. Nevertheless, we are here today because this is an issue that is important enough to cross both partisan and personality divides.

Mr. Speaker, the conference report also reauthorizes the Violence Against Women Act. I am proud to have a long history of activism on domestic violence issues. Fifteen years ago our greatest challenge was convincing Americans that domestic violence was a real problem. Many women knew only too well that we were in the midst of a deadly epidemic, but the culture of silence that surrounded the issue made it difficult for them to speak out or to get help. Being a victim of domestic violence was a source of fear and shame. Many women were trapped in these situations without any means of escape. Furthermore, domestic violence tended to be trivialized by law enforcement, by the judicial system, by health care providers and sometimes even by friends, family or neighbors.

We have come a long way in the 15 years since I began working on these issues. The single most important thing that Congress did to effect a

change was pass the Violence Against Women Act. The Violence Against Women Act catapulted domestic violence onto the national agenda, providing Federal support for programs like shelters for battered women and their children, education for law enforcement officers and judges, and resources mostly for prevention and education. I am proud to have been the author of provisions of VAWA that protected battered immigrant women who were often trapped in abusive relationships by the threat of deportation. VAWA transformed the national landscape for victims of domestic violence. Today, a woman in an abusive relationship has options, a place to live, help with court proceedings, assistance for herself and her children, and protection from her batterer.

Nevertheless, we still have a long way to go. Too many women still die at the hands of an abusive spouse or boyfriend. Protective orders can be ineffective. Going on welfare is far from an ideal choice even as a temporary step. Convictions against batterers remain infrequent and penalties can be extremely light. It is imperative that Congress reauthorize these vital programs.

Also included in this conference report are miscellaneous provisions relating to Aimee's Law, assistance to victims of terrorism and the Twenty-First Amendment Act regarding Internet alcohol sales.

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

Ms. PRYCE of Ohio. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. SESSIONS) my distinguished colleague from the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I thank my colleague from the Committee on Rules, the gentlewoman from Ohio (Ms. PRYCE), for not only working on this issue but also my other colleague, the gentlewoman from New York (Ms. SLAUGHTER), for her work on this important issue.

Mr. Speaker, today we are talking about the conference report on the Trafficking Victims Protection Act of 2000. In particular, we are trying to draw attention to the importance of what the Violence Against Women Act of 2000 is all about.

Mr. Speaker, for quite some time I have been engaged in trying to work with women's centers in Dallas, Texas, who every day are a part of the lives of thousands of women who are taken advantage of in marriage, taken advantage of not only because of the frailties that they have as the caregivers for children, women who are responsible for making sure that a family works together and stays together and many times are in a marriage that is very difficult.

The Violence Against Women Act of 2000 is important because it once again enunciates by the House of Representatives that this is a crime that is taking place all across America, violence against women, that we will not tolerate. Most importantly, the gentlewoman from Ohio is speaking up about the importance of the issue so that it is not hidden in the work that Congress does. It is important that we support not only this conference report but that we recognize that America and the importance that we put on solving this national epidemic are brought to the forefront, the importance of Congress and the importance of a public policy that we have.

Mr. Speaker, the gentlewoman from Ohio is not only a leader in our Congress but she is a leader for women in this area. I salute her and applaud her for the hard work that she has put in on this act.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise in opposition to the rule. While the provisions relating to addressing sex trafficking and violence against women are essentially noncontroversial and should be enacted, this does not apply to section 2001 of the bill which includes the controversial Aimee's Law. I am aware of the political adage that no good politician will vote against a crime bill named after somebody, but I thought that before we vote on this rule that we want to think about some evaluations of Aimee's Law.

The bill is onerous, impractical and unworkable. It is worse than an unfunded mandate. It is certain to generate a morass of bureaucracy. It is enormously costly. And the probable public safety impact of the bill will be zero.

These are not my words but the words of the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the United States Department of Justice, and a noted criminologist. Despite all of these critical descriptions, the bill comes before us on the suspension calendar hooked up with noncontroversial items. Ask your governors and State legislators whether or not they believe that it will help victims of crime or simply allow Members to take credit for passing a good sound bite while avoiding doing anything the experts say will actually reduce crime, that is, investing in prevention programs.

Supporters of Aimee's Law say that it will prevent murderers, rapists and child molesters from committing second offenses. It requires the Attorney General to transfer a portion of one State's Federal money to another State each time a murderer or rapist released from the first State commits such an offense in the second State, unless the first State has either truth-in-sentencing or the person is sentenced to an above average time to be served. That above average can change from year to year. Since truth-in-sentencing and determinate sentencing are recent sentencing practices and there is no limit on how far back you have to go to find prior convictions, trying to determine the information necessary to implement this provision will be a bureaucratic nightmare for the Attorney General and the States. So the fact is that the provision has a lot more to do with requiring bureaucratic processing and exchanging Federal funds than it has to do with preventing crime.

Aside from the impracticality of implementing this provision, even if the bureaucratic exchanges could occur, the net result will probably be a wash between States passing money back and forth. Further, States concerned about the fiscal impact of the bill or those wishing to cash in on it can play games. For instance, plea bargaining a high charge with a low sentence so that you can get the money rather than a lower charge like manslaughter with a higher sentence and you can cash in and get the money.

The fact is that no State without truth-in-sentencing will implement truth-in-sentencing as a result of this bill. That is because truth-in-sentencing in Virginia costs billions of dollars and no State will incur that kind of expense to avoid a few hundred thousand dollars that this bill might actually cost them.

All in all, the rule perpetuates sound-bite politics at its worst. It tacks on to two noncontroversial provisions; a provision which creates a bureaucratic nightmare for the States and the Federal Government by second-guessing the sentences on crimes that have already occurred with no discernible effect on the crime rate.

□ 1215

Accordingly, Mr. Speaker, I urge that the rule be defeated, so that we can remove this provision and get on with well thought-out legislation which will actually reduce crime and help victims.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2½ minutes to my friend, the distinguished gentlewoman from New York (Mrs. KELLY), who has worked so hard on many of these provisions.

Mrs. KELLY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in strong support of this rule and the underlying bill, the Trafficking Victims Protection Act Conference Report.

The package of legislation we have before us is critically important to the lives of millions of people across the world and here at home. Passage of this package will have a tremendously positive effect on the quality of life for millions of people across the world.

Just over a week ago, I joined my good friend, the gentlewoman from Maryland (Mrs. MORELLA), here on the floor to urge support for H.R. 1248, the Violence Against Women Act of 1999. Today, we have yet another opportunity to demonstrate our commitment to this important legislation.

While the Justice Department has estimated that since the start of the VAWA programs in 1994, domestic violence has dropped by almost 21 percent, this epidemic is not over yet. Still today, one in three girls age 16 to 19 will be abused by their boyfriends, and it is estimated that approximately 3 million children witness domestic abuse in their homes.

The legislation we have before us today will take a serious step towards breaking this cycle of violence and providing a better future, not only for the millions of women who have come to rely upon the services provided under VAWA, but also for the millions of teens and children who will now have access to services and will see that violence is not necessarily a way of life.

I would also like to take a moment to note that this legislation includes a measure I introduced in Congress to strengthen the Federal anti-stalking statute, the Stalking Prevention and Victim Protection Act. This bill, which passed the House unanimously last November, strengthens current law, which stipulates that one must travel across State lines in order to commit a Federal stalking offense. My measure acknowledges that stalking can be perpetrated through other mediums, such as over the telephone, through the mail, or over the Internet.

Today we again have the opportunity to help millions of people feel a little safer, knowing that we are here, that we are listening, and that we will once again fulfill our promise and continue to supply the resources to help them escape from abuse and end the cycle of violence.

Mr. Speaker, I would like to thank my friend, the gentlewoman from Maryland (Mrs. MORELLA), for her tireless efforts on behalf of these men and women. I would like to thank my friend, the gentleman from Illinois (Mr. HYDE), and my friend, the gentleman from Florida (Mr. MCCOLLUM), who helped move this legislation forward.

I urge my colleagues to help me in supporting this rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I am very gratified to see that the Violence Against Women Act is finally here on the floor in a conference report so that we are going to pass it. For reasons I stated on the floor before and many others have said today, reauthorization of the Violence Against Women Act is a tremendously important thing to do. I am unhappy that it is grouped with four completely unrelated other bills in this one bill, some of which I would vote for, and some against.

It is grouped with part of the sex trafficking act. We all want to put an end to sex trafficking. That is a good provision.

Victims of terrorism, to make it easier for victims to sue, a very good provision. It has nothing to do with the other bill, but it is a very good provision.

But then we have two other bills that are not too good. We have the Internet Alcohol Act, which is a commercial dispute between rival groups and should not be in this bill; and we have Aimee's Law, an extremely foolish political sound bite, which will have no impact except to cost States money and to create more bureaucracy.

Let us look at how ridiculous Aimee's Law, at least the version of Aimee's Law we have here, is. What this says is if someone is convicted of murder, rape or dangerous sexual offenses in one State, serves a jail term, and is subsequently released and then commits a similar crime in another State, the first State has to pay all the costs of incarceration and legal proceedings in the second State if the first State is a bad State.

What do we mean by a bad State? If the individual had served less than 85 percent of the term of imprisonment; or, if the individual had served more than 85 percent of the maximum sentence, if the average term of imprisonment imposed by the State for these kinds of offenses is less than the average term imposed for that offense in all States?

In other words, State A imposes an average sentence of 25 years. The national average is 27 years. Well, obviously State A had better improve its law. That is what we are saying. State A now changes its law to 28 years. That changes the average, and some other States change the average. State A is a bad State again, and it is going to be penalized if someone after serving 28 years goes out and commits another crime in a different State.

Now, you have got a moving target here. I do not think the drafters of this act thought through, and since I do not think there was a committee vote on this bill, there was no opportunity for amendments, it never was properly debated. And what ever happened to our concern for States to be able to write their own criminal justice laws? Here we are telling them, you had better keep ratcheting up your terms of imprisonment, no matter what you think is right, to match everybody else's, lest we charge you.

Now, it is not going to have a major practical effect, because the fact is that it is very rare for people to be convicted in a second State, but it is foolish and ought not be in this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from Ohio for her leadership in bringing this rule to the floor.

I suggest to the gentleman from New York, when he makes statements like ''this is a foolish bill,'' Aimee's Law, I would ask him to read the text of the bill, because I guess if your family or friends or someone close to you had been murdered, raped or molested, you would not think this was such a foolish exercise. In fact, these are some of the crimes that have the highest degree of recidivism, and in fact in Florida we have suffered from people being released from prison and then coming to perpetrate the same murder and rape on innocent people in our State.

So I commend the gentleman from Arizona (Mr. SALMON) for his introduction of Aimee's Law, and I commend my colleagues for its passage, because I think it will help tighten, if you will, laws that affect people's lives, those who have been raped, some who have been murdered, children who have been molested. They need the full protection of the law, not protecting those who committed the crime.

I commend also the gentleman from Florida (Mr. SCARBOROUGH) for his 21st Amendment Enforcement, and I am glad if is part of this bill. Hopefully it will lead to less drinking by underage people who may have found through the Internet chances to purchase alcohol. I think this is a very, very important provision.

Justice for victims of terrorism, that is extremely important in this bill.

The gentlewoman from Maryland (Mrs. MORELLA), obviously with Violence Against Women, another subject that the gentlewoman from Ohio (Ms. PRYCE) has been very involved in, is an essential bill to our society. There is far too much prevalence of violence against women, domestic disputes; and we have to strengthen the law. We have to provide and strengthen services for victims. We have to do more to combat violence in families that can lead to the destruction, not only of a person's individual life, but the destruction of the children that are forced to watch this kind of parental misdeed, if you will.

Also on the first, the Trafficking Victims Protection Act, it is again a very important provision of the bill. I think if people read through the bill, they would not use words like ''foolish'' or ''political sound bites,'' but recognize these are indeed very, very important issues.

In fact, in Florida we had a professor at a university that had brought a child into this country, lured from his parents, brought here strictly for sexual services. He was underage. He was paid money. The parents were paid money under the assumption that the child was going to be given a better life in America. Regrettably, it was not for a better life, it was for sexual exploitation, right in my own community of Palm Beach County. Fortunately, the man is in jail. The law has dealt with this person. But, regrettably, there is not enough internationally being done in other countries to make certain that they are enforcing the laws as well.

So this goes to the heart of both domestic combatting of these issues, as well as working with our foreign colleagues, foreign governments, in order

to meet a higher standard, an international standard for elimination of the trafficking of individuals.

So I commend my colleagues to vote for the entirety of this report. I think it is a solid bill. Again, I commend the gentlewoman from Ohio (Ms. PRYCE) for her leadership on this, and I urge my colleagues to support it and its passage.

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

Ms. LOFGREN. Mr. Speaker, there is much that is good in this bill before us today. I am particularly gratified that the efforts to fight trafficking in the sex trade have been included in this matter, so that we can actually get success in the fight against that this year.

I think the provision of visas for those who are fleeing from their oppressors, whether it be sweatshop or sexual abuse, is extremely important.

Obviously, the Violence against Women Act is enormously important. And although reasonable people can differ, and I think there is a technical issue in the Aimee's Law provision that absolutely must be corrected, that I think the ranking member of the committee will raise and hopefully will be able to deal with, I also support the Aimee's Law concept.

That is why I am so upset that with all of these good things that we would have bipartisan support on, and I think nearly overwhelming support, that, for some reason, the provision, the very controversial provision, about Internet and wine sales has been included in this matter. It does not belong in this package of bills. It is not about protecting children from abuse, and it just really is very distressing.

I have two teenagers, and they are good kids and their friends are good kids, and the argument that has been advanced is that we have to prohibit the Internet sale of wine to protect children.

Well, as a mother of two, that is preposterous. If a kid wanted to go out and buy alcohol, they are not going to get on the Internet, pay 20 bucks a bottle for wine in my district, or up in the Napa Valley, wait a couple of weeks for it to be delivered, and that is how they are doing underage drinking. That is not the way the real world works.

So, I urge a no vote on the rule in protest for this Internet wine sales tax. It is just so distressing that it has been included.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), the sponsor of this legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my very good friend for yielding and her good work and leadership on this issue.

I say to my colleagues, this is the result of an enormous amount of bipartisanship. The legislation, division A, which deals with trafficking of women, we all know now that especially with the break up of the Soviet Union and the ascendancy of the Mob, organized crime in Moscow, in the Ukraine, and all around the world, is trafficking in women and children as never before.

The estimates are as high as 2 million individuals, mostly women, who are being trafficked every year. About 50,000 are coming into the United States, and many of those are forced into prostitution.

Our legislation, and, again I want to thank the gentleman from Connecticut (Mr. GEJDENSON) who has worked so closely on this, has been very bipartisan. It throws the book at those who would commit these heinous crimes and make money off the exploitation of women and children.

Our legislation provides $95 million over 2 years for enforcement of anti-trafficking provisions. But, again, the life imprisonment aspect to it, the protection for the women themselves so they are not put on the next plane and sent back to Kiev or St. Petersburg or anywhere else where they might be in danger is very important. We try to put sandbags of protection around them and to say we will help you, we will give you a hand and assistance, and that is what this legislation does.

There are many other aspects to it. It is a comprehensive bill. We have had three hearings in my subcommittee on this issue, and we heard from the victims themselves, who talked about how even the NGOs, like Miramed in St. Petersburg, which is out there on the cutting edge trying to help these women, are under tremendous duress by the Mafia, as well as very much underfunded.

We want all of the world's governments, especially those that are countries of origination, to do all that they can to mitigate and hopefully end this egregious practice.

Division B, the Violence against Women Act, provides about $3.3 billion over 5 years, more than double the current programs, to increase law enforcement and expand shelter space and rehab programs for battered and abused women.

There are many, many important grants articulated in the legislation, like the $140 million for Violent Crimes Against Women on Campus Grants, to ensure that our young women on the college campuses are protected to the maximum degree possible, and then $60 million for the Safe Havens Project; and, very significantly, the money for the shelters is increased by $375 million to a total of $875 million to protect battered women and their children.

□ 1230

There is also legislation, as my colleagues heard, dealing with Aimee's Law. Aimee's Law passed overwhelming in this House. It ought to be part of this package, and it will hopefully prevent those who have high rates of recidivism, the rapists, the murderers so they do not get out early to recommit these crimes, because we know that there are thousands of those who commit the crimes upon their release.

Mr. Speaker, I urge support for the rule, and then I hope for support of the underlying conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there are many people to thank this morning. I add my appreciation to the gentleman from Michigan (Mr. CONYERS) for his leadership and the gentlewoman from Maryland (Mrs. MORELLA) and to the ranking member and chairman and the gentlewoman from Ohio (Ms. PRYCE).

This bill has many good elements. I would argue that we have thrown out a fishnet and gotten some elements that I think deserve a lot of consideration, and I wish we had not done that. I rise to support the concepts in this bill and would hope that we would be able be fix some of the elements that need not be included.

Particularly, let me appreciate the battered immigrant provisions that have come from the legislation that the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentlewoman from Maryland (Mrs. MORELLA) and myself have sponsored, H.R. 3083. We had a hearing on the bill in the committee that I serve on, the Subcommittee on Immigration and Claims. And I thank the gentleman from New Jersey (Mr. SMITH), my chairman.

I say to the gentleman from Michigan (Mr. CONYERS), I had the unfortunate privilege of visiting in Bangladesh, women who were battered, as well as women who were sold into slavery, sold for sexual activities, and see the children, see the abuse, the depression, the mutilation, the injuries that they suffered. So this bill is extremely important.

Mr. Speaker, I thank the Committee on International Relations and all of those who worked on the human rights aspect to stop that. It is also important to recognize that VAWA that gives rights to American women finally will reach a point where we can see it reauthorized and have the centers open, protect the children who have seen abuse in their homes.

Mr. Speaker, I do want to thank the conference committee for putting in the elements dealing with battered immigrant women, because without those elements, VAWA did not cover immigrant women; in particular, we would find situations where the abuser would hold it over the head of the immigrant woman that you can stay here all the time and I can abuse you, but you will not have the rights to access relief under VAWA.

Take, for example, the idea of an abuser saying to the abused that I will keep you from being a citizen or legal

resident, because all you came to do was to come here to this country with your children and seek to be a legal resident, and, therefore, I will punish you and I will continue to abuse you.

Mr. Speaker, I am gratified that elements that will allow for self-petition are included in this legislation and that an abused woman can as well seek that.

Finally, let me say that I hope we can improve some elements of this bill. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me the time.

Mr. Speaker, I come to the floor today in my capacity as Ranking Member of the Subcommittee on Immigration and Claims. Inside this report is the agreement authorizing VAWA, and some very important provisions that deal with Battered Immigrant Women. I joined with Congresswoman JAN SCHAKOWSKY and Congresswoman CONNIE MORELLA to sponsor H.R. 3083, The Battered Immigrant Women Protection Act of 1999, would provide much needed access to battered immigrant victims of domestic violence. Fortunately, many of the provisions of this bill were included in this conference report.

These provisions are important because but for the failure of citizens or permanent resident abusers to submit immigration petitions for their immigrant spouses and children, the beneficiaries of the Battered Immigrant provisions would already have lawful immigration status through a family-based visa petition.

A citizen or permanent resident batterer often manipulates such misconceptions by convincing his victim that he will prevail in court because he is a male and he has more money. Moreover, a batterer often uses his immigration status against his victim as a tool of control, threatening to report her to INS or refusing or withdrawing immigration petitions that would grant her status.

I am relieved to stand before the House in order that we might be able to consider legislation that will reauthorize the Violence Against Women Act (VAWA) before the close of the 106th Congress. This act was first passed in 1994, and it marked a turning point in our nation's response to family violence, offering states a comprehensive means of addressing domestic violence and sexual assault. Although VAWA has contributed to a decline in the rates of domestic violence, there is still much work to be done.

We know that more than 3 million women have been abused since Congress began considering reauthorization of the VAWA in 1999. If Congress does not act by October 13th, VAWA will be lost to those women and their children who are victimized by family violence. The sad fact is that the victims of violence are not limited to women and in some cases men, but it can also extend to their children. It is estimated that 9,000 children, in our nation, witness family violence everyday. Each year, just about 3.3 million children witness their mothers or female caretakers being abused. Further, forty to sixty percent of men who abuse women also abuse children.

Family violence also extends to non-married women. Young women, between the age of 16 and 24 in dating relationships experience the highest rate of domestic violence and sexual assault. While an average of 28 percent of high school and college students experience the highest rate of domestic violence and sexual assault. Twenty-six percent of pregnant teens reported being physically abused by their boyfriends—about half of them said the battering began or intensified after he learned of her pregnancy.

We need to expand VAWA and increase funding to support it. In the last six months, calls to the National Domestic Violence Hotline have increased from 8,000 to 13,000 calls a month. More women and children are seeking the safety of shelters, stretching shelter resources to the limits. Protections for young women, who are at the greatest risk of dating violence and sexual assault, are also severely lacking.

This bill includes provisions similar to the House-passed H.R. 1248 to reauthorize the Violence Against Women Act for five years. The House bill authorized more than $3 billion in FY 2001 through FY 2005 for programs to combat violence against women, including battered women's shelters and services, sexual assault prevention programs and education and training for judges.

The separate VAWA legislation has been merged with H.R. 3244, the Conference Report on International Sex Trafficking, a bill intended to directs the Justice, Labor and Health and Human Services departments to expand assistance to victims of severe forms of trafficking in the United States. The measure also allows the Justice Department to make grants to local governments and nonprofit organizations to expand services for victims of trafficking. most of our nation's citizens may still believe that the trafficking of human beings ended with the Fourteenth Amendment to our Nation's Constitution, which outlawed the practice of slavery.

This conference report also includes the bill H.R. 2031, which addresses concerns regarding the sale of alcohol over the Internet. The conference agreement grants state attorneys general authority to bring a civil action in federal courts to enforce state laws that outlaw the direct sale of alcohol over the Internet. The provision is similar to the House-passed H.R. 2031, and to Senate provisions in its version of the juvenile justice bill (H.R. 1501).

In addition this conference report also includes H.R. 894, titled Aimee's Law, that requires a state that releases a violent sexual offender who commits a similar crime in another state to reimburse the second state for costs related to the incarceration, prosecution and apprehension of the individual. This provision is similar to provisions in the House version of the juvenile justice bill (H.R. 1501).

This law provides that whenever someone convicted of murder, rape, or a dangerous sexual offense is released from prison and commits another such offense in another state, the state from which the offender was released will be liable for the cost of apprehension, prosecution, incarceration, and the victim's damages (i.e., up to $100,000 for each victim).

The Attorney General is also directed to pay these costs and damages from the Federal Law Enforcement Assistance Funds which the state of origin. The costs and damage provisions, which are paid out of federal law enforcement assistance funds, are designed to leverage states into passing tougher sentences regarding these crimes or risk losing federal funds.

I have concerns that this bill is premised on a ''Sense of Congress'' that anyone convicted of these crimes should be sentenced to death or life imprisonment without the possibility of parole.

Before taking such drastic actions, I believe that we need to better define the criminal offenses of which one may be convicted. I suggest that we work to narrow the definition of which crimes trigger punishment.

However, I realize, as do most Americans that prevention is the best strategy and if this type of law would provide the appropriate disincentive for potential murderers or rapists, I must also recognize this benefit.

As expressed in the Subcommittee Crime hearings, this law, under the definition of Dangerous Sexual Offense in H.R. 894, does not require any age difference between victim and offender on which to base an assumption of predation.

Consequently, unlike other laws that make no such distinction, there is more potential for this bill to have an impact on the sexual abuse of American children.

As a parent, I sympathize with proponents of this bill that want adequate punishment against those convicted of sexual assault, rape or murder. As a mother, a member of Congress and founder of the Congressional Children's Caucus, I cannot in good faith support the maintenance of laws that create loopholes for sexual predators.

Every 19 seconds a girl or women is raped, every 70 seconds a child is molested and every 70 seconds a child or adult is murdered. Yet, despite these horrific statistics, the average time served in prison for rape is 5 years and the average time served in prison for molesting a child is less than 4 years.

We cannot tolerate the perpetuation of violent crimes against women and children any longer! This bill provides states the financial incentive to enact effective legislation that will keep repeat violent offenders behind bars.

We cannot allow states to continue to act irresponsibly in the prosecution of sexual predators. We all need to work together to help spare families the needless tragedy of having to put to rest their children because the state failed to effectively prosecute a sexual predator.

I am horrified by the story of Aimee Willard, for which this law is named. I hope that no family will ever have to suffer through such a tragedy again, but unfortunately I know that this is not true.

I ask that my colleagues put aside their politics and think about the children and families that have been affected because of a lack of adequate enforcement of the laws. Our children need protection now.

Last, this conference report also includes language intended to address the needs of the Victims of Terrorism by allowing victims of terrorism or their families in the United States to recover judgments against countries listed by the State Department as sponsors of terrorism. (Currently, the frozen assets of nations that allegedly support terrorism are protected from U.S. court judgments if the president declares it in the national security interest to leave them untouched.) Under the agreement, the president would have the authority to differentiate, on an asset-by-asset basis, the premises of foreign diplomatic missions, but not commercial property or rental proceeds from diplomatic property eligible to be protected.

I would hope that we will remember that one of the most deadly terrorist attacks to occur in

this country was not caused by a foreign government or international group, but by people who thought of themselves as American patriots, I am referring to the Oklahoma City bombing, which killed 167 men, women and infants. I applaud any effort to make those responsible for terrorism, which results in loss of life or property civilly and criminally responsible for their actions. However, I would caution not to join those who believe that by virtue of the fact that someone is born outside of the United States that some how their act of terrorism is much more grievous than one that is carried out by a fellow American citizen. For this reason, I support this effort, but I would also encourage this body to make those of our citizens convicted to terrorist acts be equally held criminally and civilly liable for their actions.

All of the measures, which are included in this conference report are important to the American people, it is unfortunate that they could not have been considered individually.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. SALMON), the author of Aimee's Law.

Mr. SALMON. Mr. Speaker, I would first like to thank the author of the bill here on the House, the gentleman from New Jersey (Mr. SMITH) for all of his support for Aimee's Law.

I would like to thank him for putting together such a wonderful piece of legislation in the first place, because this is all about victims. It is about victims who are slave traded. It is about victims, women who are harmed across the country in many, many different ways. It is about little children who are victims.

I would like to speak specifically about Aimee's Law. I would like to go back down to memory lane 3 years ago when I introduced this bill. I had a dinner with several victims rights advocates: Fred Goldman whose son Ron was murdered, with Mary Vincent who was kidnapped when she was 15 years old while she was walking along the road. She was raped and had her arms chopped off. She walked for 2 miles to safety and survived to testify against her perpetrator who, by the way, was let out of prison and then killed a mother of 5.

I remember Mika Moulton whose little boy was stabbed 66 times and left in a shallow grave; that in and of itself is heinous enough, but the fact that this boy, this young man that did this to her son was let out of prison for killing a 5-year-old girl and raping her with a stick ought to make your blood curdle.

The fact is 14,000 rapes, murders and molestations occur every year, and they are 100 percent preventable. We heard some people on the other side of the aisle who have some heartburn about this. Let us make government be accountable.

These are not just statistics. These are people who are dying. These are people being raped. These are children being molested. We have an opportunity to do something about it to make the States be accountable if they let someone out of prison who poses a threat to society, then there should be a price to pay, and that is what this is about.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding the time to me.

Mr. Speaker, I want to thank the gentleman from Arizona (Mr. SALMON for his work, and I just wanted to ask a question in colloquy. Am I correct that it is the intent of the Congress that Aimee's Law shall apply prospectively; that is, only if offenders whose first sentence for a covered offense occurred on or after the effective date of this law, which is January 1, 2002?

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

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Speaker, as it is currently drafted, that is my understanding, yes.

Mr. CONYERS. Reclaiming my time, I thank the gentleman.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, at this time of day, all across this great country from San Diego to New York, from Wisconsin to Louisiana, our parents, our grandparents, our aunts and uncles are concerned about the same thing, and that is the safety of our children in our schools; whether those children are in classrooms or playgrounds, inner-city or rural schools, our parents share this concern about their safety.

I want to point out, I hope, a noncontroversial part of this bill and salute the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), for a provision that mirrors a bill that the gentleman from New Jersey (Mr. ROTHMAN) and I introduced called the Secure Our Schools Act, that will provide $30 million each year for 3 years for a total of $90 million to help our schools be safe and secure, especially in light of the gun violence that has taken place in our schools over the last 3 years.

The beauty of this bill is that this provides Federal resources to our local schools but lets the local school determine what to spend this money on. Should they spend it on a metal detector? Yes, they could. And could they spend it on a handheld metal device for security? Yes, they could. Security training for teachers, police officers, students? Yes, that is an allowable expense.

These are competitive grants issued for the Department of Justice and the Attorney General to help our parents and grandparents and aunts and uncles make sure that they feel good about the safety and security of our schools. This is a good partnership for our government to enter into. I am proud of this provision and proud to support this provision in this law.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

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

Ms. SCHAKOWSKY. Mr. Speaker, I am proud to rise in support of H.R. 3244 and most of the provisions of this conference report. I want to thank the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Connecticut (Mr. GEJDENSON) and thank the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS), the ranking member, for their diligence in crafting this report, which includes several important provisions that will literally save the lives of women and girls around the world.

When I had the privilege of traveling with the President to India, I saw little girls who had been sold into the sex industry. No child should be subjected to such horrors. We know that the Violence Against Women Act has saved lives and helped to rebuild even more. And I am grateful that my provisions to expand legal protections for battered immigrant women and children and to fund transitional housing for domestic abuse victims were included in the report.

The 1996 immigration laws made some changes that forced many immigrant women to remain in dangerous situations, putting themselves and their children at great risk. Today we have the opportunity to end this injustice. With the passage of this conference report, immigrant women will be empowered to move away from their abusers. They will have the additional legal protections along with access to critical transitional housing services that will enable them to alleviate the abuse and break the cycle of violence.

Mr. Speaker, I urge my colleagues to vote yes on this conference report.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from New York (Mrs. SLAUGHTER) for her leadership and yielding the time to me.

Mr. Speaker, I rise in opposition to the rule because it couples many unrelated nongermane provisions to two underlying bills that are tremendously important, the Violence Against Women Act and the antitrafficking bill. These bills will literally save lives, and they have been a top priority this year of the bipartisan women's caucus.

In this month alone, approximately 75,000 women will become victims of beatings, and in many cases their children will be attacked as well. The Violence Against Women Act has been,

and must, remain a powerful tool in the fight against domestic violence, stalking and sexual assault. Domestic violence is the number one health risk for women between the ages of 15 and 44, and close to a third of all the women murdered in America are killed by their husbands or boyfriends.

This conference report authorizes more than $3 billion over the next 5 years to combat violence in our families and homes and schools through September 2000, from the first VAWA grant. My home State of New York received over $97 million in funding, but you cannot measure the value of that funding unless you look into the eyes of a child who has witnessed the violence in the home. There is no cost too great for preventing this tragedy.

The Violence Against Women Act will do many good things. It has a hot line, and in New York City alone, in 1999, over 169,000 calls were received. I am very pleased that two provisions were added to the bill from my Older American's Protection from Violence Act, H.R. 2590.

My bill specifically allows VAWA programs to help older and disabled women, and they were included in this bill, specifically a grant program to address domestic violence among older women and the disabled. It is a proud day. I compliment all who have worked to make this pass to stop the Violence Against Women Act.

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

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

Mr. Speaker, in closing, let me remind my colleagues that this conference report includes essential provisions in our fight to halt the trafficking of individuals, end family violence, deter terrorism and fight crime.

The House has already passed these initiatives separately. This conference report will allow us to send this package to the President for his signature. Mr. Speaker, I urge adoption of the straightforward rule.

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

The previous question was ordered.

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

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

Mrs. 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 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 356, nays 28, not voting 49, as follows:

[Roll No. 517]

YEAS—356

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dingell
Dixon
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—28

Clayton
Conyers
DeGette
Dooley
Doolittle
Gordon
Hulshof
Jackson-Lee (TX)
Jones (OH)
LaTourette
Lee
Lofgren
Maloney (NY)
Minge
Murtha
Nethercutt
Oberstar
Ose
Payne
Pelosi
Pombo
Sanders
Sanford
Scott
Thompson (CA)
Watt (NC)
Woolsey
Wu

NOT VOTING—49

Ackerman
Baker
Ballenger
Barton
Berman
Blumenauer
Callahan
Campbell
Carson
Clay
Diaz-Balart
Dicks
Eshoo
Forbes
Franks (NJ)
Goss
Hansen
Hefley
Hutchinson
Isakson
Jenkins
King (NY)
Klink
Kolbe
Lazio
Lewis (GA)
McCollum
McIntosh
Meek (FL)
Meeks (NY)
Metcalf
Miller (FL)
Paul
Peterson (PA)
Pickett
Rangel
Reyes
Shuster
Smith (TX)
Spence
Stark
Strickland
Talent
Thompson (MS)
Vento
Waters
Waxman
Weldon (PA)
Wise

□ 1302

Ms. DEGETTE, Mrs. CLAYTON, Ms. LEE, Mr. WU and Ms. PELOSI changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 613, I call up the conference report on the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 613, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 5, 2000 at page H8855.)

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minute.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 3244.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent, after consulting with the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the other committee, that we cut our time in half, all of us, because I have been besieged by Members who have commitments and plane tickets; and that is the only reason that I would do that.

Mr. Speaker, I ask unanimous consent that the time allotted to all of the committees be cut in half.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. CONYERS) that the time be limited to 15 minutes for the gentleman from New York (Mr. GILMAN) and 15 minutes for the gentleman from Connecticut (Mr. GEJDENSON)?

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 3244, the Trafficking Victims Protection Act of 2000.

I was proud to cosponsor this measure. I am pleased that we have been able to steer this important measure all the way through the process and on towards the President's desk.

I especially want to commend two Members of our committee's leadership who have made this legislation possible. I commend the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, who is the lead sponsor of this measure and a tireless proponent. He was joined in refining the legislation, pushing it through the process by the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking Democratic member of our committee.

As noted in the legislation, millions of people, primarily women and children, are trafficked every year across international borders for sexual and other exploitive purposes. Approximately 50,000 women and children are trafficked into the United States for such purposes every year.

The conference report on this measure contains a number of provisions designed to make certain that our government uses its influence around the world to stop this trafficking of human beings. In addition, it enhances some protections on the U.S. law for victims of trafficking in our country.

Although the administration initially opposed the legislation, I am pleased they have now considered their position and ultimately came to recognize the necessity for this measure.

The conferees on the measure were pleased to incorporate a number of other pending measures into the conference report.

Most of these additions have greatly strengthened the conference report. Three of these additions are bills that I strongly support, and I am pleased to be able to help send them to the President's desk.

The Violence Against Women's Act, Aimee's Law, and the Justice for Victims of Terrorism Act are all included in this conference report, and all are important measures that are overwhelmingly supported by the House.

Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 3244, the ''Trafficking Victims Protection Act of 2000.''

I was proud to cosponsor H.R. 3244, and am pleased that we have been able to steer this important measure all the way through the legislative process and on toward the President's desk.

I especially want to commend two members of our Committee whose leadership has made this legislation possible. The distinguished chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey, Mr. SMITH was the lead sponsor of this measure and a tireless proponent of it. He was joined in refining the legislation and pushing it through the legislative process by the distinguished Ranking Democratic Member of our Committee, the gentleman from Connecticut, Mr. GEJDENSON.

As noted in the legislation, millions of people, primarily women and children, are trafficked every year across international borders for sexual or other exploitative purposes. Approximately 50,000 women and children are trafficked into the United States for such purposes every year.

The conference report on H.R. 3244 contains a number of provisions designed to ensure that the United States Government uses its influence around the world to stop this trafficking in human beings. In addition, it enhances the protections under U.S. law for victims of trafficking in the United States.

The legislation establishes minimum standards that should be achieved in countries with significant trafficking problems in order for them to begin eliminating trafficking. The bill authorizes U.S. foreign assistance to help countries meet these minimum standards, and provides for sanctions against countries that fail to meet the standards. In the typical case this threat should provide a powerful incentive to countries with trafficking problems to meet the minimum standards.

Within the United States, the legislation permits certain victims of trafficking to remain in the country so that, among other things, they can assist in the prosecution of traffickers. Victims of severe forms of trafficking are also made eligible for special programs set up for crime victims. The legislation also strengthens the criminal penalties for trafficking under U.S. law in a number of critical respects.

Taken together, this is a solidly-crafted piece of legislation that addresses an urgent moral and humanitarian problem. Although the Administration initially opposed the legislation, I am pleased that they reconsidered their position and ultimately came to recognize the necessity for this measure.

The conferees on H.R. 3244 were pleased to incorporate a number of other pending measures into the conference report.

Most of these additions have greatly strengthened the conference report.

Three of these additions are bills that I have strongly supported and that I am pleased to be able to help send to the President's desk.

The Violence Against Women Act, Aimee's Law, and the Justice for Victims of Terrorism Act are all included in this conference report, and all are important measures that are overwhelmingly supported in the House of Representatives.

For all these reasons, Mr. Speaker, I urge my colleagues to vote for this conference report.

Mr. Speaker, I reserve the balance of my time; and pending that, I ask unanimous consent that the balance of my time be controlled by the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, the principle sponsor of the bill.

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

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I yield half of my time to the gentleman from Michigan (Mr. CONYERS), and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise with some reluctance to support the conference report because I wanted a clean bill concerning the Trafficking Victims and Violence Against Women's Act, both of which passed the House with strong bipartisan support.

So the bill continues funding for important Violence Against Women Act programs such as enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hotline, battered women's shelters and services. But it also takes important preliminary steps to address dating violence.

Now, we would not be here without the organizations that work with us in the Congress, and I just wanted to get into the RECORD: NOW Legal Defense and Education Fund, the National Coalition Against Domestic Violence, the National Task Force to End Domestic Violence, and the Feminists Majority.

Now, the legislation, I must say, does not go far enough on VAWA, and we are going to continue this struggle. It leaves out many critical programs that were in the House-passed bill. For example, we have not allowed the provisions to more adequately fund rape prevention and education programs, civil legal assistance and STOP grants.

There is less money allocated to victims services.

The conference falls short. But the bill does the special-interest bidding for alcohol wholesalers and effectively allows the shutdown of e-commerce by wineries. What, I ask, does this have to do with the victims of sex trafficking? Answer: nothing.

Mr. Speaker, I rise with some reluctance to support the Conference Report. I had hoped that we would be voting on a clean bill concerning the Trafficking Victims and Violence Against Women Act, both of which passed the Houses with strong bipartisan support. Unfortunately, something dire happened on the way to the altar.

Whenever the Republican majority wants to pass legislation to protect women, they will only do it half way. On the one hand, the bill before us continues funding for important VAWA programs such as law enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hotline, battered women's shelters and services. The bill also takes important preliminary steps to address dating violence. For these positive things, I would like to particularly note the hard work of Leslie Orloff, Janice Kaguyutan, Pat Reuss and Jackie Payne of the NOW Legal Defense and Education Fund, Julie Fulcher of the National Coalition Against Domestic Violence and all the people at the National Task Force to End Domestic Violence.

On the other hand, I must report that the legislation does not go far enough on VAWA, leaving out many of the critical programs in the House passed bill. For example, the Majority refused to include the more generous House VAWA provisions to more adequately fund rape prevention and education programs, civil legal assistance and STOP grants. I am also disturbed that less money is allocated to victims' services, the scope of civil legal assistance to be offered is narrowed and the types of organizations that qualify to provide assistance is limited.

The conference report also falls short with regard to the victims of sex trafficking. The bill still contains a 5,000 cap on the number of victims eligible to receive a ''T'' visa, despite the House's motion to instruct the conferees to remove the cap. Moreover, parents of victims are not eligible for derivative immigration status despite clear evidence that the traffickers will threaten to injure or kill the parents living abroad to prevent the victim from assisting in a criminal prosecution.

If this weren't enough, this bill does the special interest bidding for the alcohol wholesalers, effectively allowing the shut down of e-commerce by wineries. What, I ask, does this special interest legislation have to do with victims of sex trafficking. Nothing. It's just a vehicle to do a special favor for that special interest.

And the bill incorporates Aimee's law which the National Governors' Association and National Conference of State Legislatures both conclude ''is onerous, impractical, and unworkable.'' Chalk it up for another bill that aborts the legislative process. The Judiciary Committee has had plenty of time to make such a proposal workable for governors, but the Committee has failed again to do so.

Finally, I must note that this process is an example of how legislation should not be conducted. On almost every provision, House Democrats were given take it or leave proposals from the Republicans, and there was virtually no deliberation by the members. That's a pretty bad show.

So, I will vote yes today, but I would hope we could do a better job of protecting battered women and victims of sex trafficking in the future.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I rise in very strong support of this conference report. As this body is aware, it includes a number of important bipartisan pieces of legislation that together advance the cause of justice for crime victims and truly offer the prospect of improving public safety.

Among the many items of legislation that are in this conference report, the Violence Against Women Act, which is the product of so many hours of work by the gentlewoman from Maryland (Mrs. MORELLA), is included; and I am very proud that it is, along with several other bills, the Rothman bill.

I rise in strong support of this conference report on H.R. 3244. As this body is aware, it includes a number of important, bi-partisan pieces of legislation that, together, advance the cause of justice for crime victims and truly offer the prospect of improving public safety.

The underlying bill, the ''Trafficking Victims Protection Act of 2000,'' addresses one of the enduring and pernicious forms of slavery that still blights our time. While Lincoln may have freed the slaves in America, there are those today who engage in other forms of slavery on persons of many colors. Throughout the world there are criminals who smuggle persons into this country, principally women and children, in order to force them into sexual slavery, or to work in sweatshops for years in order to pay off the exorbitant fees charged by their traffickers for their illegal entry.

This conference report will prevent and punish sex trafficking and other forms of trafficking in human beings. As such, it is another step forward in the full and complete enforcement of the anti-slavery amendments to our Constitution. Twelve years ago, the Supreme Court held that our existing anti-slavery statutes only prohibited the use of force or the abuse of the legal process to force a person into involuntary servitude. But the sad fact is that those who traffic in human beings today also use deceptive schemes and other lies, together with threats of force to family members in a home country, to coerce the victim into labor. This bill will now punish that criminal conduct. And it will fill another gap in the law by punishing, for the first time, those who traffic in human beings in order to provide the supply of labor to those who will enslave them once they arrive on our shores. The legislation will also substantially increase the penalties for the existing involuntary servitude laws already on the books.

Mr. Speaker, it is time to do all of these things to put an end to all forms of slavery that continue to exist in our country and our world.

Importantly, the conference report also includes the ''Violence Against Women Act of 2000,'' which this body passed last Tuesday by a vote of 315 to 3. The ''Violence Against Women Act of 2000,'' strengthens the ability of local communities to respond effectively to the national problem of violence against women, in all of its tragic forms, including domestic battery, stalking, rape and murder. This legislation continues and builds on our national commitment to support comprehensive, community-based efforts to keep these crime victims safe and hold offenders accountable.

The VAWA legislation reauthorizes funding for state and local law enforcement agencies as well as for education, prevention, and outreach programs. This legislation ensures that VAWA programs will continue to aid the prosecution of domestic violence, sexual assault and child abuse cases across the country and increases victim services like domestic violence shelters for women. Additional initiatives have been authorized aimed at preventing domestic violence and sexual assault against older and disabled individuals, meeting the civil legal assistance and transitional housing needs of victims, and establishing a task force to minimize overlapping federal efforts to address domestic violence. In short, the legislation is a balanced and comprehensive effort to enhance the ability of states and localities to prevent and combat violence against women.

I again want to salute the gentlewoman from Maryland, Mrs. MORELLA, for her leadership on this issue and her tireless efforts to ensure that this legislation becomes law.

This conference report also includes a compromise version of the ''Justice for Victims of Terrorism Act,'' which is supported by the Administration. This legislation ensures that American victims of international terrorism will be able to receive their judgements from any blocked assets held in the United States. At the same time, the legislation provides the President waiver authority to protect national security. As a result of this legislation, the Secretary of the Treasury will finally satisfy claims brought under the Anti-terrorism Act of 1996 of victims who hold final judgements.

This bill also includes a provision known as Aimee's law, which will hold states responsible when they release a convicted felon from their prisons who then travels to another state and commits a crime. Under this provision, first introduced by the gentleman from Arizona, Mr. SALMON, a state that releases a felon from its prisons who then commits a crime in another state will be required to reimburse that state for the costs it incurs in prosecuting and incarcerating that criminal. This provision has twice before passed this House, mostly recently this past July, when it passed by voice vote.

The conference report also includes the ''Secure Our Schools Act,'' which authorizes $30 million a year for the next three years for States and local governments to improve school security. Funds can be used for measures that deter crime, such as metal detectors and lighting, or other programs that offer the prospect of significantly improving public safety.

Finally, the conference report includes the ''Twenty-First Amendment Enforcement Act,'' aimed at cracking down on the problem of illegal intestate shipments of alcohol. It does so by permitting States Attorneys General to enter federal district court to enjoin any shipping or transporting of alcohol into their state

in violation of state law. In short, this balanced provision empowers states to ensure compliance with their own laws regulating the sale and consumption of alcohol.

The text of S. 577, the ''21st Amendment Enforcement Act.'' S. 577 is the counterpart to H.R. 2031, which was approved by the House Judiciary Committee on July 20, 1999, and passed by the House on August 3, 1999. This legislation would grant federal court jurisdiction to actions for injunctive relief brought by state attorneys' general seeking to enforce their state liquor importation and transportation laws.

Importantly, the bill reflects the respectful comity that exists between the federal government and the states. In this bill, Congress is granting to the states the privilege of using the forum of the federal courts for limited jurisdictional purposes—so, the legislation is procedural in nature. Congress is acting under its powers to establish the lower federal courts and to define their jurisdiction. Congress is not pre-judging or endorsing the validity of the various state liquor statutes.

The sole remedy available under the bill is injunctive relief—no damages, no civil fines or criminal penalties can be imposed by the federal courts under S. 577. When the Senate Judiciary Committee considered this measure in May, it adopted a substitute offered by chairman HATCH which included a number of the due process protections which were added to the bill when it was considered in the House Judiciary Committee. So, for example, the bill requires prior notice to the adverse party or parties, applies traditional proof requirements for preliminary injunctions and requires that a hearing be held before the issuance of any preliminary or permanent injunction occurs. A State must prove by a preponderance of the evidence that a violation of State law has taken place or is taking place.

Additionally, Chairman HATCH's substitute includes language in subsection 2(e), entitled ''Rules of construction,'' that states that the legislation ''shall be construed only to extend the jurisdiction of the Federal courts in connection with State law that is a valid exercise power vested in the States'' under the 21st amendment, as interpreted by the Supreme Court, including interpretations ''in conjunction with other provisions of the Constitution.'' Federal jurisdiction is also limited to state law that is a valid exercise of state power under the first section of the Webb-Kenyon Act, as that section is interpreted by the U.S. Supreme Court. Further, S. 577 is not to be construed as granting the states any additional power.

This rules of construction language is an implicit recognition of the Supreme Court decisions made over the last 35 years holding that the 21st Amendment cannot be read in isolation from other provisions contained in the U.S. Constitution. *Hostetter* v. *Idlewild Bon Voyage Liquor Corporation,* 377 U.S. 324 (1964) (commerce clause); *Capital Cities Cable, Inc.* v. *Crisp,* 467 U.S. 691, 712 (1984) (supremacy clause); *Larkin* v. *Grendel's Den, Inc.,* 459 U.S. 116, 122 (1982) (establishment clause); *Department of Revenue* v. *James Beam Co.,* 377 U.S. 341 (1964) (export-import clause); *Craig* v. *Boren,* 429 U.S. 190, 209 (1976) (equal protection); *Bacchus Imports, Ltd.* v. *Dias,* 468 U.S. 263, 275 (1984) (commerce clause); *44 Liquormart, Inc.* v. *Rhode Island,* 517 U.S. 484, 516 (1996) (First Amendment). Again, in enacting this jurisdictional statute, Congress is not passing on the advisability or the legal validity of the various state laws regulating alcoholic beverages. Whether a particular state law on this subject is a valid exercise of state power is, and will continue to be, a matter for the courts to decide.

In my view, S. 577 takes a balanced and fair approach. The 21st Amendment Enforcement Act will assist the states in the enforcement of liquor laws that are genuinely about encouraging temperance. The courts will also continue to recognize the inherent police powers of the states to prohibit underage drinking. At the same time, this legislation preserves Congressional neutrality as to whether or not a particular state liquor law is constitutionally valid and should be enforced by the federal courts.

Opponents of this language believe that it undercuts the basis of the legislation. The legislation itself is titled as an Act, ''divesting intoxicating liquors of their interstate character in certain cases.'' Thus, it is the purpose of the Act to, under certain circumstances, ''burden'' interstate commerce. To them declare in the same Act that it does not ''impose an unconstitutional burden'' on that commerce is, according to the opponents arguments, a signal of Congressional intent to nullify the actual purpose of the Act and to invite litigation challenging all State enforcement.

Mr. Speaker, this is an important conference report, offering the prospect of real solutions to real problems. I urge its passage.

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

Mr. Speaker, I would just like to commend the gentleman from New Jersey (Mr. SMITH), the gentleman from New York (Mr. GILMAN), all my partners on the other side. I thank all the staff tactically on my side, Mr. Yeo and Mr. Abramowitz and Alethea Gordon.

Mr. Speaker, I rise in support of the Conference Report on H.R. 3244, the Victims of Trafficking and Violence Protection Act of 2000, and yield myself as much time as I may consume. Mr. Speaker, the conference agreement on H.R. 3244 represents landmark legislation that not only seeks to put a stop to the heinous practices of modern-day slavery, but also addresses the millions of American women who face violence in their lives each year. At so many junctures over the past months, the bill appeared headed towards the very full dustbin on the 106th Congress, but with tremendous bipartisan work both in this House and in the other body, I am happy to report that we are reporting a good bill to the House of Representatives. I want to congratulate Representative CHRIS SMITH and his staff for their arduous work on this legislation. This is the way legislation on foreign policy should work, where members from both sides of the aisle and in both chambers working together to address in a real, concrete manner, human rights abuses that effect the United States, nations around the world, and millions of people, particularly vulnerable women and children.

The original bill was intended to stop the trafficking in persons throughout the world. The U.S. Government has reported that up to 50,000 people, mostly women and children, are trafficked into the United States alone. It is simply intolerable that as we begin the 21st century, human beings are being trafficked into modern day slavery, including thousands of women and children trafficked into the United States each year. According to human rights organizations, in a typical case, a woman is recruited with promises of a good job in another country or province, and lacking better options at home, she agrees to migrate. There are also cases in which women are lured with false marriage offers or vacation invitations, in which children are bartered by their parents for a cash advance and/or promises of future earnings, or in which victims are abducted outright. Next an agent makes arrangements for the woman's travel and job placement, obtaining the necessary travel documentation, contacting employers or job brokers, and hiring an escort to accompany the woman on her trip. Once the arrangements have been made, the woman is escorted to her destination and delivered to an employer or to another intermediary who brokers conditions of her employment. Many women learn they have been deceived about the nature of the work they will do, most have been lied to about the financial arrangements and conditions of their employment, and all find themselves in coercive and abusive situations from which escape is both difficult and dangerous.

In New York, hearing impaired men and women were recruited from Mexico and brutalized into selling trinkets on the street.

In the Carolinas, teenage girls were held in slavery and forced to work as prostitutes.

In Chicago, traffickers met Russian and Latvian women at the airport, seized their passports and return tickets, beat them and threatened to kill their families if they refused to dance nude in a nightclub.

In Florida, traffickers used alcohol and drugs to lure field workers to isolated locations and hold them under cruel conditions of debt bondage.

In New Jersey, a Bangladeshi woman was forced to work 18 to 20 hours a day, seven days a week, and after receiving no pay for 3 months, was forced to leave upon asking for her backpay and given only for her entire work $370, amounting to about 25 cents an hour. She was also forced to shovel snow in the sandals she arrived in, and when she got sick, they refused to take her to a doctor. They told her not to go out on her own, that the police were surely waiting to arrest her.

In California, a Thai boy who had contracted AIDS through his prostitute mother was used as a decoy to try to traffick a woman into the United States, trying to make immigration officials believe that the two adults accompanying him were his parents.

Right here in Washington, D.C., we heard cases of a woman who was paid virtually nothing and then sexually abused and refused any medical treatment.

One of the most shocking aspects of this problem is that our laws often punish the victims, not the international criminal syndicates perpetrating these abuses. We need to reverse this situation. A short time ago, no one was discussing the trafficking issue. Now, the Clinton Administration is negotiating an international protocol to end trafficking in human beings, and the Congress is doing its part by passing comprehensive legislation.

A broad coalition from across the political and ideological spectrum helped move this issue to the top of the national agenda. They were determined to have the United States

serve as an example for the rest of the world in stopping trafficking everywhere. By our action, we can encourage other countries to do more, and several countries have already indicated that they are looking at U.S. legislation as a model for their own response.

The legislation reported out of the conference in some ways combines many of the best features of the bills passed by the House and the other chamber, where the effort was led by Senators BROWNBACK and WELLSTONE. It provides for prevention of trafficking here and abroad, protection of victims in the United States by providing a new visa category for them, among other things, and punishes traffickers by creating new crimes of forced labor, and labor and sex trafficking.

The bill also includes additional legislation that the conferees felt must be moved quickly. In particular, the legislation now includes the Violence Against Women Act of 2000. The original Violence Against Women Act expired last Thursday, leaving millions of American women without protection from the violence that they suffer in their lives. This Act reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA). It also makes some improvements responding to the experience with the original act, including authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault and strengthening and refining the protections for battered immigrant women, including a new visa for battered immigrant women. It is fitting that this bill address the severe problems of both trafficking and of violence against women in the United States.

The bill also includes terrorism assistance provisions for using frozen foreign government assets to pay for U.S. victims of terrorism who have judgments against such governments and other assistance for victims of terrorism. This provision addresses the need for compensation for victims of terrorism such as the family of Alissa Flatow, who was killed in a bombing in Jerusalem, the victims of the Cuban shootdown of the plane of the ''Brothers of the Rescue'' humanitarian organization, Terry Anderson, Joseph Ciccipio and other victims.

Finally, and in my view regrettably, the bill contains a number of extraneous provisions that are somewhat controversial, including a provision dealing with the sale of alcohol through the internet and across state lines. However, these provisions needed to be included for the bill to be reported out of the Conference.

I want to thank the staff of several committees and Members who worked endlessly on this legislation: my counsel, David Abramowitz, Peter Yeo, and Alethea Gordon from my staff; Joseph Rees, Scott Deutchman, Iden Martyn, Glenn Schmitt and Lora Ries, of the House, and Charlotte Oldhan-Moore, Jill Hickson, Karen Knutsen, Sharon Payt, Brian McKeon, and Mark Lagon of the Senate.

Overall, I do believe this bill addresses important and real needs of women and children here and abroad. I urge the Committee to provide this bill with the normal rule relating to conference reports, waiving points of order against it.

I urge my colleagues to support the conference report on H.R. 4344, and I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. ROTHMAN) be permitted to control the balance of my time.

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

There was no objection.

Mr. ROTHMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise today in strong support of H.R. 3244, the Trafficking Victims Protection Act.

An estimated 1 million to 2 million people are trafficked every year worldwide; 50,000 to the United States. Trafficking is the third largest source of profits for organized crime behind only drugs and guns, generating billions of dollars annually.

This bill contains provisions to strengthen current law to prevent unlawful buying and selling of persons, human beings.

This measure also includes the Violence Against Women Act which has provided and will now continue to provide battered women and their children a safe haven and much-needed support for their physical and their emotional well-being.

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Women and children are depending on passage of this important provision within this bill to help stop violent crimes that are too often committed against them. H.R. 3244 addresses the devastating problems of international sex trafficking, sexual predators, violence against women and much more. Violence and abuse against women and children will not be tolerated. I urge passage of this very important bill.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise to celebrate the inclusion of the Violence Against Women Act in the Trafficking Victims Protection Act. I want to thank the gentleman from New Jersey (Mr. SMITH) for supporting this effort to do so.

I remember a Latin phrase meaning after the struggle comes the reward. This has been quite a struggle. This is the reward for the American people.

These two bills form a natural alliance by protecting women around the globe from being abused, raped, bought, sold or forced against their will. We can all celebrate the message being sent to women everywhere when we pass this legislation that women's minds and bodies are their own. By passing this conference report, we empower millions of women around the world to escape from pain and fear.

This version of the Violence Against Women Act combines the strongest programs of both the House and Senate bills. We will never have a bill that meets every need of every victim and child, but this bill is the strongest commitment that Congress has ever made to fighting domestic violence and sexual assault.

I am proud of the bill. I am proud of the dozens of Members and staff who worked tirelessly to maintain the programs and the funding to meet the horrifying need of millions of victims to be safe from both immediate and long-term danger.

In this bill we finally recognize the highest risk group for intimate partner violence, ages 16 to 24 years old. The House Committee on the Judiciary worked with me to include victims of dating violence in three desperately needed categories: Services and Training for Officers and Prosecutors, or STOP grants; grants to encourage arrest policies; and rural State grants.

With the inclusion of dating violence in the Violence Against Women Act, I hope we can begin to recognize that young women are falling prey to violent relationships in their earliest dating experiences. If we can send them the message that anger and violence is not a sign of love, we may prevent thousands of future battered women and children from living in fear.

By passing this bill, we reauthorize the existing Violence Against Women Act programs for another 5 years. When it was originally passed in 1994, and some of us remember it because we were very much involved with it, Congress authorized $1.5 billion. Today, we have more than double the available grants to States. We have the STOP grants, we have grants to reduce violent crimes against women on campus, we have grants essential to protecting victims, the shelters for battered women and children, the National Domestic Violence Hot Line, which as we know receives 13,000 calls per month, in fact more than that, and a number of other provisions. We have increased grants being made available for rape prevention and education programs, which will continue to empower women with ways to protect themselves from sexual assault.

I just want this body to know that they can be very proud of passing this conference report. It will make a difference. It does not settle everything but it will make a big difference.

I also want to commend the staff people, the Committee on the Judiciary, with the chairman, the gentleman from Illinois (Mr. HYDE); the other Members, the ranking member; and all the other Members who have worked very hard on it. I want to thank our staffs, especially my staff, Kate Dickens who worked indefatigably on this.

And, lastly, Mr. Speaker, I will be submitting for the RECORD the names of the many organizations and personages who worked so hard and who deserve the credit for this bill. The credit and the beneficiaries will be the American people.

Judiciary Committee staff, Carl Thorsen and Dan Bryant for their long hours and dedication to understanding the issue, also Cori Flam for her commitment to helping victims. To leadership of their support and especially Paul McNulty for his mediation skills.

Juley Fulcher, Public Policy Director and the staff of the National Coalition Against Domestic Violence also Robin Runge and good luck to Marlo Cohen, who is thrilled somewhere in a law library.

Kiersten Stewart, Director of Public Policy and the staff of the Family Violence Prevention Fund.

Lynn Rosenthal, Executive Director and the staff of the National Network to End Domestic Violence.

Leslye Orloff, Director, Immigrant Women's Program, NOW Legal Defense and Education Fund.

Pat Reuss, Vice-President of Government Relations and Jackie Payne at NOW Legal Defense and Education Fund.

Diane Moyer, Director of Public Policy and the staff at Pennsylvania Coalition Against Rape.

Debbie Andrews, Executive Director and staff of RAINN.

Jody Rabhan, Associate Director and the staff at the National Council of Jewish Women.

The National Organization of Women.

National Task Force to End Domestic Violence and Sexual Assault and to the thousands of advocates, health care professionals, law enforcement and judicial personnel, prosecutors for caring so much about individuals in need.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

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

Ms. PELOSI. Mr. Speaker, I rise in strong support of this legislation, the Violence Against Women Act, and the Sex Trafficking Victims Protection Act, H.R. 3244. These provisions are vital to ensure women can exercise their rights and to protect women from violence, abuse, sexual assault, and sexual predators. Women should feel safe in their homes, safe walking in the street, and safe at night. The reauthorization of VAWA brings us closer to these goals and will improve the health and quality of life of hundreds of thousands of women and children and families. The underlying bill will reduce illegal and inhumane trafficking in women and children around the world and serve to protect and uphold their human rights.

While I applaud the progress we have made, I am disappointed that the Congressional leadership did not bring these related, but separate provisions, up independently and I am concerned that leadership took so long to debate, vote, and approve these important protections. VAWA was introduced at the beginning of this Congress—more than 18 months ago. This reauthorizing bill should not have been delayed this late and VAWA's authorization should not have expired. In the future, I hope other issues of significance of women are treated in a more timely and measured manner.

This bill reauthorizes the programs under the original Violence Against Women Act continuing provisions to fund battered women's shelters, rape crisis centers and a hotline for domestic violence. It builds on that bill and strengthens law enforcement to reduce violence; education and training to combat violence; and services to the victims of violence. It also helps limit the traumatic effects violence has on children who too frequently suffer as silent victims.

We must work to support America's young women, our future leaders, and this bill reaches out to them through efforts to prevent campus sex crimes and efforts to prevent teen suicide. In light of the recent attention to many immigration issues, I am pleased this bill addresses the needs of battered immigrant women and takes protective steps to address their plight.

The Sex Trafficking Victims Protection Act will help end trafficking—a terrible modern version of slavery—that rapes, starves, physically brutalizes its victims, ultimately victimizing all women. Since many victims residing in the U.S. lack U.S. citizenship or appropriate documentation, existing U.S. laws are inadequate to protect these victims. This bill seeks to end trafficking and ensure traffickers are held accountable for their crimes.

I urge my colleagues to vote yes on this legislation.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE), as I will the other seven Members that are waiting to come up under Judiciary time.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me pay tribute to a lady who will benefit from this legislation, Calla, a Guatemalan woman who lived with her fiance, a legal permanent resident, for 5 years; and when she asked about getting married so she could apply for her own legal residency, he beats her and accuses her of only wanting to be with him so she can get her immigration status recognized.

This bill is long overdue. The battered immigrant women provisions are necessary. Though I would have wanted to see access to food stamps, access to housing, access to other benefits, we must move this bill forward, and we must move the programs that provide sexual assault prevention programs and education and training of judges. That is a key element for providing relief to those abused individuals.

I would like to thank the Committee on International Relations for protecting the victims of terrorism and those subjected to slavery. This is a good conference report and I ask for my colleagues to vote for it.

Mr. Speaker, first, I would like to thank the leaders like Congressman JOHN CONYERS who has been a leader on VAWA issues for years, Congressman SAM GEJDENSON, the Ranking Member of the International Relations Committee for his leadership in being instrumental in reaching a compromise on this bill, Congressman TOM LANTOS, who is a champion on Human Rights around the globe, and his true counterpart on the other side, Congressman CHRIS SMITH, who also has been a champion of Human Rights, and Congressman LAMAR SMITH the Chairman of the Subcommittee on Immigration and Claims, who I have been able to work very well with throughout the 106th Congress.

I come to the floor today in my capacity as Ranking Member of the Subcommittee on Immigration and Claims. Inside this report is the agreement authorizing VAWA, and some very important provisions that deal with Battered Immigrant Women. I joined with Congresswoman JAN SCHAKOWSKY and Congresswoman CONNIE MORELLA to sponsor H.R. 3083, The Battered Immigrant Women Protection Act of 1999, would provide much needed access to battered immigrant victims of domestic violence. Fortunately, many of the provisions of this bill were included in this conference report.

The 1994 VAWA requires the victim to be married to a citizen or permanent resident and prove battery or extreme cruelty by the abuser. There is a provision in this report that eliminates the requirement that an immigrant victim has to prove extreme hardship. The spirit and intent of the 1994 law was to allow immigrants to safely escape the violence and bring their abusers to justice, now this can be done with the adoption of this report.

This Conference Report has language that would provide VAWA relief to abused children who subsequently turn 21 as long as they can demonstrate that one or more incidents of battery or extreme cruelty occurred before they turned 21.

This conference report gives battered immigrants living abroad new access to VAWA immigration relief. Abused children of spouses married to members of the U.S. Armed Forces and U.S. government employees living abroad are trapped overseas unable to escape and seek assistance. Filing a family-based visa petition at an American consulate is permissible, while filing VAWA self-petitions are not. This Conference Report makes it possible for battered immigrant women to file their own petitions. This is a major change.

This Conference Report now allows battered immigrants to file VAWA self-petitions if it is filed within two years of divorce. Divorced battered immigrants do not have access to VAWA immigrant relief. There are many ''savvy'' abusers who know that if they divorce their abused spouse they will cut off their victim's access to VAWA relief. Provisions in this report change that.

I am very disappointed that some missing provisions that were in the House bill, H.R. 3083 are not in the Conference Report. They are provisions that: exempted fiances from conditional residency requirements, a provision that extended VAWA to sons and daughters of legal permanent residents who are 21 and would allow them to include children in the self-petition; a provision that would have given battered immigrants the option of having children follow to join them rather than placing them in deportation proceedings; and deeply regret that there are no provisions in the report that provide access to food stamps to battered aliens; and access to housing, and access to benefits that would enable the alien to avoid battery or extreme cruelty in the future.

We need this language because far too often, the pleas for help by these immigrant victims are not heard because of language or cultural barriers. Moreover, many victims remain silent because the threat of deportation

looms over them and their children. As a result, immigrant women are caught in an intersection of immigration, family, and welfare laws that do not reflect their needs and life experiences, leaving them vulnerable to exploitation with few options for redress. There are real human illustrations as to why we need this bill.

Carla, a Guatemalan woman, has lived with her boyfriend, a legal permanent resident for five years. When she asks him about getting married so she can apply for her own legal residency, he beats her and accuses her of only wanting to be with him so she can get her immigration status recognized.

Such compelling real-life stories illustrate the unique array of legal, economic, and social problems battered immigrant women face today. Most importantly, when these women are facing desperate times and struggles, they have children who are directly impacted. Often times when the mothers are in shelters or deported, the children become the custody of local child welfare agencies.

A battered woman, who is not a legal resident, or whose immigration status depends completely on her partner, is often isolated by unique cultural dynamics which may prevent her from leaving her husband or seeking assistance from the American legal system. With the adoption of this report, a woman in this position is now provided relief. The language in this report will improve the lives of battered immigrants and send them on a path to rebuilding their lives and the lives of their children. I urge the adoption of this report.

While the sweeping provisions of Battered Immigrant Women are included in this report, there is also the reauthorization of the Violence Against Women Act for five years. The money for these programs will combat violence against women, including battered women's shelters and services, sexual assault prevention programs and education and training judges. While I favored the Conyers version in committee, it does seem that compromise was reached to include some much needed provisions from his bill.

The Conference Agreement also includes provisions to allow victims of terrorism or their families in the United States to recover judgments against countries listed by the State Department as sponsors of terrorism. Under the agreement, the president would have the authority to differentiate, on an asset-by asset basis, the premises of foreign diplomatic missions, but not commercial property or rental proceeds from diplomatic property eligible to be protected. This is a reasonable compromise because I remember that the Administration had some concerns and they have been taken care of.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

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

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this conference report, and I especially want to thank the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Maryland (Mrs. MORELLA) for their valiant leadership. This is long overdue, and all the battered women and children in this world need this.

Mr. Speaker, I would like to thank my colleague from New Jersey, Mr. SMITH, for his leadership in bringing these various important items to the floor. I strongly support the Trafficking Victims Protection Act, the Justice for Victims of Terrorism Act, Aimee's Law and 21st Century Amendment Enforcement Act. These provisions are extremely important to women and children in our nation and in the international community.

What I would particularly like to focus my time on today is the reauthorization of the Violence Against Women Act of 1994. I commend Mrs. MORELLA for her diligent leadership to ensure that this important legislation is reauthorized before the end of the session.

H.R. 1248 authorizes $3 billion dollars over the next four years to fund various programs that support state and local efforts to shelter battered women, train local police and court officials how to handle domestic abuse cases, and provide a hotline and counseling services to battered women.

In my district, the fifth district of New Jersey, there are numerous state and local efforts to address the problem of domestic violence. I want to tell you about four of these programs today. In Hackensack, New Jersey, we have the ''Shelter our Sisters'' domestic abuse program. This program provides shelter and clothing for battered women of Bergen County and their children. In Passaic County, we have the ''Strengthen our Sisters'' program which is located in Wanaque, NJ. I visited this shelter last spring. Not only do they provide shelter and clothing. As part of the services provided, the program includes a beauty parlor that is run by battered women from the shelter. This provides the ability for the women to have their hair and nails done before looking for a job. In Sussex County, Domestic Abuse Services, Inc. (DASI) is an organization that has been active for over 16 years. DASI offers a variety of services, including individual and group counseling, a 24-hour hotline, an emergency shelter, a food pantry, a sexual trauma resource center, and community education about domestic violence. And to summarize, I want to identify Ginny's House in Sussex County, which has the heart and soul of angel's helping the little children of our county with physical and emotional support.

These are just a few examples of the innovative things people in my district have done to help women who are the victims of domestic abuse. I commend these programs for their work assisting women get ''back on their feet'' after being the unfortunate victims of abuse.

Violence against women continues to be a disturbing reality in America. Every day, four women die in this country as a result of domestic violence, and studies indicate that nearly two to four million women are battered each year. In addition, more than 132,000 women are raped yearly.

Six years ago, the Violence Against Women Act became law as part of the historic 1994 Crime Bill. VAWA reflected a comprehensive understanding of the broad range of strategies needed to change this nation's response to violence against women.

Its passage was a watershed event in the continuing struggle to end this type of unnecessary violence. Since the law was passed in 1994, the Justice Department estimates that violence against women has decreased by 21 percent.

The bottom line is: as this decrease indicates this comprehensive approach to combating domestic violence works. But our work is not done until violence against women in our nation is completely eliminated.

I know that all of us in Congress are deeply concerned about these violent crimes that are perpetrated against women. It is a serious national problem whether it takes the form of domestic battery, rape and murder, or stalking. I believe our ability to respond effectively to such violent crimes is an indicator of our commitment to securing safe neighborhoods and safe communities. I urge my colleagues to vote in support of this important legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

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

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me this time; and I also thank the chairman, the gentleman from Illinois (Mr. HYDE), for his important work on this bill and including the language from my bill, H.R. 2031, the 21st Amendment Enforcement Act. I would also like to thank the gentleman from Massachusetts (Mr. DELAHUNT) for cosponsoring this important bill.

It is important because it stops illegal bootlegging on the Internet and the illegal sale of alcohol. This legislation ensures that States have the resources they need to enforce their alcohol control laws from out-of-State bootleggers and illegal shippers of alcohol.

It is important to remember that there are no new substantive laws. This only allows State attorneys general the ability to seek injunctive relief in Federal Court to enforce State laws relating to direct shipment of intoxicating liquor. It does not apply to anybody unless they are breaking the law.

It is a comprehensive solution that is carefully crafted to give States access to Federal courts to enforce their laws without infringing on the use of cutting edge marketing techniques if the deliveries and the sales they generate are made illegally.

This bill is not about the Internet per se. It creates no Internet commerce policy nor does it change the States or the Federal Government's alcohol policy. If people are playing by the rules, it does not apply to them. No new laws, if people play by the rules. But if they break the rules, if they sell to children over the Internet or engage in illegal bootlegging, that can be and will be stopped now by State attorneys general thanks to the 21st Amendment Enforcement Act.

Mr. ROTHMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Speaker, as the ranking member of the Subcommittee on Human Resources of the Committee on Ways and Means, I am particularly pleased we were able to work out an

agreement allowing victims of trafficking access to certain basic assistance programs, such as Medicaid, TANF, and food stamps. I am also pleased that, in addition to the trafficking bill, we were able to include the Violence Against Women Act. It is very important legislation, and I am pleased we were able to incorporate it in the conference report before us.

I must point out, though, that I am disappointed we were able to include the Child Support Distribution Act that passed overwhelmingly by this body and is now laboring in the other body. The gentlewoman from Connecticut (Mrs. JOHNSON) and I had urged the conference to include that particular legislation. We were unable to convince our friends in the other body, but I would hope that before we adjourn sine die that we will be able to pass that important legislation that would send over a billion dollars of increased child support to our Nation's poorest children and families.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), who has been working very, very hard on the trafficking issue, particularly as a member of the Helsinki Commission.

Mr. PITTS. Mr. Speaker, I rise today in support of the Trafficking Victims Protection Act, a bill that my good friend, the gentleman from New Jersey (Mr. SMITH), has worked tirelessly on.

As Americans, we have always worked for justice and freedom in our borders and worldwide, and that is what this bill is all about; justice through criminal penalties and victim restitution for those who would traffic women and children, and freedom for the victims as the United States takes the lead in fighting to end this criminal business around the world.

I want to take a moment to thank Dr. Laura Lederer, Director of the Protection Project at Johns Hopkins University. Her work has been vital to those working for the victims of sexual trafficking. I hope she is able to continue her study. Let me just read her quote. ''Sexual trafficking is a huge problem that urgently needs to be addressed. To conceptualize how immense the problem is, imagine a city the size of Minneapolis or St. Louis, made up entirely of women and children. Imagine that those women and children are kidnapped, raped, and forced into prostitution. Imagine it happening every year. Then stop imagining, because it is happening now and in those numbers.''

That is why we are voting on the bill today, and I urge my colleagues to vote for it.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentlewoman from New York (Mrs. LOWEY).

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

Mrs. LOWEY. Mr. Speaker, last March I was honored to be in Southeast Asia. We heard the terrifying stories of trafficking victims and spoke with dedicated individuals who have devoted their lives to helping those women. Today, we have the opportunity to assure these women and children that they are not alone; that the international community recognizes their struggle and is committed to putting an end to this barbaric practice.

This legislation devotes critical funds to helping foreign governments fight trafficking and assist their victims, and pledges the full force of U.S. law to stopping this practice here at home. This is an important step, and I support it wholeheartedly.

I am especially delighted that this conference report contains the reauthorization of the landmark Violence Against Women Act. For those of us who have been fighting for VAWA, today is a cause for celebration.

But more importantly, this bill represents a major victory for the millions of American women who cannot advocate for themselves, women who suffer abuse in silence and in shame, women whose lives and liberty are jeopardized due to gender-based violence.

It used to be that victims of domestic violence and sexual assault were ostracized by their communities, ignored by law enforcement, and even shunned by their own families. But VAWA has played a major role in changing that. It significantly bolstered criminal penalties for sex offenses, stalking, and domestic violence. And in just six years, VAWA has provided over $1.6 billion to support prosecutors, law enforcement, courts, shelters, support services, and prevention programs to combat violence against women.

But we have so much work left to do. Experts estimate that 1.5 million women are victims of gender-based violence every year. An estimated one in three adult women experiences at least one physical assault by an intimate partner during her lifetime. And women throughout America will continue to suffer because they lack access to legal representation in obtaining orders of protection, filing divorce or custody cases, and disputing discrimination in the workplace.

I'm so proud that we are at long last sending the Violence Against Women Act to the President. I'm also delighted that legislation I authored to expand victims' access to legal services has been included in this bill. Increasing funding for legal services to $40 million annually, improving the training of attorneys, and requiring cooperation between legal service providers and victims' organizations will all help empower thousands of women to break the cycle of abuse.

Every woman—whether in our country or abroad—deserves to feel and be safe in her home, her workplace, and in her community. For our nation's women and women around the world, I urge my colleagues to pass this critical bill.

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

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

Mr. PAYNE. Mr. Speaker, I rise in support of H.R. 3244, a bill on sex trafficking on the floor at this time.

My colleague, the gentleman from New Jersey (Mr. SMITH), has held several hearings in the Subcommittee on International Operations and Human Rights, and I commend him for that and also the gentleman from Michigan (Mr. CONYERS) for his interest.

This act will work to combat trafficking in persons, especially into the sex trade, slavery and involuntary servitude in the United States and in other countries; it also enacts tough criminal laws against buying, selling, either by force, fraud or coercion, or where the victim is a minor. It authorizes the rehabilitation and shelter programs; it authorizes law enforcement assistance to help foreign governments fight trafficking; and encourages the Secretary of State to produce an annual list of foreign countries who do not meet minimum international standards to eliminate trafficking.

This has grown tremendously. Some report it at least $7 billion per year, second only to drug and international arms trade. The victims are young people who have no hope.

Mr. Speaker, I urge passage of H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey (Mr. SMITH) has 5½ minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining, and the gentleman from New Jersey (Mr. ROTHMAN) HAS 4½ MINUTES REMAINING.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. SALMON), the author of Aimee's Law.

Mr. SALMON. Mr. Speaker, at the outset, I would like to clarify my response to the colloquy I engaged in with the gentleman from Michigan (Mr. CONYERS). The version of Aimee's Law contained in H.R. 3244 would apply only to individuals convicted of murders, rape, or child molestation for a second time after the law takes effect on January 1st, 2002. I hope that clears up any misunderstanding that I might have had or given.

□ 1330

I would also like to thank the gentleman from New Jersey (Mr. SMITH) for his graciousness in including this legislation, which will make a real difference in people's lives. Because, Mr. Speaker, 14,000 rapes, murders, and molestations occur every year, and they are 100 percent preventable. Because if these monsters were not let out of prison, or if after let out of prison they had an adequate program for tracking these people through their parole program to make sure that the violence is not recommitted, lives would be spared, children's innocence would be preserved, and women's lives would not be ruined.

This will make a difference. It will make a difference.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, since I have 45 seconds, I am going to forego all the preliminaries and only stand to say, as a former prosecutor engaged in the prosecution of domestic violence cases, the Violence Against Women Act provided us the opportunity to come together and put together a program and protocol in our community to deal with violence against women.

I am very proud to stand in support of this legislation as it extends itself to deal with women who are in this country and the victim of violence.

I will again say that I hate the administrative nightmares that are aided by the Aimee's law, but it is very important that we make sure that we provide prosecutors, State court judges, police officers, and Violence Against Women workers with the money they need to do the job out on the streets.

Mr. ROTHMAN. Mr. Speaker, I yield myself the balance of the time.

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

Mr. ROTHMAN. Mr. Speaker, I want to thank my colleague, the gentleman from New Jersey (Mr. SMITH), for all his fine work in introducing this very important legislation.

Mr. Speaker, my message is very simple. Congress must give local school boards the resources they need to keep guns out of their classrooms.

Mr. Speaker, do my colleagues remember the time when guns were routinely involved in the airline hijackings? What happened? Airlines installed metal detectors. That was 30 years ago.

Here in the Capitol, after several tragic incidents involving guns, the Capitol Police installed metal detectors here.

Today, when we have elementary schoolchildren bringing guns into their schools, and this phenomenon has occurred across the country, it is now long beyond time to give local school boards the help they need to keep guns out of their schools.

Therefore, we must pass the Secure Our Schools Act, a bill which I introduced along with the gentleman from Indiana (Mr. ROEMER) and others, which is part of this conference report.

Under this bill, Federal matching grants would be provided to any school that requests help to pay for metal detectors, security cameras, or other security devices, or to train school officials in security matters, or to work with local law enforcement officials.

I am very pleased that this bill, with bipartisan support, overwhelmingly passed the House Committee on the Judiciary.

I would like to take this opportunity to thank our distinguished ranking member, the gentleman from Michigan (Mr. CONYERS), for all his assistance and to thank the gentleman from Illinois (Chairman HYDE), without whom this bill would not be on the floor today.

In particular, I would like to mention and thank the gentleman from Illinois (Mr. HYDE) for his invaluable work in reaching across the aisle to assure bipartisan support so that America's children are protected from guns entering their classrooms.

Some young constituents of mine, middle school students from Saddle Brook, New Jersey, said it best when they wrote to me and said, ''School is supposed to be a place where we feel safe.''

Let us give them and their local school boards the resources to keep guns out of their schools.

I urge my colleagues to vote for this conference report.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to the gentlewoman from New York (Mrs. MALONEY) and thank her for the excellent work that she has done on this bill.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his leadership and for yielding me the time.

Mr. Speaker, I rise in strong support for the reauthorization of the Violence Against Women Act and the International Sexual Trafficking Bill. Both of these important bills were top priorities of the bipartisan Women's Caucus. I regret that it was packaged with several other unrelated, nongermane bills.

The International Sexual Trafficking Bill is important because not only does it take steps to eliminate the sex trafficking industry by punishing the predators that exploit women around the world, but it also takes steps to protect the victims of sex trafficking.

The bill sets forth the minimum international standards for the elimination of sex trafficking. It establishes criminal and civil penalties. And it does many other things.

I appreciate all of my colleagues' work on this important bill for women.

And by establishing criminal and civil penalties for traffickers this bill punishes traffickers for profiting from the victimization of women.

In addition, it authorizes assistance, through non-governmental organizations to the native countries of sex trafficked victims to help the victims and to take steps to stop the industry.

The United States is not immune to the problems of trafficking. It is estimated that as many as 50,000 women, children, and men are trafficked into the U.S. each year. This bill would assist those victims by authorizing a new visa for trafficking victims to provide protection to the women and children that are brought into the United States and forced into prostitution.

Of course there is more that needs to be done to stop the many human rights abuses inflicted on women around the world.

Attacking the sex trafficking industry is an important step in the continued fight for women's rights and freedom around the world.

Mr. CONYERS. Mr. Speaker, I am happy to yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in support of the conference report.

Mr. Speaker, today I rise in support of this Conference Agreement on H.R. 3244 and the joint efforts of the House, Senate, and Administration to assert our global leadership in halting trafficking and gender-specific violence against all persons, particularly women and girls around the world. Practices of abduction, coercion, violence and exploitation are without a doubt the most reprehensible phenomena sweeping the globe today.

We know that between 1–2 million women and children are trafficked annually around the world. Approximately 50,000—100,000 women and children are trafficked into the United States each year primarily from Southeast Asia and the former Soviet Union. Think about this for a moment. In our country, where we have fought to secure women rights for nearly a century, we too are plagued by these terrible practices. Women and girls suffer extreme physical and mental abuse including rape, torture, starvation, imprisonment and sometimes death. Women and children trafficked in the sex industry are exposed to deadly disease including HIV and AIDS.

While many of us are prospering in the global economy, still others are exploited by traffickers seeking to capitalize on foreign labor markets, the disintegrating social networks, and lower status of women. Victims are lured into trafficking networks through false promises of jobs, good working conditions, high pay and foreign adventure. Yet, slave-like conditions in jobs as domestic workers, factory workers, sex workers, nannies, waitresses, and service workers mire trafficked women and children at the bottom, lock them into the most insecure occupations, and leave victims open to ongoing exploitation and isolation.

Trafficking is a grave human rights, economic, migration, and transnational crimes issue. In 1998, President Clinton established the anti-trafficking strategy of prevention, protection for victims, and prosecution and enforcement against traffickers. The President also charged the Interagency Council on Women with coordinating the U.S. trafficking in women and children policy.

Mr. Speaker, H.R. 3244 will permit the U.S. government to extend our efforts to combat trafficking in women and children and ensure a just and effective punishment of traffickers and protect their victims. This bill directs the Secretary of State to include comprehensive information on trafficking in our Country Reports on Human Rights Practices. The bill also establishes the ''Interagency Task Force to Monitor and Combat Trafficking'' which I applaud. I believe the high level appointments to this Task Force, including the Secretary of State, Director of USAID, and Attorney General speak to the seriousness to which our country takes this issue. H.R. 3244 will help create economic alternatives to deter women from traffickers by providing them clear choices to improve their economic conditions.

H.R. 3244 engages the U.S. government with foreign countries to meet minimum standards for the elimination of trafficking and establishes a policy not to provide nonhumanitarian foreign assistance to countries which do not meet these minimum standards. And, this bill targets individuals who are known to traffic in persons. The Secretary of State is instructed to establish a list of such persons to identify and sanction such persons who are significant traffickers in persons. The Attorney General is empowered to strengthen the prosecution and punishment of traffickers.

And, finally, this bill puts our money where our hearts and commitments are to end this horrible practice by authorizing $15 million over two years to Health and Human Services, $15 million over two years to the Secretary of state; $15 million over two years to the Attorney General and $15 million each for victims' assistance and foreign countries to meet minimum standards and finally, $15 million over two years to the Secretary of Labor to assist victims in the United States.

I urge my colleagues to vote ''yes'' on the H.R. 3244 Conference Report.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. SHAYS. Mr. Speaker, I rise in support of the conference report.

The conference report includes H.R. 1248, which reauthorizes the Violence Against Women Act (VAWA) for an additional five years.

As a cosponsor of H.R. 1248, I commend my colleagues Mr. HYDE, Mrs. MORELLA, Mr. CONYERS and Mr. MCCOLLUM for their tireless efforts to bring this vital piece of legislation to the floor.

The scourge of domestic violence must be ended. Perpetrators of these reprehensible crimes must be punished, and victims must have support services available to help them transition to a normal life.

VAWA is a piece of legislation this body can be proud of. This law has substantially reduced the levels of violence committed against women and children by their spouses and partners.

Since it was signed into law in 1994, VAWA has strengthened criminal laws and provided funding to enhance their enforcement. It has also provided a foundation for a successful long term criminal justice effort to end violence against women.

By encouraging collaboration among police, prosecutors and victim service providers, VAWA is building a comprehensive community response to violence against women across the country.

VAWA grants have made a difference in the lives of women and their families. Authorization for this critical set of programs expires in four days. It would simply be irresponsible of this body to fail to reauthorize the legislation before adjourning.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support reauthorizing the Violence Against Women Act by voting for H.R. 3244.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I am very happy that H.R. 3244, the Smith-Gejdenson-Brownback-Wellstone Victims of Trafficking and Violence Protection Act of 2000, is now poised to be passed and, hopefully, will be passed by the Senate and sent to the President for signature.

Interestingly and importantly, it has been endorsed by people like Chuck Colson and Gloria Steinem, by the Family Research Council and Equality Now, by the Religious Action Center of Reformed Judaism, as well as the National Association of Evangelicals.

In crafting this legislation, we also had the very able assistance of impartial experts, such as Gary Haugen of the International Justice Mission, which goes out and rescues trafficked women and children one by one, and Dr. Laura Lederer of the Protection Project, whose painstaking research has been indispensable to ensuring that we have the facts about this worldwide criminal enterprise and its victims.

I also especially want to thank my Staff Director and Chief Counsel Grover Joseph Rees, who has been indefatigable in his expertise on a myriad of these issues. As former general counsel of the INS, he has been indispensable in writing and crafting this legislation.

I also want to thank David Abramowitz with the Democratic staff, who has also done yeoman's work. This is truly bipartisan legislation. I also want to express my gratitude to Michael Horowitz of the Hudson Institute who has supported this effort from day one.

H.R. 3244 has attracted such broad support not only because it is pro-woman, pro-child, pro-human rights, pro-family values, and anti-crime, but also because it addresses a problem that cries out for a solution. Division A of this conference report, the Trafficking Victims Protection Act, focuses on the most severe forms of trafficking in human beings: on the buying and selling of children into the international sex industry, on sex trafficking of women and children alike by force, fraud, or coercion, and on trafficking into slavery and involuntary servitude.

Each year as many as two million innocent victims—of whom the overwhelming majority are women and children—are brought by force and/or fraud into the international commercial sex industry. Efforts by the United States government, international organizations, and others to stop this brutal practice have thus far proved unsuccessful.

Part of the problem is that current laws and law enforcement strategies—in the United States as in other nations—often punish victims more severely than they punish the perpetrators. When a sex-for-hire establishment is raided, the women (and sometimes children) in the brothel are typically deported if they are not citizens of the country in which the establishment is located—without reference to whether their participation was voluntary or involuntary, and without reference to whether they will face retribution or other serious harm upon return. This not only inflicts further cruelty on the victims, it also leaves nobody to testify against the real criminals, and frightens other victims from coming forward.

This legislation seeks the elimination of slavery, and particularly sex slavery, by a comprehensive, balanced approach of prevention, prosecution and enforcement, and victim protection. The central principle behind the Trafficking Victims Protection Act is that criminals who knowingly operate enterprises that profit from sex acts involving persons who have been brought across international boundaries for such purposes by force or fraud, or who force human beings into slavery, should receive punishment commensurate with the penalties for kidnapping and forcible rape. This would be not only a just punishment, but also a powerful deterrent.

And the logical corollary of this principle is that we need to treat victims of these terrible crimes as victims, who desperately need our help and protection. The bill implements these principles by toughening up enforcement and by providing protection and assistance for victims.

Mr. Speaker, I am also very proud that Division B is the Violence Against Women Act of 2000, of which I was also a co-sponsor along with HENRY HYDE, BILL MCCOLLUM, CONNIE MORELLA and other colleagues from both parties. This Act includes provisions to reauthorize federal programs that combat violence against women, to strengthen law enforcement to reduce violence against women, to strengthen services to victims of violence, to limit the effects of violence on children, to strengthen education and training to combat violence against women, to enact new procedures for the protection of battered immigrant women, and to extend the Violent Crime Reduction Trust Fund.

Mr. Speaker, we cannot wait one more day to begin saving the millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human beings. I urge unanimous support for the Victims of Trafficking and Violence Protection Act of 2000.

Mr. RADANOVICH. Mr. Speaker, I rise today to enter into the RECORD my understanding of the Twenty-first Amendment Enforcement Act as reflected in the Conference Report concerning Trafficking Victims Protection Act of 2000 (H.R. 3244).

Representative CHRIS SMITH's H.R. 3244 has been in Conference for the past several weeks. That Conference concluded with a report that allows the Twenty-first Amendment Enforcement Act (S. 577—Hatch) to be added to the legislation. I have a strong objection to the addition of this legislation, as it is not germane to the underlying, House-passed bill.

However, as I support my esteemed colleague's efforts, I will vote to pass the Conference report.

As a proud vintner, I object to the association of my industry with violence against women, sex trafficking and slavery, and believe that S. 577 should not be included for that reason. In addition to my objection, The National Association of State Legislatures took action opposing S. 577 on a 41–7 vote. Mothers Against Drunk Driving does not support Congress' involvement in an internal industry issue under the guise of juvenile access to alcohol.

The proponents of S. 577 argue that the legislation is needed in order to avoid distribution of alcoholic beverages to minors. If that is indeed their position, the Conference Report should include language that limits the provisions of S. 577 to enforcement in cases involving minors. It does not; therefore, I believe that the intention of the proponents of S. 577 is in fact broader than the rhetoric would indicate.

Previous versions of the Twenty-first Amendment Enforcement Act contained provisions that would have allowed states to unfairly discriminate against out-of-state sellers for the purposes of economic protectionism. Such protectionism would clearly be a violation of the Commerce clause of the Constitution; thus, the current version of this legislation does not allow for such protectionist acts.

The Twenty-first Amendment Enforcement Act is simply a jurisdictional statute with very narrow and specific purposes. The bill is not intended to allow the enforcement of invalid or unconstitutional state liquor laws in the federal courts, and is certainly not intended to allow states to unfairly discriminate against out of state sellers. The legislation does provide the federal courts jurisdiction to injunctive relief actions brought by state attorneys general seeking to enforce state laws dealing with the importation or transportation of alcoholic beverages. We are not today saying that those state laws are valid, reasonable or in any manner given import outside of the jurisdiction of the state.

Mr. Speaker, I believe that the Conference has reported a bill that confuses, rather than enlightens, the debate within the alcohol beverage industry regarding the best mechanism for consumers to obtain the products they wish to purchase in a free society. As a standalone bill, I have worked to make sure that this confusion was not adopted in law. However, the procedural actions that resulted in this bill being included in the Sex Trafficking conference report make such efforts futile, and as I indicated, I will vote to support the report.

Mr. UDALL of Colorado. Mr. Speaker, I support this conference report, which combines a number of law-enforcement measures, including two very important measures to protect women around the world and here in the United States.

Worldwide, the conference report takes important steps to make the United States a full partner in the international effort to curb exploitation of women who are the victims of the international sex trade. This is very important because recent favorable international developments—including the breakup of the Soviet Union and greater freedom of travel—have also had the effect of making it easier for this exploitation to occur.

Here at home, the conference report also authorizes the important programs of the Violence Against Women Act, or ''VAWA.'' That is also something I strongly support.

VAWA is very important for Colorado. Through last year, our state received almost $15 million in VAWA grants. That money has helped assist victims of domestic violence, but it has also done much more.

In fact, according to a letter from our Attorney General, Ken Salazar, and his colleagues from other states, VAWA ''has enabled us to maximize the effectiveness of our state programs that have made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and stalking.''

VAWA is also important for our country. It has made a difference in the lives of millions of women by aiding in the prosecution of cases of domestic violence, sexual assault, and child abuse, by increasing services for victims and resources for law enforcement personnel, and by establishing a National Domestic Violence Hotline.

Partly as a result, crimes against women have decreased by 27 percent since VAWA's enactment.

But more remains to be done. More women are injured by domestic violence each year than by automobile accidents and cancer combined. More than one-third of all women using emergency rooms are victims of domestic violence. In 1997 more than 250,000 women and children sought refuge from domestic violence in women's shelters. More than 300,000 sexual assaults were perpetrated against women in 1998 alone. And every year more than one million women are targeted by stalkers.

Because I strongly support renewing and strengthening this vital measure, I joined in cosponsoring H.R. 1248, the bipartisan VAWA reauthorization bill that was also supported by the Administration. The House passed that bill last month, and by passing this conference report we will take the next step toward its enactment.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support of H.R. 3244, the Victims of Trafficking and Violence Protection Act Conference Report. This life saving legislation for women and girls in the United States is a strong, positive example to all nations around the world that violence against women and girls is intolerable and must end.

The Violence Against Women Act, first establish in 1994, has been successful, and its renewal is essential. The National Organization for Women reports that every day four women in this country die as a result of domestic violence, and that between two to four million women of all races and socioeconomic classes are battered annually in America. The Violence Against Women Act reauthorization, which is included in this bill, commits over three billion dollars for the next five years to assist victims of domestic violence, and seek an end to such behavior in our society.

The plight of battered women is a sad and tragic concern. Fortunately in my community, organizations such as Hope House, MOSCA, and Rose Brooks are there for women and children in need. This measure will help reach women who are not now being served because of current limited resources.

Around the world, the problem of trafficking in women and girls is growing. Currently, trafficking is the third largest source of profits for organized crime. America has a responsibility to address this problem because over 50,000 women are illegally trafficked into our country each year. Through prevention and immigration services, this measure will aid these women who have been forcibly removed from their homes and shipped overseas.

I urge reauthorization of this vitally important measure to empower millions of women worldwide through protection of their bodies and spirits. I applaud the numerous women's organizations and fellow co-sponsors who have worked tirelessly on these issues, and I salute the commitment of this Congress to enact this measure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of this measure, and I am delighted that we have found an acceptable vehicle to attach a provision to re-authorize the Violence Against Women Act. This is an area that deserves continued attention in our country, and we must continue to spread the word to reduce the violence that occurs every day against American women.

The agreement in H.R. 3244 will fund programs to combat violence against women, including much-needed battered women's shelters and services, sexual assault prevention programs and education and training for judges. Unfortunately, this is a problem that continues to be prevalent in my area and has an impact on the entire community. However, H.R. 3244 goes a long way toward curbing the violence that affects women victims by assuring access to free shelters. Hopefully, this bill will continue as a positive step to reduce the overall domestic violence that plagues our communities.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to urge all of my colleagues to vote for H.R. 3244, the Trafficking Victims Protection Act, which includes reauthorization of the Violence Against Women Act.

The Strengthened Violence Against Women Act (VAWA) we will vote on today reauthorizes current VAWA grant programs for five years, makes targeted improvements, and adds important new programs.

The bill strengthens law enforcement efforts to reduce violence against women, increases services to victims of violence, seeks to limit the effects of violence on children, enhances education and training to combat violence against women, and provides important new protections for battered immigrant women.

The original VAWA bill authorized $1.5 billion for programs to protect women and children from domestic abuse. The bill we will vote on today provides $3.4 billion for the 2001–2005 reauthorization period.

The passage of the Violence Against Women Act in 1994 was one of the greatest accomplishments of the 103rd Congress and the Clinton Administration. Since 1995, VAWA grants have provided a major source of funding for national and local programs to reduce rape, stalking, and domestic violence. The 1994 Act bolstered the prosecution of child abuse, sexual assault, and domestic violence cases; provided services for victims by funding shelters and sexual assault crisis centers; increased resources for law enforcement and presecutors; and created a National Domestic Violence Hotline.

The VAWA bill we will vote on today provides important new provisions to prevent and prosecute dating violence, to help women who

are trying to escape domestic violence by providing transitional housing and legal assistance services, to enforce state and tribal protection orders nationwide, to improve services to victims of violence, and much more.

I also strongly support the Trafficking Protection Act, which strengthens current law to prevent the unlawful international trafficking of women and children, to increase penalties for those who engage in this abhorrent practice, and to protect the victims of trafficking. This modern form of slavery, which forces women and children into prostitution or forced labor must be eliminated.

I am confident that my colleagues will vote to support H.R. 3244, which provides vital protections for women and children and gives us the tools we need to prosecute those who prey upon them.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference report for H.R. 3244, the Transportation appropriations bill for fiscal year 2001. This Member greatly appreciates the inclusion of $3.5 million for the construction of a pedestrian/trolley overpass in Lincoln, Nebraska. This request was this Member's highest infrastructure priority for fiscal year 2001.

The City of Lincoln, Nebraska, is seeking Federal assistance for transportation improvements associated with the construction of a new baseball/softball complex. The construction of the complex, to be built on the edge of downtown Lincoln, represents a partnership between the City, the University of Nebraska-Lincoln (UNL), and private business. It will be home of a minor league baseball team, the UN–L baseball and softball teams, as well as any number of City of Lincoln recreational activities.

Currently, the most pressing need for the City of Lincoln in the completion of this project, is the construction of a pedestrian/trolley overpass that would allow for safe and enhanced access to the stadium. The reason this bridge is so vital is that it would provide important connections between the baseball complex, the popular Haymarket section of Lincoln, the City's trails system, the University of Nebraska campus, and parking facilities for both the baseball complex and the home of the Husker football team, Memorial Stadium. What makes this development site unusual and difficult, but the reason it is available, is the fact that it is separated from the downtown area by I–180 and what is literally one of the world's busiest train routes where huge amounts of western coal are moved east, along with large volumes of other freight. Therefore, the City of Lincoln plans to use and really must use the most innovative techniques to move large numbers of people in short periods to this site during events. The approach selected must be chosen to allow for enhanced transit, paratransit, bicycle, and pedestrian access from the University and the Lincoln community.

The City of Lincoln has already committed $1 million. The $3.5 million appropriation in the Transportation appropriations conference report is necessary for Lincoln to compete this important project.

Within the conference report, however, Mr. Speaker, is the .08 blood alcohol mandate. Although the conference compromise agreement is better than the Senate-passed language, this Member is opposed to all Federal mandates on Highway Trust Funds which require either the passage of specific state legislation or the loss of Federal highway funds. This Member has always opposed any provisions which would limit or reduce the Highway Trust Funds or limit the states' ability to use their Highway Trust Funds as they choose. Nebraskans and other Americans pay their gasoline taxes at the pump and deserve to have them returned for highway construction and maintenance and other transportation projects, without strings being attached. In short, states should be allocated money from the highway trust funds without conditionality being applied for any objectives—be those objectives noble or misguided. Of course, this Member recognizes that drunk driving remains a serious problem—and in fact more than twenty-four years ago introduced what he has been told was the first bill in the Nebraska Legislature to lower the standard to .08 percent; unfortunately, it never made it out of committee because of the strenuous opposition of the alcohol lobby. This Member believes that under the U.S. Constitution, the establishment of the blood alcohol content level as it relates to driving is the responsibility of the states, not the Federal Government. Nevertheless, despite this very strong concern I believe the case for the prompt enactment of this legislation is compelling.

In closing, Mr. Speaker, this Member urges his colleagues to support H.R. 3244.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 1, not voting 62, as follows:

[Roll No. 518]

YEAS—371

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker

Wilson	Wu	Young (FL)
Wolf	Wynn	
Woolsey	Young (AK)	

NAYS—1

Sanford

NOT VOTING—62

Ackerman	Franks (NJ)	Metcalf
Baker	Goodling	Mica
Ballenger	Goss	Miller (FL)
Barton	Hansen	Pascrell
Berman	Hefley	Paul
Bilirakis	Hunter	Peterson (PA)
Bliley	Hutchinson	Pickett
Blumenauer	Isakson	Rangel
Callahan	Kennedy	Reyes
Campbell	King (NY)	Shuster
Carson	Klink	Smith (TX)
Clay	Knollenberg	Spence
Cramer	Kolbe	Stark
Danner	LaTourette	Strickland
Diaz-Balart	Lazio	Talent
Dicks	Lewis (GA)	Thompson (MS)
Eshoo	Lipinski	Vento
Everett	McCollum	Waters
Farr	McIntosh	Waxman
Forbes	Meek (FL)	Wise
Fowler	Meeks (NY)	

□ 1401

So the conference report 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. BILIRAKIS. Mr. Speaker, due to a conflict, I missed rollcall No. 518. Had I been present, I would have voted ''yea'' on adoption of the conference report for H.R. 3244, the Trafficking Victims Protection Act.

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 518, I could not be present. Had I been present, I would have voted ''yea.''

Mr. MICA. Mr. Speaker, on rollcall No. 518, I could not be present. Had I been present, I would have voted ''yea.''

Mrs. FOWLER. Mr. Speaker, on rollcall No. 518, I could not be present. Had I been present, I would have voted ''yea.''

Mr. EVERETT. Mr. Speaker, due to sickness in my family and thus the need to return home to my district, I was unable to vote on rollcall vote No. 518. Had I been present, I would have voted ''yea'' on H.R. 3244, final passage of the Trafficking Victims Protection Act of 2000.

□

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, today the House debated H.R. 3244, the ''Trafficking Victims Protection Act'' conference report. I was unavoidably absent for a vote on the rule (H. Res. 613) and the bill. Had I been present, I would have voted ''nay'' on the rule (rollcall vote No. 517) and ''aye'' on the conference report (rollcall vote No. 518).

□

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, on rollcall votes 514, 515, 516, 517 and 518, I was absent. I was in my district, touring flood damage in the Presidentially-declared federal disaster area, with the Director of the Federal Emergency Management Agency. Had I been present, I would have voted ''aye'' on each of those votes.

LEGISLATIVE PROGRAM

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

Mr. FROST. Mr. Speaker, I take this time to inquire about next week's schedule.

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

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

Mr. DREIER. Mr. Speaker, I thank my fellow Committee on Rules member, the gentleman from Dallas, for yielding.

I am pleased to announce to our colleagues, Mr. Speaker, that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, October 10, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later today.

On Tuesday, the House will also consider H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. We are hoping in the Committee on Rules to be able to report the rule on that conference report out before too terribly long. I hope my friend from Texas will remain with us while we attempt to do that.

On Tuesday, I should say there are no votes anticipated until after 6 p.m.

On Wednesday, October 11, and the balance of the week, the House will consider the following measures: H.R. 4461, the Agriculture Appropriations Conference Report; H.R. 4577, the Departments of Labor, Health and Human Services, and Education Appropriations Conference Report; and H.R. 4942, the District of Columbia Appropriations Conference Report. The House will also consider any other conference reports that may become available throughout the week.

I thank my friend for yielding and hope that when we do report out this conference report rule upstairs that we will be able to send everyone home for the weekend.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Wisconsin, the ranking member of the Committee on Appropriations.

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

Mr. Speaker, I wonder if I could inquire, can we be assured that next week all of the appropriations conference reports will actually be in the conference reports, or will we again have to go through the charade that we went through today where, if you went to the conference report on the bill passed earlier, you could not find one word of the bill that was being conferenced?

Mr. DREIER. Well, I will assure my friend that we will not continue with any kind of ''charade'' that he thinks may or may not have taken place. We are going to try to proceed with conference reports and have votes on those next week.

Mr. OBEY. Can the gentleman assure us that every bill that has been conferenced will, in fact, be found in the conference report?

Mr. DREIER. If my friend would continue to yield, I cannot provide assurance that my friend from Wisconsin will be completely happy with the procedure that will be followed.

Mr. OBEY. I did not think so.

Mr. FROST. Mr. Speaker, I have several questions, if I may. First, I listened carefully to what my colleague on the Committee on Rules said. I am not sure I understood exactly one point. Do we expect any appropriation bills on the floor on Tuesday, or are they only going to come up later in the week?

Mr. DREIER. At this juncture, we do not anticipate any appropriation conference reports to be on the floor on Tuesday.

Mr. FROST. If I could ask the gentleman an additional question, when will our business be completed for the week next week? Do we anticipate a weekend session?

Mr. DREIER. Do we anticipate? As my friend knows, the Continuing Resolution expires one week from tomorrow, and we hope very much we will have the work of the 106th Congress completed by that time. So, at this juncture, we hope that we will be completed by next Saturday.

Mr. FROST. Do we anticipate being here on Saturday?

Mr. DREIER. I think it would be great if we could finish it midweek and adjourn sine die, but that probably will not happen. At this juncture, we have until Saturday, when the Continuing Resolution expires; and it is our hope that we will complete our work by that time.

Mr. FROST. Should we not complete our work by next Saturday, by the day on which the CR expires, do we anticipate very short-term CRs after that? Can we tell how long the next one would be, if in fact the next one were necessary?

Mr. DREIER. We will obviously want to work closely with our friends on the other side of the aisle and down Pennsylvania Avenue to bring about some kind of resolution on that question. I think it is too early to raise that question, and we are all hoping that by the expiration of the Continuing Resolution next Saturday, we will be able to adjourn sine die.

□

H–1B NON-IMMIGRANT WORKERS FEE INCREASE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R 5362) to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. CONYERS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Utah (Mr. CANNON), my distinguished colleague on the Committee on the Judiciary, for an explanation and a discussion of the purpose of the bill that he offers.

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

Mr. Speaker, this bill adds the final piece to the H–1B legislation that we passed earlier this week. There is widespread consensus that the $500 fee for an H–1B visa application should be increased. The money collected in fees goes toward job training for American workers and scholarships for American students studying math and science. These programs will provide the long-term solution to the shortage of information technology workers plaguing our economy.

H.R. 5362 raises the fee to $1,000. With the new H–1B quota of 195,000, this increased fee could raise almost $200 million a year for job training and scholarships.

The bill also exempts primary and secondary schools and universities from having to pay the fee. These institutions are already doing their part to train American students for the jobs of the future.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, as I understand the amendment, the fee charged to employers for sponsoring an H–1B worker will double from $500 to $1,000. I support the increased fee, because we have a critical need to retrain America's workers and educate our children to meet the demands of the new economy and to better administer and enforce the H–1B program.

In fact, in my view, a larger fee increase may have been appropriate, in light of the urgent need for qualified American high-tech workers, particularly in minority and under-represented communities.

The allocation of the new fee makes the training and education of American workers and America's children a priority. Over half the fees will be used by the Labor Department to provide technical skills training for U.S. workers. Over 35 percent of the fees will go to scholarships for low-income persons and the National Science Foundation competitive grants for K–12 math, technology, and science education.

Now, it is common knowledge that the administration of the H–1B program by the Immigration Service and the Labor Department could be far better than it is. We have increased the funds allocated to each agency so that they can better administer and enforce the programs, as well as reduce the horrendous backlogs in applications currently faced by employers.

We will review the implementation of the H–1B program in the next Congress, and I fully expect to see improvements in how these agencies handle the H–1B program. In other words, they should be held rather strictly accountable.

Mr. Speaker, because the fee increase will begin to address the needs of the American workforce, I support the bill.

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

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

I would like to extend my appreciation to my colleagues on the Committee on the Judiciary, first, for bringing this up.

This fee increase is one which was struck through an agreement in legislation that my colleague next to whom the gentleman is standing, the gentlewoman from California (Ms. LOFGREN), and I worked, beginning last October.

It is very important for us to recognize that while just 2 days ago we were able to pass legislation which does bring about that increase to 195,000 the number of H–1B visas, it is important for us to realize the long-term solution is to do exactly what my friend from Michigan has said, focus on scholarships for the National Science Foundation, increase math and science education at the K through 12 level, and realize that if we are going to have a workforce that is going to be globally competitive, we must have them trained and educated here in the United States.

Until that time, we have increased the H–1B visa level. We have had a bipartisan agreement to do that. It seems to me that this legislation, which I was very proud to introduce, after we passed the H–1B visa bill, along with the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, is one which we can move immediately.

Again, I would like to compliment my colleague, the gentlewoman from California (Ms. LOFGREN), and the gentleman from Utah (Mr. CANNON) and others who have worked long and hard on trying to move ahead with the package.

On this issue of education and math and science education, I specifically want to mention the gentleman from Michigan (Mr. EHLERS), who has done a great deal of work focusing on the importance of math and science training.

So I hope we can move ahead just as quickly as possible. Again, I congratulate all those who have been involved in this effort.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman from California (Chairman DREIER). The gentleman reminds me that I have been discussing with the gentlewoman from California (Ms. LOFGREN) about how, in the next term, if we are fortunate enough to come back to Congress elected by our constituents, that we really begin to work on a larger plan that coordinates all of the efforts that some employers are engaged in; that the Department of Labor should certainly be working very hard at; that the Department of Education, for example, should be doing more.

□ 1415

But I am still looking for, and I am willing to create with interested Members in the Congress, the omnibus inclusive program that really gets at the problem of the training, which, as we know, has the start in the very first grades. You cannot bring in a technical program for people who have not been prepared for the course studies.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I appreciate the comments of the gentleman from Michigan (Mr. CONYERS), the ranking member, as well as the gentleman from California (Chairman DREIER), the Committee on Rules.

I very much believe that this is the right thing to do today. As the gentleman from California (Mr. DREIER) referenced, this was the fee that was included in the bill here in the House. Because of the glitch, and I cannot argue with the parliamentarian in the other body, it could not be included, because revenue increases can only be instigated in the House and thus this is an essential thing to do. I do agree.

Mr. DREIER. Mr. Speaker, will the gentleman will yield further?

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

Mr. DREIER. Mr. Speaker, that glitch happens to be article 1, section 7 of the U.S. Constitution.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman very much for the reminder of the Committee on Judiciary members, the origin of the glitch.

Mr. Speaker, I would like to say, though, that I think that the issue of H–1Bs is more complicated than training programs; 98 percent of the H–1B visa holders have at least a bachelor's degree, half of them have a master's degree or Ph.D., so I am very much for the job training programs that are included in this. It is important, but it is a different employee group than the H–1B visa holders.

And for that, I am hopeful that we will be able to do additional funding and additional emphasis on math and science education, so that poor children who are in great numbers are not getting to colleges they should be and not getting into the Ph.D. programs as they should be will have that opportunity.

Mr. Speaker, I would further note that this is about not just shortage but excellence, and we will always want the ability to recruit worldwide. A country that would not want somebody like Linus Torvalds to be in America and want to be one of us is a country that is inexplicable.

So we will always want to be able to do that, but that does not obviate the

need for putting massive effort and attention and additional resources especially into poor schools for poor children. We were losing bright minds. It is an outrage for those families and those kids, but further it is something that this country can no longer afford to do. So I am eager to support this.

Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), the ranking member, for yielding to me. I am hopeful that next year we can do much, much more.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Houston, Texas (Mrs. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, continuing on the reservation of the gentleman from Michigan (Mr. CONYERS), let me thank the gentleman very much.

Let me acknowledge that there are elements in this UC that I certainly do appreciate. In particular, language taken out of H.R. 4227, the Technology Worker Temporary Relief Act, that has a recognition of the burden on primary and secondary educational institutions with respect to paying the fee.

These are entities that would put teachers into the primary and secondary public schools and, of course, this language came out of our bill. It was language that I drew from the gentleman from Texas (Mr. GREEN) in working with our local school districts, so I am very gratified that this lessens the burdens on our local school districts.

In addition, I think it is vital that we increase the fee, because, of course, one of the elements that many of us are concerned about with the H–1B philosophy, if you will, is the training that is necessary for American workers.

What I would say, however, as well, is that I wish we would have captured an opportunity to allow us for a full debate when this particular legislation came to the floor of the House, my reservations are that in that instance, we might have been able to go from 195,000 to 225,000. As the gentleman well knows, the industry said they need millions, but we did not do that.

I think we missed a very valuable opportunity, and I would just like to share with my colleagues just a few brief points on the continuing reservation.

There is nothing in this bill that requires H–1B tech employees to recruit, hire or train minority American workers. African Americans are only 11 percent of the high-tech industry, and they continue to be underemployed. There is nothing that requires H–1B employees to make efforts to continually train and update the existing skills incumbent on American workers and to promote such employees where possible.

There is nothing in the bill that requires the employers to take constructive steps to recruit qualified American workers who are members of underrepresented minority groups, recruit historically black colleges and universities, Hispanic-serving institutions, and advertise jobs to reach out to older and disabled Americans.

There is nothing in this bill that deals with rural communities. Under the leadership of the gentlewoman from North Carolina (Mrs. CLAYTON), we have been working in our Congressional Black Caucus to deal with these kinds of needy groups. There is nothing in this bill that deals with protecting American workers and ensuring that the salaries are competitive.

Mr. Speaker, I applaud the industry and I applaud the idea that jobs in America creates jobs; we know that. But we missed a very valuable opportunity, both in the legislation on Tuesday and as well as in the UC, to be able to respond to those groups who obviously need to be addressed.

Let me conclude, as I continue my reservation, I am gratified that the bill that I sponsored, Kids 2000, is in the legislation that deals with boys and girls club grants, and glad that the DOL will be getting training money. My only angst is that the training money should be directed toward historically black colleges and other institutions to specifically focus on groups that need to be encouraged to participate in this very vital and vibrant industry.

I hope that in working with the administration, this time around, and working next time in the 107th Congress, if we are lucky enough to come back, Mr. Speaker, that we will look to these issues that are very important, that the training dollars will not randomly be sent to the State, but they will be designated to work on these issues that we think are so very important.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) because she had a bill directed at the points that she made; unfortunately, it was unable to be heard in the committee on which she is the ranking member. I think it gives us a direction for where we really must go in the next Congress. This is a good start, but it is only that.

I hope that the gentlewoman will join in the dialogue that I have just begun today with members of the committee to put together an omnibus package that goes way beyond just increasing the fee and passing it on.

We have to have a targeted national program if we are to get these youngsters that we all want to train into the pipeline to be able to get into the technical courses that would make them prepared to go into the high-tech field.

And so I only remind the Members of this, because the gentlewoman has been working tirelessly on this subject ever since she became the ranking member on the Subcommittee on Immigration and Claims.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would continue to yield so I may respond. I look forward to working with the gentleman on this omnibus effort as I think my colleague who will speak next, and we will continue to work in every direction that we can to really respond to the general need that we have on this very important issue of technology in America.

Mr. CONYERS. Mr. Speaker, continuing my reservation, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON) for her discussion under our reservation.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his generosity in yielding the time. I thank him for his leadership, and I thank all of those who are interested in raising the fees so that American workers can have the opportunity for training. I certainly thank the gentlewoman from Texas (Ms. JACKSON-LEE) who has provided untireless hours and vigorous leadership on this issue.

I guess part of my reservation is both process and substance. The process is that we did not have an opportunity to have just this kind of dialogue which apparently we agree on when we could have had this opportunity to enhance this bill.

It is not the issue of not increasing it, because we are not anti the opportunity of getting the kind of technological skills in order to make our companies ever profitable and allow it to expand and the growth opportunities there but the uncertainty of the fact that we could not have this honest democratic discussion about how we bring various parts.

I represent rural America, so I bring that bias or that perspective. In rural America, we do not have access to the Internet, nor do we use the Internet in the same proportion, and that is exacerbated, obviously, by the persistent poverty, the sparsity of population, the distance they have to travel.

So we are finding ourselves with acts like this and others further disenfranchising digitally because we do not have the infrastructure, and to allow this opportunity to pass and not to allow American citizens and children and workers in rural America to benefit from this is not to suggest that we should not recruit others. And I agree with my colleague, the gentleman from California (Mr. DREIER), we certainly would be very narrow minded if we did not want to get the best minds worldwide.

But should we get the best minds at the expense of the best minds here? Should we indeed not do both? We can achieve both. I want to applaud what the gentleman is doing here, but I do not want the gentleman to think that I think we cannot do better this session. We ought to still stay engaged with the President and still stay engaged with that process to let him know we can perfect this.

The opportunity seems to me that we indeed ought to structure some of these funds so it, indeed, will go to those targeted areas.

My final comment is this, when America saw itself challenged 3 decades ago scientifically and astronomically, when we found ourselves behind the Russians, we made a commitment not just to recruit the Russian scientists here, we made a commitment to invest in our children, in our school. We are not making that kind of commitment.

And for my colleague from California (Mr. DREIER) who remarked this is short term; the gentleman is absolutely right, this is short term. It is short term, and if we keep doing it, it is going to become the most expedient way to do it, because it costs less to do this.

I want to make the plea to my colleague, we have to invest in our communities. We have to invest in our children. We have to invest in our workers. We have to invest in rural America so we can be a Nation that is proficient and enjoying the rising tide of this new economy, and we have to make that kind of effort.

It is not at the exclusion of bringing the best minds. This is not antiimmigration. This is an inclusive way, and it is to suggest that the information technology people, they understand the value of having a workforce here in America.

It seems to me that we short sighted their vision if we suggest that their only solution is that they must keep recruiting all their talents somewhere else. We did this in auto, and guess what? We found ourselves as American countries having competition all over.

I just want to challenge us, the most important integration bill we had on this House, we missed the opportunity to have this kind of give and take and discussion.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS), a member of the Subcommittee on Energy and Environment.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding. I appreciate the opportunity to speak on this important topic. I am in agreement with much of what I have heard today, but we have to recognize, as the previous speaker, the gentlewoman from North Carolina (Mrs. CLAYTON), commented, this is a long-term problem. It is also something that I have been involved in since 1967 when I was a physics professor and became very concerned with what was called at that time scientific illiteracy.

□ 1430

It was clear the Nation had a major problem, so I dedicated myself as a professor of physics, first at Berkeley, then at Calvin College in Grand Rapids, Michigan, to trying to eradicate scientific illiteracy in the areas in which I dealt. I taught special courses designed for students who were not scientists, so they would begin to understand science and comprehend it.

That interest has continued, and I agree with the previous speaker, that this is a long-term problem that we have to address.

I have developed three bills which I introduced this past year. We have over 110 cosponsors of those bills, and I had hoped that we could act on them this year, but due to various circumstances, that did not happen, although one of the bills was reported out of the Committee on Science.

It is essential that we continue this. I have a brochure which I have handed out to many Members, and I will be happy to make available to any other Members.

The key point to recognize, first of all, we have a very serious problem in this country, but we also have a real blessing going on right now. The blessing is the tremendous economic boom we have enjoyed for almost a decade, which, according to Alan Greenspan and many other experts, is grounded entirely in the science and math developments of the recent past.

The research we have done has paid off, but we have not produced the manpower to keep the boom going, so we are forced to import scientifically, technically trained people from other countries. That is why we need the H–1B visas.

But that is a short-term solution. We need to do a better job of educating our citizens in math, science, engineering, technology, from pre-school through graduate school, if we want to continue to be competitive as a nation.

It is absolutely essential that we do that. The best place to start is our weakest link, K through 12 education. For a series of reasons, we are not doing a good job there. Evidence of that, of course, is the H–1B visa problem. Another evidence is that in any graduate school of science and engineering in this country, we will find over half of the students are from other nations. Our students cannot compete with students from other nations.

Another example of this is that we have 365,000 jobs open in this country unfilled because we do not have qualified people to fill those jobs.

So in an attempt to solve that, I have introduced these three bills. I hope next year we can get this through. I hope we will be able to use some of the funding from the H–1B visa fee to propagate this and actually get at and solve the problem.

The previous speaker referred to the effort after the Russians reached space first. I have given a number of speeches entitled, ''Where is Sputnik when we need it,'' because we need another Sputnik now to reenergize our people, to reenergize our Congress, and get this in, address this problem.

It can be addressed, and it is not all that expensive. We simply have to set our minds to it and do it, and do it right, so that we can produce a workforce that is technically trained, scientifically trained, and able to deal with the economy we have now, and keep this economic boom going so that we will all continue to enjoy a better life in the future.

Mr. CONYERS. Continuing my reservation of objection, Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding to me. I did not appropriately thank him for his leadership, and the members of the committee; and also for having the passion and understanding that though this came through the Subcommittee on Immigration and Claims, it is a Committee on the Judiciary issue, a full committee issue.

I am delighted that the gentleman from Michigan (Mr. EHLERS) talked about the reeducating of our youth. The point I wanted to focus on is that this is a continuing effort, this is not a one-time effort, as everyone has said.

But this is a time to speak to my colleagues who would think that it is a narrow issue. The issue should be that we leave, and I have heard this said before, we leave no one behind. Right now, even though we can focus on those K through 12 students which we want to excite about math and science, to project them into the future, let me just remind my colleagues that we do have existing American workers who, with cross-training, what we call incumbent worker training, engineers graduated from historically black colleges or Hispanic-serving institutions or individuals in rural America who are now ready to stand alongside of the immigrant visas we are giving.

It must be said as much as we fought on the issue of helping immigrants, particularly trying to restructure the INS, making things less bureaucratic, we know this is not an attempt to discard the talents that they bring, but it is to recognize that there are existing workers today, Hispanics, African-Americans, people who live in rural communities, people who live in urban communities, who can benefit from the recruitment of the industry that we would like to see, from the collaboration and training in institutions that these individuals could get cross-training in, and as an engineer, be able to write software technology.

That is why I was saddened at the opportunity we missed with this legislation. I am gratified that the fees are raised, so we know we are committed to training; gratified that those public schools that need teachers coming in from foreign countries to teach, because we have a teacher shortage, now do not have to pay the fee; gratified that we have the Kids 2000 technology aspect; but hope that my colleagues, in keeping with the comments of the gentleman from Michigan (Mr. CONYERS) about an omnibus approach in the future, that we will be reminded of those underserved, underutilized communities, and underutilized American workers we have.

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

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

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

I want to take a moment to thank those involved in this bill, the gentleman from California (Mr. DREIER) has worked indefatigably on this issue, as has the gentlewoman from Texas (Ms. JACKSON-LEE). We appreciate that. Her great leadership on the committee has been helpful.

The gentleman from Michigan (Mr. EHLERS) has worked very, very hard on these issues. We appreciate his comments, and those of the gentlewoman from North Carolina (Mrs. CLAYTON), who just spoke eloquently. We appreciate her concerns and leadership on the issue.

Mr. MOAKLEY. Mr. Speaker, the bill before us contains technical corrections and clarifications to the H1–B visa legislation which passed the House by voice vote on Wednesday and the Senate 96 to 1. This bill will increase the H1–B visa fee which will be used to train American workers in high tech jobs. It also goes further to protect non-profits affiliated with educational institutions, like teaching hospitals. This training money is a positive step. It is overwhelmingly supported by members in both bodies and on both sides of the aisle. I want to thank my colleague DAVID DREIER for his leadership on this issue.

Mr. GREEN of Texas. Mr. Speaker, I would like to thank Chairman DREIER and Congressman JOE MOAKLEY for including my bill into the H–1B visa bill. The American Competitiveness and Workforce Improvement Act of 1998 developed a new filing fee which must be paid by employers when they file H–1B petitions for ''aliens in specialty occupations'' before October 1, 2001. Certain employers are exempt from paying the filing fee, including institutions of higher education, nonprofit organizations or a Government research institute, it is my regret that this preferential treatment does not extend to grades K–12. With this in mind, elementary and secondary-level education institutions that qualify as nonprofit organizations under the appropriate sections of the Internal Revenue Code do not qualify as ''institutions of higher education,'' as defined by the ACWIA, and are thus not exempt.

In response to this confusion, The Department of Labor has identified the need to clarify the definition of exemption provisions as they apply to elementary and secondary-level education institutions. We offered H.R. 1573 to ensure that the same policies and objectives served by the ACWIA be extended to include elementary and secondary-level education providers.

The fee was paid by our public schools from property tax dollars to I.N.S. This bill will save our public schools scarce property tax funds to use for education.

I hope we can pass this legislation that would provide our elementary and secondary schools a chance to hire experts and teachers through the H1–B Visa program and save local tax dollars.

Mr. CONYERS. Mr. Speaker, because I support the bill, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5362

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

SECTION 1. AUTHORITIES RELATING TO THE IMPOSITION OF FEES.

Section 214(c)(9) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)) is amended—

(1) in subparagraph (A), by striking ''(excluding'' and all that follows through ''2001)'' and inserting ''(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing before October 1, 2003''; and

(2) in subparagraph (B), by striking ''$500'' and inserting ''$1000''.

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1(2) shall apply only to petitions that are filed on or after the date that is two months after the date of enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mr. CANNON. 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. 5362.

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

There was no objection.

□

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregon, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) ''An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.''.

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

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

NOTICE

Incomplete record of House proceedings.
Today's House proceedings will be continued in Part II.

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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, who has given us life, bless us today in the work we will do. We praise You for work that can be done as an expression of our worship of You. We bring the meaning of our faith to our work rather than making our work the ultimate meaning of our lives. With that perspective, we seek to do everything to Your glory. We pray for mental alertness, emotional stability, and physical strength to achieve excellence in all that we do. Thank You for Your companionship in tasks great and small. It is awesome to contemplate that You who are in control of the universe have placed us in charge of what You want to accomplish through us.

Fill us with Your joy and make us cheerful people who make others happier because we are with them. Make us a blessing and not a burden, a lift and not a load, a delight and not a drag. It's great to be alive! Help us make a difference because of the difference You have made in us. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, 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. INHOFE). The Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, I say on behalf of the leader, the Senate will be in a period for morning business until 10 a.m. Following morning business the Senate is expected to begin consideration of the conference report to accompany the Transportation appropriations bill or the sex trafficking conference report. The House is expected to consider the Transportation appropriations legislation this morning. Therefore, it is hoped that a vote can occur prior to noon today. Senators will be notified as soon as votes are scheduled. The leader thanks our colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with time to be equally divided in the usual form.

The Senator from Iowa.

ENERGY AND WATER APPROPRIATIONS

Mr. GRASSLEY. Mr. President, the Congress has wisely passed and will send to the President for signature H.R. 4733, the energy and water development appropriations bill for fiscal year 2001. I strongly urge the President to sign this vital legislation.

Proper management of our Nation's rivers is a concern for many Americans. Our rivers provide us drinking water, transportation, and recreation. They also provide habitat for aquatic life, wildlife, and birds. Good management techniques provide that all of these purposes are taken into account and managed appropriately and fairly. I firmly believe that H.R. 4733 provides for good river management. Specifically, section 103 prohibits the use of funds to revise the Missouri River Master Water Control Manual if the revision provides for increases in springtime water releases during spring

NOTICE

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Michael F. DiMario, *Public Printer*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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heavy rainfall or snow melt. Many Iowans see this as just good common sense.

Increased spring water releases could easily cause the wild Missouri, and its many tributaries, to once again flood low-lying areas, including farmland and communities. Floods would cause a severe economic hardship on those affected. Farmers would be unable to plant crops, and home and business owners would experience property damage. Economic activity in the flood areas would decrease or cease during and immediately after the flooding, causing a loss of income for those impacted.

Many Americans forget what it was like to live along the Missouri prior to the construction of the dams. They forgot that the Missouri was truly wild. They forgot what it was like not to be able to safely plant your crops, grow them with some security that there would not be summer floods, and then be able to harvest them safely. They forgot what it was like to lose all or part of a crop. That meant the loss of your investment in time, labor, seed and other inputs. And that meant no income coming in after the harvest.

The folks in town were hurt, too. Houses and businesses were swept away. Basements were flooded with water, muck and other debris. Sometimes the water level went higher than that to the first floor, or even higher. Furniture and family keepsakes were destroyed. Businesses lost inventories. They could not serve their customers if the store was closed. Public drinking water system suffered damage, as did sewer systems. The economic devastation was high. The quality of life suffered. Increased spring water releases would also cause less water to be released during the summer months. The lower river levels would halt river barge transportation. Barges are a key part of the agricultural transportation system. Loss of barge traffic would delivery the western part of America's great grain belt into the monopolistic hands of the rail roads. Iowa farmers have clearly told me that this is unacceptable.

Loss of the use of barges to transport agricultural commodities will drive up farm transportation prices. That in turn will drive up the overall price of our agricultural goods that must compete in the international marketplace. This is unfair to our hardworking farmers, as it puts them in jeopardy of losing markets.

While the farm crops travel downriver to reach markets, the loss of barge traffic would also affect bulk commodities and other items that travel up-river to Iowa. They include fertilizer for farm use, salt for highways in winter, steel for processing plants, and the like. The potential for moving cement for construction purposes would also be lost with lower summer water levels. I have talked to many Iowans who live along the Missouri River. They have told me of the devastation left from past floods. That devastation was more than economic. It produced heartache and broken dreams. Though Iowans are a strong people, the past floods have left their scars on individuals and in community life. Those Iowans have joined together on a nonpartisan basis to say, ''No more floods!'' That is the message for the President to consider as he deliberates on the energy and water appropriations bill. The President is in a powerful position to either do good or to inflict harm. It is almost as if he were actually God, able to exercise the power to flood or not to flood. That is how powerful he is on this issue. It is an awesome power that I hope that he uses wisely. It is my hope that he will decide to prevent flooding. It is my hope that he will listen to our farmers and not make their jobs more difficult than they already are. It is my hope that he will sign this bill.

Mr. President, let the people live in their homes, work in their businesses and farm their farms in safety.

Clearly, the U.S. Fish and Wildlife Service has violated Federal law in its ordering of the Corps of Engineers to begin a spring flood. It ignored the process set forth in the Endangered Species Act. These processes are there to protect everyone, and they were not followed. It has also based much of its opinion on speculation, not facts. The President must depend upon facts and protect due process. H.R. 4733 is good legislation which should be signed into law. It does not deserve a veto. Mr. President, please sign this important legislation.

President Clinton, one time, in private conversation with me, you told me how you understood the problems of the farmers more than most Presidents ever did because you had studied them so much.

Mr. President, you have been in the White House 8 years. I do not know how long it has been since you have visited a supermarket. But remember, food grows on farms, it does not grow in supermarkets. You have an opportunity here to help the farmers in the States of Iowa, Nebraska, Kansas, and Missouri to be able to put their crops in in the spring, to be able to take those crops out in the fall, to be able to ship the harvest down the river when it is most needed, so that the farmers are not the captives of a monopolistic railroad if the barge traffic isn't there for competition.

So, Mr. President, show us that you do, in fact, understand the problems of the farmers and sign this legislation.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. REID. Mr. President, I know Members are waiting to determine whether or not we are going to have a vote today. The majority leader has indicated we likely will have one. From the minority's perspective, we badly want to move to the Transportation appropriations bill which, as we speak, the House is discussing.

But we have a number of Members who are rightfully unwilling to do that until we get the legislation and are able to look at the conference report, which we don't now have. I hope we can start talking about the conference report, with the hope of getting the actual document as soon as possible so that Senators can look at it.

I know one Senator indicated he would like to be able to have a day to look at the conference report. I will check with this Senator and others to see if that can be expedited, if they have an opportunity to review the conference report.

In short, the minority is saying that we are ready to move forward and we are willing, in the late days of the session, to expedite things as much as we can, but there are certain basic things we need to read, such as a bill or a conference report, before we vote on it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

TRIBUTE TO THE LATE CONGRESSMAN SIDNEY YATES

Mr. DURBIN. Mr. President, it is my sad duty to report to the Senate and to the Congress that I learned a few moments ago that one of the greatest servants of the American people in the Congress in the 20th century passed away last night.

Sidney Yates was a Congressman from the city of Chicago who was elected in 1948 and served until 1999, with only 2 years that he wasn't in service. His was an amazing story. I guess it was a great story of America. His mother and father were Russian immigrants who came to this country in the beginning of the last century. He grew up in the city of Chicago and went to law school. Before that, he distinguished himself, as hard as it may be to understand today, in athletics. He was a semi-pro basketball player and was a member of a Big Ten basketball team when he was a student at the University of Chicago. His semi-pro basketball team was called the Lifschultz Fast Freighters. I used to joke with him about this trucking company and the fact that he was the basketball star for them in the city of Chicago.

On an impulse, in 1948, he decided to run for Congress. It didn't look like a very good year. Tom Dewey was supposed to be elected President, and this young man who had never run for office before was going to try to be elected to the House of Representatives. People didn't give him much of a chance, and his style of campaigning was in sharp contrast with what we do today. I asked him how he ran for office in 1948. He said he had a buddy who

played a guitar and they went from one ward meeting to the next singing ethnic folk songs for the groups there. If there was a German group, he sang in German. If it was a group of his fellow Jewish Americans, he sang something they would find appealing.

There was a young lady watching that campaign by the name of Mary Bain. She had volunteered to work on the Truman campaign. She saw this young man in 1948 wandering around Chicago running for Congress and, frankly, took pity on him and said, ''I am going to try to help this fellow.'' To everyone's surprise, he won in 1948 and came to the House of Representatives; he began a long term of service there. His term of service included many years on the House Appropriations Committee. He was a stalwart, a fighter, a person of real value and principle.

In 1962, Sid Yates was persuaded to leave the House of Representatives and run for the Senate. He ran against Everett M. Dirksen—no small task even in 1962. He lost that race, which was the only loss in his political life. In 1964, he returned to the House of Representatives and once again took up service on the House Appropriations Committee.

I was elected many years later, in 1982, and a couple years after that began to serve on that same Appropriations Committee. Probably the best fortune I had as a Member of Congress was when I decided to take a chair next to Sid Yates in the Appropriations Committee and sit next to this great man for more than a decade. I learned so much and had such a great time in that experience because of who Sid Yates was and what he stood for.

When you look back at Sid's career, there were several things that really made a difference to him, meant a lot to him, and made a difference in this country. He had a passionate commitment to the arts. You know, that gets to be controversial from time to time. The National Endowment for the Arts is occasionally a whipping boy here on Capitol Hill. But Sid Yates never faltered. He believed in the arts. He was a man of the arts. I used to love to listen to him quote the classics from memory. His knowledge of art and music was absolutely legendary.

When Sid retired from the House of Representatives, the tributes came pouring in, but particularly from people around the United States who understood that Sid Yates stood up and defended the arts in America when nobody else would. My daughter is an art student at the Art Institute of Chicago. She knew of Sid Yates. She never met him personally, but she knew what he stood for. He was always there fighting for the National Endowment for the Arts and for arts in America.

As chairman of the Interior Subcommittee of Appropriations, he also had the responsibility to protect America's national parks and many of our national treasures. He protected them with a vengeance. I can recall some of the titanic struggles in the Appropriations Committee when people would want to exploit America's national treasures. They didn't have a chance when they fought Sid Yates.

There were so many other areas where he worked so hard. I recall the creation of the Holocaust Museum. Sid was devoted to the nation of Israel. So many people across America looked to him, and so many Members of Congress looked to him for guidance on important issues involving the Middle East. When he was asked to be part of the creation of the Holocaust Museum, you just knew it would be a success, as it has been here in Washington, DC. He was one of the founding members on the board of directors there and a person absolutely revered for his commitment in that regard.

Through it all, too, he was committed to the rights and freedoms of Americans. I know it wasn't always popular, but you could count on him to stand up, in good times and in bad, for the freedoms that were guaranteed under the Bill of Rights. Sid Yates was a great man, and he had a great partner in life in his wife Addie, who was always by his side during his public service.

I once asked him what his greatest achievement was in the Congress, and I was surprised that he said: Well, you would not think of it when you think of me as a Democrat, but back in the 1950s, the atomic submarine program was being debated in America, and a fellow by the name of Hyman Rickover was being criticized on Capitol Hill. I came to his defense because I thought he was a good man and had a good program. I am proudest of that moment.

I never would have guessed that, but that was just part of Sid's career. For over 50 years, Sid Yates was fighting for America, fighting for Chicago. He left his mark on the Chicago shoreline and the museums and institutions of that great city. But most of all, he left his mark in our hearts—those of us who had the good fortune of serving with him, learning from him, and standing today in tribute to his great memory.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended for 10 minutes.

Mr. McCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

SID YATES

Mr. REID. Mr. President, I want to say, before my friend from Illinois leaves the floor, that I had the pleasure of serving with Sid Yates. I served with him in the House, of course, but didn't know him very well in that large body. I came to know him better after coming to the Senate and being a member of the Interior Subcommittee on Appropriations while he was chairman of that committee on the House side.

We worked very closely together. Everything the Senator from Illinois has said is absolutely true about Sid Yates. He was a distinguished man, and a distinguished looking man. When he left the House, he was almost 90 years old; handsome; stood tall; never faltered a word of his speech.

Being from the western part of the United States, I will never forget Sid Yates. He stood for the West. He loved the wilderness, and he helped us protect the pristine wilderness of Nevada and other places in the West. Native Americans never had a better friend in the Congress than Sid Yates.

I didn't know Sid Yates as well as my friend from Illinois, but I have great respect and admiration for Sid Yates, and I will never forget him.

Mr. DURBIN. Mr. President, if the Senator will yield, I thank the Senator from Nevada for his comments. I think each one of us who served with Sid Yates on either side of the aisle will never forget him. When his retirement came about, Congressman RALPH REGULA, a Republican from Ohio, never missed a retirement event for Sid Yates. I think it showed that he reached across the aisle and established friendships and alliances that were not just good for Congress but were good for America. He was a wonderful man. I am blessed to have known him, to have served with him, and perhaps to have learned a few lessons at his side.

I think his legacy will be his efforts for education, for defense of the arts, for defense of the environment, and for the rights of Americans.

Our condolences go to Addie and his family. We wish them strength in this time of loss and tell them we stand by their side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Morning business is closed.

Mr. STEVENS. Mr. President, what is the business before the Senate?

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 2557, a bill 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, and for other purposes.

Mr. STEVENS. 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. McCAIN. 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 Arizona.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. McCAIN. Mr. President, I ask unanimous consent that it now be in order for the Senate to immediately turn to the consideration of S. 3059, and that only relevant amendments to the bill be in order.

Mr. STEVENS. I object.

Mr. McCAIN. Mr. President, the reason I am objecting to taking up the Department of Transportation appropriations report is that it contains a substantive amendment to the Federal Motor Vehicle Safety Act. The legislation was never approved by either House or Senate commerce committees and failed in its attempts to correct indisputable faults with safety data collection and retention practices of the National Highway Traffic Safety Administration.

Well over 100 Americans have died, and estimates are that as many as 150 in other countries. This is a very serious safety issue in which American lives are at stake.

I am simply asking to take up this legislation. I will be glad to have any amendments and time agreements associated with it—anything that we can do to move this legislation along.

The House Commerce Committee yesterday passed similar legislation. We are told it will be passed on the floor of the House by next Tuesday.

Why we can't take up this bill, which is designed according to consumer organizations, according to the Secretary of Transportation, according to all outside observers and safety experts, to stop or at least take action to reduce the number of American lives that will be lost on the highways of the United States of America is really hard to understand.

Let me do the best I can to explain it.

What is happening here is the ''fix is in.'' Here is the fix. The House will pass a bill. The Commerce Committee passed a bill, and the House will pass that bill this week.

We have a series of holds on this legislation which passed the Commerce Committee by a vote of 20–0 in a bipartisan fashion after getting testimony from experts from all over America, from the Secretary of Transportation, from the Acting Director of the National Highway Traffic Safety Administration, and others. That bill is now on the calendar. There are holds on the bill.

Here is the fix. The House will pass the bill. The Senate will refuse to take up the bill because of holds, and we will then pass—no matter how hard I try to prevent it—the Department of Transportation appropriations safety report that contains simply language concerning what can be done about this issue.

I have taken the floor on many, many occasions to talk about the influence of special interests in Washington. The automotive industry is now blocking this legislation. The word is on the street. The ''fix'' is in that the bill will not pass the Senate, or pass the House so House Members can say we did what we needed to do.

You know what we are talking about here. We are talking about the lives of American citizens who are in danger as we speak. The special interests will now prevail over safety interests, where lives of Americans are literally at stake. Remarkable. Remarkable commentary. Remarkable.

I have a letter and I 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:

OCTOBER *5, 2000*.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.
Hon. ERNEST HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Signed,

Bob and Laura Bishop, Bartlesville, OK; Geoffrey Coffin, Shelton, CT; Janette Fennell, San Francisco, CA; Vickie and Joe Hendricks, Corpus Christi, TX; Spence Hegener, Baylor University, Waco, TX; Pam Hegener, Lake Charles, LA; Juanita Sawyer, Tahlequah, OK; Robert C. Sanders, Upper Marlboro, MD; Spencer and Elizabeth Taintor, Miami, Florida; Sondra Runfeldt, West Palm Beach, FL; B.J. Kincade, Catoosa, OK; Shannon Johnson—Query, Jacksonville, FL.

Mr. McCAIN. It reads:

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation Appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Mr. President, this is signed by the relatives of people who have been killed in accidents because of the Bridgestone/Firestone problem. Can't we listen to the family members of those who have been killed on the highways of America with a fixable problem, at least action that has been recommended unanimously that must be taken to prevent further tragedies on America's highways?

This is egregious. I don't think many American citizens would approve of the Senate blocking legislation which is designed to save lives.

There may be a couple of controversial aspects of this bill, although it passed out of the Commerce Committee unanimously. There may be a couple of controversial aspects of this bill. Fine, let's have amendments and time agreements. We can dispose of those controversial aspects of it in a matter of a few hours. I eagerly welcome such a thing. The Senator from Alaska has just objected to us taking up this legislation which we could dispose of in a few hours. The lives of American citizens are at stake here.

Mr. STEVENS. Will the Senator yield?

Mr. McCAIN. I will not.

Mr. STEVENS. For one moment for clarification on that.

Mr. McCAIN. The Senator from Alaska has just objected to us moving forward with legislation which, in the view of any outside expert, has to do with American lives that are endangered on the highways of America due to a flaw in the Bridgestone/Firestone situation and/or Ford automobiles.

This is serious business. This is serious business. There has been a series of holds put on this bill. We now object to taking up this legislation in favor of an appropriations bill which has watered down language which is intended—at least in the view of some—to address part of the problem. It does not. Ask any safety expert. It does not.

As to the language that has been inserted in the conference bill, I guess we can all thank the advocates of safety for the provision that was in the bill that prevented the National Highway Traffic Safety Administration from addressing rollover accidents for a year until a National Academy of Sciences study was completed—again, the special interests.

I intend to do whatever I can to see this legislation is brought up before the Senate. I hope those Senators who have a hold on this bill will step forward and identify themselves. This isn't an ordinary piece of legislation. This is a piece of legislation that has to do with the lives of American citizens and those overseas. I don't know of a more compelling problem.

Mr. President, I rise in opposition to the Department of Transportation appropriations report that contains a substantive amendment to the Federal Motor Vehicle Safety Act. This legislation was never approved by either the House or Senate Commerce committees and it fails in its attempt to correct indisputable flaws with the safety-related data collection and retention practices of the National Highway Traffic Safety Administration.

The language contained in the appropriations report falls short of the mark

for many reasons, but for now, I will list only the key shortcomings. First, it fails to require manufacturers to collect and report essential safety-related information that would allow the Secretary to identify potential consumer-safety issues. Second, it fails to increase penalties for violations of the Federal Motor Vehicle Safety Act. And third, the language does not require NHTSA to upgrade the 30-year-old federal tire-safety standard.

Prompted by an August 9, 2000, announcement by Ford Motor Company and Bridgestone/Firestone to recall millions of potentially defective tires, the Senate Committee on Commerce, Science and Transportation held a September 12th hearing that was attended by the Secretary of Transportation, NHTSA's Acting Administrator, the parties involved in the recall, and several consumer groups. All who testified agreed that systemic changes were needed to make the processes of sharing safety-related information more efficient. In response, on September 15th, joined by my colleagues, Senators GORTON and SPECTER, I introduced S. 3059, the ''Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act.'' This bill would dramatically amend the current law by ensuring NHTSA's possession of critical information regarding motor vehicles and motor vehicle equipment that would enable it to make sound safety-related decisions.

Following the introduction of S. 3059, the House Commerce Committee began consideration of H.R. 5164, the ''Transportation Recall Enhancement, Accountability, and Documentation Act,'' also referred to as ''T.R.E.A.D.'' While the House's bill does not appear to be entirely adequate to correct the current law, it does seek to accomplish similar objectives as S. 3059. Therefore, I was encouraged by the possibility of compromise prior to the conclusion of the 106th Congress. However, due to the limited amount of time remaining prior to the adjournment of this Congress, the differences of the House bill, and the unapproved actions taken by the Senate Appropriations Subcommittee on Transportation, I offer today a narrower version of S. 3059 that I hope that my colleagues would support.

Mr. President, I would like to outline what the new version of the bill would do:

Reporting requirements: The bill would direct the Secretary to collect additional safety-related information from manufacturers; specifically, it would mandate that the Secretary require manufacturers to collect and report new information about defects—including information about foreign recalls, but only to the extent that the information may assist in the identification of potential defects related to motor vehicle safety or failures to meet the federal motor vehicle safety standards. This information would include accidents or incidents, claims data, warranty adjustment data, and other safety-related information. The method, manner and extent of the collection of this data would be determined through rulemaking by the Secretary.

Civil penalties: This legislation would increase the Motor Vehicle Safety chapter's maximum civil penalty from $800,000 to $15,000,000, and allow for the assessment of larger civil penalties for intentional and willful acts.

Criminal penalties: The Secretary would be authorized to assess criminal penalties for knowingly violating provisions of the Motor Vehicle Safety Act, which results in death or grievous bodily harm. This provision of the bill has been the subject of much discussion. Let me briefly describe what would be required for a manufacturer to be subject to criminal penalties under this section. The manufacturer, their officers or directors, would have to order, authorize, or ratify the introduction of a motor vehicle or motor vehicle equipment into interstate commerce while knowing that the motor vehicle or equipment violated federal safety standards, that violation created a serious danger of an accident that would result in death or serious injury, and death or such injury occurs. Let me be clear, the standard required under this provision is ''actual knowledge.'' This provision is intended to provide the option of criminal penalties only in instances of conduct that are so egregious as to render civil penalties meaningless.

The inclusion of a criminal penalties provision has received support from the Secretary of Transportation, Jacques Nasser, who is the President and CEO of Ford Motor Company, and consumer groups such as Public Citizen. This type of penalty is not novel. Multiple agencies are authorized to assess criminal penalties, including, among others, the Department of Labor, the Consumer Product Safety Commission, the Food and Drug Administration, and the Environmental Protection Agency. This provision would authorize the Secretary, in conjunction with the U.S. Attorney General, to pursue criminal penalties against automobile manufacturers in instances where State governments may not have the resources to enforce their relevant law.

Updating safety standards: Finally, this bill would require NHTSA to upgrade the tire-safety standard for the first time in 30 years.

Regardless of whether the House or Senate version of the bill is enacted, the need for this legislation was triggered by the possibility that Ford and Bridgstone/Firestone may have had knowledge of a safety-related problem concerning the performance of certain tire models prior to the recall, but refrained from reporting even the possibility of a defect to NHTSA. Notwithstanding whether or not the manufacturers knew of the problem, the situation focused my attention, as well as the attention of my colleagues, to flaws that exist in the reporting processes between manufacturers of motor vehicles and motor vehicle equipment, and NHTSA. S. 3059 would amend the Federal Motor Vehicle Safety Act to make it more difficult for manufacturers to knowingly conceal safety-related information from the Secretary of Transportation and increase the penalties for such unlawful conduct.

Under current law, manufacturers are not required to report to NHTSA either ''claims data,'' which include personal injury or property damage claims that can be helpful early-warning indicators of potential threats to consumer safety, or overseas actions involving equipment and vehicles sold in the United States. Furthermore, should manufacturers fail to report safety-related information that is required by the Secretary, the maximum civil penalty allowable under the current law is a mere $980,000. To put this in perspective, last year Ford Motor Company spent $2.57 billion on advertising. Other than minor adjustments over the last two years, the maximum civil penalty has not been updated since its enactment, which means, at a minimum, if adjusted for inflation it should be five times that amount in the year 2000. Finally, the current law does not allow for the assessment of criminal penalties for particularly egregious conduct. The absence of criminal penalties coupled with a nominal maximum civil penalty creates an environment where meaningful enforcement is impossible commonplace. This bill would change that practice.

Mr. President, thus far, NHTSA has linked more than 100 deaths to the failures of Bridgestone/Firestone tires that are subject to the current recall. Each day it becomes more apparent that these deaths may have been avoided had NHTSA possessed vital safety-related information that the law does not currently require manufacturers to report. The legislation that I have introduced does not accomplish all of the needed reforms, but it is a positive step toward a more efficient exchange of safety-related information between the Secretary and manufacturers. Nevertheless, S. 3059 is being held up partly due to the influence of the automotive industry. The lives of American consumers are being placed at risk. We must act quickly to resolve the flaws in NHTSA's data-collection processes and prevent the recurrence of this crisis.

I express my deep disappointment that the ''fix'' is in from the special interests. This bill will be held and will not be passed by the Senate; it will be passed by the House. Guess what. We couldn't do anything. I hope the American people are well informed by the media and by those family members who have lost loved ones and by the public safety advocate who see what is happening here. It is not my proudest moment in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona for his normal courtesy to me as manager of the bill that we are trying to bring up. I did not object on my own behalf and he knows that full well. But I do believe we all know what the situation is.

UNANIMOUS CONSENT REQUEST—H.R. 4475

Mr. STEVENS. Mr. President, I ask consent that the Senate now proceed to the Transportation appropriations conference report, notwithstanding the receipt of the papers from the House.

I further ask consent that the conference report be considered under the following time agreement: 10 minutes for the chairman and ranking member of the Appropriations Committee; 10 minutes for the chairman and ranking member; of the appropriations subcommittee; and 15 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

Mr. MCCAIN. I object.

Mr. STEVENS. I thank the Senator for his normal courtesy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will take 10 minutes in morning business while we are trying to work things out here on the floor.

Mr. STEVENS. Mr. President, will the Senator yield for just one moment?

Mr. WELLSTONE. I am pleased to yield.

Mr. STEVENS. For the purpose of managing the floor, would there be an objection if we extended morning business until 11 a.m.? The papers are not here on the Transportation appropriations bill.

EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that morning business be extended to the hour of 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. REID. Will the Senator yield, just so I can enter into a colloquy with my friend?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. I say to Senator STEVENS, the problem we are having on this side, as I know you are having on your side of the aisle, is whether there is going to be any votes this morning. Would you be able to determine that quickly from your leader, as to whether or not there is going to be a vote? We have a number of Senators, with the holiday coming up, with places to go. We need to know whether there is going to be a vote this morning.

Mr. STEVENS. I say with due respect to my friend—and despite words at times, he is my friend—I believe the Senator from Arizona would have to answer that. It is our intention, once the papers are here, to move to proceed to that conference report. That is not a debatable item. There would be a vote immediately. After that, the conference report would be before the Senate, I would ask for the yeas and nays, and it would be a matter of time, how much time the Senator from Arizona wishes to debate the bill.

I know of no other speakers.

Mr. REID. I have spoken to my friend from Arizona and there is no question he is going to want to speak for more than a half-hour or an hour.

Mr. STEVENS. I would expect that. I honor his right to do so. It would be my predilection that you should address that to the leader. The question is how late in the day would the Senator from Arizona finish his brief comments?

Mr. REID. If, in fact, he would finish today.

Mr. STEVENS. That is for the Senator from Arizona to determine.

Mr. REID. I guess my question to the Senator from Alaska is, if we do not vote on that, does the majority leader want us to vote on something else today? I hope in the next few minutes there could be a determination made as to whether or not, around 11 o'clock when we finish morning business, there will be a vote on something other than the Transportation appropriations bill.

Mr. STEVENS. I might say to my good friend from Nevada, and to the Senate as a whole, it has been my request to the leader that we proceed with appropriations bills and only appropriations bills so we can get them to the President. We have been doing that. We do have other appropriations bills on the move now. The Agriculture conference was finished last evening. I do not think we can get to that today. But I do believe we should try to finish the Transportation bill today if we can and take up Agriculture appropriations next week.

We have three other conferences that are going forward and we do, I understand, have an agreement now—nearly an agreement on how to handle the VA–HUD bill. So we should be voting on several bills early next week. But I do not know of any other bill that we can get before the Senate today in the form of a conference report. I do think we could handle the VA–HUD bill if we could round up that agreement. It is still waiting for one clearance. I doubt we will finish that one today. We should take that up early next week, however.

Mr. REID. It sounds to me it is fairly safe to assume there will not be any votes on appropriations bills today. As I said, I have spoken to my friend from Arizona.

Mr. MCCAIN. If my friend will yield, I am seeking agreement to take up this legislation on which American lives are at stake—not money but safety and lives of Americans. I am seeking an agreement to take that up. If we could get agreement to get that bill up, with relevant amendments, then I will be more than happy to not impede the work of the Senate.

I do not know of a higher priority than to take up legislation about a compelling issue that has to do with the lives of the American people. So I hope we could get an agreement to take up that legislation, either now or in the next several days. Then I would certainly remove my objections to proceeding with an appropriations bill. Apparently, that is not the case because there are ''rolling holds'' on this legislation. I think that is really quite remarkable.

Mr. STEVENS. Mr. President, as the Senator from Arizona knows, I am a member of the conference committee, and I support the legislation he mentions. But I also know portions of it are in this bill and were agreed to by the Transportation conference committee, and the matter he suggests is a leadership issue. I am in no position to negotiate on when the bill, that I also support, would come up. But I do believe our problem is trying to get this bill on its way. We cannot flood the White House with bills, appropriations bills, and expect to get answers in time.

We are trying to get them down day by day so we can get some timing and get some response. If the President wishes to veto them, we will have to come back and deal with those, too.

But we are trying to move this bill. This bill is ready to go. The Transportation bill is ready to go. It contains a portion of the bill the Senator from Arizona has mentioned—not all of it but a portion of it. It is not negative, but it is not totally positive.

I do believe the issue he reaches, whether or not the Senate will allow the consideration of the bill—that is under consideration now in the House—at any particular time, is a matter for the leader to determine, not for me. I would like to move forward with this Transportation bill. I urge my friend to allow us to do that because it is a significant bill, one of the most significant Transportation bills on which I have been privileged to work. It sets a new process for trying to reduce the increasing numbers of drunken drivers on our highways.

If there is a safety problem out there that is greater than the one the Senator from Arizona mentioned, it is alcohol. I do not want to see this bill delayed. I would like to see it get to the President. I am informed the President will sign it. I hope he will. We could get

it to him today if the Senator from Arizona will allow us to do that. But for now, I suggest the absence of a quorum.

Mr. WELLSTONE. No, no.

Mr. STEVENS. Pardon me. I do thank the Senator for yielding. I apologize and yield back to the Senator from Minnesota.

Mr. REID. Mr. President, it is my understanding the Senator from Minnesota has the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor for 10 minutes.

Mr. REID. The Senator from Minnesota has the floor. I know his urgency, being able to speak for up to 10 minutes, but there are a number of Senators who are concerned about whether or not we are going to have a vote. It appears, based on what the Senator from Alaska said and interchanges with the Senator from Arizona, we are not going to have a vote on appropriations bills today. That seems very clear. So unless there is a vote on some other issue, or on a motion to proceed to it, I don't think we will have a vote.

Mr. McCAIN. If the Senator will yield, I am still hoping the leadership will agree to take up this bill. The chairman of the Appropriations Committee says he is not in the leadership. I have seen the Senator from Alaska have significant effect on the leadership from time to time. What I am hoping is we can get this issue resolved and move forward with the Transportation appropriations bill.

Mr. STEVENS. Will the Senator yield further? Without question, there will be a vote on the motion to proceed to the Transportation appropriations bill today—without any question.

The PRESIDING OFFICER. The Senate is in a period for morning business to end at 11 a.m. The Senator from Minnesota has the floor for not to exceed 10 minutes.

Mr. WELLSTONE. Mr. President, one has to keep a twinkle in one's eye, I guess. I am glad we are going to vote on something. I do not mind being here Monday early or Friday late as long as we are working. Sometimes it is a little maddening when there are other things you want to do back in your State that you think are important and you do not know if we are going to have a vote.

I am glad we are going to vote on something and move forward.

VIOLENCE AGAINST WOMEN ACT AND TRAFFICKING VICTIMS PROTECTION ACT

Mr. WELLSTONE. Mr. President, in the spirit of moving forward, I thank colleagues for the bipartisan work on the Trafficking Victims Protection Act. I especially thank Senator BROWNBACK with whom I have had a chance to work very closely on this bill. There are other key people as well.

This conference report, without going into all the details, which will come to the Senate I hope—''pray'' may not be too strong a word—probably Tuesday—it looks as if we are just now working out a time agreement. I thank all Senators for their cooperation.

What is important about this legislation is that we have one part of it that deals with trafficking, which I want to talk about in a moment, and the other is the reauthorization of the Violence Against Women Act which received a huge vote in the House of Representatives.

The Violence Against Women Act, VAWA, has made a huge difference. I could talk for hours about the shelters, about the hotline, about the ways in which police take violence against women more seriously, about the ways in which the country takes this more seriously. Still, about every 13 seconds a woman is battered in her home, and still there are somewhere around 3 million to 10 million children who witness this.

We have to do even better. I look forward to a couple of efforts next year, one dealing with a program which will electronically link all of the shelters, so with one phone call, one, you will know where to go and can be saved, and, two, it will focus on the children who witness this violence. I feel good about the fact we are going to move forward with this. It certainly appears that way. I thank all Senators who have been willing to cooperate.

I also feel good about the trafficking bill on which I have had a chance, as I said, to work with Senator BROWNBACK.

So colleagues know, these two pieces of legislation have a lot of integrity in how they interrelate with one another. One deals with violence against women, children, and families. There are a number of women organizations around this country that have worked on this. They made this possible. And the strong voices of Senators—from Senator BIDEN to Senator LEAHY to Senator BOXER and others—have made a huge difference.

I started on the trafficking legislation 3 years ago. I do not even know if it is appropriate to brag, but it is not about me. My wife Sheila said this is something we really should do. There has been great help from a lot of Senators.

Again, I thank Senator BROWNBACK and also Representatives CHRIS SMITH and SAM GEJDENSON for their help and work, and CONNIE MORELLA is always there on all these issues. I will talk more about staff and the great work by people after this passes. It has not passed yet, but I think we are there. I say to Senator REID, I believe we are there in terms of finally getting a time agreement and we can move this forward.

We are talking about the trafficking of some 2 million women, and mainly girls, for the purposes of forced prostitution and forced labor, some 50,000 to our country. This rivals drug trafficking in terms of how scummy it is and how exploitative it is.

What happens is these women, girls, in countries that are going through economic chaos and disarray are recruited. They are told they will have an opportunity to be a waitress, an opportunity to come to another country, such as our country, and make an income and be able to build a good life.

This happened at a ''massage parlor'' 2 miles from here in Bethesda where these girls were forced into prostitution. What happens is, these young women, young girls, do not know their rights; they do not know what they are getting into. They come to these countries, and then it becomes a nightmare.

This legislation focuses on prevention. We have an outreach through AID with some of the nongovernment organizations and others who really do the information work so that young girls, young women, know what might be happening to them, know about trafficking, know what the dangers are, and hopefully will have some knowledge about this before they are exploited. That is the first piece.

The second piece is the protection piece. The bitter irony is that all too often one of these young girls, young women, steps forward and says: This is what is happening to me. If they should escape from it, they then are deported. So the victim is the one who ends up being punished. There is a temporary visa extension for 3 years, and then decisions are made after that.

There are services for these women and girls. I say ''girls'' because we are talking about children, too, 12, 13 years of age. In Minnesota, we have a very, I think, holy place called the Center for the Treatment of Torture Victims. When women and children go through this hell, there is a whole lot that needs to be done to help them rebuild their lives. We have a provision for those services.

The final thing is prosecution. If you are going to be involved in the trafficking of a girl under the age of 16 for purposes of forced prostitution, you can face a life sentence. We should take this seriously. We will be the first country to pass such strong legislation, the first Government in the world. This will be a model for a lot of other governments around the world.

This is one of the best human rights pieces of legislation in the Congress in some time. I am not objective because I have had a chance to be a part of it. I am proud of the fact that we are going to do this. I am proud of the fact that it is going to be linked with the reauthorization of the Violence Against Women Act. And I am proud of the fact the Senate next week, I hope early on, right after Yom Kippur, the Jewish holiday, will take decisive action and will pass this most important human rights legislation. I say to all colleagues, please cooperate. Please, let's do this. This will make a difference. It will make a difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Minnesota leaves the floor, I want to make a couple comments. There have been, as the Senator indicated, a number of people who have worked very hard on domestic violence. Senator JOE BIDEN authored the original legislation and has been a model for what has transpired since then.

I say in the presence of the Senator from Minnesota that since he came to the Senate, this has been an issue he has worked on passionately. I appreciate the work he has done.

The Senator from Minnesota mentioned his wife Sheila. I remember the work the two of them have done together.

I remember the display they put in the Russell Building, which certainly dramatized the need for continuing the work in this area. There are many unique partnerships in America today, but one of those that I admire greatly is that of PAUL and Sheila WELLSTONE. They have worked on these issues together. I think it goes without saying that the good work the Senator has done would not be as good but for the involvement of his wife.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Senator REID from Nevada is very gracious towards lots of Senators. That is just the way he is. I thank the Senator very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFETY AND THE TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I want to emphasize the bipartisanship of the request made by my distinguished chairman, the Senator from Arizona, to get some kind of consent for S. 3059, the bill dealing with, of course, the defective equipment. We had extensive hearings.

Let me emphasize several things that we learned during the hearings.

One, generally speaking, the National Highway Traffic Safety Administration has been—I do not want to say defunct; I will use an elaborative; dormant. The testimony showed there had not been a single recall ordered by the National Highway Traffic Safety Administration in five years. They had not ordered a recall.

Now, of course, I have kept up on this because I have had to stand in the well defending my trial lawyer friends who really bring about far more safety than one would normally suspect. In the 5-year period, there have been 99 million recalls. And everybody can write a thank-you note to Mark Robinson in the Pinto case. He never collected a cent in his punitive damages. But once industry realized there could be just that—lawsuits —then they began to voluntarily have recalls. And that is what occurred here.

This defective tire situation, causing multiple deaths—over 100 that we know about in the United States—was not a result of recalls ordered by NHTSA. More or less, the lawsuits, even though gagged, had really brought it to the attention of NHTSA to get off the dime, wake up, and start acting.

So we brought together now a measured safety precaution where this will not occur again. And again, it has been simmered down somewhat from the unanimous vote. We have been working, on both sides, with consumer product safety officials, with the tire companies. I talked to the tire companies themselves. Their main objection, in a way, to that bill was dealing with foreign defects, in reporting foreign defects and otherwise. Of course, you can call it the A tire here in the United States and manufacture the B tire in another country like it is different, but it is the same tire. So we would want to know about the recalls in Saudi Arabia, which started first, in order to bring the attention here of the Firestone defect.

So we worked it out. Now here we have a unanimous report out. The distinguished chairman of the Appropriations Committee, as he just said a moment ago, had no objection to that bill coming up because he voted for it to be reported favorably to the floor of the Senate. Otherwise, the distinguished majority leader, as a member of our committee, voted for it. So there has to be an untying of this snarl or knot so that we can get things done.

The only reason we cannot get it done is that we cannot offer an amendment to the conference report. If the conference report were an item just called up, we could call up this amendment, have a time limit for 10 minutes to a side, and easily adopt or reject the amendment, which was the bill, S. 3059. But, of course, it is a conference report, and under the rules we cannot just bring it up as an amendment. I say that so everybody will understand.

But as the distinguished chairman of our committee, Senator MCCAIN, pointed out, we could easily agree to give it some kind of consideration—an hour to a side. It could be called up so we can stop this indiscriminate killing on the highways due to faulty equipment.

I think it ought to be emphasized that we found this out really as in getting past the gag orders. I do not like these gag orders, but sometimes they do promote settlements of judicial disputes. So we do not have anything in the bill in relation to the gag orders. But when you get lawsuits—that means that you have gone to a lawyer; you have a serious injury or you maybe have a death case, or whatever it is—so when you get multiple lawsuits, then that notice is given, of course, to NHTSA, and we can act from there.

But it is a studied, deliberate, measured response. Generally speaking, they don't ever agree. I do not want to infer the industry agrees this is a good bill, but listening to them, they didn't have any serious objection that I can discern.

I support 100 percent Senator MCCAIN's movement on the floor. He is not holding things up. We can get a Transportation conference report to the President here on Friday. We can come in here on Tuesday, if there is a holiday on Monday. We can easily get it to the President.

And as has been indicated, it has already been approved. We know the White House folks watch and make sure their concerns are taken care of in the measure. So whether it gets there Friday, gets there Tuesday, next Wednesday, let's get on with having safety in America.

The Senator from Arizona standing in the well is not being an obstructionist whatsoever, but trying to promote safety where everybody is agreed. But, as he said, there is a ''fix'' on somewhere because why can't we just call up the bill and get an agreement and everything else of that kind?

Our distinguished leader, the Senator from Nevada, says perhaps there is not going to be any vote in the Senate. And the Senator from Alaska, the chairman of the Appropriations Committee says, oh yes, we are going to have a vote to move to proceed. But that is not going to get us anywhere because with the vote to proceed, we will still have plenty of time to talk. And we will talk into next week, and talk into Tuesday and Wednesday, and everything else, to show to the American people that there is some kind of responsibility with this political entity here, the Senate.

Heavens above, when we have everybody agreed—it is totally bipartisan—why can't we move deliberately and bring it up and have a vote on it?

The PRESIDING OFFICER. Time in morning business has expired.

Mr. HOLLINGS. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. DODD. May I inquire? Would it be possible to extend morning business a few minutes beyond the 11 o'clock hour?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. DODD. Senator STEVENS and I both have a short time we want to take after our distinguished colleague has a chance to speak.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended until 11:15, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

THE PROGRESS OF THE SENATE

Mr. THOMAS. Mr. President, I want to speak about energy, which seems to be one of the things I think is very important that people are talking about. But first I wish to comment a little on the progress, or lack thereof, that we are making in the Senate. It is not unusual that we come up to the end of the session and find ourselves kind of blocked up here, and things have been postponed until now. Of course, it is the appropriations bills that always end up in this category. We have 13 of them to pass in order to keep the Government going. The fiscal year expired at the end of September, of course. We have extended our time and will do it into next week again.

One of the important roles of Congress is this allocation of funding. It is one that is very important and really needs to be given all the attention we can give it. I think we ought to move as quickly as we can to do that job. I hope we don't end up with huge omnibus bills at the end of the session. They are so large that people don't know what is in them. I would rather we deal with them individually as much as possible. Let me say that one of the things we ought to consider, which I have supported since I have been in the Congress—and from my experience in the Wyoming Legislature—is I think we ought to have a 2-year budgeting arrangement, which would alleviate this sort of thing every year. Nevertheless, we are not there.

However, we need to move forward. When we are ready with the appropriations bills, we ought to do that. I favor the bill being talked about here. I think it is a good bill. I don't know why it wasn't brought up earlier in the week when we were sitting here and didn't have anything before us. Now we are down to the last hours of this week and we bring up something that stops the opportunity for us to pass legislation regarding appropriations. I think that is unfortunate. In any event, we ought to be doing that.

Obviously, one of the difficulties with appropriations has been this idea of attaching to them the kinds of things that are not within the appropriations process because it is the end of the session, and because they have not been handled, or some refused to handle them earlier. That was wrong, in my opinion. I hope we consider a rule that would make that more difficult.

ENERGY POLICY

Regarding energy, we ought to talk about that. We ought to talk, more importantly, about where we want to be, and what we think the role of the domestic energy program ought to be to achieve what we consider to be our goal. I have become more and more aware of the importance of that sort of thing in all the legislation that we address. Really, it became clear to me when we were talking about re-regulation of electricity. We got wrapped up in all the different kinds of details that necessarily go into it, but really I don't think we had a clear vision of where we wanted to be when we were through. We didn't have a clear vision of our goal.

To a large extent, I think that is the case with energy. We have high prices, for gasoline, for natural gas, and we are going to have higher electricity and heating oil prices, and so on. Of course, that is the problem we see, but what do we see as the solution? I think certainly these high prices ought not to be a big surprise. This administration hasn't had an energy policy. We were very happy when oil was $10 a barrel. When it gets up to $35 a barrel, we are very unhappy, and I understand that. I don't recommend that, either.

We ought to have intermediate pricing. You don't do that without an energy policy. We have lacked a domestic energy policy that keeps us from being entirely dependent and subservient to OPEC and the foreign oil producers. We have allowed ourselves to do that.

It is not new that we don't have one. The Clinton administration has relied on short-term fixes. The most current one was to release crude oil from the Strategic Petroleum Reserve, which was 30 million barrels, and I don't suppose that will change the world. That is a short-term kind of reaction, not a long-term solution to where we are going. That has been the latest short-term fix.

I agree with increasing funding for Low-Income Housing Energy Assistance, and other short-term fixes. Those are good, and they have to be done because of where we are. But the fact is, if we are going to get out of that over time, then we have to do something different. We have to take a look at EPA's regulations that have had the effect of shutting down coal-fired powerplants in the Midwest. We have more coal resources probably than most anything. We can do more about the difficulties that have happened in the past. We have done a great deal because coal is now a clean source, but this administration has made it more and more difficult for that to happen. The fact that coal supplies 56 percent of the Nation's electric energy is very important, of course.

I have a personal feeling about it because our State is the highest producer of low sulfur coal. We have had 36 refineries shut down since 1992. No new ones have been built since 1996, largely because the EPA pressed for continuing restrictions that make it much more difficult. This administration—particularly the Vice President—calls for green alternatives. I don't know of anybody who opposes that idea. Green alternatives, right now, provide about 2 percent of our energy needs. It is going to be a very long time before solar or wind energy moves in to do that. So that can't be our short-term/long-term policy.

There are a lot of things that can be done and we are moving to try to do that. It has to do with domestic energy policy which would help increase domestic production so that we are not totally subject to the whims of OPEC. Since 1992, our oil production in this country has gone down 17 percent. Consumption has gone up 14 percent. Part of that is in States such as Wyoming in the West, where 50 percent of the State is owned by the Federal Government. Those areas of Federal land—not all—are for multiple use.

We found this administration making it much more difficult for exploration and production to take place for the multiple use of public lands. That is not a good idea. U.S. jobs were involved in the exploring and producing. We used to have 400,000 of those jobs. Now it is less than 300,000, which is a 27-percent decline. These imports are rapidly growing—up 56 percent now—and we need to move forward with that.

This is really an issue we can do something about. We need to do something about it. I could go over a lot of things this administration has brought about that have helped to create the energy crisis we are in now. I am urging that we look at some of the things that are available to us and that we can do to reach the goal we want in order to be more self-reliant for our energy. We can do something about consumption, too, and I have no problem about that. However, that is not a short-term problem. A short-term problem is going to be the price to farmers, ranchers, truckers, and to people who use oil particularly for heating in the wintertime.

Certainly we are not going to be able to solve this problem in the next few days. I hope we can move forward with our appropriations process, which is obviously before us now. I do think we ought to be giving a great deal of thought to establishing a domestic energy policy that will, in fact, help level out our dependency on foreign oil and be good for this economy and good for American citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I await the return of the Senator from Alaska, who I believe would like to object to a unanimous consent agreement I may seek.

If the Senator from Connecticut is waiting, perhaps we can extend morning business for a few minutes.

The PRESIDING OFFICER. Morning business has been extended.

Mr. DODD. Mr. President, Senator STEVENS and I will have a joint statement on an unrelated matter.

Mr. REID. Mr. President, if my friend from Connecticut will yield, morning business has been extended until 11:15, with time evenly divided between Senator STEVENS and Senator DODD. I think everybody will get their wish, because Senator STEVENS will be here momentarily to make a statement and,

following Senator STEVENS, Senator DODD will make a statement.

Mr. MCCAIN. I apologize to the Chair. I thought when I left the floor that morning business had expired at 11 a.m.

I will await 11:15.

Mr. DODD. Mr. President, I know my colleague from Alaska is going to come here shortly to share some thoughts and comments with me this morning. I will begin in order to move things along.

GIFT TO THE LIBRARY OF CONGRESS

Mr. DODD. Mr. President, I rise—and will be joined by my friend and colleague from Alaska—to speak about a remarkable gift that was made to our wonderful country yesterday.

Yesterday, it was announced that the Library of Congress—the greatest library in the world—would receive the single largest gift in its history—$60 million—to promote scholarly excellence. Like a university, the center will have endowed chairs in a number of fields.

The remarkable gift by a remarkable person will also establish a $1 million annual prize for lifetime achievement in scholarly endeavors.

The gift has been made by a wonderful man whom I have known for many years and for whom I have great admiration, John Kluge. He is also a very good friend of the Senator from Alaska.

John Kluge immigrated to our shores from Germany nearly eight decades ago.

He began his working life selling shoes, clothes, and stationery, and moved up from there to become one of our nation's most successful businessmen. Like many others whose lives followed a similar path, Mr. Kluge has decided to give something back to the country that has given him so much over his years of living in this Nation. His remarkable gift of $60 million will benefit all Americans by raising standards of scholarly excellence, and blazing new paths of knowledge in areas of science, the humanities, and the social sciences.

It will also, in my view, be immensely beneficial to our institutions of government. Those of us who serve in those institutions will have the benefit of the fresh, bold thinking that men and women of scholarly achievement can bring to the most pressing challenges that we face as a nation. Hopefully, this gift will contribute to making our nation even more prosperous and just in the years to come.

Perhaps most importantly, however, this gift stands as testimony to the unique and ongoing promise of America. Every day, we are reminded by events large and small that this is an extraordinary country. Our is a country that—despite its problems—offers individuals a level of freedom, equality, and dignity unsurpassed anywhere else on the planet, or indeed, in the history of the world. That is why people risk their lives to come to our shores.

That is why we are the inspiration for people who in fact yesterday rose up against tyranny—the people of Yugoslavia—on the shores of the Balkans.

The extraordinarily generous gift given yesterday by Mr. Kluge to the Library of Congress reminds all Americans that ours is a land of limitless possibility—a land where even the most humble can go on to achieve great success. And it is a gift that reminds each one of us that, in our own way, we have an opportunity and an obligation to give back to the country that has given us so much. Because more than anything else, America is the sum of the acts of selfless patriotism of its people. Any time we are reminded of that fact, my colleagues, we receive a gift whose value far exceeds its monetary sum.

John Kluge gave such a gift yesterday, as he has on countless other occasions.

In addition to this remarkable gift which John Kluge gave to the Library of Congress, he has helped raise $48 million in private funds for the Library on previous occasions to establish an electronic enterprise, the National Digital Library, with which my colleague from Alaska has been deeply involved. Congress appropriated an additional $15 million for that program.

Over the years, he has given $13 million of his own money to the Library, including $5 million to kick start the digital library.

John Kluge was the major contributor who orchestrated the wonderful 200th celebration of the Library of Congress.

He has given millions of dollars to other wonderful causes, universities, and other worthwhile enterprises.

I have known John Kluge for years and years. He was a wonderful friend of my parents. I have spent an awful lot of time with him over a number of years, particularly in the last number of months. He truly is a great American, truly a great patriot, and his wonderful contribution is going to make the Library of Congress an even greater institution in the years to come than it has been.

I wanted to take a minute to express the gratitude of all of us, my constituents, and all Americans to John Kluge for his remarkable contribution to our Nation.

Mr. STEVENS. Mr. President, yesterday, as chairman of the Joint Committee on the Library of Congress, it was my privilege to join Vice Chairman BILL THOMAS and Dr. James Billington out by our Ohio Clock to announce the largest gift in the history of our Library in 200 years. There has never been a greater gift to the Library of Congress.

As the Senator from Connecticut has said, John W. Kluge is a marvelous individual who is renowned in the international corporate community as one of the Library's staunchest supporters and most devoted people to the Madison Council. As a matter of fact, he was the founder of the Madison Council. He has now given the Library a gift of another $60 million.

Mr. Kluge's leadership in the Madison Council has enabled the Library to raise a total of $222 million in private donations for the Library over the last 10 years. His contributions alone amount to $73 million.

Yesterday's gift of $60 million will establish The John W. Kluge Center and Prize in the Human Sciences which will endow 5 scholarly chairs, and fellows, and will recognize areas of study not currently covered by the Noble prize structure. The Center will endow chairs in areas such as American law and government, American cultures and societies, technology and society, and modern culture. The Librarian will make the appointments in consultation with the Library's Scholars Council, and the first chairs will be awarded in 2001.

The Kluge Prize in the Human Sciences will include areas of study not covered by the Nobel Prize, including areas such as history, anthropology, sociology, literary and artistic criticism. Strangely enough, I had been discussing with one of my esteemed friends a similar type of approach to cover areas not covered by our Nobel Prize process. The prize will be a cash award of $1 million.

In addition, the award ceremony will recognize a lifetime of achievement in the Intellectual Arts, just as the Kennedy Center Honors recognize lifetime achievement in the performing arts. As Dr. Billington noted, ''the Kluge Center will help bridge the divide between the academic and political worlds, between knowledge and power.'' He summed up the need for the Center best when he said, ''We need broader and deeper exchanges; to make time for greater contemplation, what Milton called 'wisdom's best nurse'.''

I speak for all of the Joint Committee members in saying that we are deeply grateful for the support the Library has received from Mr. Kluge, and the private sector under Dr. Billington's leadership. Over this past year, and in celebration of the Library's Bicentennial, the private sector has supported hundreds of activities. With Mr. Kluge's extraordinary gift of $60 million, the total amount of gifts and donations to the Library during its bicentennial year from the private sector, particularly the Madison Council, totals $106 million.

On behalf of the Joint Committee on the Library, I extend Congress' deepest thanks to John Kluge, and all of the members of the Madison Council. Their generosity has been outstanding. It has helped to make possible the digital initiatives at the Library, and has added priceless collections over the past 10 years. The nation owes Mr. Kluge a debt of gratitude for his generous support. I ask that a copy of the remarks

that Mr. Kluge made regarding his gift be included in the RECORD as well as an article that appeared in the New York Times. It is my hope that Members will read his remarks. They are significant. I ask unanimous consent that a copy of his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN KLUGE'S REMARKS AT THE TEA HOSTED BY SENATOR TED STEVENS

Thank you, Dr. Billington.

I have known the Librarian of Congress, Jim Billington, for ten years and during that time, my admiration for him and faith in him as the head of our national library have multiplied many times over. Dr. Billington came to the Library with a great vision of what the Library could be and should be in our new global society. He knew that the vast knowledge contained in the Library, if made available to all, could enrich and enlighten the lives of people everywhere. He knew that the Library of Congress is something that every American can be deeply proud of—a symbol of our open democratic society; and a visible promise from our lawmakers that whatever information is available to them is also freely available to everyone. And he knew that visitors to the Library would come away inspired by it and proud that the most beautiful building in Washington, perhaps in the country, is a library. It has been a privilege for all of us on the Madison Council to join with the Congress in helping the librarian fulfill his vision.

We have seen the Library transformed—from a great, but under-used and little known federal institution, to an open and universally accessible resource for students, scholars and learners everywhere. This exciting transformation, and my confidence in the Librarian and his talented staff, have led to my decision to endow a center for scholarship and a prize in the human sciences which were just announced. My deepest wish—as a person who came to this country as a child with almost nothing and has enjoyed the freedom to try new things, to take risks and at least sometimes to succeed—is to make a contribution that helps others have the same kind of opportunity. I hope that the scholars who come to this center to grapple with some of the most important issues of our time and future times, will have the same wish—to use their talents and brains to better the world.

Thank you Madison Council members for making the Library a priority in your lives. Your dedication over the past ten years has paid off richly for a great American institution and for the nation.

Mr. STEVENS. He made those remarks at the time he announced this award yesterday in our presence in the Mansfield Room in the Senate.

I also ask unanimous consent an article from the New York Times pertaining to this gift be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 5, 2000]

$60 MILLION GIFT IS MADE TO LIBRARY OF CONGRESS

(By Francis X. Clines)

WASHINGTON, OCT. 4.—The Library of Congress has just received the largest single donation in its history, $60 million, and Dr. James H. Billington, the librarian, is eagerly preparing to spend it repairing relations between ''the thinkers and the doers,'' between a resident panel of visiting senior scholars he plans for the library and the politicians across the street in the Capitol.

''These two worlds just kind of fell apart in the 60's and haven't really come back together again,'' Dr. Billington said as he explained his new program for the ultimate mix in political town and academic gown.

He plans rotating far-flung scholars to Washington to pursue fresh research and play a ''catalytic'' intellectual role for Congress, the primary user of the national library.

Beginning next year, the program will endow eight senior chairs plus a dozen fellowships for younger scholars. And most prominently, it will create a $1 million prize for intellectual excellence in the human sciences, a field that Dr. Billington feels is neglected by the Nobel prizes.

''We're trying to celebrate and facilitate not just the life of the mind, but also the role of the life of the mind in the life of the republic,'' he said of the new scholar center, which will be named after its benefactor, John W. Kluge.

A billionaire entrepreneur and philanthropist, Mr. Kluge heads the library's Madison Council, which has been enlisting advisers and donors from the private sector for the past decade. After helping the library raise about $160 million in the last 10 years from others, Mr. Kluge, now 85 and chairman of the Metromedia International telecommunications and entertainment company, has donated $60 million to it himself.

Based around the great hall in the library's newly refurbished Jefferson building, the center—which will be formally announced on Thursday—is to set aside suites of offices and meeting rooms for the scholars and lawmakers. The hope is they will intermingle for whatever discussions they please about ideas large or small, pressing or serendipitous.

''You can't legislate or buy depth but we're making some probes,'' said Dr. Billington, a 71-year-old historian and Russian specialist who diplomatically stressed that he has nothing against the capital city's hedgerows of think tanks and flocks of talking heads all now operating in the name of thoughtfulness.

Still, he said, ''a deeper immersion'' and interplay between scholarly ideas and political curiosity is needed. ''There is already a great deal of applied intellect in this city, even if a lot of it is in lobbying and advocacy.''

He vowed to reach out for scholars not usually associated with a Washington intellectual life top-heavy with economists and political scientists.

The initial senior scholars are to be chosen within the next year, with the first Kluge prize for intellectual excellence likely in 2002. Those under consideration will be vetted from assorted disciplines by Dr. Billington and an advisory council of scholars led by his deputy at the library, Dr. Prosser Gifford.

Dr. Billington declined to speculate on choices. But he said the standard would ideally be of the sort set by two scholars he had previously coaxed into serving the library briefly—Vyacheslav Ivanov, the linguist and lecturer on semiotics, and the late philosopher Isaiah Berlin.

The eight specialties to be covered by the senior chairs are broadly defined along the library's separate collections to include the culture and society of the Northern (advanced) and Southern (less developed) Hemispheres; technology's interaction with society, American law and governance; education; international relations; American history and ethics; and modern culture, including the library's formidable collections of music and films.

''What we're trying to do is to make sure you get Greece into Rome,'' said Dr. Billington, the 13th librarian of Congress in the two century-history of the institution.

''What's fascinating is that the link between learning and lawmaking was here from the beginning,'' he said, describing how the first joint committee was created by the founding Congress to run the library.

Scholars have at least as much to gain in the untapped resources of the library as in the interaction with lawmakers, Dr. Billington said. He noted, for example, the thousands of unread copyrighted novels in the library's archive of more than 120 million items.

''I tell my friends in academia that instead of deconstructing novels that everybody used to enjoy before you started writing about them, how about coming down and discovering the unpublished novels that nobody has read,'' he wryly added.

''There is no magic bullet for interacting doers and thinkers,'' he conceded, but he expressed faith in the idea of simply bringing ''some of the scholars scattered all over the country directly into the library'' that members of Congress use—''people who already have a life of scholarly accomplishment but who might be capable of distilling some wisdom in roaming across the rich variety of things at the library.''

Reviewing the institution's virtues, he cited its several hundred book cataloguers as rich foragers. ''They're my hidden heroes,'' he said.

''It's going to be additive, it's going to be catalytic,'' Dr. Billington insisted. ''It's not a little empire, or a university or a new think tank.''

''It's going to have an ever changing group of people,'' he added, with most of them staying for a year or so. ''It will work in that way America does things best—not with a giant prefixed plan that you sit around and debate in the abstract, but by working on the human elements and hoping that things will jell.''

Mr. STEVENS. One of the interesting things about John Kluge's remarks was when he referred to himself as a young boy who came to this country at the age of 8 as an immigrant and he had one possession. It was a small Dresden figurine; it was a horse. That is all he owned when he came to this country.

Today, as Senator DODD has said, through the process of freedom in this country and his basic knowledge as a human being, he is one of the richest men in the world. I think to be in the man's presence is an honor. He is one of the great people of this country.

Yesterday, after I attended this ceremony and was going back on the subway, one of the operators of the subway noticed I was smiling. That is strange around this place, as people know. I said: Yes, I've just been to a delightful

ceremony. I told him that this man came to this country as an immigrant boy of 8 with one little possession, that he still has, had amassed this great fortune, and he had just given the Library of Congress $60 million.

The driver of the subway said: He came here with nothing? I said: That is right. And he has just given this great gift to the Library? And I said: That is right. And he said: That man is truly blessed.

That is my feeling about John Kluge. He is a truly blessed man.

Mr. DODD. I thank my colleague for his wonderful comments about John Kluge.

Mr. President, I ask unanimous consent to proceed for 5 minutes in morning business.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

VICE PRESIDENTIAL DEBATE

Mr. DODD. Mr. President, I went to Danville, KY, last evening, and I thought both JOE LIEBERMAN and DICK CHENEY did an admirable job in presenting their respective points of view during the Vice Presidential debate.

It will be understandable if I express a certain amount of parochial pride in the performance of my colleague and friend from Connecticut, JOE LIEBERMAN, who I thought did a magnificent job in laying out in civil, polite, and in a courteous way, the differences between the two teams, the two parties, and the candidates for the Presidency of the United States of America.

I think all Americans benefited last night as a result of the very eloquent, precise, thoughtful, and clear presentations. So it seems fitting for me to take a minute to commend them both, particularly my colleague from Connecticut. When young people around the country are thinking about politics and wonder whether good examples are out there, it is my hope that they might be shown by their history teachers, the Vice Presidential debate of the year 2000. Indeed, it was a wonderful example of how people of significant differences of opinion and points of view can have a worthwhile, informative discussion and debate of critical issues that face the future of our Nation.

I commend both, particularly my good friend and colleague from Connecticut. There is a collective sense of pride over the junior Senator from Connecticut. I may not call him ''junior'' Senator much longer, but I want to tell my colleagues how very proud I was of his performance.

WORK REMAINS

Mr. DODD. I want to say briefly before the time runs out, I have great admiration for the work Senator STEVENS has done as chairman of the Appropriations Committee. It is a tough job. We all know how hard he works and how hard he tries to work out the differences in the spending bills. I have great respect for him and the work he has done as chairman of that committee.

That said, I also would be remiss if I did not mention that there are several important matters, generally speaking, that we have not addressed. We are about to wrap up, to finish over the next few days, with maybe one or two votes left, I am told.

I am saddened that, despite the efforts of Senator STEVENS, the leaders, and others, the Senate has thus far failed to act on several other important matters, including the 39 million seniors who will go without prescription drug benefits under Medicare. That is a great loss. We could have done it this year, and we didn't.

More than 11 million working families will not get the benefit of an increase in the minimum wage. That is a great loss for those people. Mr. President, 53 million children go to school every day in this country, and for the first time in 35 years we were not able to pass the Elementary and Secondary Education Act to try to improve the quality of schools, reduce class sizes, and come up with good afterschool programs.

So, 53 million children lose, 11 million working people don't get an increase in the minimum wage, and 39 million seniors fail to get prescription drug benefits. I think it is a sad day indeed. We could have passed these measures, and we didn't. I am deeply saddened by it, as I think the American people are as well.

While I commend Senator STEVENS and members of the Appropriations Committee, including my colleague from Nevada, HARRY REID, and the distinguished Senator from West Virginia, Mr. BYRD, who have worked tirelessly to get the appropriations work done, the fact of the matter is, a great deal of America's business has gone unattended.

Mr. President, I regret that the leadership of this Congress has failed thus far to act on these and other crucial priorities. If we can find two weeks to debate renaming National Airport, if we can spend many days debating whether to provide estate tax relief to the 44,000 most affluent Americans, then I would hope that in these waning days of this Congress we could find the time to consider the needs of America's children, seniors, and working families.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 3059

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come back to try to resolve this issue. Before I ask for another unanimous consent agreement with some different language, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Transportation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 6, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to reiterate my views regarding the penalty structure for Department of Transportation regulatory agencies such as the National Highway Traffic Safety Administration (NHTSA). I expressed these views in testimony on the Firestone tire recall before the full committee on September 12, 2000.

The Administration supports a three-tiered approach to the enforcement of health and safety statutes: (1) administrative penalties; (2) judicially enforced civil penalties; and (3) in the case of egregious circumstances, criminal penalties for those who knowingly and willfully violate the law. We welcome the opportunity to work with the Congress to properly structure this approach.

Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation that the Congress can approve and the President can sign into law.

Sincerely,

RODNEY E. SLATER.

Mr. MCCAIN. I will read a portion of the letter:

> I would like to take this opportunity to reiterate my views regarding the penalty structure for Department of Transportation regulatory agencies such as the National Highway Traffic Safety Administration (NHTSA). I expressed these views in testimony on the Firestone tire recall before the full committee on September 12, 2000.

and the last paragraph:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation that the Congress can approve and the President can sign into law.

I repeat for my colleagues what the Secretary of Transportation says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

This legislation passed through the committee with the help of the chairman of the Appropriations Committee, a member of that committee, a valued member of that committee. This legislation passed through the Commerce Committee with the support of the majority leader of the Senate, a valued member of that committee.

Although I don't agree with the Transportation appropriations bill, I am not interested in blocking it. I am interested in trying to get action on this legislation before Congress adjourns.

I ask the Senator from Alaska if it would be acceptable if I modified the unanimous consent agreement to say that the majority leader, after consultation with the Democrat leader, would set a specific time and date for this legislation to be considered, and

only relevant amendments to the bill be in order of S. 3059.

It seems to me we could then achieve the goal of having a time and date where we could address this issue, we could move forward with the important appropriations bill, which understandably the Senator from Alaska has as his highest priority, which is also understandable given the fact that he is the chairman of the Appropriations Committee.

I ask the Senator from Alaska if he would consider—and I will ask now—I ask unanimous consent that the majority leader, after consultation with the Democrat leader, could set a specific time and date for the consideration to S. 3059 and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, it is my understanding that there is a process underway right now to see if it is possible to get such an agreement that the Senator from Arizona mentioned.

I have inquired, since the last exchange we had on the floor—and I am a person who has voted for this bill in committee, but the problem is there are objections on both sides of the aisle, I am informed, to a unanimous consent agreement which would be necessary to carry out the Senator's current unanimous consent agreement.

The difficulty is, there are some Members who are not members of the committee, our Commerce Committee, who have not had time to study that. They have informed the staff on both sides of the Senate, both Democratic and Republican, as I understand, that there are reservations. I cannot call them holds because they have not seen the bill yet; that is, as I understand it, the bill will come over from the House. It will be the House bill we would consider. It is just a very difficult position for me to be in, but as a representative of the leadership in this matter right now, I am constrained to say I am forced to object to the bill I support. I do object to that request.

I urge the Senator from Arizona to be part of this process of trying to clear that bill. I will join him. I have been trying to work on that since our last exchange, to see if we can clear bringing up that bill. But there are reservations on both sides of the aisle to that bill, and I am constrained to be in the position, and I am in the position, to say: I object to the request of the Senator.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. REID. Will the Senator yield so I can make a statement?

Mr. McCAIN. Before the Senator from Alaska leaves the floor, I would like to respond.

Mr. REID. I wanted to respond before he leaves also. I will just take a brief moment.

I say to my friend from Alaska, we are not objecting to this request.

Mr. STEVENS. Yes, you are. We had a statement you are objecting.

Mr. McCAIN. Claiming the floor, it is clear on that side of the aisle there is no objection to this unanimous consent request.

I don't understand the comment of the Senator from Alaska about nobody has read the bill and no one understands the bill. We passed it 2 weeks ago out of the committee, No. 1. No. 2, this is not a low visibility issue. No. 3, we want to pass this bill through the Senate. The House will be passing the bill and we will go through the normal procedures.

I want to say again to the Senator from Alaska, on an issue of this importance—he said Members on both sides have reservations or objections; clearly, it is on this side of the aisle—come down with relevant amendments. We can reach time agreements and go through the normal process. But to block consideration at any time between now and when we leave is a clear message, I say in all due respect to the Senator from Alaska, that there is an intention to block consideration of the passage of this bill.

I can understand the objection of the Senator from Alaska to me holding up the consideration of the Transportation appropriations bill. I can fully understand that. I cannot understand why the leadership would not agree to taking up this bill with relevant amendments sometime between now and when we go out.

So, with all due respect to the Senator from Alaska, I don't get it. I do not understand why, when there is no objection on the other side of the aisle.

Mr. STEVENS. No, no; if the Senator will yield, Mr. President, I will state categorically I am informed there is an objection on the other side of the aisle.

Mr. REID. Mr. President, I respectfully say there is no objection on this side of the aisle.

Mr. McCAIN. With all due respect to the Senator from Alaska, you have to respect the statement of the leader of the other side of the aisle.

Mr. REID. The Senator from Arizona made a unanimous consent request.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McCAIN. I ask unanimous consent to yield to the Senator from Nevada for a statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. The Senator from Arizona made a request, a unanimous consent request, to move forward with relevant amendments. We have no objection.

Mr. McCAIN. I think it is abundantly clear, I say to the Senator from Alaska, there is no objection to moving forward on that side of the aisle. The problem is on this side of the aisle.

Why in the world can't we come to an agreement, when the Secretary of Transportation says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

We are talking about a life-threatening situation here.

So all I can say is it is clear the problem seems to be on this side of the aisle. I am asking the Senator from Alaska, who represents the leadership, to agree to this unanimous consent request, which I think is eminently reasonable. So I guess, Mr. President, I will ask again, if I could get the attention of the Senator from Alaska, since it is clear there is no objection to this unanimous consent request from the other side of the aisle—and I am not trying to impede the progress of the Transportation appropriations bill. We are only trying to get addressed the issue that there are life-threatening motor vehicle safety defects—if we at least could have some agreement. If there are objections to the legislation, then those objections, it seems to me, could be articulated in the form of relevant amendments.

So, again, I don't understand the explanation of the Senator from Alaska. The bill was passed 2 weeks ago. This is a very high visibility issue. We would take it up and pass it. The House is going to pass this legislation next Tuesday, according to all news reports. We could pass it, go to conference, and get this legislation to the President of the United States unless it is blocked on this side of the aisle—on this side of the aisle. This is a bill that passed 20–0 with the support of the majority leader, with the support of the chairman of the Appropriations Committee.

Mr. THOMAS. Will the Senator yield for a question?

Mr. McCAIN. I am glad to yield.

Mr. THOMAS. This passed 2 weeks ago, Senator. Why hasn't it come up before this and not at the very end?

Mr. McCAIN. I have been urging it, I respond to my colleague. Since the day after we passed it, I have been begging the leadership every day to bring up this bill for consideration. This has been blocked.

Mr. THOMAS. I thank the Senator.

Mr. McCAIN. I appreciate the question of the Senator from Wyoming because we have been trying to do everything we can to bring this bill up. That is why—because I have been stymied in these efforts—I had to come to the floor this morning to try to force some action on it since there was no response from our leadership, on this side, because of holds on the bill and objections to it.

I again ask unanimous consent that the majority leader, in consultation with the Democratic leader, establish a specific time and date for consideration of S. 3059, and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Reserving my right to object, I ask the Senator through the Chair a question. Is that a unanimous consent agreement that involves

bringing the bill before the Senate without the ability of any Member of the Senate to object at that time to its consideration?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. As I understand it, the Senator is saying he would like to have the Senate agree that the two leaders can bring a bill before the Senate for consideration that has not yet been passed by the House, and no Member would be able to object to consideration at that time.

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Could I respond quickly to the Senator from Alaska? This is not a House bill; this is a Senate bill I am asking to have considered on the floor of the Senate as we regularly do with legislation in the Senate.

Mr. STEVENS. I apologize, Mr. President. From the prior conversation, I understood the House had brought its bill out of committee. I understood we were going to await that bill.

In any event, I want to say it again, as one who has voted for the bill, I am in the position of representing the leader.

Mr. President, I sought to become leader of the Senate once. I lost by two votes. I understand what it means not to be leader, but I also understand what it means to be leader. The leader has asked me to object on his behalf, and I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Arizona.

Mr. MCCAIN. Could I just say again, and I want to clarify for the benefit of the Senator from Alaska, this is a Senate bill. It was passed through the Commerce Committee by a vote of 20–0. Yesterday, the House, by a vote of 42–0, passed through their committee similar legislation, although not the same legislation. They announced they would be passing their legislation next Tuesday.

What I am seeking is for us to be able to pass the Senate bill and go to conference, as is normal.

I should not do this, but I want to make another commitment to the Senator from Alaska because of the time constraints, and that is, if there are 50 relevant amendments filed and it looks as if the bill is going to be filibustered to death and we are not going to be able to pass it, then I will ask that the legislation be withdrawn at that time because I understand the time constraints under which the chairman of the Appropriations Committee is operating.

All I am asking is it be brought up with relevant amendments, as it will be passed by the House next Tuesday, and conferees will be appointed, as is normal, and we will go to conference and report out legislation hopefully that can be passed before we go out of session.

I say again to the Senator from Alaska, one, we passed it 2 weeks ago; two, the House has acted in their committee, and they will be passing the bill next Tuesday. Right now we have no assurance of any kind that we can in any way take up this bill at any time. So when the Senator from Alaska objects on behalf of the leadership to consideration at any time that would be in keeping with the majority leader's schedule, then it is clear the effect is to kill the legislation, and we are talking about, as the Secretary of Transportation says, ''Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.''

I ask the chairman of the Appropriations Committee if he will do the following: If we can just go into a quorum call for 10 minutes and see if the leadership will allow this unanimous consent request to move forward. I am not interested in embarrassing the leadership. In fact, I am interested in not embarrassing the leadership because if there is no objection on the other side of the aisle and there is an objection on this side of the aisle to taking up the legislation at any time, that is really not good. That is not a good thing to happen. I speak as a Member on this side of the aisle. 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. BIDEN. 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. BIDEN. Mr. President, I ask unanimous consent to proceed in morning business to speak about Yugoslavia for up to 10 minutes. If that causes problems for anyone, I will withhold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, to assure everyone, if the conference report comes over, I will immediately cease and desist so we can proceed with the regular business of the Senate.

REVOLUTION IN SERBIA

Mr. BIDEN. Mr. President, we have had many debates on the floor of the Senate, genuinely heartfelt debates about the role of the United States of America in the world and the use of American force in the world.

We have had a split in this body between the parties, and within the parties, about whether or not it is appropriate for the United States to take a leadership role in Europe, including, on occasion, the use of force to promote our national interest and that of our allies.

There are several political cancers that exist in various parts of the world. And the one remaining cancer on the continent of Europe—the primary one—is Slobodan Milosevic.

I suggest that we all take a lesson from what is going on now in the Federal Republic of Yugoslavia—in Serbia. Many of us, Democrat and Republican, have argued—myself; Senator MCCAIN; Senator LIEBERMAN; Senator Dole, when he was here—that the United States had an obligation, in its own self-interest and in the interest of our allies, and in the interest of humanity, to intervene, to stop the genocide and the ethnic cleansing that was being perpetrated by Slobodan Milosevic's vile nationalism.

I have been arguing for some time now that, absent our involvement in that region of the world, there would be chaos in, if not the heart, then the belly of Europe, and that if we acted with dispatch—swiftly and with resolve, and a willingness not to back away—Slobodan Milosevic, as with most thugs, would be stopped and would be eliminated.

Some have said on this floor, and some will say in the various Presidential and Senatorial and House campaigns that are going on, that we did not have an exit strategy when we committed American forces in Kosovo or American forces in Bosnia. Some will say that we have not succeeded because all is not tranquil, and if we were to withdraw American forces, things would revert to the chaos that existed before, and that this serves as proof that what we had done had not worked. The press and others declared early on in the bombing campaign in Kosovo—3 days into the 70-some day campaign—that it was a failure.

I am told, time and again, by some of my colleagues on the floor and I have read some pundits who state that, in fact, the American people are not patient, that they want instant results.

I say this. The end of Slobodan Milosevic is evidence of a number of things. One, our involvement was not only positive and good and successful, it was absolutely necessary. Without the leadership of the United States of America, I respectfully suggest our European allies would not have been as aggressive, they would not have been as united, and they would not have been as resolved.

Second, I hope we take a lesson from this as well to demonstrate that the American people have a great deal more patience and wisdom than we give them credit for. I have not heard, nor have I heard anyone else tell me that, while they have been home in the last 4 years, they have been told, as they walked from the grocery store, or to the drugstore, or home, that it is urgent we withdraw American forces from the Balkans.

Quite frankly, the opposite has occurred. The American people intuitively knew this was a place where wars have started before, this was a place where if chaos reigned it could not be contained, this was a place where a man such as Slobodan Milosevic could do nothing but ultimately harm the interest of Europe

and the United States. They were resolved, and they are resolved, to keep American forces in that area to maintain the peace and security of the region, along with our allies.

I might add, parenthetically, that we make up only, roughly, 7,000 of the nearly 41,000 troops that are in Kosovo, and that, in fact, we are doing the Lord's work there. It is kind of interesting that, in the six or seven trips I have made to the region—the last one being a trip to Kosovo—after I came back I remember having discussions here on the floor, and I would hear about how down the morale was of the American forces and how circumspect they were about whether we should be involved.

That is not what I found, whether it was at Camp McGovern in Bosnia several years ago or at Camp Bondsteel in Kosovo last year. What I found was that these young women and men knew exactly why they were there. They knew why they were there. They did not have to be told. And they felt good about it. They knew they were doing the Lord's work. They understood. They understood there was a purpose and meaning for being there. All they had to do was ride through the streets and they understood it. It is interesting that the retention rate and reenlistment rate is higher for those who have been in Kosovo or Bosnia than for any other segment of the military.

So I would argue that what is happening in Yugoslavia now is making a lie of some of the assertions that were taken for granted around this place by a majority of the people on the floor, as well as a majority of the press, as well as a majority of the people who are so-called pundits.

This is the point I want to make.

We should not now, at this moment, change policy. Slobodan Milosevic is a war criminal. We should not, as former Secretary Eagleburger—a man for whom I have great respect—said yesterday on television, accommodate his departure from Serbia by winking and nodding and essentially letting him off the hook on the War Crimes Tribunal. We should not do that.

The newly elected President of Serbia, Vojislav Kostunica, is a lot of things that are good. But his record shows that he is also a fierce nationalist.

We should lift sanctions, but only when Milosevic goes. But again, just a word of caution, we should not lift all sanctions until we are clear that the new leadership in Serbia, in Belgrade, will honor the Dayton accords and will not use force in Kosovo. This is no time to relent. None—none—of us should relent now.

We have been right so far. A steady course, firm hand, U.S. power, U.S. leadership, and U.S. resolve have brought us this far. Without it, none of what has happened would be, in fact, what the history books will write about 2, 5, 10, and 20 years from now. History will record that what we did was the right thing to do from a moral standpoint, and, even more importantly, in a Machiavellian sense, right for the national interests of the United States, and essential for any prospect of long-term peace and security in Europe.

I said a week ago that Milosevic could not be sustained, no matter what he did from this point on. The tides of history have moved. We saw it some years ago in Bulgaria. We saw it in Romania. We saw it occur again in Croatia. We saw it again in Bosnia. And we now see it in Serbia. For the first time in modern European history, there is a prospect—a serious prospect—that the Balkans will be integrated into Europe as a whole.

I can think of no more significant foreign policy initiative that this Government has taken since the Berlin Wall came down that has been so clearly vindicated—so clearly vindicated. So now is not the time to take an easy road out. Lift sanctions partially, make it clear to the Serbian people that we love them—our fight was never with them; they are a noble people—but I think we should have a steady hand. We are prevailing. The West is prevailing. Yugoslavia, in particular—most people refer to it as Serbia—is about to come into the light of day. We must not now send the wrong signal and let people in Serbia conclude that there is not a price to pay for those who violate, in a massive way, the human rights of their fellow citizens and that we expect the new government to behave in a way consistent with international norms.

I thank the Chair and I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. MCCAIN. I ask unanimous consent that the majority leader, in consultation with the Democratic leader, set a time and date for consideration of S. 3059, and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER (Mr. THOMAS). Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I have been involved in other meetings this morning, and I have not heard the discussion. I have not had an opportunity to see the level of disagreement on this. Let me just say to Senator MCCAIN —and we just talked about it—I don't have a personal problem with this. But give me a little time to make sure that all of our people know to what we are about to agree. Hopefully, within the next few minutes he can offer that again. I will object at this point, but if he will withhold, because I understand there may be more objections, I will check that out.

Mr. MCCAIN. Mr. President, I withdraw my unanimous consent request. I also assure the majority leader that if it appears as if there is going to be an avalanche of relevant amendments to which we cannot get time agreements, then I am not interested in tying up the entire Senate on that legislation. But I do believe that it is important that we take it up, obviously. I am grateful the other side doesn't object to the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, when the conference report arrives, I will terminate my comments.

THE SAFETY AND HEALTH OF AMERICA'S CHILDREN

Mr. FRIST. Amidst all of the proposals and discussions and objections and debate that has gone on here on the floor, I rise to talk about a bill that has been very positive, which demonstrates the best of what this body is all about—a pulling together and working together across the aisle in a bipartisan way, all with the goal of making others' lives more fulfilling, both in the current generation and in future generations. This week, the U.S. Congress has sent to the President of the United States for his signing a comprehensive bill that very much forms the backbone of efforts to improve the safety and health of America's children.

This bill that has been sent to the President focuses on our children's health, the Children's Health Act of 2000. It was more than a year ago that Senator Jim JEFFORDS and I reached out across the Capitol to Chairman BLILEY and Representative BILIRAKIS to work together in a coordinated way on a whole variety of issues and bills that are critical to children's health and safety. These included such issues as maternal and infant health, day-care safety, pediatric research, pediatric health promotion, and efforts to fight drug abuse and provide mental health services for young people today. I am delighted that both the House and the Senate have passed this bill, that it has been sent to the President, and that we were successful in achieving our goal.

The bill addresses a range of issues. Just to give some flavor of this bill and what it can achieve, what it will achieve, what it does achieve in its language, let me comment on a few.

Day-care safety. Currently, there are more than 13 million children 6 years of age and less who are enrolled in day-care centers. Almost a quarter of a million are in Tennessee. One provision in this bill, the Day-Care Safety Act, recognizes the need to make these settings safer, improving the health and public welfare of children in day care. Parents should simply not be afraid to leave their children in the morning when they drop them off in these day-care settings, fearing that a licensed

day-care facility is not safe over the course of that day. This bill helps ensure that our childcare centers will be safer.

Secondly, children's health. Provisions included in this bill, the Children's Public Health Act of 2000, some of which were introduced July 13 of this past year—that I introduced with Senators JEFFORDS and KENNEDY—address a number of children's health issues, including maternal and pediatric health promotion and research.

Thirdly, traumatic brain injury. Traumatic injuries are the leading cause of death for every age group between 1 and 19 years of age. This bill strengthens the traumatic brain injury programs at the CDC, the National Institutes of Health, and the Health Resources and Services Administration.

Fourth, birth defects: Birth defects are the leading cause of infant mortality and are responsible for about 30 percent of all pediatric admissions.

This bill focuses on maternal and infant health. The legislation establishes a national center for birth defects and developmental disabilities at the CDC, the purpose of which is to collect and analyze and distribute data on birth defects.

Fifth, asthma. The bill combats some of the most common challenges, problems, and public health issues in children today. In terms of asthma, it provides comprehensive asthma services and coordinates a wide range of asthma prevention programs in the Federal Government to address this most common chronic childhood disease.

Mr. President, I am delighted that this bill has passed both of these bodies with this body working together in a bipartisan way.

I understand that we are about ready to begin on the conference report. Therefore, I will terminate my comments at this point, and later in the day, during morning business, will extend my comments on this very important bill.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The majority leader is recognized.

Mr. LOTT. Mr. President, I will continue to work on this with Senator MCCAIN. I understand other Senators are coming to the floor to discuss the issues with him.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. LOTT. Mr. President, I submit a report of the committee of conference on 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, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 4475, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 5, 2000.)

Mr. SHELBY. Mr. President, what is the pending business? Is there a quorum call?

The PRESIDING OFFICER. The conference report on Transportation is the pending business.

Mr. SHELBY. I urge adoption of the conference report and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that following the completion of the vote, Senator HARKIN be recognized for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am pleased that the Senate will have the opportunity to consider the conference agreement for the fiscal year 2001 Transportation appropriations bill.

I believe that this bill strikes a funding balance between the modes of transportation, funds critical safety initiatives, reflects the priorities of the overwhelming majorities of both the House and the Senate, and provides adequate flexibility and direction for the Department as it transitions into the next administration.

Mr. President, allow me to take just a few minutes to summarize and highlight a few of the provisions of the conference report that is now before the Senate.

Of the three issues that the administration indicated were critical to it in the safety arena, I'm pleased to report that we're three for three. And, so is the administration. These issues have been negotiated in a fashion and with a spirit of accommodating the interests of the House, the Senate, and the administration. Through some creativity and with an awareness of the specific concerns of all the parties, we have been able to meet everyone more than halfway.

The compromise language on the hours of service regulations in this conference report allows the Department to move forward with the analysis of the docket, issue a supplemental NPRM, and do everything short of issuing the final rule. I think that is a reasonable compromise and one that should provide the incentive for the administration to fully listen and solicit views on all sides of this issue.

As many of you know, I have a concern that NHTSA has ignored calls from consumer groups and critics of the proposes static stability factor rating system in its rush to publish a rollover rating as part of the NCAP program. Notwithstanding that concern, I have been convinced by the distinguished House Chairman, Mr. WOLF, that he believes that NHTSA, in light of our attention to the issue, will now act responsibly in this area.

Accordingly, the conference agreement maintains the Senate requirement to conduct a 9-month study at the National Academy of Sciences. The Academy is directed to investigate the usefulness of the information that NHTSA proposes to provide, the scientific underpinnings of the NHTSA approach, and consideration of whether dynamic testing is preferable to the static stability factor calculation—while simultaneously allowing NHTSA to move forward with its proposal.

This issue deserves all our attention as it evolved because rollovers are among the most deadly of accident types and providing bad information to consumers could well mean more highway fatalities. People have a right to expect that the information that the Federal Government provides is accurate, unbiased, and based on sound testing methodologies. I am pleased that in the conference agreement NHTSA will have to meet that standard, if not in the short term, at least in the long term.

The funding levels keep faith with the recently enacted AIR–21 capital and airport authorizations, and come very close to the President's budget request for FAA operations.

The Highway and Transit accounts are funded at the TEA–21 authorized levels; the Coast Guard, adjusted for some of the capital projects funded in the supplemental, is above the President's requested level for fiscal year 2001; NHTSA is above the President's request once it is adjusted downward for the RABA shift that was a nonstarter with both the House and the Senate.

Amtrak is funded at the President's request and the remaining accounts: Pipeline Safety, the Inspector General, the National Transportation Safety Board are all at or above the President's request.

There is no tenable argument that can be made that there isn't enough money in this bill. The conference agreement includes approximately 14 percent more budget resources than the fiscal year 2000 enacted levels.

In addition, we have tried to reflect and accommodate the priorities of our subcommittee members, full committee members, and the membership of both the House and Senate. We have listened to what our members have requested us to do and accordingly, the negotiated compromise reflects the priority that members have put on highway and transit spending.

There are other issues that have been the subject of some attention—the most notable of which is the .08 blood alcohol content. The Senate bill included a provision which would hold back a portion of highway funds from states which fail to adopt a .08 blood alcohol content standard.

The conference agreement modifies that provision by providing a more graduated, phased-in approach of the highway holdback and more time for states to adopt the .08 standard. I also want to point out that no state incurs the loss of highway funds if they adopt the .08 blood alcohol content standard by 2007. Whatever funds withheld from them starting in 2004 would be returned without penalty under the hold-harmless clause as long as a .08 standard is adopted by 2007. I think this is a reasonable and fair transition to a standard that we know will save lives.

Mr. President, there are a few people I would particularly like to thank before we vote. My ranking members, Senator LAUTENBERG, has been a valued partner in this process during his final year as the ranking member of the Senate Transportation Appropriations Subcommittee. While we have had our disagreements and differences, I have been privileged to work with him and believe this nation's transportation policy have benefitted by the substantial contributions he has made during his tenure in the Senate and on the subcommittee.

Senators STEVENS and BYRD have provided guidance throughout the year, and made a successful bill possible by ensuring an adequate allocation for transportation programs.

My House counterpart, Congressman FRANK WOLF and his staff: John Blazey, Rich Efford, Stephanie Gupta, and Linda Muir, have been particularly accommodating and collegial.

Finally, Mr. President, I want to thank Steve Cortese and Jay Kimmitt of the full committee staff for their invaluable assistance and advice throughout the process.

Mr. President, I urge adoption of the conference report.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Conference Agreement on the Transportation Appropriations Act for Fiscal Year 2001. I have served on the Appropriations Committee for all but 2 years of my 18-year career in the Senate.

For 14 of those years, I have served either as chairman or ranking member of the Transportation Subcommittee. I can say without reservation—and I compliment the chairman of the subcommittee, Senator SHELBY, and the chairman of the Appropriations Committee, Senator STEVENS, for the work they did—that this is the best transportation bill in those 14 years.

The bill makes historic investments in our transportation infrastructure and, simultaneously, takes dramatic steps forward in our efforts to improve safety.

Under this Conference Agreement, funding for highways will total almost $33.4 billion, a 16 percent increase over the Fiscal Year 2000 level. Funding for our nation's mass transit systems will grow by 8.4 percent.

Investment in our nation's airports will grow by an astronomical 69 percent, and funding for the FAA's facilities and equipment account, which makes critical investments in the modernization of our nation's air traffic control infrastructure will grow by 22 percent. The bill also includes substantial growth in the critical accounts that ensure safety in all modes of transportation.

Funding for the Coast Guard's operating budget will grow by 15 percent and funding for the FAA's operating budget will grow by almost 10 percent. The new Federal Motor Carrier Safety Administration will receive a funding boost of almost 70 percent—an investment that is long overdue in addressing the problem of truck safety.

Most importantly, Mr. President, this Conference Agreement includes a provision establishing a new national intoxication standard at .08 blood alcohol content. This provision has passed the Senate twice before. First, during Senate consideration of the last highway bill and, most recently, as part of this Transportation Appropriations bill.

Indeed, this bill passed the Senate by a vote of 99–0, the first time in my memory that we had not even one dissenting vote on the Transportation bill.

The .08 provision contained in this conference report represents a historic step forward in the federal government's effort to combat drunk driving.

Not since we passed the Minimum Drinking Age Act, a law I championed back in 1984, have we made such significant progress in saving lives on our highways.

The .08 provision in this conference agreement largely follows the outline of the Minimum Drinking Age Act.

It imposes sanctions on states' highway construction funds at an increasing level until they adopt the national .08 standard. States that have their funds sanctioned will have the opportunity to have that highway funding restored so long as they adopt the national standard within the first six years after enactment of this bill.

But states should not wait for the sanctions to even begin—I urge states to act as soon as possible and save lives now.

The reason for a national .08 standard is simple—the medical and scientific communities confirm that you are too drunk to drive at .08 blood alcohol content.

Critical driving skills, such as steering and braking decrease by as much as 60 percent at .08 BAC.

NHTSA estimates that this provision will save more than 500 lives per year. And the Senate should be very proud of its efforts today to spare 500 families from that horrifying phone call in the dark of night telling them that one of their loved ones has died at the hands of a drunk driver.

There are a great many people to thank for our success in this bipartisan effort. Most importantly, I would like to thank the Subcommittee Chairman, Senator SHELBY, who has stuck by me on this provision since the very beginning. As I've mentioned, this was truly a bipartisan effort. And it was not easy. We faced stiff opposition from powerful interests.

My Chairman showed great courage and stood up for the safety of America's families.

I also want to thank Chairman WOLF, the Chairman of the House Transportation Appropriations Subcommittee. Through his six years as Chairman of the Transportation Subcommittee, Representative WOLF has been a true champion for safety.

He is the leading congressional expert in the area of truck safety and he spent months convincing his colleagues of the merits of a national intoxication standard.

I also want to thank President Clinton and Vice President GORE who both personally lobbied the Conferees on this issue, along with members of their staff, including John Podesta and Jack Lew of OMB.

I would also like to thank Millie Webb, a victim of a .08 driver and the President of Mothers Against Drunk Driving.

She lost a daughter and a nephew—both about 4 years of age—to a drunk driver. She then gave birth to a child prematurely who became blind early in her life. This has been Millie's interest for some years because the driver who committed this horrible crime had a blood alcohol content of .08. She is here today to witness this law becoming effective because she didn't want any other families to suffer the pain and grief she went through.

I also want to thank Brandy Anderson, MADD's Congressional representative and the rest of the MADD leadership. In addition, I want to thank Jackie Gillan and Stephanie Mennen of Advocates for Highway Safety.

The help of these public interest groups was critical to getting this law passed. They deserve a great deal of credit.

In recent months, my office has resembled a ''war room'' on the .08 issue, doing everything we can in concert with MADD and Chairman WOLF to see to it that the .08 provision could become law this year.

I want to thank the members of Mr. WOLF's staff, especially John Blazey and Stephanie Gupta, as well as members of my own staff, Peter Rogoff, Sander Lurie, Dan Katz, Denise Matthews, Gabrielle Batkin, and Laurie Saroff who have worked tirelessly on behalf of this provision.

I also want to thank one individual who is no longer on my staff. During consideration of TEA–21, Elizabeth O'Donohue was a tireless advocate for the .08 provision. We were able to get the .08 provision adopted in the Senate on the TEA–21 bill, but we ran into an ambush in the House of Representatives, thanks to the negative work of the liquor lobby.

While Liz is no longer with my staff, I want to recognize the extraordinary groundwork that she laid in past years. There is no question that her efforts contributed greatly to our success here today.

In addition, I want to thank Tom Howarth, a former member of my staff who helped us get the 21 year old minimum drinking age passed, and has worked for years to make the .08 standard the law of the land.

I also want to thank Senator SHELBY's excellent staff, including Wally Burnett, Joyce Rose, Paul Doerrer, Tom Young and Kathy Casey.

Finally, as I make my parting comments as a leader on the Transportation Subcommittee, I want to make one last request of my colleagues. When the Senate considers a new highway bill in 2002 or later, I will no longer be a member of the Environment and Public Works Committee or the Senate and I certainly am not going to be in a position to work as hard as I did in the past on this issue. There is no question, when the Senate considers a new highway bill, there could be an attempt to repeal the national .08 standard. I am sure my colleagues are sensible people and I implore them not to bend to the pressure of those that would bring more bloodshed to our highways. I urge my colleagues not to flinch from their commitment to safety. Please do not condemn 500 American families a year to the tragedy of losing a loved one to drunk driving.

I urge my colleagues to maintain a national drunk driving policy based on safety, sanity and science. You must not bend to those who would seek to undo the progress we have made.

I yield the floor for this my last transportation bill as a Member of the Senate. I have enjoyed my service on this subcommittee. I think it has been important to the country, but particularly to my State, to see the improvements we have been able to make on highway safety and mass transit.

Finally, I think we are on our way to getting high-speed rail service and inner-city rail service in place. That is the only way to relieve the congestion in the skies and on the highways. There is no more room in the skies for additional airlines, no matter what we put on the ground.

I hope we will give high-speed rail the resources it needs to say to those people who are unable to make their business appointments or their contacts because of delayed flights, here is one way to make a difference in the way we travel in this country.

I yield the floor.

Mr. REID. Mr. President, I want the Senator from New Jersey to understand, before he leaves the floor, how appreciative I personally am, and the whole Senate is, for the work the Senator has done—not only in the Transportation appropriations—for many years. The Senator has set the pattern for transportation in the most rapidly growing State, Nevada. The Senator has been instrumental in the things we have been able to do with Senator SHELBY, to come up with programs for the State of Nevada that have been remarkably efficient and good.

In addition to that, before the Senator leaves, this may be the last opportunity we have to speak publicly on the Senator's behalf as to the things the Senator has done in relation to tobacco. I remember my children had respiratory problems and they hated to fly in an airplane. There was smoking and nonsmoking. That was a fallacy; it was all smoking. It is because of the Senator and his perseverance that we have people flying smoke free on airplanes all over the country. It is a crime to smoke a cigarette, as it should be, on an airplane.

This is just one of many things, including gun control, that the Senator has done on the Environment and Public Works Committee. We have served together my entire 14 years in the Senate. The Senator has been a leader in the area dealing with the environment. I speak not only for me but the entire Senate in gratitude for the great work the Senator has done.

FHWA ITS ACCOUNT

Mr. BURNS. Mr. President, I thank my colleague from Alabama for his work on the fiscal year 2001 Department of Transportation appropriations bill. The conference report we are considering today is a balanced report. The bill meets fully the congressional commitment to highway, transit and aviation spending in TEA–21 and AIR–21.

The bill makes transportation in our nation safer and more efficient. Our healthy economy is dependent on this bill. I would like to request one small item of clarification. The report includes a remark in the FHwA's Intelligent Transportation Systems account directing $750,000 to allow the State of Montana to complete the STARS program. This a great new program that I expect will receive national attention in the near future once long haul truck operators are made aware of the efficiencies it will provide them.

However, I have been made aware by my staff that the intention of these funds were to allow the State of Montana to use these funds to complete deployment of the STARS programs and also establish a GIS/GPS framework on the State's public roadways which will benefit the safety of the traveling public in Montana.

Mr. SHELBY. I thank the Senator for his support of this report. I agree with my colleague from Montana that the intention of these funds within the framework established by the ITS account are available to the State of Montana for use in both completing the STARS program, as well as, working on the GIS/GPS project.

Mr. SMITH of New Hampshire. Mr. President, it is with great regret that I rise today to oppose the conference report to the Transportation appropriations bill.

I want to begin by praising my colleagues on the Committee on Appropriations who have worked so hard on this bill and conference report. I know they have faced many difficult issues, competing demands for limited resources, and the pressure of time as this Congress winds down. And there are many good provisions in this bill, including several that will benefit my home State of New Hampshire.

These include: $2 million of the extension of the Commuter Rail line from Boston to Lowell, Massachusetts into Nashua, New Hampshire; A provision that designates the I–93 project as a national model for implementation of environmental streamlining; $1.5 million for improvements to U.S. Route 2 in New Hampshire; $500,000 for the Concord 20/20 Vision project; $250,000 for the Bedford, New Hampshire Route 101 Corridor Study and Improvements; $200,000 for a Feasibility Study of a High Speed Rail Corridor from Boston, MA to Burlington, VT, through New Hampshire; $10 million nationally for the Historic Covered Bridge Program, under which N.H. communities can apply for funds to repair covered bridges; $12 million for construction of the Broad Street Parkway in Nashua, NH; Over $137 million to the New Hampshire Department of Transportation under the states' federal highway allocation authorized by the 1998 Transportation Equity Act for the 21st Century (TEA–21).

But this bill contains several objectionable departures from TEA–21, which are under the clear jurisdiction of the Environment and Public Works Committee, the authorizing committee which I chair.

First, I am concerned about the so-called .08 blood alcohol content (BAC) provision to mandate a nationwide standard for state drunk driving laws by threatening sanctions on highway

funding. In TEA–21 we specifically rejected this approach in favor of incentives to encourage stronger drunk driving laws. Congress worked hard to reach this compromise during TEA–21 so that states could address highway safety and drunk driving in a variety of ways, without the federal government forcing them to focus on whether their laws contain .08 as the magic number. This heavy handed approach that was pushed through on an appropriations bill threatens to take away highway funds from 32 states. I will carry my strong opposition to funding sanctions into the next transportation reauthorization bill, and I hope we have seen the last of this kind of federal intervention.

On this issue of funding, in TEA–21 we guaranteed collections into the Highway Trust Fund would be redistributed to the states and to DOT discretionary programs. When these collections are above TEA–21 estimates, the additional funds, called RABA funds, are distributed according to TEA–21.

This bill makes several major and minor adjustments to the RABA funds—including failing to provide for some programs, and diverting these funds to special projects.

On top of this, the bill also takes an extra $1.4 billion in funds from the Highway Trust fund to go to special projects.

This money is not authorized to be spent in TEA–21. This money comes out of Highway Trust Fund balances. This is like the balance in your checkbook that is there to pay outstanding bills and checks that are waiting to clear.

In TEA–21 we crafted careful compromises over how Highway Trust Fund dollars are spent and distributed. This bill ignores our work and includes page after page of earmarks for unauthorized projects.

We have not been consulted on the viability of these projects, we have no assurance that these projects are important, whether they have met environmental clearances, or whether the funds provided are based on engineering estimates for these projects.

The Highway Trust Fund money is to be distributed to states where they have local control over which projects are funded and when. This bill attempts to circumvent this process with funding earmarks.

I object to this intrusion into the Highway Trust Fund. It is unwise to pick and choose highway projects to insert in the appropriations bill.

As I stated at the beginning, there are many good provisions in this Transportation conference report. I applaud the work that my colleagues have done and appreciate the support they have given to important New Hampshire projects. Therefore, it is with great reluctance that I oppose the conference report.

Mr. FEINGOLD. Mr. President, I regret that I must oppose the Conference Report on H.R. 4475, the Transportation Appropriations Act, because it contains a number of provisions that I support. Others have noted the amount of special interest spending that was included in this bill. While I understand and share the desire of others to respond to particular local concerns, the level of such spending in this bill has become so great that it undercuts the efforts we made in the last Congress to bring more equity to the way transportation dollars are distributed.

Mr. President, beyond that I am greatly disappointed that this measure also includes a provision that is effectively a mandate on States with respect to blood alcohol levels. This issue is classically a matter of State discretion, and the Federal government has no business engaging in what amounts to little more than extortion to impose a policy on States in an area that is so clearly a State matter.

Mr. President, I have come to the floor before to talk about the disturbing trend toward the federalization of matters that should be left to state and local governments to decide. We have seen this in a number of policy areas, including our criminal justice system, but perhaps no area has been the subject of more inappropriate Federal intervention than transportation. From speed limits to seat belts, from helmets to blood alcohol levels, Congress effectively has usurped State authority to set public policy in this area.

Mr. President, I was privileged to serve in the Wisconsin State Senate for ten years, and I can tell you that state legislators like to have something to do. State legislators and governors are fully capable of understanding the arguments made in favor of adopting the .08 standard, and the Congress should not interfere with a policy matter that is so clearly a State prerogative.

Again, Mr. President, I regret I cannot support this measure. Adequate funding for the full spectrum of our transportation infrastructure is one of my highest budget priorities. But the inclusion of the blood alcohol standard puts that very needed funding at risk for states like Wisconsin that have a different policy. As with the special interest provisions that are included in this measure, it undermines the great strides that were made as part of TEA 21 to get Wisconsin a fairer portion of the revenue Wisconsin taxpayers contribute to the transportation fund.

Mr. McCAIN. Mr. President, the United States' transportation infrastructure is vital to its success as a nation. The ability to regulate and move goods and people safely and efficiently by land, air and sea has defined industrialized countries, nationally and internationally, for centuries. With our economy prospering, there have been significant increases in travel and movement of goods across our country. As a result, it is essential that critical transportation safety and policy programs get proper funding. This Transportation Appropriations conference report takes some appropriate steps in that direction.

However, while I agree with the need for increased funding, I do not agree with the need for increased pork. Unfortunately, once again, the appropriations committee has adopted the mantra that increased funding for necessary programs equals increased pork-barrel spending for parochial projects.

Mr. President, while I was speaking on the floor Monday, I read aloud from an article in that day's Wall Street Journal about the Congressional scramble to wrap up budget negotiations while at the same time, a frantic chase was underway by members seeking to ensure they could take home plenty of earmarked port barrel projects for their districts and states. Well, that article was like reading a crystal ball. And this enormously bloated transportation bill takes the cake. It illustrates one of the most gluttonous, pork-driven, self-serving spending agendas we've seen yet.

Therefore, once again I must rise to object to the immense amount of special projects that have been earmarked in a conference report. Through the appropriations conference, legislators have tacked on millions of dollars in special interest ''projects''. These projects are pure pork tacked on for the benefit of a particular area or community. While some of these projects may not be objectionable on their merits, the process by which they are added is unconscionable.

During closed-door conferences, decisions were made to tack on millions of dollars in special projects. Other members were not allowed to participate in, or vote on, the outcome. While democracy is the foundation of our government, the democratic process is shut out of these closed-door proceedings. Members were not even allowed to view the contents of this report until early this morning, even though it has been reported the conference was completed Tuesday morning. No member should be asked to consider a 146 page bill and 236 page report they were given no time to review. I do not think the managers of this legislation, nor, more importantly, the leadership of this chamber, should be at all proud of how this process has been handled. Indeed, this is not the kind of leadership we can expect the American voters to embrace.

This earmarking process takes away the discretion of the very Federal agencies created and empowered to disburse federal funding. At the current levels of earmarking, we should just save the American taxpayers billions of dollars and abolish all Federal agencies and let the appropriators dole out money directly without any oversight.

This transportation appropriations conference report adds more than $3 billion over the Administration's FY 2001 funding request.

According to published reports, and I must rely on them, since neither I nor my staff have been allowed to view the

report until moments ago, more than $2 billion of these funds are earmarked for highway and bridge projects.

I note $600 million is earmarked for the project to replace the Woodrow Wilson Bridge over the Potomac River between Virginia and Maryland. The project already was given an earmark of $900 million through the Transportation Equity Act of the 21st Century, TEA–21—that is, $900 million in addition to the billions of dollars each state receives in their annual highway funding allocation. To add insult to injury, the additional money is being taken from the budget surplus.

Mr. President, mark my word, that project is the next ''Big Dig'' in the making. The estimated costs of the project have already soared from $1.9 billion to $2.5 billion—and you can bet those costs will keep going up and up and up.

Besides earmarking more than $2 billion in extra funds for highway and bridge projects, of which the Wilson Bridge receives 25 percent of, the conference managers earmarked nearly every other dollar available in the bill.

These earmarks reportedly include $102 million for the U.S. 82 bridge over the Mississippi River at Greenville, Mississippi, $100 million for I–49 in Arkansas and almost $20 million for I–69 in Tennessee. Mr. President, there are a lot of roads and bridges that need rehabilitation; I don't understand why Congress is substituting its judgment for the judgment of Federal agencies.

In addition, there have been a reported $700 million in transit earmarks for the Chicago Metro and Transit Authority in the home state of the Speaker of the House, for a rapid transit bus project at Dulles International Airport in the home state of the Chairman of the House Transportation Appropriations Subcommittee and for the Minneapolis Hiawatha project in the home district of the ranking member of the House Appropriations Subcommittee.

According to his own press releases, and again, I had to rely on them since I had no real opportunity to view the bill, the Chairman of the Senate Appropriations Subcommittee on Transportation has managed to earmark almost $300 million in transportation funds for his home state. Again that is $300 million in personal projects for his state!

Included in this amount is $100 million for the construction of ''Corridor X'', a 97 mile highway through northwest Alabama; $34 million for construction of the Birmingham Northern Beltline; $10 million to construct a Transportation Technology Center at Auburn University; $3 million to the State of Alabama to develop a training program for jobs in the automobile manufacturing field.

The conference report also provides $9 million to replace the Whitesburg Bridge in Alabama; $5 million for the Mobile Alabama Maritime Center; $2.5 million to initiate on-campus shuttle bus service at the University of South Alabama; $2 million for the University of Alabama-Birmingham to acquire fuel cell buses; and $2 million to the University of North Alabama to improve transit and pedestrian access.

Mr. President, this is taxpayer money used to fund the personal pork projects of the appropriators. And I have never seen the levels of pork that we are reaching.

This year, for the first time ever, the appropriators have earmarked $300 million for specific discretionary projects in the FAA airport improvement program. This past year, we fought long and hard with the appropriators and budgeteers to ensure that there was increased funding for airport infrastructure. This was necessary to attempt to keep up with the significant increase in air travel over the past 10 years and the expected increase over the next 10. I congratulate Congress for meeting the agreed upon levels of authorizations.

However, now that we have increased funding, the appropriators feel as if they have the necessary knowledge and expertise to determine where $300 million of these monies should go. Mr. President, I realize that as members of Congress, we travel a great deal. However, I don't believe that experience supplies members with the necessary wisdom to replace FAA's judgment on which projects deserve merit and which projects do not.

The FAA is tasked with the safety of our aviation system. But Congress won't let it do the job. Now we are saying to—indeed, the bill directs—the FAA to spend this increased funding where Congress wants it to, not where it is needed. Mr. President, this is obscene and untenable.

Mr. President, I could go on and on about pork-barrel spending and its effect on the taxpayer, but I will conclude with this thought. We have acted responsibly to increase funding, we are not acting responsibly by denoting where this money should go. I ask unanimous consent that examples of this port barrel spending from the transportation appropriations conference report be entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 4475, FY 2001 TRANSPORTATION APPROPRIATIONS CONFERENCE COMMITTEE REPORT

—Bill earmarks $5,000,000 for Alabama State Docks;

—Bill earmarks $7,500,000 for Auburn University Transportation Center;

—Bill earmarks $18,467,857 for Woodrow Wilson Memorial Bridge;

—Bill earmarks $1,735,039 Alaska Highway;

—Bill earmarks $8,000,000 for US177 in Stillwater, Oklahoma;

—Bill earmarks $4,300,000 for US177 in Cimarron River, Oklahoma;

—Bill earmarks $1,500,000 for US 70 near Broken Bone, Oklahoma;

—Bill earmarks $100,000 for US 70 in Marshall and Byran Counties, OK;

—Bill earmarks $24,600,000 for I–55 in Mississippi;

—Bill earmarks $4,000,000 for Albany to North Creek intermodel transportation corridor.

—Bill earmarks $1,000,000 for Battiest-Pickens Road, Oklahoma;

—Bill earmarks $8,000,000 for the Patton Island bridge in Lauderdale County, AL;

—Bill earmarks $46,000,000 for traffic mitigation on SR 710 in California;

Report earmarks: $1.4 million for the 2001 Special Winter Olympics; $1 million to ensure consumer information and choice in the airline industry; $2 million for planning for the Salt Lake City Winter Olympic Games; $3 million for automotive workforce training; $300,000 for DOT to study telework efforts in the New York metropolitan area; and $3 million of minority business outreach.

FEDERAL HIGHWAY ADMINISTRATION

Report earmarks: $4 million for commercial remote sensing products and spatial information technologies; $10 million for the national historic covered bridge preservation program; $5 million for construction and improvement of the Alabama State Docks; $10 million for the Auburn University for the Center for Transportation Technology; $7.5 million for Child Passenger Protection Education Grants; $25 million for the transportation and community and system preservation program; $1.6 million for international trade data systems; and $1 million to conduct a study of corporate average fuel economy standards.

Report directs the Secretary of the Army to remove lead-based paint from the St. Georges Bridge in Delaware, to repaint the bridge and to conduct an assessment for rehabilitation of the bridge using funds from the Energy and Water Development Appropriations Acts.

Report redistributes TEA–21 RABA funding after deducting $156,486,491 for ''high priority projects'' including $25 million for Indian reservation roads program, $18.4 million for the Woodrow Wilson Bridge, $10 million for the CDL program, and $1.7 million for the Alaska Highway.

Report stipulates how funds apportioned for Oklahoma, Mississippi, New York, Nebraska, Alabama, and California are to be allocated within those states.

Report directs DOT Secretary to designate the New Hampshire I–93 corridor as an environmental streamlining pilot project.

Report encourages FHWA to expend up to $500,000 to explore traffic striping technology improvements which enhance reflectivity in heavy rain; $2 million to determine the effectiveness of Freezefree anti-icing systems; for cooperative research at the Western Washington University Vehicle Research Institute for safety and related initiatives; up to $500,000 for rural bridge safety research in cooperation with the Vermont Agency of Transportation and up to $1.8 million to the Transportation Research Institute at the George Washington University for multimodal crash analysis.

Report earmarks $15 million for pavements research, including $750,000 for cement concrete pavement research at Iowa State University; $2 million for alkali silica reactivity research, up to $2 million for research into the GSB–88 emulsified sealer/binder treatment; up to $2 million for a cooperative polymer additive demonstration involving South Carolina State University and Clemson University, and up to $1 million for geosynthetic material pavement research at the Western Transportation Institute.

Report provides $15 million for structures research, encouraging FHWA to provide up to $2 million for research at the Center for Advanced Bridge Engineering at Wayne State University; up to $2 million for earthquake hazards mitigation research at the University of Missouri-Rolla; up to $2 million for related engineering research at West Virginia University; up to $2 million for research for wood structures at the University

of Maine; up to $2 million for rustproofing and paint technology transfer project using the I–110 bridge from I10 to U.S.—90, and up to $1.5 million for research at Washington State University.

Report provides $6.2 million for environmental research, and encourages FHWA to provide up to $1 million for the Sustainable Transportation Systems Lab and the National Center for Transportation Technology for mitigation research for heavily-trafficked national parks; up to $1.5 million for a dust and persistent particulate abatement demonstration study in Kotzebue, Alaska, and up to $1 million for the National Environmental Respiratory Center.

For Highway operations and assent management, the report encourages FHWA to provide up to $800,000 for innovative infrastructure financing best practices at the University of Southern California; up to $1 million for the road life research program in New Mexico; up to $2 million for the New York and Auburn University for continued work on a transportation management plan.

FERRY BOATS AND FERRY TERMINAL FACILITIES

The report earmarks the entire amount available for ferry boats and ferry terminals for projects in 15 states.

MAGLEV

The report directs that $21.5 million be used for the deployment of high-speed maglev projects as follows:

$5 million for the Pittsburgh International Airport link;

$1 million for the Maryland Department of Transportation for the Baltimore Washington International Airport link;

$1 million for the California-Nevada Super Speed Train Commission;

$1 million for the Georgia/Atlanta Regional Commission,

$1 million for the Southern California Association of Governments for a link between Los Angeles International Airport to March Air Force Base;

$1 million for the Florida Department of Transportation; and

$1 million for the Greater New Orleans Expressway Commission.

The report further earmarks the following Low-speed maglev program:

$2,000,000 for the Segmented Rail Phased Induction Electric Magnetic Motor (SERAPHIM) project;

$2 million for the Colorado Intermountain Fixed Guideway Authority Airport link project; and

$2 million for the Pittsburgh Pennsylvania airborne shuttle system.

Report includes $50 million for the transportation and community and system preservation program and earmarks the funds as follows:

Project	Conference
Anniston Evacuation corridor, Calhoun County, Alabama	$3,000,000
Avalon Boulevard/405 Freeway interchange, Carson, California	875,000
Boca Raton traffic calming, Florida	500,000
City of North Ridgeville, Lorain County, Ohio grade crossing improvements	600,000
Coalfields expressway, Virginia	4,000,000
Coalfields expressway, West Virginia	10,000,000
Downtown Fitchburg Route 12, extension, Massachusetts	2,000,000
Hatcher Pass (phase I), Alaska	2,000,000
I–25 corridor from Alameda to Logan, Colorado	4,000,000
I–29 Port of Entry, Union County, South Dakota	2,000,000
I–35 corridor expansion, Waco, Texas	1,325,000
I–5 South Medford interchange and Delta Park, Oregon	1,000,000
I–65 upgrade, Clark County, Indiana	1,350,000
I–66, Somerset to London, Kentucky	5,000,000
I–69 corridor, Louisiana	2,300,000
I–69 corridor, Texas	3,000,000
I–74 bridge, Moline, Illinois	5,600,000
Madison County, KY 21 and I–75, Kentucky	1,000,000
New Boston Road improvements, Mercer County, Illinois	3,000,000
Radio Road overpass, City of Sulphur Springs, Texas	1,350,000
Route 104, Virginia	1,000,000
South Shore industrial safety overpass, Indiana	4,750,000
Stevenson expressway, Illinois	3,800,000
US 19, Florida	10,000,000
US 25 improvements, Kentucky	2,000,000
US 321 and US 74, Gasden and Mecklenburg County, North Carolina	500,000
US 395 North Spokane corridor, Washington	1,000,000
US 43, Alabama	4,000,000
US 51 widening, Decatur, Illinois	1,350,000
US 95 (Milepost 522 to Canadian border), Idaho	1,900,000
US Route 2, New Hampshire	1,500,000
US–61 (Avenue of the Saints), Missouri	4,000,000
WI 29 (Chippewa Falls bypass, Wisconsin)	3,000,000

The report earmarks FHWA's public lands discretionary program as follows:

20/20 vision project in Concord, New Hampshire	500,000
Arkansas River, Wichita, Kansas, pedestrian transportation facility	1,000,000
Bangor, Maine, intermodal hub facility planning, railroad crossing signalization, bike and pedestrian trails	600,000
Bedford, New Hampshire, corridor planning	250,000
Billings, Montana, open/green space improvement project	775,000
Bowling Green, Kentucky, Riverfront Development transportation enhancements	1,000,000
Buckeye Greenbelt parkway beautification, Toledo, Ohio	250,000
Burlington, Vermont, North Street and Church Street improvements	1,100,000
Chantry Flats Road, Sierra Madre, California	600,000
Charleston, West Virginia, Kanawha Boulevard Walkway project	2,000,000
City of Angola and Steuben City, Indiana, bike path	325,000
City of Bedminster, New Jersey, bike path	500,000
City of Coronado, California, mobility improvements	600,000
City of Ferndale, Michigan, traffic signals	50,000
Claiborne County, Mississippi, access road from US 61 to new port facility	400,000
Clay/Leslie County, Kentucky	2,000,000
Clovis, New Mexico, street revitalization	750,000
Community and environmental transportation acceptability process, California	1,000,000
Delong Mountain, Alaska, airport access and related planning	300,000
Downtown Omaha, Nebraska, access and redevelopment project	300,000
East Redoubt Avenue improvements, Soldotna, Alaska	725,000
El Segundo, California, intermodal facility improvements	1,000,000
Elwood bicycle/pedestrian bridge, County of Santa Barbara, California	250,000
Fairbanks, Alaska, downtown transit and cultural integration planning	450,000
Fairfax cross county trail/Potomac national heritage Scenic Trail, Virginia	500,000
Flint, Michigan, transportation planning and origin & destination shipping study	150,000
Fort Worth, Texas, trolley study	750,000
Heritage Corridor Project study, Illinois	200,000
High capacity transportation system study, Albuquerque, New Mexico	500,000
Houston, Texas, Main Street Connectivity Project	750,000
Hudson River Waterfront Walkway, New Jersey	2,000,000
Huffman Prairie Flying Field Pedestrian and Multimodal Gateway Entrance, Dayton, Ohio	700,000
Humboldt Greenway project, Hennepin County, Minnesota	1,000,000
Jackson traffic congestion mitigation planning, Mississippi	600,000
Johnstown, Pennsylvania, pedestrian and streetscape improvements	400,000
Kansas City, Missouri, Illus Davis Mall enhancements	350,000
Las Cruces, New Mexico railroad and transportation museum	200,000
Lincoln Parish transportation plan, Louisiana	1,500,000
Lodge freeway pedestrian overpass, Detroit, Michigan	900,000
Manchester, Vermont, pedestrian initiative	375,000
Marked Tree, Arkansas, to I–55 along U.S. Highway 63 improvements and controlled access lanes	600,000
Minnesota Trunk Highway 610/10 interchange construction of I–94	1,650,000
Mitchell Marina development, Greenport, New York	250,000

Mobile, Alabama, GM&O intermodal center/Amtrak station	650,000
Montana DOT/Western Montana College statewide geological sign project	200,000
Montana statewide rail grade separation study and environmental review	400,000
New Bedford, Massachusetts, North Terminal	200,000
New Orleans, Louisiana, intermodal transportation research	950,000
NW 7th Avenue corridor improvement project, Miami, Florida	100,000
Ohio and Erie Canal corridor trail development, Ohio	1,000,000

Conference agreement includes a total of $218,000,000 for Intelligent Transportation System (ITS) of which $118,000,000 is available for ITS deployment activities and $1000,000,000 for R&D earmarked as follows:

Alameda-Contra Costa, CA—$500,000;
Aquidneck Island, RI—$500,000;
Arapahoe County, CO—$1,000,000;
Austin, TX—$250,000;
Automated crash notification system, UAB—$1,000,000;
Baton Rouge, LA—$1,000,000;
Bay County, FL—$1,500,000;
Beaumont, TX—$150,000;
Bellington, WA—$350,000;
Bloomingdale Township, IL—$400,000;
Calhoun County, MI—$750,000;
Carbondale, PA—$2,000,000;
Cargo Mate, NJ—$750,000;
Charlotte, NC—$625,000;
College Station, TX—$1,800,000;
Commonwealth of Virginia—$5,500,000;
Corpus Christi, TX—vehicle dispatching—$1,000,000;
Delaware River Port Authority—$1,250,000;
DuPage County, IL—$500,000;
Fargo, ND—$1,000,000;
Fort Collins, CO—$1,250,000;
Hattiesburg, MS—$500,000;
Huntington Beach, CA—$1,250,000;
Huntsville, AL—$3,000,000;
I–70 West project, CO—$750,000;
Inglewood, CA—$600,000;
Jackson, MS—$1,000,000;
Jefferson County, CO—$4,250,000;
Johnsonburg, PA—$1,500,000;
Kansas City, MO—$1,250,000;
Lake County, IL—$450,000;
Lewis & Clark trail, MT—$625,000;
Montgomery County, PA—$2,000,000;
Moscow, ID—$875,000;
Muscle Shoals, AL—$1,000,000;
Nashville, TN—$500,000;
New Jersey regional integration/TRANSCOM—$3,000,000;
North Las Vegas, NV—$1,800,000;
North Central Pennsylvania—$1,500,000;
Norwalk and Santa Fe Springs, CA—$500,000;
Oakland and Wayne Counties, MI—$500,000;
Pennsylvania Turnpike Commission—$1,500,000;
Philadelphia, PA—$500,000;
Puget Sound Regional Fare Coordination—$2,500,000;
Rensselaer County, NY—$500,000;
Rochester, NY—$1,500,000;
Sacramento to Reno, I–80 corridor—$100,000;
Sacramento, CA—$500,000;
Salt Lake City—Olympic Games—$1,000,000;
San Antonio, TX—$100,000;
Santa Teresa, NM—$500,000;
Schuylkill County, Pennsylvania—$400,000;
Seabrook, Texas—$1,200,000;
Shreveport, LA—$2,000,000;
South Carolina statewide—$1,000,000;
South Dakota commercial vehicle ITS—$1,250,000;
Southeast Michigan—$500,000;
Southhaven, MS—$150,000;
Spokane County, WA—$1,000,000;
Springfield—Branson, MO—$750,000;
St. Louis, MO—$500,000;
State of Arizona—$1,000,000;
State of Connecticut—$3,000,000;
State of Delaware—$1,000,000;
State of Illinois—$1,000,000;
State of Indiana (SAFE–T)—$1,000,000;
State of Iowa (traffic enforcement and transit)—$2,750,000;
State of Kentucky—$1,500,000;
State of Maryland—$3,000,000;
State of Minnesota—$6,500,000;
State of Missouri—Rural—$750,000;
State of Montana—$750,000;
State of Nebraska—$2,600,000;
State of New Mexico—$750,000;
State of North Carolina—$1,500,000;
State of North Dakota—$500,000;
State of Ohio—$2,000,000;
State of Oklahoma—$1,000,000
State of Oregon—$750,000;
State of South Carolina statewide—$4,000,000;
State of Tennessee—$1,850,000;
State of Utah—$1,500,000;
State of Vermont—$500,000;
State of Wisconsin—$1,000,000;
Texas Border Phase I Houston, TX—$500,000;
Tuscaloosa, AL—$2,000,000;
Tucson, AZ—$2,500,000
Vermont rural ITS—$1,500,000;
Washington, DC area—$1,250,000;
Washoe County, NV—$200,000;
Wayne County, MI—$5,000,000; and
Williamson County/Round Rock, TX—$250,000.

FEDERAL TRANSIT ADMINISTRATION

—Bill earmarks $60,000,000 for planning, delivery, and temporary use of transit vehicles and construction of temporary transportation facilities for the Olympics in Salt Lake City, Utah to the Utah Department of Transportation and removes the requirement for any state or local matching funds.

—Bill earmarks $4,983,828 for the Pittsburgh airport busway project;

—Bill earmarks $1,488,750 Burlington to Gloucester, NJ line;

The bill further earmarks:

$10,400,000 for Alaska and Hawaii ferry projects;

$500,000 for the Albuquerque/Greater Albuquerque mass transit project;

$25,000,000 for the Atlanta, Georgia, North line extension project;

$1,000,000 for the Austin, Texas, capital metro light rail project; together with $50,000,000 transferred from ''Federal Transit Administration, Formula grants'';

$3,000,000 for the Baltimore central LRT double track project;

$5,000,000 for the Birmingham, Alabama, transit corridor;

$25,000,000 for the Boston South Boston Piers transitway project;

$1,000,000 for the Boston Urban Ring project;

$2,000,000 for the Burlington-Bennington (ABE), Vermont, commuter rail project;

$1,000,000 for the Calais, Maine, branch line regional transit program;

$2,000,000 for the Canton-Akron-Cleveland commuter rail project;

$3,000,000 for the Central Florida commuter rail project;

$15,000,000 for the Chicago Ravenswood and Douglas branch reconstruction projects;

$1,500,000 for the Clark County, Nevada, RTC fixed guideway project;

$4,000,000 for the improvement project;

$5,000,000 for the Charlotte, North Carolina, north corridor and south corridor;

$1,000,000 for the Colorado Roaring Fork Valley project;

$70,000,000 for the Dallas north central light rail extension project;

$5,000,000 for the Denver Southeast corridor project;

$20,200,000 for the Denver Southwest corridor project;

$500,000 for the Detroit, Michigan, metropolitan airport light rail project;

$50,000,000 for the Dulles corridor project;

$15,000,000 for the Fort Lauderdale, Florida, Tri-County commuter rail project;

$1,000,000 for the Galveston, Texas, rail trolley extension project;

$15,000,000 for the Girdwood to Wasillia, Alaska, commuter rail project; and

$1,000,000 for the Hollister/Gilroy branchline.

FEDERAL RAILROAD ADMINISTRATION

—Bill earmarks $17,000,000 for the construction of a third track on the Northeast Corridor between Davisville and Central Falls, RI;

—Bill earmarks $25,100,000 for High Speed Rail program;

—Bill earmarks $20,000,000 for Alaska Railroad; and

—Bill earmarks $15,000,000 for West Virginia rail development.

The report provides $350,000 to establish an ''intermodal emergency response training center for the southeast region of the country, to be located in Meridian, Mississippi.

The report provides $100,000 for a grant to Alabama State docks, a state owned facility, for a study of the cost and economic benefits of restoring rail service on Blakeley Island in Mobile Bay.

The report provides a total of $700,000 for North Carolina's ''sealed corridor initiative.''

Under the heading of ''corridor planning'', $200,000 is provided for a Boston to Burlington high-speed corridor feasibility study; $200,000 for the Southeast corridor extension from Charlotte, NC to Macon, GA; and $300,000 for the Gulf Coast high speed rail corridor from Mobile, AL to New Orleans, LA.

The conference report provides $20,000,000 for the Alaska Railroad.

The report provides $15,000,000 for Rail Development in West Virginia.

The report provides funding for Rail-highway crossing hazard elimination. Of these funds, $750,000 for the High Speed Rail corridor from Washington to Richmond; $1.5 million for the High Speed rail corridor from Mobile to New Orleans; $1.5 million for Salem, OR; $125,000 for both Atlanta to Macon, GA and the Eastern San Fernando Valley, CA; $500,000 for both the Harrisburg to Philadelphia corridor and the Milwaukee to Madison, WI corridor; and $250,000 is provided for the Minneapolis/St. Paul to Chicago high speed rail corridor.

The conference agreement, in Sec. 321, allows funds made available ''for Alaska or Hawaii ferry boats or terminal facilities to be used to construct new vessels and facilities; or to improve existing vessels and facilities.

U.S. COAST GUARD

Operating expenses

Conference Report earmarks $1,000,000 for Tulane University and the University of Alabama in Birmingham to investigate the unique occupational and health hazards affecting Coast Guard personnel due to their work in the marine environment. (Not Requested, p. 13) (Senate provision originally provided $1.75 million).

Conference Report directs the Coast Guard to evaluate the ''boatracs'' text communication system. (p. 14) (Authorizing provision not included in either bill).

Conference Report directs the Coast Guard to conduct an assessment of progress to replace single hull tankers with double hull ships (p. 14) (Authorizing provision not included in either bill).

Acquisition, construction, and improvements

Bill language earmarks $5,800,000 to be transferred from the Coast Guard to the City of Homer, AK, for the construction of a municipal pier and other harbor improvements. (Not requested).

Conference Report earmarks $1,000,000 for Helipad modernization in Craig, AK (not requested).

Alteration of bridges

The FY 2001 Budget Request proposed that funding for this account be provided out of the FHWA's discretionary bridge program instead of the Coast Guard's budget. This account was authorized by the last Coast Guard Authorization bill (FY 98). Conference report provides $15.5 million to repair 6 bridges under the Truman-Hobbs Act. The report earmarks $3,000,000 for the Sidney Lanier highway bridge in Brunswick, GA; $3,000,000 for the EJ&E railroad bridge in Morris, IL; $2,000,000 for the John F. Limehouse bridge in Charleston, SC; $3,000,000 for the Fourteen Mile Bridge in Mobile, AL; $3,925,000 for the Florida Avenue bridge in New Orleans, LA; and $575,000 for the Fox River Bridge in Oshkosh, WI. (Not requested).

General provisions

Sec. 382 prohibits funds to be used to adjust the boundary of the Point Retreat Light Station currently under lease to the Alaska lighthouse Association. (This provision conveys to the lighthouse association approximately an additional 1500 acres of land currently held by the U.S. Forest Service).

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and research

Prohibits funds from being used to plan, finalize, or implement any rulemaking for any requirement pertaining to a grading standard that is different from the three standards (treadwear, traction, and temperature resistance) already in effect. (Included since FY 1996); and

Requires an NAS study on the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that may induce rollovers (but allows NHTSA to continue to move forward with the rollover rating proposal during the NAS study).

Conference report earmarks $750,000 for the Brain Trauma Foundation to continue phase three of the guidelines for pre-hospital management of traumatic brain injury.

Conference report earmarks $750,000 for an aggressive driving program in Maryland, Virginia, and D.C. as specified in the House report.

Conference report earmarks $250,000 to the University of Vermont's College of Medicine and Fletcher Allen Health Care for advance mobile video telecommunications links in rural areas.

Conference report earmarks $500,000 to continue a project at the University of South Alabama on rural vehicular trauma victims, as proposed by the Senate.

Conference report earmarks $250,000, within contract funds, to Mercer University Research Center for a school bus safety initiative, as proposed by the Senate.

Conference report earmarks $1,000,000 to the Injury Control Research Center at the University of Alabama for research on cervical spine and paralyzing neck injuries from motor vehicle accidents.

Conference report prohibits the use of funds to prepare, prescribe, or promulgate different CAFE standards.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Colorado (Mr. CAMPBELL), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mr. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Washington (Mrs. MURRAY) would each vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 10, as follow:

[Rollcall Vote No. 267 Leg.]

YEAS—78

Abraham	Frist	Mack
Akaka	Gorton	McConnell
Ashcroft	Grams	Mikulski
Bayh	Grassley	Miller
Bennett	Gregg	Moynihan
Biden	Hagel	Reed
Bingaman	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Helms	Roberts
Bryan	Hollings	Rockefeller
Bunning	Hutchinson	Roth
Burns	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Chafee, L.	Inouye	Schumer
Cleland	Jeffords	Sessions
Cochran	Johnson	Shelby
Collins	Kerrey	Smith (OR)
Conrad	Kerry	Snowe
Craig	Kohl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lincoln	Warner
Edwards	Lott	Wellstone
Fitzgerald	Lugar	Wyden

NAYS—10

Allard	Gramm	Thomas
Baucus	McCain	Voinovich
Feingold	Nickles	
Graham	Smith (NH)	

NOT VOTING—12

Bond	Durbin	Kyl
Boxer	Enzi	Lieberman
Campbell	Feinstein	Murkowski
Dorgan	Kennedy	Murray

The conference report was agreed to.

Mr. SHELBY. 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 Senator from Iowa is recognized for 15 minutes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

THE NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, it has now been 218 days—218 days that the Judiciary Committee of the Senate has had Bonnie J. Campbell's name there and not reported her out. She has had her hearings. Her paperwork is done. Yet she sits bottled up in the Senate Judiciary Committee.

I understand that later today—or maybe early next week—there will be a unanimous consent request to bring up for consideration and pass the Violence Against Women Act. It is a very good bill, a good law, that has done a lot to help reduce domestic violence in our country.

But we have an interesting dichotomy here. There will be a line of Senators out here talking about how they are all for the Violence Against Women Act. It will go through here like greased lightning. But when it comes to the person who has been in charge of implementing the provisions of the Violence Against Women Act, the person who has been in charge of the Office of Violence Against Women since its beginning in 1995—because it was created by the Violence Against Women Act—when it comes to that person who is widely recognized all over America as the one person who has done more to implement that law than anybody else—when it comes to that person, they say, no, we are not going to let her be reported out of the Judiciary Committee. That is Bonnie Campbell.

It is all right to have the Violence Against Women Act but, no, it is not all right to have her sit on the court of appeals—the one person who knows this law intimately, the one person who has led the fight in this country against domestic violence and violence against women in general.

Bonnie Campbell has not been treated fairly by this Senate, by the Republican leadership, and by the Senate Judiciary Committee.

I have heard all the arguments—including the one that she she wasn't nominated until this year. Mr. President, she was nominated in early March. She had her hearing in May. Yet the other day we reported four judges out, all of whom were nominated later than Bonnie Campbell. Three were nominated in July, had their hearing, and were reported out all in the same week. Yet Bonnie Campbell sits there, 218 days today.

It is not as if the appeals courts are full. We have 22 vacancies on the appeals courts. And we need more women serving on the appeals court. Out of 148 circuit judges, 33 are women—22 percent. Yet the Republican leadership in this Senate and on the Senate Judiciary Committee will not let Bonnie Campbell's name come out for a vote.

If somebody on the other side wants to vote against her, for whatever reason, that is their right. It is their senatorial privilege and even their responsibility, if they feel deeply about it, to do so. But I don't believe it is anyone's responsibility, nor even a right, to hold that name bottled up in committee when she is fully qualified. I have not heard one Senator say Bonnie Campbell is not qualified for this position—not one. I have heard no objections raised at all. She is supported by both the Senators from Iowa—a Republican Senator, Mr. GRASSLEY, and by me, a Democrat. So there has been strong, bipartisan support.

Again, she is a former attorney general of the State of Iowa and now head of the Violence Against Women office. Yet they won't report her name out.

Yes, they will let the Violence Against Women Act come through, and we will hear wonderful speeches about it, I am sure, from the Republican side. The House of Representatives, last week, voted for the Violence Against Women Act, 415–3. Does anybody believe they would have voted that overwhelmingly if the only person who has run that office had done a bad job and had not enforced the law fairly and equitably and brought honor to the law and the position? Absolutely not. By that 415–3 vote, they were saying Bonnie Campbell has done an outstanding job.

Mr. WELLSTONE. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. WELLSTONE. I say this to the Senator from Iowa—and I wonder whether he would agree with me—I think if we had an up-or-down vote on Bonnie Campbell, it would be 100–0 or 99–1. Under the Violence Against Women Act, in terms of dramatically affecting the lives of women and their children, we would not have been able to have made a real difference without Bonnie Campbell. She is the one who made this a reality——

Mr. HARKIN. Exactly.

Mr. WELLSTONE. When it came to directly affecting their lives. If we had a vote, I think it would be 100–0 or 99–1.

Mr. HARKIN. I hadn't made that point, but yes, that is true. If we had a vote, I daresay maybe one or two may have a problem for some reason, but I think it would be overwhelming.

Mr. LEAHY. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. LEAHY. The Republican nominee for President, George W. Bush, has said what the Senate ought to do on all these nominees is, within 60 days, vote them up or down, but at least bring them to a vote. Would the Senator from Iowa agree with me that that is a good idea on what should be done?

Mr. HARKIN. I think that is a great idea.

Mr. LEAHY. Would he also agree with me that if Governor Bush actually means that, he ought to pick up the phone and call the Republican leadership and say there are an awful lot of women and minorities and others who have been bottled up, as well as Bonnie Campbell, a lot longer than 60 days—I think one for more than 1,360 days—we ought to vote them up or down?

Mr. HARKIN. I agree.

Mr. LEAHY. Lastly, would the Senator from Iowa agree with me that all he wants and would be satisfied with—bring her down here, 9 o'clock in the morning, or at night, whatever, and let's have a rollcall vote? I can assure you, I have read all of her file, and I sit on the Judiciary Committee. I have gone through every bit of this. Bonnie Campbell is one of the most qualified people nominated by either a Republican or Democrat in the 25 years I have been on the Judiciary Committee.

Mr. HARKIN. I agree with the Senator from Vermont, my great friend who does an outstanding job on the Judiciary Committee. He is absolutely right. Governor Bush said we ought to have a 60-day deadline. He should pick up the phone, as my friend said, and call the Republican leadership. He is the leader of the Republican Party.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I will, as I do every day, ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate following the conclusion of action on the pending matter, and that the debate on the nomination be limited to 2 hours equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I intend to make my point every day. And as you can see, an objection to bringing Bonnie Campbell's name out of the Judiciary Committee so we can have a debate and vote is made every time on the Republican side. That is who is holding this up. It is a darn shame that this is being done to a person who has led an exemplary life, done an outstanding job in public service both as attorney general of Iowa and now as head of the Violence Against Women Office in the Department of Justice. It is not right, it is not fair.

So every day that we are here I will continue to ask unanimous consent to bring her name out. Before I yield the floor, once again, I will point out that in 1992, when there was a Republican President and a Democratic Senate, 9 circuit court judges had their hearings; there were 14 nominated in 1992, during an election year, and 9 had hearings. Of all those who had hearings, they were all referred and all confirmed—one as late as October of 1992, a couple in September, and a couple were in August.

When the shoe was on the other foot, when there was a Republican President and a Democratic Senate, we had the hearings. Everyone who had a hearing during the Bush Administration got a vote in Committee. All but one got a vote on the Senate floor. Well, Bonnie Campbell had her hearing. All the paperwork is done. Yet she has been referred. Every single one was confirmed in 1992.

Well, this is the year 2000 and we have had seven circuit court judges nominated this year. One has had a hearing and was referred and was confirmed. That is one out of seven. In 1992, it was 9 out of 14. Tell me who is playing politics around this place. Tell me who wants to play politics with the circuit courts. It is not our side. It is the other side.

In 1992, as I said, we had nine circuit judges nominated and confirmed. This year, there was only one. No. 1, it is a flimsy argument to say because she was nominated this year it is too late. No. 2, it is a phony argument that, well, it is a circuit court and maybe George Bush will win the election and, therefore, we will put Republicans on there instead of somebody such as Bonnie Campbell.

In 1992, as I pointed out, when the roles were reversed, we confirmed nine circuit court judges that year. We could have said the same thing: Bill Clinton may win, so don't confirm them. But we didn't do that. I believe the right course of action to follow is to report those out, let them have a debate. If people want to vote one way or the other, that is their right.

I will continue to take this floor every day until we adjourn sine die, or whatever we do here. I will begin to use every means at my disposal to get her name out of the Judiciary Committee and make sure she is treated fairly by this Senate and that at least we have a vote.

I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 3059

The PRESIDING OFFICER. The Senator from Arizona.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. MCCAIN. I am doing a unanimous consent.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent that the majority leader, in consultation with the Democrat leader, establish a date certain and time certain for consideration of S. 3059, and that only relevant amendments to the bill be in order.

Mr. REID. Reserving the right to object, I ask the Chair, is there no time certain for the vote on the unanimous consent request?

The PRESIDING OFFICER. No time certain.

Mr. REID. I object.

Mr. MCCAIN. Could I have the reason for the objection?

Mr. REID. I say to my friend, we are very anxious to move forward on this

matter, but we want a time for the vote.

Is this your request?

Mr. MCCAIN. It is my request.

Mr. REID. I thought it was a different matter; sorry. I withdraw my objection.

Mr. SESSIONS. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCAIN. Mr. President, before the Senator from Alabama leaves the floor, the Senator from Alabama should understand what he is doing.

This bill came out 2 weeks ago. This bill came out 2 weeks ago and there are relevant amendments that are in order. The Senator from Alabama is going to bear responsibility for our failure to act.

Mr. President, I quote to the Senator from Alabama what the Secretary of Transportation says:

> More importantly, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

I tell the Senator from Alabama, if we don't act expeditiously, we will not address life-threatening motor vehicle safety defects.

The Senator from Alabama can have all the amendments he wants that are relevant, and he can have all the time he wants that is relevant. By blocking the bill, the Senator from Alabama assumes great responsibility, great responsibility. I hope he has a chance to talk to the relatives of those who have already been killed, and those who are going to be killed if this legislation is killed.

Again, I ask unanimous consent that the majority leader, in consultation with the Democrat leader, establish a date certain and a time certain for consideration of S. 3059, and only relevant amendments to the bill be in order.

For the benefit of my colleagues, that doesn't mean there is any time limit or any limits on amendments. An objection to this can only be viewed as obstructionism. I say again, expeditious action on comprehensive legislation will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

I intend to come back to the floor in about 15 minutes and propound this unanimous consent agreement again, if there is an objection.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Will the Senator from Arizona yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. SESSIONS. I want to respond.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. How long does the Senator from Alabama desire to speak?

Mr. SESSIONS. Five minutes.

Mr. REID. The Senator from Montana has been on the floor for a long time and he wants 10 minutes; the Senator from Connecticut desires 10 minutes. I ask permission from the Senator from Montana to allow the Senator from Alabama to speak for 5 minutes, and I ask unanimous consent the speaking order be: the Senator from Alabama for 5 minutes; the Senator from Montana, 15 minutes; the Senator from Connecticut for 10 minutes, in that order; and following my having this consent granted, I ask that the Senators from Minnesota and from Kansas be allowed to speak for 1 minute.

Mr. BROWNBACK. At most to proffer a unanimous consent. Could we do that first?

I understand Senator DOMENICI seeks 20 minutes.

Mr. REID. I ask unanimous consent Senator DOMENICI speak for 20 minutes.

The PRESIDING OFFICER. Is there an objection?

Mr. MCCAIN. Reserving the right to object, I will want to have 10 minutes following Senator DOMENICI for the purpose of propounding another unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. BROWNBACK. This is a unanimous consent agreed to and worked out ad nauseam on both sides.

UNANIMOUS CONSENT REQUEST—H.R. 3244

Mr. BROWNBACK. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday the Senate proceed to the conference report to accompany H.R. 3244, the trafficking victims conference report and the conference report which has just passed the House, and be considered as having been read and considered under the following agreement for debate only: 2 hours equally divided between Senators BROWNBACK and WELLSTONE, or their designees; 3 hours under the control of the ranking member of the Judiciary committee; 1 hour under the control of Senator BIDEN; and 1 hour under the control of Senator HATCH.

I further ask consent that following the conclusion or yielding back of time, Senator THOMPSON be recognized to make a point of order against the conference report that the conference text, section 2001, regarding Aimee's law is not in the jurisdiction of the Foreign Relations committee and following the ruling by the Chair, Senator THOMPSON would appeal the Chair's ruling and that appeal be limited to the following: 1 hour under the control of Senator THOMPSON.

I further ask consent that following the use or yielding back of time, the vote relative to the appeal occur immediately on Wednesday, and if the Chair is not overturned, no other action occur and the Senate proceed to vote on adoption of the conference report, immediately, without any intervening action or debate.

Mr. LEAHY. Reserving the right to object, sometimes it is work to manufacture a time for a vote. I note, so there is not any confusion, and notwithstanding the fact that the conference report was sent over without people seeing it, I am perfectly happy to have the vote on this today. I am perfectly happy to go to a vote today on each of the aspects, so there will not be any question on that, and I understand that notwithstanding the fact that we can't get any other work done around here, the Republican leadership, which is their right, is going to take a few days off again, but I want to at least have this debate on the day we vote.

I commend the Senator from Kansas and the Senator from Minnesota for their work in getting us to this point. I do not object.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I know the Senator from Arizona cares deeply about his legislation. He cares deeply about every legislative piece he pushes. I have some important legislation pending, too, and I haven't had time to debate them.

The Paul Coverdell Criminal Laboratory for Forensic bill will probably save more lives than this bill. However, I think his request is not unreasonable. I do believe the bill has problems. As a person who prosecuted for over 15 years, I do not believe in a continual blurring of the lines between what is criminal liability and civil liability.

We are talking about making crimes out of defective building of an automobile. I think we have to be careful about that. It has not gone through the Judiciary Committee. I have not had a chance to see it and I was very concerned about it. I indicated my concern to others.

As I have been briefed on this just 5 minutes ago, by my staff—they provided a memorandum which I have not had a chance to even read—I was prepared to go forward with the Senator's request and not object. However, I find that several people expected that I would be objecting who also wanted to object, and I felt I was obligated, due to that miscommunication, to file an objection.

Two hours from now I will not object if no one else does. I am prepared to debate these problems and see if we can cure these problems, but I do not feel it would be a collegial thing for me to do, when apparently it was thought that I would object, so that is why I object.

Mr. MCCAIN. Will the Senator yield to me just for a comment?

Mr. SESSIONS. I will.

Mr. MCCAIN. I thank the Senator from Alabama. I will be back in 2 hours. I want to assure him I understand those concerns, particularly on criminal sanctions. No one knows the situation better than the Senator from Alabama, who was a former attorney general of his State, who has more knowledge on those issues than I do. I want to work with the Senator from Alabama on that. That is why relevant

amendments will be in order. I just hope the Senator from Alabama will allow this to move forward when we propound it again.

Again, I understand very well the concerns he has. That is why the unanimous consent agreement calls for simply relevant amendments, with no time limit. I think the stark political reality around here, as the Senator from Alabama knows, is that we are not coming back in until Wednesday. If the Senator from Alabama and others who object just have numerous amendments, there is no way we are going to be able to get a bill passed and then into conference with the House and move forward. So I thank the Senator from Alabama for his consideration. I understand his concerns. I look forward very much to working with him.

I yield and I thank my colleague from Montana for his indulgence.

THE PRESIDING OFFICER. The Senator from Montana is recognized.

COMMENDATION OF MONTANA WILDFIRE FIREFIGHTERS

Mr. BAUCUS. Mr. President, I rise today to talk about a matter that has impacted every inhabitant of the state of Montana: The wildfires of the past 2 months. The recent rain and snow have finally brought the fires in Montana under control, but many of the largest fires are still smoldering.

The Helena Independent Record Recently described the summer of 2000 as a:

> Fire season marked by miracles and loss, heroism and heartache, smoky skies and blackened backyards, of evacuations, waiting, planning and prayer.

This photo showing two elk trying to escape the flames was taken on August 6th in the Bitterroot Valley by Forest Service firefighter John McColgan. On this particular day several forest fires converged near Sula, burning over 100,000 acres and destroying 10 homes. And this fire was just one of dozens burning across Montana.

Mr. President, it is not an exaggeration to say that these fires impacted every inhabitant of Montana. Even people in our cities, miles from the front lines, lived with a constant reminder of the conflagration burning about them.

As you can see in this photo of Helena, cities all across the region spent weeks under a cloud of smoke.

Clearly, it was one of the worst fire seasons we've seen in the last 100 years.

This is our cathedral, Saint Helena's Cathedral. You can see big smoke columns rising. The fact is, this is dramatically an understatement. I have asked my office to see if there are other photos which more accurately describe the situation in my State, and this is all we could come up with at the time. But this town, Helena, I might say, was so covered with smoke that my house—up just about 500, 600 feet from here—as I was looking across the back alley through the kitchen window, I could not even see across the alley. The whole city was just covered all the way down to ground level with smoke. That was the rule. That was the rule for all Montana cities, with the exception maybe of some of the eastern Montana cities. Most of them had just dense smoke impact for a long time. Clearly one of the worst fire seasons we have seen in over 100 years.

But, Mr. President, I didn't come to the floor to talk about how bad the fires were—that's already apparent. Nor did I come down here to talk about forest management policy and what we could have done to lessen the harmful impact of these fires—there will be plenty of time to address both topics in the weeks and months to come.

Mr. President, I am here today to commend the efforts of the thousands of people who pulled together to do battle with one of Mother Nature's most unforgiving forces.

From New Zealand's finest, most experienced firefighters to the Montana volunteers who ran Red Cross evacuee camps, the fires brought together some of the most courageous and hard-working individuals I have ever encountered.

Someone once told me that the true character of any community will reveal itself in the face of a natural disaster. I am proud of how Montanans and all of those who came to help rose to this challenge and persevered.

Of all the statistics—almost a million acres burned, over 300 structures lost, over $200 million spent in battling fires—the one statistic I am most proud of is the number of human casualties—zero. That's right, in Montana not one life was lost during this disaster and no one was seriously injured.

I can't tell you how proud I am that safety remained the highest priority: of all of the firefighters who were in harm's way, the pilots who flew risky missions dumping water or retardant chemicals over the fiery landscape, and the thousands of people who were evacuated—no one was seriously injured. To me, that's one heck of a statistic.

That's why today, Mr. President, I want to extend a heartfelt ''thank you,'' and I know I speak for every Montanan.

I want to thank firefighters from across the country, and around the world. Volunteer firefighters who left their regular jobs. The employees who let them go. Students who postponed attending classes. The families left at home and the co-workers who put in overtime to cover for those who traveled to the west.

I might say in this photo, in the center is James Lee Witt, flanked by two members of the Montana delegation, myself on the left, and Senator BURNS on the right. We are talking to a volunteer firefighter.

These are people who, when the fire comes, often are in an area next to a community—there are homes back in the woods and the volunteer fighters immediately rush out. They are the first ones there. They are there without any pay. It is their community and they are fighting their hearts out. They are bleeding, almost literally—doing all they can to prevent that structure from burning, to do all they can to force the fire back. They are not paid. It is without compensation. The Forest Service and smokejumpers are; there are others who are not paid. The others are not. They are the first there and often the last to leave. They are just into it because it is their community.

I called James Lee Witt, pictured in the center of this photo. He very quickly got some regulations changed so volunteer firefighters could be reimbursed. Recently now they are receiving payment for the services they rendered. But the point is, people came from all over. Employers let volunteers leave work—it was lost work, but still the main job had to be done fighting these fires. Students postponed attending classes at the University of Montana, or other classes, families left at home, coworkers who put in overtime to cover those who traveled to the West.

The Red Cross and its hundreds of volunteers who were there when folks needed to see a friendly face. The various state agencies that worked diligently and expeditiously to implement emergency plans. The federal agencies that came forward to help put the fires out and begin to rebuild these communities.

Specifically, I'd like to commend FEMA, the Federal Emergency Management Agency for their efforts. On several occasions, they quickly released federal funds or waived personnel requirements. Cutting red tape so we could get the assistance we needed right away.

I especially thank FEMA Director James Lee Witt who spent countless hours working with me and other folks in Montana. When these fires started to blow in Montana, James Lee Witt said he was really booked up with other plans, but he dramatically changed his schedule so he could come to Montana. That made a huge difference in getting agencies to work together, and it cut so much of this redtape. FEMA is still working on recovery efforts, and we very much appreciate all they have done and continue to do.

I also thank with the same enthusiasm the adjutant general of the Montana National Guard, Gene Prendergast, and all his troops. Gene really stepped up. This guy really cares. He mobilized his troops, who care just as much. He was also influential in working with Federal, State, and local agencies to coordinate plans and requests for Federal assistance. We owe Gene Prendergast a huge debt of gratitude.

At the high point of the fires, there were well over 12,000 people fighting blazes in western Montana. That includes Forest Service firefighters and

National Guard men and women. We had 3 active-duty battalions from the East coming to fight fires in Montana. People came from everywhere—from 48 States and 3 countries—to Montana. Across the West, some 30,000 brave individuals battled wildfires during this season.

We did not lose any lives in our State, thanks to the combination of solid training, sensible fire strategy, and good luck. The dangers faced by these individuals, however, were obviously real. Think of the danger we put people into.

Last year, we took time to remember the Mann Gulch fire. That was a huge fire in Montana which blew up about 50 years ago. Thirteen National Forest Service smoke jumpers died in that blowup. They were fighting a fire 10 miles away from Helena, 10 miles from the photo I showed earlier. It was not thought to be a fire that was going to threaten lives or property. An observer described the Mann Gulch fire with these words:

> A terrific draft of superheated air of tremendous velocity had swept up the hill exploding all inflammable material, causing a wall of flame 600 feet high to roll over the ridge and down the other side and continue over ridges and down gulches until the fuels were so light that the wall could not maintain enough heat to continue. This wall covered 3,000 acres in 10 minutes. Anything caught in the direct path of the heat blast perished.

Just 6 years ago, we lost 14 smoke jumpers in a similar firestorm near Glenwood Springs, CO. This fire, like the Mann Gulch, was considered routine, and these were not even the most deadly fires in the West's history. It is important to remember those who gave their lives fighting wildfires. It is also important to celebrate those who put their lives on the line day after day to keep our homes and communities safe.

A simple thank you does not seem to be enough to show our appreciation for these people and for everything they have done. That is why I have come to the floor to announce I am introducing legislation to honor and commemorate the selfless sacrifices each of these individuals has made to keep our families and our homes safe.

The legislation will direct the U.S. Forest Service, the Bureau of Land Management, the Federal Emergency Management Agency, and the U.S. Department of Defense to work together to create a commemorative pin or badge that will be issued to each firefighter at the end of a fire season. This will serve as an emblem of the vital service they have provided and a symbol of our gratitude, much as a soldier might receive a band to record a tour of duty, because those who fight wildfires really are soldiers who put their lives on the line every day in defense of the people, communities, the lands of America. These courageous men and women need to be recognized as the heroes they are.

As we properly focus on the work these brave firefighters do for us, let us not forget the work we must do for them, for it is only by creating and funding sensible forest management policy and by guiding development to reduce the risk to homes and property posed by wildfires that we can keep more of our firefighters out of harm's way and prevent future tragedies like Mann Gulch.

As we commemorate our firefighters, let us make sure we rise to the task of putting aside our differences and working together for commonsense policies that will keep our forests healthy and firefighters safe.

Again, I say thank you, thank you to all the heroes—firefighters, volunteers, Government employees, ordinary citizens—who pulled together to protect life and home in Montana and across the West. Please know that we are truly grateful for everything you have done.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before my colleague from Montana leaves the floor, I commend him for his fine remarks. Connecticut is a long way geographically from the State of Montana. The Nation was transfixed over this past summer watching events unfold in the West and particularly in his State where so many millions of acres were engulfed in flames.

I express the strong feelings of all of us across the country on the tremendous work these firefighters have done and note further that we just passed as part of the Defense authorization bill a provision, the Fire Act, which will, for the first time, provide financial resources much along the lines of the COPS programs for fire departments, the 30,000 of them that exist in this country—volunteer, paid, and combination departments—to assist local communities and States in providing the sophisticated technology today which firefighters need, particularly the volunteer departments, where chemical and toxic substances and the tragedies of this summer demand a talent, education, and training unlike people even imaged a few years ago.

I commend the Senator from Montana for his fine work and express my sincere thanks to him and the fine people of Montana as well for a job well done.

Mr. DODD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. SSSSIONS). The motion to proceed.

I believe the Senator has a time request to propound.

Mr. DODD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPOSITION TO CUBA PROVISIONS

Mr. DODD. Mr. President, I express my strong opposition and disappointment with the outcome of last night's Agriculture appropriations conference report with respect to U.S.-Cuba policy. It is rather ironic that those who rail against Fidel Castro's dictatorial behavior seem to have adopted some of his tendencies; namely, a willingness to abuse the democratic process and go against the will of the majority in the Congress.

The proposed changes in the bill with respect to the sale of food to Cuba are modest at best since these exports can only be financed using third-country private commercial credit or cash. Such restrictive financing terms are a major hurdle for American exporters to overcome and are likely to significantly discourage any significant increases in such exports.

With respect to the codification of existing travel restrictions on Americans wishing to travel to Cuba, I think this action is shameful and irresponsible. I predict the authors of this provision will live to regret deeply having taken away this and future administrations' discretion to grant licenses on a case-by-case basis in circumstances that do not fall into the now codified categories of permissible travel.

I also believe that Cuban Americans who want to keep in touch with their family members in Cuba are going to be extremely critical of the fact that their ability to visit loved ones is now frozen in statute.

I say to the authors of this provision that they are only kidding themselves if they think this is going to stop Cuban Americans who are determined to visit their family members in Cuba several times a year from doing so. Sadly, they are going to encourage otherwise law-abiding individuals to break the law. I think that is regrettable.

I am supportive of other provisions of this legislation which will dramatically loosen the licensing and financing restrictions on sales of food and medicine to other countries that have been designated as terrorist states—North Korea, Iran, Sudan, and Libya. I strongly believe food and medicine should not be used as a sanctions tool, since the impact of denying such sales falls most heavily on innocent men, women, and children in these countries.

This is not to confuse our sincere and deep objections and strong opposition to the Governments of North Korea, Iran, Sudan, and Libya. But, it is not an American tradition to take food and medicine and make them a sanctions tool on a unilateral basis. We have understood in the past that you do not blame the innocent civilians of populations for the cruel regimes of their dictators and rulers. It is not in the American spirit to say to an innocent child—in any one of these countries—that if we are able to get food and medicine to you, you ought to be denied it as a tool of U.S. foreign policy.

I find it appalling that Cuba has been singled out, because in this bill we now say food and medicine can go to North Korea, Iran, Sudan, and Libya, but not to a little country of 11 million people 90 miles off our shore. I think that is

regrettable. Cuba has been singled out for even more restrictive treatment than countries that are far more of a potential threat to United States foreign policy and national security interests than Cuba has ever been.

I am sure the average American is extremely puzzled by the decision just taken by the Agriculture appropriations conferees. I do not blame them for being confused, to put it mildly, and puzzled. Didn't the House and Senate go on record in support of less restrictive conditions on the sale of food and medicine to Cuba? Seventy Senators—70—voted to lift restrictions on the sale of such items; 301 Members out of the 435 Members of the House did so as well. And, 232 Members of the House also are on record in favor of lifting all travel restrictions to Cuba.

Yet despite these overwhelming votes by both Chambers—majorities, bipartisan majorities—the advocates of ''tightening the screws,'' as they like to say, on Castro are always quick to say they hold no ill will against the Cuban people. Yet I somehow suspect that the residents of Havana or Santiago, Cuba, will not be applauding our recent actions in Washington.

But that isn't what last night's conference decision was about, in any event. Very little we do in Washington with respect to Cuba has anything to do with winning the hearts and minds of the Cuban people. Rather, it is about attempting to win the hearts and votes of the residents of some sections of the country—hardly a wise and moral way, in my view, to make foreign policy decisions.

Earlier this year, Senator LEAHY and I introduced legislation that would take United States policy in a different direction with respect to the island of Cuba. A companion bill was introduced in the House by MARK SANFORD. The bill is entitled the Freedom to Travel to Cuba Act of 2000. It would have lifted the archaic, counterproductive, and ill-conceived ban on Americans traveling to Cuba.

We offered this legislation because we believe the existing restrictions on travel hinder rather than help our efforts to spread democracy as well as unnecessarily abridge the rights of ordinary Americans. We were taught in civics class that the United States was founded on the principles of liberty and freedom. Yet when it comes to Cuba, our Government abridges these rights with no greater rationale than political and rhetorical gain.

It is one thing if Castro does not want to let an American citizen in. I understand that. He is a dictator. What I do not understand is a democratic government saying to its own people you can't go somewhere. Cuba lies just 90 miles from America's shore. Yet those 90 miles of water might as well be on a different planet. We have made a land ripe for American influence a forbidden territory. In doing so, we have enabled the Cuban regime to be a closed system with the Cuban people having little contact with their closest neighbors on this Earth.

I note that in a few weeks the President of the United States is going to travel to Vietnam, a Communist government. There are 58,000 names on a wall just a few blocks from here of Americans who died in that conflict. Yet we have found it possible to rebuild diplomatic relations, economic relations, and even an America President will travel to a nation that only a few years ago we were in hostile conflict with and has a government with a political philosophy of which today we fundamentally disagree. Yet 90 miles off our shore there is a country to which you cannot even go to try to make a difference, and enlighten people about what democracy means.

Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit the island nation. Today Americans are free to travel to Iran, to Sudan, to Burma, to Yugoslavia, and to North Korea—but not to Cuba. Is there anyone who would come to this Chamber and suggest to me it is less dangerous to be in Sudan or Burma or Yugoslavia than the island nation that is 90 miles off our shore? I doubt it.

You can fly to Iran. They held hostages, we all recall, back in the 1979–1980 period, yet I can go to Iran today. I can fly there, if I want, without restriction. But I cannot go 90 miles off our shore to the island of Cuba. What an inconsistency.

If the Cubans want to stop Americans, as I said, from visiting their country, then that is their business. I disagree with it, but I would not be surprised that under a dictatorship they might pass such laws or prohibit such travel. But to say to an American citizen that you can travel to Iran, where they held American hostages for months on end, to North Korea, which has declared us to be an enemy of theirs completely, but you cannot travel 90 miles off the shore of this Nation to the island of Cuba is more than just a mistake, in my view.

To this day, some Iranian politicians believe the United States to be ''the Great Satan.'' That is what they like to call us. We hear it all the time. Just two decades ago, Iran occupied our Embassy and took innocent American diplomats hostage. To this day, protesters in Tehran burn the American flag with the encouragement of some officials in their Government. Those few Americans who venture into such inhospitable surroundings often find themselves pelted by rocks and accosted by the public.

Similarly, we do not ban travel to the Sudan, a nation we attacked with cruise missiles several years ago for its support of terrorism; to Burma, a nation with one of the most oppressive regimes in the world today; to North Korea, whose soldiers have peered at American servicemen through gun sights for decades; or Syria, which has one of the most egregious human rights records and is one of the foremost sponsors of terrorism.

I fail to see how isolating the Cuban people from democratic values and ideals will foster the transition to democracy in that country. I fail to see how isolating the Cuban people from democratic values and from the influence of Americans when they go to that country to help bring about change we all seek serves our own interest.

The Cuban people are not currently permitted the freedom to travel enjoyed by many peoples around the world. However, because Fidel Castro does not permit Cubans to leave Cuba and come to this country is no justification for adopting a similar principle in this country—a great democracy.

We need to treasure and respect the fundamental rights we embrace as Americans. Travel is one of them. If other countries want to prohibit us from going there, that is their business. But for us to say that citizens of Connecticut or Alabama cannot go where they would like to go is not the kind of restraint we ought to put on our own people.

Today, every single country in the western hemisphere is a democracy, with one exception: Cuba. American influence, through person-to-person and cultural exchanges, was one of the prime factors in this evolution from a hemisphere ruled predominantly by authoritarian and military regimes to one where democracy is the rule.

Our current policy toward Cuba limits these exchanges and prevents the United States from using our most potent weapon, in my view, in our effort to combat totalitarianism, and that is our own people—our own people. They are some of the best ambassadors we have ever sent anywhere. They are the best ambassadors to have.

Most totalitarian regimes bar Americans from coming into their countries for that very reason. These countries are afraid of the gospel of freedom that might motivate their citizens to overthrow dictators, as they have done in dozens of nations over the last half century. Isn't it ironic that when it comes to Cuba, we do the dictator's bidding for him in a sense? Cuba does not have to worry about America spreading democracy. Our own Government stops us from doing so.

There is no better way, in my view, to communicate America's values, our ideals, than by unleashing the average American men and women to demonstrate, by daily living, what our great country stands for, and the contrasts between what we stand for and what exists in Cuba today.

I do not believe there was ever a sensible rationale for restricting Americans' right to travel to Cuba. With the collapse of the Soviet Union and an end to the cold war, I do not think any excuse remains today to ban this kind of travel. This argument that dollars and tourism will be used to prop up the regime is specious. The regime seems to

have survived 38 years despite the draconian U.S. embargo during that entire period. The notion that allowing Americans to spend a few dollars in Cuba is somehow going to give major aid and comfort to the Cuban regime is without basis, in my view.

Political rhetoric is not sufficient reason to abridge the freedoms of American citizens. Nor is it sufficient reason to stand by a law which counteracts one of the basic premises of American foreign policy; namely, the spread of democracy. The time has come to allow Americans—average Americans—to travel freely to Cuba not make it even more difficult to do so.

Mr. President, a small number of individuals in the Congress may have temporarily succeeded in hijacking the democratic process with respect to this issue and in thwarting the will of the majority with respect to loosening U.S. restrictions on travel and sales of food and medicine to Cuba. But let me assure you that this issue is not settled. Those of us who want to see meaningful change in our Cuba policy will be back next year raising this matter on the floors of the House and Senate. And I predict that when the democratic process is allowed to work, the results of last night's conference will be decisively reversed and U.S. policy toward Cuba will be finally put on the right track and the prospects of a peaceful democratic transition in that country greatly enhanced, and the 11 million Cubans will know that the American people care about them despite their strong objections to the Government which runs that country today.

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. 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.

Mr. BYRD. Mr. President, it is my understanding that Mr. DOMENICI, and then Mr. MCCAIN, have orders for recognition.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that I may briefly speak now, and that I may also be recognized following the speech by Mr. MCCAIN and the speech by Mr. DOMENICI for not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAUREEN MANSFIELD

Mr. BYRD. Mr. President, on Wednesday, September 20, the Senate lost one of its own family members. Not a member with a capital ''M,'' elected by the people, but an unpaid, unsung, but O so important member of the Senate family. On Wednesday, Maureen Mansfield, the beloved wife of former majority leader Mike Mansfield, passed away.

It is safe to say that without the efforts, energy, dedication, and love of Maureen Mansfield, the Senate and the people of Montana might never have benefited from the extraordinary talents of Mike Mansfield. Like myself, Mike was raised by an aunt and uncle after the death of his mother when he was just 3 years old. During the First World War, Mike Mansfield dropped out of school and joined the Navy, and he also served with the Army and the Marine Corps.

Upon his return to Montana, he worked as a mucker in the copper mines and did not resume the schooling he had left in the eighth grade.

Maureen, a high school teacher when her younger sister introduced her to Mike, encouraged him to return to school. She helped him to apply to Montana State University and helped him complete his high school equivalency courses before completing college. She cashed in her life insurance and worked as a social worker in order to support her husband in school. Then both of them went on to earn Master's degrees. Maureen Mansfield did not believe, and disproved, the old saw that you cannot change a man and that all efforts to do so are futile.

Mike Mansfield's congressional career also benefitted from Maureen Mansfield's support. Maureen would campaign for Mike in Montana, sometimes on her own when Mike could not get away from Washington. Mike Mansfield served five terms in the House before his first election to the Senate. In the Senate, Lyndon Johnson picked Mike for party whip.

In those days, it was different from what it is now because a leader would not pick another Member for the office of party whip. That is a matter that the Members will resolve.

Mike went on to serve as Majority Leader himself for sixteen years, longer than any other Senator. I served as his party whip. I continued to hold Mike Mansfield in the highest respect. Mike and Maureen have always been good friends to me and Erma, and we will both miss their companionship and the very deep affection and esteem with which they treated each other, and which sustained them through 68 years of marriage.

Erma and I have 5 more years to go before we can say we have been married 68 years. But Mike and Maureen set an example as an exemplary creative family in that regard.

Mike Mansfield never lost his appreciation for his wife's support. He always readily gave Maureen the credit that he felt she was due and which I, having enjoyed the same kind of love and support from my wife, readily endorse. These talented, organized, gracious women, such as Maureen Mansfield and Erma Byrd, could have commanded armies. They could have run universities or won Senate seats in their own right. But they chose instead to hitch their stars to the wagons of their husbands. And Mike Mansfield and I are definitely the better for it. I believe, too, that the nation is better off as result as well.

The demands of the Senate, particularly the demands placed upon Majority Leaders, are stressful, time-consuming, and exhausting. It is even more than a two-person job. I could concentrate on Senate matters knowing that Erma was there at home to support me and to give the love, affection, and attention to our two daughters that they so much deserved. I am here to say that one old adage is certainly true, and we have all heard it many times. That is, behind any great man is an even greater woman. To the extent that I ever wanted to be great, I have been denied that. But I can say that I have Erma to thank for whatever I have been able to accomplish. I know Mike Mansfield would say the same about Maureen.

Now that Maureen has found new life in the shelter of God's hand, I hope that Mike, his daughter Anne, and his granddaughter might sympathize with the words of ''The Beyond,'' penned by Ella Wheeler Wilcox (1855–1919):

It seemeth such a little way to me,
Across to that strange country, the Beyond;
And yet, not strange, for it has grown to be
The home of those of whom I am so fond;
They make it seem familiar and most dear,
As journeying friends bring distant countries near.

And so for me there is no sting to death,
And so the grave has lost its victory;
It is but crossing with bated breath
And white, set face, a little strip of sea,
To find the loved ones waiting on the shore,
More beautiful, more precious than before.

We miss her here, but she surely waits for Mike.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, I want to congratulate Senator BYRD on his comments with regard to the very distinguished Mike Mansfield, and what happened to him recently with the passing of his beautiful and wonderful wife. I, too, in reading about him—I didn't experience as much of him as the Senator from West Virginia did—but he did things in a rather sensational and unique way.

Even though I didn't know him as long as the Senator from West Virginia, and didn't feel his presence as much, he is a very wonderful American.

Can you imagine in his early life what he did, how he became educated and found himself majority leader of the Senate? He did that for a long time, and is still the recordholder.

Mr. BYRD. He is. He was majority leader longer than any other Senator.

Mr. DOMENICI. Frankly, from what I understand, he did it with a very cool hand. Maybe it was different in those days. It was less confrontational than today, as I understand it—with no criticism and no inferences; just that it was different when he was leading.

Mr. BYRD. We were in very different times, and we were dealing with different personalities. He was a remarkable man, however.

I thank the very distinguished senior Senator from New Mexico for his words.

Mr. DOMENICI. I thank the Senator.

THE GORE BUDGET

Mr. DOMENICI. Mr. President, yesterday, and maybe two previous occasions on the Senate floor, I discussed the Gore budget and what is going to happen to the huge amount of money that we are getting from the taxpayers, which we have begun to call a ''surplus.'' I choose now to call it the ''tax overpayment.'' It is what the people are paying in that we don't need.

I would like to, once again, make sure the Republican candidate for President, George W. Bush, and the candidate for Vice President—who last night did such a marvelous job—the distinguished former Secretary of Defense, Dick Cheney—I urge them to continue to tell the American people what the Gore budget will look like.

When it is mentioned, everybody says this came from the Budget Committee staff and the Republicans, and, therefore, you shouldn't use it; that it is partisan; that it is like paper that is not even worth using.

I say to our two candidates, keep using it. Keep saying it is true because they are about as good as any people we have ever had to look at budgets. I am chairman of that committee, and, frankly, I have relied on their expertise year after year. I don't think I have to exaggerate and say they are the best. They are the best at getting to the bottom of programs and analyzing them. I asked them to do it. They did it. They gave us a major report on the subject, and I will say to our candidate—to the Governor of Texas, to the former Secretary of Defense, Dick Cheney—no matter what they say about it, you use it.

The Gore budget has 200 new programs in it. If you estimate appropriately their cost based upon what is said about the program, you cannot pay for those programs without using all of the on-budget surplus and $700 to $900 billion of the Social Security surplus.

Now, that is our version. We think it is true. And we don't believe the American people actually think when you finally have a surplus—because we are paying so much more in taxes than we need—we don't think the American people want the Government to grow at the largest rate in modern history. Probably if you put the Gore expenditure budget into effect, you will increase Government in 1 to 2 years, more than any modern year, excepting maybe the Lyndon Johnson Great Society years.

Now, it doesn't matter to me as the chairman of the Budget Committee what Vice President GORE says about these figures, nor what our distinguished Senator from Connecticut, Vice Presidential nominee who I have great, great respect for, it doesn't matter what they keep saying. The truth is, we have an analysis of that budget. Early next week we will have a full analysis. They finally put their budget on to sheets of paper. It is a very large budget. We will finally have that analyzed. I am told it will come out no different. It will come out the same way, 200-plus new programs, the largest new expenditure in the next 5 years that we have ever had in the Government. If you take them at their word and do all of them, you cannot do it without spending part of the Social Security surplus. No matter what they say about its source, it is as good as anything they have.

I have great respect for the Vice Presidential nominee. He knows that. Last night he said something that wasn't true, and I ask him to revisit this. He said their budget, the budget they have, analyzed for the future, was done by a neutral body called the Congressional Budget Office. That is to make sure that everybody would think it is authentic and that the Domenici budget analysis is not authentic. I assure everyone, the Congressional Budget Office does not do an analysis of either candidate's budget. In fact, that is not within their prerogative. They have not analyzed the Gore budget. They have not analyzed the budget of the Governor of Texas, either. And they won't.

The Democrats have somebody analyzing theirs, watching out for them, who is on their team, and they want everybody to think ours, and the majority staff has worked on this for years, they want everyone to believe it has no credibility. I think to the contrary.

My friend Dick Cheney will be in my State in a few days. I hope he talks about this subject. Let them bring up the fact that Democrats don't think it is worth very much. We will make sure the public understands we have as good an analysis as anyone. If the Democratic nominee for President does every program he contemplates—there are some that are superexpensive. There are some universal programs in there that will never get adopted by Congress, but we might as well make sure the public understands they are expected, they are contemplated, they are out there to tell the people, elect us and we will do all these things.

That is part of my reason for coming to the floor, so anyone who wonders whether that is authentic, I can assure Members, I will not give ground on this through the election and after the election. I believe it is right. I think our candidates ought to use it.

Now I will talk about the so-called Al Gore tax cut plan and the George W. Bush plan. I don't know if I have enough time today to go through the George W. Bush plan, which is very simple. I am not sure I can do that because today I want to talk a little bit about a rather unique way to cut taxes, or allege you are cutting taxes, for middle-income America when you are not.

If there is a middle-income American who happens to be listening, and they say, oh, boy, Vice President GORE has spoken so much about giving the middle class a tax cut, I will get a tax cut—my friends, you are not necessarily going to get the tax cut. The Gore plan says the Internal Revenue Service will decide whether you get a tax cut. And you are going to apply for it when you file your tax return, and if you are a family, you have to go through up to 25 different tests with the Internal Revenue Service to determine what you are entitled to. In fact, if the people think the Internal Revenue Code is complicated, and IRS is not doing a good job, then remember that every single so-called tax cut that Vice President GORE is telling you about is going to be administered by the Internal Revenue Service, which is going to pass judgment on whether you are entitled to one of the scores of tax credits or other tax benefits. Let me go further, the IRS will determine what tax refunds or government check you are entitled to, because under Vice President GORE's plan not only taxpayers get tax breaks, people who pay no taxes get government checks.

People will fill out their federal tax return. They will find a check in the mail from the Internal Revenue Service, even though they pay no taxes.

That is part of his tax plan. The part for middle Americans, middle-income Americans, you cannot just file your tax return and say, I am a middle-income American earning $65,000, and I want my 5-percent tax cut, or 7 or 10, you have to ask yourself if you qualify for a tax credit or a refundable tax credit under this plan. There are all kinds of reasons you might get some tax relief, but they are all going to administered by the Internal Revenue Service.

Isn't that nice? So if you apply, and the IRS agrees, you get to use your tax money. If you apply and if you fit, you get to use your taxpayer dollars for a certain specified purpose.

The most significant difference in the two men's tax proposals is that George W. Bush gives you a tax refund and you can spend it for whatever you want. The Vice President, the nominee from the Democratic Party, gives you no tax cut to spend as you may. Since it is your money, you have to qualify as if you were under a Federal program.

GORE wants to imbed social policy of the country into the tax code. We are substituting the Internal Revenue Service as the one that gets to see whether or not you are going to be able to have these particular services paid for by the Federal Government. I cannot believe when the American people understand this that they are going to say they want that tax approach.

Let me repeat, in order to get all of the so-called Gore middle-class tax cut, a family has to meet 25 different tests, at least one for each of the 25 proposed pieces of the Gore Middle Class tax cut. That means if you don't meet the tests, you don't get any relief, any help. Wouldn't it be better to have a 5-percent or a 10-percent tax cut, and you use the money as you see fit, if you are $67,000, a $72,000 family or $35,000 or $40,000? You have to understand or try to understand and then comply with 25 sets of rules before you see $1 of so-called tax relief.

I thought tax policy was supposed to be neutral. The best tax policy does not try to engineer social behavior. I didn't think it was supposed to be the vehicle by which you ran scores of social programs and you told Americans if you want that program, you can pay for it and we will give you the money; but if you don't want that program, you don't get any tax relief.

GORE proposes to substitute the Internal Revenue Service for a score of Government programs. Instead of saying let's create a new federal program in this area with Government, AL GORE says file a tax return, and if you fit the cookie cutter profile, you can help your great grandmother who is sick—you get some of your tax overpayment back to help pay some of those expenses. The Government will help you. It will not help you with a program, it will help you so that you will get a piece of the taxes you pay refunded—or deducted.

This is not a step toward tax simplification. It will make the Tax Code more complicated. If it is too complicated today, it will become even more complicated. I think it would not take 3 or 4 years before the American people will force us to throw it out. But I do not think it will ever become law.

Some of the tax cuts are not even for taxpayers, much less for middle-class Americans. Because of the income limits, many people who think they are middle class are left totally out because they earn too much money to pigeonholed into AL GORE's ''middle class,'' or to be entitled to one of the myriad tax credits the Vice President suggests is good tax policy.

A refundable tax credit is Tax Code talk for Government checks to people who do not pay Federal income taxes. It sounds more like a way to have some welfare spending and use the income tax code to administer it. There is only one refundable credit in the code now, and many believe it is one too many. But I do not believe almost all of the entire surplus that is going to go to taxpayers ought to be done in this way, with refundable tax credits going to people who pay no federal income tax so long as the person does what the Vice President thinks you ought to do with your money. Refundable child care credits, refundable day care, refundable after school care—all specific and all already covered in the Earned Income tax credit. You don't have to be a taxpayer to get a so-called middle-income tax cut for child care, family leave, or stay-at-home parents or kids in afterschool care, or expanding the earned-income tax credit. More spending programs dressed up as tax cuts will be there for those who do not pay any taxes.

In addition to refundable credits, the Vice President proposes initiates that this Administration has vetoed. For instance, tuition savings accounts are listed now as one of those things in the long list of things that you might put your money away for and get some tax relief. AL GORE says he would like to enact them. Interesting; this administration vetoed that bill for them more than once.

The Vice President says he is for marriage penalty relief yet the Administration vetoed the bill providing it. The Vice President's proposal is curious. Let me say there is no marriage penalty relief if you own your own home and pay a mortgage. Isn't that interesting? This administration boasts record numbers of American homeowners. Yet, they will not give a dollar of marriage tax penalty relief to people who own homes and pay mortgages, again, using the Tax Code for social approaches in the United States. Perhaps the reason for this one is there are too many people who are building too many homes, and maybe we ought to slow it down.

There is a tax credit for individual health insurance. Yet you get part of the middle-income tax cut if you need additional training, or certification programs. That is a separate notion in their Tax Code.

So, today, I would like to start a series of discussions which I will bring to the floor regularly. The next one will be: What is the George Bush tax plan. The next time I come, I will include in the RECORD the entirety of Vice President GORE's so-called middle-income tax relief. I will bring the entire list. You might say: Why are you bringing a list? Isn't a middle-income tax cut just a percentage, just a cut?

No; it is myriad programs. If you do not qualify as having done one of those, or choose to do one of them, you do not get tax credits nor refundable tax credits. That is a very new way to run America.

We are going to expand those beyond recognition. The most significant one we have now is the earned-income tax credit. It is refundable. A lot of people who pay no federal income tax get a check from the federal government under the Earned Income Tax Credit program. It is an encouragement for low-income workers to work—although we have changed that, where you do not have to work. But, just think, we have a few of them. The entire middle-income tax proposal of the Vice President is going to be specific things that specific Americans qualify for or they do not get any tax relief.

Essentially, I am going to close saying the most significant aspect of the Bush tax cut is that the 15-percent bracket is cut to 10. This is a tax cut for taxpayers. That encompasses almost the entirety of the tax cuts—15 percent at the bottom goes to 10. But, you see, everybody at every bracket pays taxes on some of their income at the lowest rate—15-percent bracket. So cutting the lowest rate helps all taxpayers. It is very simple. You get it because of the tax bracket and whatever other things are in the current Tax Code.

I repeat, there is much talk about the top 1 percent. The top 1 percent pays 33 percent of the taxes in America. When the Bush plan is completed they will pay 34 percent of the total tax take of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. MCCAIN. Mr. President, I would like to use 4 or 5 of those minutes in case someone who might object to the unanimous consent agreement would have time to come to the floor. I would like to say, within about 5 minutes I am going to try to get the unanimous consent agreement again.

Mr. President, this is from October 9, 2000, a copy of Newsweek magazine:

> At first, the death of 14-year-old cheerleader Jessica LeAnn Taylor seemed simply to be a tragic tire failure. While heading for a football game in Mexia, Texas, on a hot October afternoon in 1998, the Ford Explorer in which Taylor was riding flipped after its left rear Firestone tire shredded at 70 miles an hour. Jessica's grieving parents sued Bridgestone/Firestone in March 1999. But over the last two months, as congressional investigators probed the recall of 6.5 million Firestone tires, the Taylors became convinced that Ford Motor Co. shares the blame for their daughter's death. So late last month the Taylors sued Ford, too, and when the case goes to trial next spring, the Taylors' lawyer Randy Roberts says he will tell the jury: ''A piece of tire tread never killed anybody. People die when the vehicle rolls over. And the responsibility for the design and occupant protection of that vehicle belongs to Ford.''
>
> Since the safety crisis began, Ford executives have argued the recall was strictly a ''tire issue.'' But as the death toll mounts to 101 lives, [it has exceeded that since then] questions about the stability of the Explorer are shifting the focus onto Ford. The carmaker is facing 80 lawsuits involving Explorers equipped with Firestones that shred at high speeds. Meanwhile, Firestone is consistently trying to blame Ford. ''We could remove every one of our tires from the Explorer, and rollovers and serious accidents will continue,'' Firestone executive John Lampe told a congressional panel.

Mr. MCCAIN. Mr. President, there have been well over 100 deaths. Last weekend, a 10-year-old boy was killed when the driver of a Firestone-equipped Explorer had an accident near Laredo, TX. Authorities said at least one of the tires was shredded.

I am not going to repeat every human tragedy that takes place here.

But we passed a bill out of the Commerce Committee on a 20–0 vote. The majority leader is a member of that committee. He supported it. All Republican members had an opportunity to amend it, as well as those on the other side of the aisle.

I would like to repeat; I have a letter from the Secretary of Transportation. In the last paragraph, he says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation the Congress can approve and the President can sign into law.
>
> Sincerely, Rodney Slater.

Mr. President, the Members of the House of Representatives are here to meet with me. They just passed a bill through the House, 42–0, from their committee.

They are prepared to take it to the floor of the House on Tuesday, is my understanding from Chairman TAUZIN and Congressman Upton. Congressman UPTON, by the way, as we all know, is from a State where the vehicles under question are manufactured and one of the reasons he has taken a lead role here.

I hope we can get this agreement. I emphasize again my commitment to the Presiding Officer, the Senator from Alabama, to work with him on serious concerns that he has about this issue. I assure the Senator from Alabama, again, my respect for him, his experience as former attorney general of his State, and I believe his views and his input will be very important.

Also, in this unanimous consent request, there is no time limit and only relevant amendments are in order. It would be fairly easy, the way the Senate works, in the remaining days—because my understanding is now we will not be back until next Wednesday—it would be fairly easy to block this legislation, although I certainly hope that will not be the case.

Again, I thank the Senator from Alabama for his consideration of this issue.

Mr. President, I ask unanimous consent that it now be in order for the majority leader and the Democratic leader to determine the specific time and date for the consideration of S. 3059 and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. Is there objection?

Mr. VOINOVICH. Mr. President, I reserve the right to object and I shall not object, but I would like to engage in a discussion with the Senator from Arizona. I have some substantive concerns about this bill and I and my staff need some time to review the bill. I have concerns that if we are going to impose criminal penalties in this area, that standard for triggering these penalties is a clear bright line. I am also concerned that the reporting requirements as outlined presently are over broad and unworkable. I am very concerned about safety and want to ensure that we enact solid workable legislation to protect people. I am not trying to stop this bill, just ensure that it is solid, clean, well thought through legislation.

Mr. MCCAIN. I appreciate the concerns of the Senator from Ohio and I respect his right to object. I intend to work with the Senator to resolve his concerns either before we move the bill or through the amendment process. As I have said from the beginning, all I am seeking is an opportunity for the Senate to address this matter before we adjourn.

Mr. DOMENICI. Mr. President, reserving the right to object, I will say to my friend from Arizona, I have been asked by a number of Senators who cannot be here at this hour to object in their behalf. So I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I was told by the majority leader that if Senators had objections, they would come to the floor themselves. That was the word I had from the majority leader, that those who had objections would come themselves. I have his word on that, so I took his word.

I think the Senator from New Mexico should know that was the word I was given by the majority leader of the Senate; That they would have to come down and object to this unanimous consent request themselves. So I hope the Senator from New Mexico will withdraw his objection.

Mr. DOMENICI. Mr. President, I say again to my distinguished friend from Arizona, I have no such understanding and representatives on the floor of the majority leader's office have asked me to do this.

Mr. MCCAIN. I thank the Senator from New Mexico.

Will the Senator from New Mexico, for the RECORD, say which Member or Members are objecting to this legislation?

Mr. DOMENICI. I do not believe I have to and I will not do that.

Mr. MCCAIN. I did not imply the Senator had to.

Mr. DOMENICI. I understand that. I have been asked to do this. You have asked a number of times, and the objection has been raised just as I am raising it. I regret I have to do it. I am not here suggesting you have not taken due diligence in producing this bill. I am saying in the waning moments of this session, this is what I have been asked to do, and I must object.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is of interest that the Members on the other side of the aisle have no objection to moving forward with this legislation, this unanimous consent request. Therefore, I intend to continue to propound the unanimous consent request as long as it seems there might be some way to do so.

I say to the Senator from New Mexico—and I say this more in sorrow than anger—by objecting, you do take responsibility in not allowing this legislation to go forward, and I regret that deeply.

Mr. President, I suggest the absence of a quorum.

Mr. DOMENICI. Before the Senator does that, I ask for 1 minute.

The PRESIDING OFFICER. Does the Senator from Arizona withhold?

Mr. MCCAIN. I withhold.

Mr. DOMENICI. I thank you for your comments. I do not agree with you with reference to my responsibility, but I think we know each other well enough. I know what I had to do, and I know where my responsibility lies, but I thank you very much.

Mr. MCCAIN. I thank you for your response. The fact is, the Senator from New Mexico lodged the objection.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, will the distinguished Senator withhold his suggestion and allow me to complete some remarks?

Mr. MCCAIN. Absolutely.

Mr. BYRD. I thank the distinguished Senator.

THE SENATE SAYS GOODBYE TO SENATOR J. ROBERT KERREY

Mr. BYRD. Mr. President, in this season of fall, the view from our window on the world transforms. As the stoic Greek philosopher Heraclitus has been quoted as saying, ''Nothing endures but change.''

Since I became a Senator in 1959, I have observed that every 2 years the picture of the United States Senate also changes. This year will be no exception. Before we adjourn, we will wish a fond farewell to the men who have chosen to leave the hallowed halls of the Capitol to travel down new roads that will bring different vistas into view.

Five of our fellow Senators know, even before the election results are tallied in November, that come January 2001—the beginning of the 21st century and the beginning of the third millennium—they will be starting out on a new journey. One of these five has announced that he will take a position that will allow him to continue his advocacy for a fine and noble pursuit, the pursuit of education. In January, Senator BOB KERREY, the Senior Senator from Nebraska, but the youngest Senator who has announced his retirement from the Senate this session, will begin a new life, far from his native Omaha, as president of the New School University of New York City. There he certainly will have a different view from his window on the world, a much different view than the one we see from Capitol Hill.

While many of us were surprised by Senator KERREY's decision not to seek reelection at the youthful age of 57

years, setting off on new adventures is nothing new to Senator KERREY, who has already followed many different paths during his lifetime. While serving in the Senate, BOB KERREY has never feared to take the path less trodden, to follow his convictions and his principles no matter how rocky or lonely the road. His independence of thought and action is legendary.

After earning a Master of Science degree in pharmacy in 1966 from the University of Nebraska, he volunteered for military service in Vietnam. Not only did he volunteer to bear arms for our Nation, he distinguished himself during service. He earned a Bronze Star, a Purple Heart, and as a U.S. Navy SEAL. In doing so, BOB KERREY displayed such courage, dedication, and heroism that he was awarded the Medal of Honor by President Nixon.

In March 1999, on the occasion of the 30th anniversary of the events giving rise to his receiving the Medal of Honor, I joined with my colleagues in the Senate to salute him for his courage, his determination, and his heroism. His heroic story is inspiring.

After Senator KERREY's return from service as a U.S. Navy SEAL, he started a chain of restaurants and health clubs in his home State of Nebraska. Then, in 1982, he ran for Governor of Nebraska and won. He served as Governor of Nebraska until 1986, when he announced, to the surprise of many, that despite a 70-percent approval rating, he would not seek another term as Governor. He was prepared to take a turn down a different road, and 2 years later, he won a seat in the United States Senate.

When his face was added to the Senate picture in 1989, he became a member of the Senate Committee on Appropriations. It was my pleasure to welcome him, as I was chairman of that committee at that time. I appreciated the clear vision and the unflappable demeanor that Senator KERREY brought to the committee. In 1997, he chose to leave the Appropriations Committee for the Senate Committee on Finance. The countenance of that important committee will drastically change when we return, God willing, in January, after Senators MOYNIHAN, BRYAN, KERREY, and MACK depart from the Senate, of their own volition and on their own choice.

I commend Senator KERREY for his willingness to work hard on issues of interest to him and to his constituents.

During his 57 years of life, he has thus far been a scholar, a U.S. Navy SEAL, a Medal of Honor recipient, a scholar, a restauranteur, a fitness club founder, Governor of Nebraska, and a United States Senator. He has made his life unique. I wish the Senator from Nebraska well as he sets off down the path for his next adventure. Knowing Senator KERREY's propensity for taking his own road, I shall close with the following lines of verse written by Robert Frost. We are all familiar with that great poem, ''The Road Not Taken.''

THE ROAD NOT TAKEN

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;
Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that the passing there
Had worn them really about the same,
And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.
I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

PLANNING FOR OUR ENERGY FUTURE

Mr. BYRD. Mr. President, once again a critical region of the Middle East is engaged in violent clashes. Over the last week, the death toll in the Gaza Strip and the West Bank has risen to 67 lives lost. I know that Prime Minister Ehud Barak and PLO Leader Yasser Arafat made heroic efforts to try to reach a peace agreement these last few months. They even met for part of the time in my own State of West Virginia. With U.S. support and encouragement, the Israelis and Palestinians stood at the brink of a resolution, and they were as close as they have ever been to resolving a very longstanding dispute in that ancient, volatile, and embattled part of our world. Though I hope these two peoples will return to the negotiating table, today that opportunity appears lost.

This disheartening incident again illustrates that the Middle East peace is very fragile and could erupt like flash powder. While Saddam Hussein has been quelled for the time being, the world must always be on the watch. We do not know if the Israelis and Palestinians will reach a peace accord. Americans are affected in many ways. We have security and family interests in this region of the world, and the United States gets much of its energy resources from there as well. The U.S., our European allies, and many other industrial countries are tethered to the Middle Eastern oil chain. If we are ever going to break that stranglehold, then it is time that we take action here at home.

Over the past 18 months, the national average price of gasoline has risen from under $1 per gallon to $1.52 per gallon this week. As winter approaches and crude oil inventories remain at record low levels, both gasoline and fuel prices are expected to increase further. Americans are growing increasingly concerned about the seemingly endless volatility in our energy markets.

What we are seeing, Mr. President, in the fluctuation of energy prices is a textbook study of how supply and demand can affect energy prices. First, the Organization of Petroleum Exporting Countries agreed last year to reduce crude oil production, thus increasing the cost of producing gasoline. Secondly, gasoline refineries, which had shut down some operations when crude oil prices fell to record lows in 1998, suddenly faced shortages of production capacity to produce gasoline and heating oil when demand spiked earlier this year.

In response, the administration has successfully lobbied for an increase by OPEC in crude oil production over the past year. In March, OPEC's decision to increase crude oil production temporarily reduced the cost of gasoline, but prices increased again going into the summer driving season as demand for gasoline increased. Gasoline prices decreased in late summer, but, as winter approaches and the expected demand for crude oil, heating oil, and gasoline increases, prices could very likely climb again. These are the ups and downs of the energy roller coaster that has taken the American public for a ride.

To make matters worse, this volatility in gasoline prices is occurring as the United States prepares itself for the upcoming Presidential election. This has added fuel to the fire as Members of Congress, the administration, and politicians everywhere position themselves politically to avoid blame for the spike in energy prices. Unfortunately, such positioning is usually accompanied by a myriad of snake-oil remedies and miracle cures that do little more than lull the American public into believing that the problem is being fixed when, in fact, the problem is being exacerbated.

Two weeks ago, the administration announced such a proposal, against the better judgment of the U.S. Treasury Secretary and the Chairman of the Federal Reserve, that would authorize the sale of 30 million barrels of crude oil from the Strategic Petroleum Reserve over the next month. This is the same petroleum reserve that was created in response to the 1973 Arab oil embargo to store oil in case of a national emergency, such as a war in the Middle East. Like the Army, you hope never to use the reserve. But, if you need to, it should be big enough to do the job.

Yet, the release of oil from this reserve is unlikely to have a significant effect on prices at the pump. The United States consumes approximately 19 million to 20 million barrels of crude oil per day. The administration's proposal would provide for an additional one million barrels per day. Such a small amount of oil is unlikely to have much of an effect on gasoline prices, especially in light of the additional 800,000 barrels per day of crude oil that will be produced by OPEC.

But what is worse is that this sort of intervention in the domestic energy market, which may seem simple, could actually be self defeating. If refiners expect more oil to be released from the reserve, these shrewd businessmen may

hold off on buying more crude oil to produce gasoline and heating oil until the price of crude oil decreases, which would make it more profitable to them, not to mention the oil companies that have posted strong profits this year. Similarly, OPEC could easily offset any benefits from the release of crude oil from the reserve by reducing its own production by an equal amount.

So, I am not sure that Americans should breathe a collective sigh of relief at this announcement regarding releases from the Strategic Petroleum Reserve. It might be good public relations but not a good faith effort to reduce prices. A similar ''fix all, miracle cure'' was offered this spring in response to high oil prices. Some Members of Congress proposed reducing the federal excise tax on gasoline in order to reduce prices at the pump. In their rush to score political points, the proposal was brought to the Senate floor for a vote twice in April—once as an amendment to the fiscal year 2001 budget resolution and again as a free-standing bill. Both times, a sensible majority in the Senate voted not to repeal the gasoline tax by substantial majorities. I am proud that so many of my colleagues refused to swallow this patent nostrum, realizing that first, the savings from the excise tax repeal would not filter down to the consumer, and, second, that a reduction in the excise tax would have a significantly negative effect on the highway trust fund. Presumably, the sponsors of this dangerous proposition were going to provide tax relief to these oil and gas companies and delay highway projects just to make a political point. It is time to get beyond this campaign hysteria and last-minute gimmickery. These current concerns are really just symptoms of a larger problem.

Mr. President, I would also be remiss if I did not raise disturbing evidence that oil companies are sending our own oil overseas. On average, 50,000 to 90,000 barrels of oil per day have been exported to the Asian Pacific Region from Alaska's Northern Slope after an export ban was lifted in 1995. This output equaled about 27 million barrels in 1999. Why are we exporting oil from Alaska to countries like South Korea, Japan, Taiwan, and China when we face shortages at home? Are the same voices advocating for increased production in Alaska also supporting the export of oil overseas while simultaneously criticizing the recent release from the Strategic Petroleum Reserve? These voices are singing the siren song for increased oil company profits, not the hallelujah chorus of relief for the average American.

So here we are today caught in a black hole that will do little to move us down the road toward developing a sustainable energy policy. Just last week, a motion was made to proceed to S. 2557. I believe that we should be deliberating proposals on energy security. I also believe that we should not forget that there are other measures out there that should be given equal attention. While this bill may have some valid energy policy provisions, so do many other proposals. I note for the record, that Senator DASCHLE began an effort over two years ago to construct an energy security package. This effort, which I have cosponsored, addresses a number of important energy resources and industries. If Senators wish to support greater energy independence and encourage cleaner, more efficient technologies, then I urge them to also look at S. 2904, the Energy Security Tax and Policy Act of 2000.

We need to be talking about very complicated and critical energy matters, asking what role and responsibility we all must play. What is OPEC doing? What are the oil and gas companies doing? What is the administration doing? What is Congress doing? What are we doing individually?

My call for a comprehensive national energy policy is longstanding. On May 14, 1984, I took to the Floor with a warning that America should not be so dependent on Persian Gulf oil. At that time, the Reagan Administration was trying to eliminate the Department of Energy and its many energy programs. I argued that this was a wrongheaded approach and that short-term budget concerns should not dominate longer-term national security interests. At that time, I said: ''Our energy security rests upon our military might, not upon our natural resources, nor our technological genius.''

In another floor statement from August 6, 1987, I noted how the Reagan administration was continuing to undercut funding for the fossil, renewable, and synthetic fuels programs. That administration had slashed spending for energy conservation programs and vetoed legislation to provide for emergency preparedness and national appliance efficiency standards. Additionally, the Reagan administration was even balking at filling—not using—but filling the Strategic Petroleum Reserve. In reviewing that August 1987 speech, I warned:

> Why must the energy security of the United States be protected first with guns and not with brains or our homegrown natural resources? . . . The Reagan Administration's destruction of the Nation's long-term energy policies—policies that have been developed and promoted by every Administration since President Nixon—is imperiling America's energy security.

What can Congress do to find some common ground? Energy security and energy independence are a critical national, in fact, a critical international issue. Congress should find beneficial proposals and move forward on passing legislation in the 107th Congress that will get the job done. We should be looking at a variety of opportunities.

Let me offer one example from the recent past. Several weeks ago, while the Senate was debating the bill to grant China permanent normal trade relations, I offered an amendment to increase the use of American-made clean energy technologies in China. No Senator argued against this amendment on its merits. I believe that if a proposal like this were offered on another bill, then it could very likely have passed by an overwhelming margin and would be a win-win-win opportunity for business, labor, and the environment. I say to my colleagues, knowing that a multi-trillion dollar clean energy and environmental infrastructure market will be exploding in the coming decades, we should be taking every opportunity to promote market-based initiatives to deploy these American-made clean energy technologies at home and export these same technologies to developing countries as soon as possible.

Still, I realize that an effective energy strategy will require much debate and a good bit of negotiation. This is not something that can be resolved by depending on any one approach, technology, or resource. There are many serious questions that must be examined when considering our energy choices. We must consider the pros and cons of each of our energy resources and ask the following questions. With regard to oil and natural gas, how can the U.S. decrease its dependence on foreign producers by increasing domestic production while also ensuring that environmental protection and conservation are promoted? Regarding nuclear energy, is it possible for the U.S. to continue utilizing our existing nuclear energy facilities while also finding a workable solution to the problem of nuclear waste? Can the U.S. find ways to decrease the price for renewable technologies like wind, solar, geothermal, and biomass in a very competitive energy market? Is it possible to reconcile the conflicts regarding hydroelectric power and sustainable fisheries? How can the U.S. continue to use coal while ensuring that the air and water are made even cleaner? Finally, how can American businesses and individuals use all of these energy resources more wisely and find ways to reduce greenhouse gas emissions? No one industry, no one resource, no one technology, no one approach is going to provide that one silver bullet to fix our energy security problems!

Our long-term energy security interest goes far beyond the current price hikes in gasoline, diesel, home heating oil, or electricity. I fear that, as a nation, we are falling asleep at the wheel. We need policies that buffer our economy and our people from decisions made by foreign suppliers. It is time to focus on increased research and development into advanced technologies, energy efficiency and conservation measures, and market-based incentives to rapidly move these advanced technologies and conservation measures from the lab to the field. I believe that a comprehensive national energy strategy can do all of this and incorporate a strong environmental strategy as well.

Therefore, what would a comprehensive national energy strategy include?

Let me suggest a framework that I believe would help Congress craft such an energy policy. We must look at developing all of our energy resource sectors—fossil, nuclear, and renewables. A comprehensive plan must include improved measures for all of the major energy consuming sectors—the transportation, manufacturing, residential, and commercial sectors. A national energy plan needs to address the development and the conservation of our resources. It does no good to be producing more of our energy at home if we are not making further progress to conserve energy as well, especially in a growing economy. We need to develop an effective pipeline for the development of more advanced energy technologies. This will demand that more money and effort must be devoted to research and development, demonstration, and, ultimately, deployment in the market place. This energy strategy must be sound economically and environmentally. We must examine actions that can be taken now as well as actions for the long-term. Finally, while taking these steps domestically, we should also be finding ways that we can increase the export of American-made clean energy technologies to other countries that need these technologies just as much as we do.

As many of my colleagues know, I have been working for many years to provide funding for a range of clean energy technologies. I note that two of these 21st century clean energy technologies, the Clean Coal and fuel cell programs, are being centered at our nation's newest national laboratory, the National Energy Technology Laboratory in Morgantown, WV and Pittsburgh, PA and I believe that Congress should continue to support critical efforts like these in the future.

These are 21st century clean energy technologies—not because this is the 21st century, it is not, until next year. But we are talking about technologies that extend into the future.

These technologies are essential for growing our economy while also ensuring that environmental improvements, energy security, public health, and air and water quality are met. I have been working for 15 years on the Clean Coal Technology Program, and I believe that it is possible to bring together several complementary and mutually beneficial proposals. Let me outline a framework for coal and Clean Coal Technologies that I believe should be included in an energy security bill in the 107th Congress. This package must be bipartisan, and I look forward to working with my Democratic and Republican colleagues who have supported this effort like Senator DASCHLE, Senator MCCONNELL, and others.

Senator LOTT's bill, S. 2557, has requested a report from the Department of Energy regarding coal and the development of an effective research, development, and demonstration program. I agree it is time to do a more comprehensive study of Clean Coal Technologies. Among other steps, the Department of Energy should work with the private sector on a study to find ways for achieving higher performance goals and should recommend a road map for the development of these new technologies. The Congress should also consider authorizing additional funding to carry out a more advanced research, development, and demonstration program to achieve these ends. I will certainly put my shoulder to the appropriations wheel in an effort to assist in this regard.

A comprehensive energy package should also include a provision to promote the commercialization of Clean Coal Technologies, similar to that included in S. 2904. This provision, which I and other Senators support, would help to establish incentives to increase the deployment of these advanced Clean Coal Technologies now and in the future.

Finally, it is time that the U.S. turn its attention to the current fleet of coal-fired power plants. These coal-fired powerplants generate approximately 56 percent of our Nation's electricity and are the work horses of our electric generating capacity.

Up here is part of the work. Take a look at the lights in the ceiling. When the curtains of night fall, look at the lights at the top of the Capitol and across both sides of the Capitol, and pause to think that those lights are burning because coal is still being mined.

It is time that we examine market-based incentives to make emission reductions and efficiency improvements for the existing fleet of coal-fired electric power generation.

I believe that Americans witnessed a healthy discussion about our Nation's energy security at Tuesday night's presidential debate between Vice President GORE and Governor Bush. Both candidates put forward their views on how the U.S. can effectively develop a comprehensive national energy policy. Each candidate made what I believe signify complementary goals regarding a comprehensive energy policy. Principally, Governor Bush expressed his belief that the U.S. should take additional steps to increase the availability of our domestic energy resources, and Vice President GORE asserted that the U.S. should also find ways to decrease our energy consumption. Additionally, and particularly, I welcome the comments by both Presidential candidates regarding clean coal technologies.

I have to say that this present administration and some of the budgets that have come to the Hill have sought to defer funding on clean coal technology, and even this year sought to rescind some of the money. That is going in the wrong direction.

The Vice President, in his September 14, 2000, letter to United Mine Workers President Cecil Roberts remarked, ''I strongly support accelerating the development and deployment of technologies that will allow us to use coal in cleaner and more efficient ways.'' Following his announced support for clean coal technologies at a campaign stop in Huntington, WV a day before, Governor Bush also voiced his support at the debate by saying, ''I want to develop the coal resources in America and have clean coal technologies.'' Responding to those comments by Governor Bush, Vice President GORE said, ''I strongly support new investments in clean coal technology.'' I am heartened by the comments of both candidates, and I hope that the next administration will be a strong advocate for the increased research and development, demonstration, and deployment of these clean coal technologies in the coming years. The next administration has an obligation to follow through on those commitments to help America's coal miners, develop our own resources and technologies, and to deploy these clean coal technologies in the market at home and abroad. If we want to have a national energy strategy, then we must sit down together and put all of our interests on the table.

I heard a great deal of talk by both Presidential candidates in that debate about what each is going to do. Each is going to do this and each is going to do that, and this is going to happen and that is going to happen. Very little mention was made in that debate about Congress.

Congress has to be a partner in carrying out whatever plans the winning candidate may have in this respect and in other respects. So don't leave out Congress, my friends. Congress is very much a partner. I hope both candidates will recognize that in their future debates. They will think of Congress because it takes help from Congress, because Congress is made up of the elected representatives of the people. You have to have Congress on your side, whoever becomes President. We will sit down together and put all of our interests on the table.

We should judge the success of our energy strategy by how it affects the average person. How will it benefit farmers, coal miners, home owners, and truck drivers? We need to help create more jobs and an even stronger economy and ensure that the U.S. does not quiver each time that OPEC tries to flex its muscles. We must not allow ourselves to be swayed by the winds of the current political movement. The American people are not fools. They realize that last-minute, short-term, quick-fix solutions do little to address the underlying problem: the need for comprehensive national energy policy. It is my hope that Congress will begin to take a serious look at energy security legislation in the 107th Congress. Mr. President, I stand ready to meet these challenges.

ON THE RETIREMENT OF SENATOR CONNIE MACK

Mr. BYRD. Mr. President, the distinguished Senator from Florida, CONNIE

MACK, has decided to retire from the Senate after serving two successful terms. This Senator from the Sunshine State has served his people and his country well.

Following graduation from the University of Florida with a Bachelor of Arts degree in Marketing, the young Senator-to-be began a successful sixteen-year career as a community banker. Quickly emerging as a local civic leader in Cape Coral, FL, he fought to ensure access to vital health care services in his community by leading the effort to build a local hospital.

Heeding the call of greater professional challenge, CONNIE MACK entered the political arena when he won election to the U.S. House of Representatives in 1982, a position he would occupy for the next six years. As a member of the House, he was recognized by U.S. News and World Report as one of the Nation's most effective ''rising political stars.'' His sincere dedication to public service and love for the art and the process of legislating further propelled him to seek and win a seat in the United States Senate.

It is obvious that his Florida constituents understand and appreciate the degree of skill, dedication, and integrity that Senator MACK has brought to his work. And, as Republican Conference Chairman and third-ranking member of the Senate Republican leadership, it is obvious that his Republican colleagues have understood and valued those qualities in Senator MACK as well.

In 1994, Senator MACK had the distinguished honor of being the first Republican in Florida history to be reelected to the U.S. Senate. He received 70 percent of the vote, more than any other Republican Senate candidate in the nation. In that same year, Senator MACK was named by Campaigns and Elections magazine as one of the 20 most popular elected officials in America.

Mr. President, no Senator has fought more vigorously to protect and preserve the jewel-green waters, the soft, white beaches, and the inland springs that comprise the immense natural beauty of the marvelous peninsula he so effectively represents. He has been an ardent supporter of restoring the natural history and the fragile ecosystem of the Florida Everglades, a true national treasure. Most recently, Senator MACK played a large role in the recent Senate passage of the largest environmental restoration project in history—a $7.8 billion effort to rescue the Florida Everglades from years of environmental degradation.

Senator MACK has been driven by his personal commitment to doing all that he can to provide a better, healthier life for all Americans and people of the world. He has worked long hours, and with great determination, in an effort to see that Federal dollars are wisely used to combat breast cancer, prostate cancer, heart disease, and Alzheimer's disease. The junior Senator from Florida has long realized the importance of providing researchers with the tools necessary to continue the tremendous advances being made in biomedical research.

In the Senate, CONNIE MACK has been a true champion of the fight against cancer. He impressively co-chairs the Senate Cancer Coalition with Senator DIANE FEINSTEIN to heighten awareness of cancer research, early detection programs, improving cancer prevention, and exploring various innovative cancer treatment options. Senator MACK and his wife Priscilla, have both escaped the clutches of cancer, and have led the charge to ensure that all Americans take to heart the message that early detection of cancer saves lives. The Senator and his wife have received numerous honors and awards in their crusade against cancer, such as the National Coalition for Cancer Survivorship Ribbon of Hope Award in 1998 and the National Coalition for Cancer Research Lifetime Achievement Award in 1999.

Drawing upon his experience as a community banker, Senator MACK played a key role in defining the framework of landmark legislation in the Senate to modernize our nation's banking laws and offer more convenience for consumers. I supported this legislation. It has helped to shape the financial industry, enabling more efficient and appropriate responses to the burgeoning demands of an aggressive global marketplace.

And so, Mr. President, as he prepares to leave the Senate, I offer my sincere gratitude to Senator CONNIE MACK for his professionalism, for his friendship, for his leadership, for his candor, and for his many years of dedicated service to our nation.

Always a gentleman, and that means a lot in this body and in life, he brought to this Senate floor and to his committee work some of the best that Florida has to offer this Nation—a willingness to work hard, to make tough and principled decisions, and to seek common ground in order to serve the common good. It is these notable qualities which will be so sorely missed.

I wish my distinguished colleague from the Sunshine State well.

Next week I will have something to say about other colleagues who are retiring and about whom I have yet to state a farewell message.

I yield the floor.

HATE CRIMES LEGISLATION

Mr. LEAHY. Mr. President, I rise today to note my deep disappointment that hate crimes legislation has been dropped from the Department of Defense authorization bill in conference, despite the fact that both the Senate and the House have voted to include it. This is a major step backward for our commitment to civil rights.

The Senate passed the Local Law Enforcement Enhancement Act of 2000, sponsored by Senators KENNEDY and GORDON SMITH, on June 20 by a strong bipartisan vote of 57–42. This legislation would strengthen current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability.

The Senate bill also shows full respect for principles of federalism. It strengthens Federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement. It has received strong bipartisan support from state and local law enforcement organizations across the country, support that is particularly significant to me as a former prosecutor.

On September 13, the House voted 232–192 to instruct their conferees to agree to the Senate language, showing that a strong bipartisan majority of the House also wanted to strengthen and expand our laws against hate crimes.

But the conferees have now ignored the will of both the Senate and the House. They have dropped the Local Law Enforcement Enhancement Act, which has the support of not just the Congress but the President and the American people.

Their objection cannot be that this legislation is unimportant. Hate crimes affect more than just their victims and their victims' families—they inspire fear in those who have no connection to the victim beyond a shared characteristic such as race or sexual orientation. When James Byrd, Jr. was dragged behind a pickup truck and killed by bigots in Texas for no reason other than his race, many African-Americans throughout the United States surely felt diminished as citizens. When Matthew Shepard was brutally murdered in Wyoming because he was gay, many gay people throughout the United States felt less safe on our streets and in their homes. These crimes promote fear and insecurity that are distinct from the reactions to other crimes, and House and Senate have both agreed that they should have distinct punishments.

The conferees' objection cannot be that this legislation is unnecessary. Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our Nation. As a Nation, we must say loudly and clearly that we will defend ourselves against such violence. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for more than 100 years. The hate crimes amendment this Senate

approved and the House endorsed continues that great and honorable tradition.

The conferees' objection cannot be that this legislation is unconstitutional. This bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts of violence and threats of violence motivated by hatred and bigotry. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

The conferees' objection cannot be that this legislation has not been properly examined. In addition to gaining the approval of the Senate and the House this year, similar legislation passed the Senate last year. It has been the subject of great discussion in the general public and in the halls of Congress. It is long past time to act on this legislation.

Finally, the conferees's objection cannot be that hate crimes are rare occurrences. In addition to the terrible murders of Mr. Byrd and Mr. Shepard, the last years have seen the murder of former Northwestern basketball coach Ricky Byrdsong and others in a bigoted Illinois shooting spree, the terrible sight of small children at a Jewish community center in Los Angeles fleeing a gunman who sprayed the building with 70 bullets from a submachine gun, and racially-motivated crimes in the Pittsburgh area by both African-American and white offenders. And these are just some examples of a wider phenomenon of hate-based crimes.

I would like to thank Senators KENNEDY and GORDON SMITH for their exhaustive efforts on behalf of hate crimes legislation. I regret that their efforts and the will of the House and Senate have been frustrated.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue to fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 6, 1999:

Hector Colon, 34, Bridgeport, CT;

David Cook, 32, Kansas City, MO;

Raymond Foster, 32, Philadelphia, PA;

Michael Gatheright, 46, Detroit, MI;

Andres Geronimo, 15, Houston, TX;

Jose Godinez, 19, Chicago, IL;

Jerome Green, 40, Boston, MA;

Relendo McKarney, 21, Washington, DC;

Christopher Reese, 17, Fort Worth, TX; and

Ennis Walton, 29, Denver, CO.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE PASSING OF PIERRE ELLIOT TRUDEAU

Mr. L. CHAFEE. Mr. President, last week the Canadian people learned of the passing of their former prime minister, Pierre Elliot Trudeau. His funeral, which took place on Wednesday, brought Canada's many political factions together for an unusual moment of unity. I would like to take this time to share with my colleagues my thoughts on this momentous event for our neighbors.

Pierre Trudeau led Canada at a time when that nation made enormous progress both internally and on the world stage. He served as prime minister from 1968 through 1984, with a brief nine-month hiatus in 1979–80. During these years, Trudeau championed many initiatives, and supervised the process by which Canada replaced its ties to Great Britain with a constitution of its own. His agenda affected Canadian politics for years after he left office.

Pierre Trudeau's private life certainly made many headlines, but his most enduring legacy was his success in addressing the separatist movement in his native Quebec. Just two years after assuming the prime minister's post, he won plaudits from the Canadian people for his toughness in dealing with separatist terrorists who had kidnapped a British diplomat and a Quebecois provincial official. Ten years later, in May 1980, Trudeau's leadership and persuasiveness convinced 59.6% of Quebecois to vote against separating from the national government. At the same time, though, he was sensitive to his country's French-speaking population; Canada was made officially bilingual in 1984.

I lived in Canada for seven years during the Trudeau era. As an American in this foreign-but-nearby land, I learned first-hand how Pierre Trudeau shaped and influenced the maturation of Canada. Although the United States and Canada certainly had their differences during this era, particularly on matters of arms control, I know that our nation fully respected his abilities and leadership qualities that guided Canada through some momentous times. Our friendly neighbor to the north has lost a great leader, and I hope all of my colleagues will take a moment to recognize the enormous legacy of Pierre Elliot Trudeau.

THE HAZARD SUPPORT SYSTEM

Mr. AKAKA. Mr. President, Benjamin Franklin once described how ''for want of nail the shoe was lost; for want of a shoe the horse was lost; and for want of a horse the rider was lost.''

I wish to call the Senate's attention today to a similar situation. For $13 million, we could help prevent hundreds of millions of dollars in losses from forest fires.

This case involves a Federal program which can help detect wild fires and volcanic activity from space. It is a small program that has been in a pilot phase for a couple of years but which is now operational. Except it is not operating. It stopped when funding for it ended on September 30, 2000. Unfortunately, funds to keep it going have not been authorized or appropriated for the next fiscal year.

The program, which only recently came to my attention, is called the Hazard Support System. It is operated by the United States Geological Survey (USGS) and is a forceful example of how today's modern technologies can be employed to the benefit of us all.

For several years, our fire and volcanic agencies have been working with the Department of Defense to realize the potential dual use of the nation's ballistic missile warning satellites to argument existing fire detection and suppression capabilities and to monitor global volcanic activity.

We have heard a great deal about fires over the past few months. On average there about 100,000 wildland fires in the United States each year, destroying millions of acres of timber, rangeland, and homes at the cost of hundred of millions of dollars. In 1994, federal fire suppression cost $920 million.

Here is a system—the Hazard Support System—which can detect fires of less than a quarter acre in size and dispatch warnings via the Internet to fire fighters in five minutes, saving potentially millions of dollars—not to mention people's homes—and it is not being funded.

The system's utility is not limited to forest fires but also can be used to detect volcanic eruptions and to track ash clouds.

One can ask why should we care about tracking ash clouds?

Imagine cruising through an ash cloud in a airplane at 30,000 feet above Alaska: volcanic ash is sucked into the jet's engines where it instantly melts, coating the inside of the engines, cutting off the flow of oxygen, and causing the engines to stall. The plane drops to 10,000 feet where the engines restart only because the rapid descent has dislodged the ash crust. This actually happened to an aircraft in Alaska.

Jet radars and weather satellites cannot detect ash clouds. To these systems, ash looks like water vapor. With ash from volcanic explosions traveling around the world at high altitudes, we cannot fly safely unless we have the ability to track these clouds. Every year about 10 volcanic eruptions penetrate the altitude range of air traffic. Seven passenger airliners have experienced engine power losses, and plane repair and replacement costs, as of 1994, exceeded $200 million.

Most of the world's volcanoes can erupt without warning. There is no global volcano monitoring capability. Currently, less than half of America's 65 potentially active volcanoes are monitored for signs of activity—but not their ash clouds. We have active volcanoes in Alaska, Washington, Oregon, California, and Hawaii. Most of the volcanoes in the Aleutian Islands are active but, along this major international airline route, only 10 percent of these volcanoes are monitored. Only 10 percent of the world's 1,500 potentially active volcanoes are under constant surveillance.

The USGS' Hazard Support System fuses the fire- and volcanic-activity detection capabilities of the world's environmental weather satellites with that of our ballistic missile warning satellites—without affecting their primary national security mission—to provide 24-hour worldwide detection.

The cost of this system for its first year would be $13.5 million and $5 million thereafter. The benefits of this program for states in the Western part of the United States are obvious. I have been assured by the Administration that the only reason funding for this program was not requested for the next fiscal year was because, at the time of the budget preparation, the system was not yet operational. It is now operational and proven.

I intend to seek funding for a small program with a huge return in protecting Americans from future forest fires and the danger of catastrophic airline crashes. I would urge my colleagues to join me in support of this program.

VIOLENCE AGAINST WOMEN ACT

Mr. JOHNSON. Mr. President, October is Domestic Violence Awareness Month, and I can think of no better way to start off the month than by reauthorizing the Violence Against Women Act and providing thousands of South Dakota women and children with the resources and protection from violence and abuse.

As you know, programs contained in the Violence Against Women Act expired October 1. I have sponsored legislation to reauthorize and expand these important programs, and the reauthorization bill has received broad, bipartisan support in both the House and Senate. In fact, there are 72 Senators cosponsoring my bill. Also, the House of Representatives voted last week by an overwhelming 415–3 margin to reauthorize the Violence Against Women Act.

This Congress, that has failed to act on several important legislative initiatives, has the opportunity to do something right this week. Majority Leader LOTT can schedule votes today on reauthorization of the Violence Against Women Act, and it would pass overwhelmingly. The President has promised to sign the bill as soon as possible. The time to act is now.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children. Reauthorization of this legislation assures that South Dakota communities will continue to have access to critical funds for domestic violence services.

A woman from South Dakota recently wrote me about this issue, and I shared her story on the Senate floor last week because I believe it made the most compelling case for reauthorization of the Violence Against Women Act. This South Dakotan was abused as a child, raped as a teenager, and emotionally abused as a wife. Her grandchildren were also abused. In her letter, she pleads: Please reauthorize the Violence Against Women Act. Don't let another woman go through what I went through, and please don't let another child go through what my grandchildren have gone through. You can make a difference.''

I also heard from a Rural Outreach Advocate in South Dakota who said a grant from the Violence Against Women Act enables her and other advocates to help battered women in our state. She noted that many assaulted women and children in our state live in remote, rural areas that don't have available services. Without grants from the Violence Against Women Act, this Rural Outreach Advocate warned that we will be unable to help a majority of battered women and children on our state's farms and in our state's small towns.

In addition to the need to reauthorize the Violence Against Women Act, I recently joined Senator PAUL WELLSTONE of Minnesota in introducing legislation called the National Domestic Violence Hotline Enhancement Act. Since 1994, the National Domestic Violence Hotline (1–800–799–SAFE) has received 500,000 calls from women and children in danger from abuse. My legislation would create the National First Call for Safety web site that would allow National Domestic Violence Hotline operators to quickly and easily find the most appropriate shelter for callers. The highly secure and confidential web site would keep a continuously updated, nationwide list of available shelters and information about services and facilities offered by these shelters.

My legislation is modeled after the successful Day One program in Minnesota. Day One has run a web site linking every shelter in Minnesota and reports that 99 percent of women and children who call are assured to receive shelters and services that meet their needs.

While there are many worthwhile issues that must be addressed by this Congress in the next few weeks, I can think of no better accomplishment for Congress than to reauthorize the Violence Against Women Act and pass my National Domestic Violence Hotline Enhancement Act. Simply put, these laws will help keep wives, daughters, sisters, and friends from becoming victims of domestic violence.

RURAL LOAN GUARANTEE PROGRAM

Mr. LEAHY. Mr. President, as a conferee last year on the satellite television bill, I worked hard to include, along with several of my colleagues, a provision that would have ensured that the benefits of that bill would also be shared by rural Americans through a loan guarantee program.

Those benefits include providing local-into-local television over satellite—which simply means that rural Americans would be able to receive their local network stations over satellite if they owned a satellite dish, along with the full range of weather, movie, superstation, sports and a host of other channels.

We wanted to ensure that rural Americans would get the same level of television service over satellite as urban Americas would enjoy.

As it turns out, urban Americans can now receive the full array of local network channels over satellite—but the great majority of rural Americans can not.

Unfortunately, the Chairman of the Banking Committee objected to the provision—at the end of last year—that would have helped finance such service to rural areas and we have been unable to resolve this matter.

At the time I was very worried this would happen which is why I discussed it at some length on the floor.

I want to stress, once again, to all of my colleagues that this is very important to our constituents. We need to work together so that we can resolve this problem and make sure that rural America is not left in the dark.

I am here today, to again stand with rural Americans. I have already mentioned on the floor several times that if we tried to hold a Conference on this issue that we would be unable to pass the bill this year.

I said few weeks ago that we simply do not have time to go through the formal Conference process. The e-signature Conference, for example, took many months. As I have warned everyone before—we do not have time for a Conference.

However, if we work together we can easily finish a bill that will actually work and get local television stations carried over satellite.

With a few improvements to the House-passed or to the Senate-passed bills we can get this job done for rural America.

We need to make sure that the federal guarantee can cover providing high-speed Internet access to rural Americans. As long as we are going to help finance a satellite we should get the biggest benefit out of it by having it also help break down the digital divide.

Also, some of the bill provisions consist of such atypical, and onerous, credit requirement that I do not think that any lenders will want to participate.

I have two basic concerns with the proposed language, and have serious concerns about the extraneous House provisions on cell telephones and the like.

I also understand through lobbyists that efforts are being made to include language that would take away FCC authority to approve the new ''Northpoint'' technology that could provide local-into-local television in many areas of the country. My understanding is that some of the satellite providers are concerned that Northpoint could compete with them.

In terms of the credit provisions of the bill, I am worried that potential borrowers may have long-term existing contractural obligations or security agreements whose contract terms would be abrogated by this law if they were to participate in this loan guarantee program.

If they received a guaranteed loan under the bill, their lenders could pull back existing credit lines for violating their contracts by complying with the new law.

With respect to the default language, even a minor default could lead to liquidation which would reduce the ability of the United States to protects its own interests and, in addition, could trigger unnecessary defaults on loans or projects which the borrower may have with the United States, or other lenders.

The additional problem with the superpriority bankruptcy language is that it is a backdoor ''taking'' of property because it would take the property rights of creditors that have other prior perfected security interests in the borrower's property.

These contract property rights—which would be destroyed after the fact—could be very valuable and the bill could take them away.

Mr. President, I have provided language to most interested offices some months ago to resolve these points which may appear at first blush to be technical but, in fact, could make it impossible for this program to work.

I have also proposed language to ensure that rural Americans are able to receive high-speed Internet access under this bill. The section on prerequisites for the loan does not list high-speed Internet access as a purpose for the guarantee.

I recommend adding ''high-speed Internet access'' to that section so that the Board could approve a guarantee which would include that purpose, as a secondary consideration.

I have pointed out before on the Senate floor that, ''computers are on a development path that improves performance by a factor of 10 every five years,'' according to Scientific American.

However, without high-speed linkage of these constantly improving computers rural America will be left behind.

In America, there is a growing disparity between the digital ''haves'' and ''have-nots'' as portions of our society get left behind at the same lightning pace at which the Internet develops.

I would like the bill changed so that we can close the ''digital divide'' that keeps rural America from fully participating in America's economic boom under President Clinton.

I know that some are fighting to keep this disparity—but this disparity between rural and urban America is self-defeating as the Internet becomes an increasingly important thread of our business and social fabric.

So I hope all my colleagues will join with me in working together to get this program in operation before Congress goes out of session.

APPROPRIATIONS—INTERIOR AND RELATED AGENCIES

Mrs. LINCOLN. Mr. President, I rise today to talk about the Interior Appropriations Bill for fiscal 2001 and our efforts here in the Senate to enact the Conservation and Reinvestment Act to provide permanent funding for land, water, and wildlife conservation programs in this nation.

With the passage of the Interior Appropriations Bill for fiscal year 2001, we have taken a step in the right direction toward providing a permanent conservation fund for this nation—but it is only a step.

The Interior Appropriations bill funds many important programs and projects in Arkansas including refurbishing the historic Hot Springs National Park Bathhouses, constructing a visitors center at the White River National Wildlife Refuge, and funding needed construction and maintenance at recreation areas in the Ouachita National Forest.

The bill also increases the funding for the Land and Water Conservation Fund, Payments in Lieu of Taxes, Urban and Historic Preservation programs, State Conservation grants. And needed funding for tackling the maintenance backlog in our nation's park system. But it leaves many of the programs that we have pushed for in the Conservation and Reinvestment Act out completely. Specifically, it leaves out a permanent stream of funding for wildlife conservation and education programs.

By establishing a permanent funding source for state based wildlife programs, we can take steps now to prevent species from becoming endangered. This would enable us not only to conserve the significant cultural heritage of wildlife enjoyment for the people of this country, but also to avoid the substantial costs associated with recovery for endangered species. In fact, all 50 states would benefit as a result of the important link between these wildlife education-based initiatives and the benefits of wildlife-related tourism.

CARA also would have provided a permanent funding source for rural community assistance and development funds, historic preservation, urban parks, conservation easements, and restoration of National Parks. These provisions would annually provide almost $3 billion nationwide for land, water, and wildlife conservation programs and include over $25 million in funding for Arkansas.

The 2001 Interior Appropriations bill is an important step toward providing for the conservation of this nation's land, water, and wildlife, but we can do so much more. We must not let this opportunity slip away to enact what may well be the most significant conservation effort of the century. I strongly urge my colleagues to continue to work toward passage of the Conservation and Reinvestment Act.

CONCEALED GUN LICENSES

Mr. LEVIN. Mr. President, in recent years, lobbyists for the National Rifle Association, NRA, have been pressing state legislatures around the country to pass so called ''shall issue'' laws. ''Shall issue'' laws require that licensing authorities shall or must issue concealed weapons permits to those who meet standard eligibility requirements. The state laws take discretion away from local law enforcement agencies, who would ordinarily use their own criteria to determine who should carry a concealed weapon.

When such a law was proposed in my home state of Michigan, every major law enforcement organization in the state spoke out against it. Athletes, entertainers, religious leaders and some lawmakers joined them in their public plea to keep concealed firearms off our streets. In the end, although both the State House and Senate passed the ''shall issue'' legislation, lawmakers yielded to public pressure and refused to proceed to a conference committee, thereby rejecting the law.

While Michigan's citizens acted quickly to ensure that lawmakers rejected the NRA backed proposal, other state legislatures embraced the law as their own. This week the Los Angeles Times published an extensive report on the effects of the relatively new law that gives Texans the right to carry concealed weapons into public places, including churches, hospitals, nursing homes, and amusement parks. The Times story reveals that since the ''shall issue'' law's inception in 1995,

and its expansion in 1997, Texas has issued concealed weapons permits to more than 400 criminals with prior convictions, and has since arrested more than 3,000 licensees.

Based on the LA Times investigation, it appears that the law billed as part of an ''anti-crime'' package could really be more accurately described as pro-crime. A recently released study from the Violence Policy Center disclosed that Texans with concealed-carry licenses were 66 percent more likely to be arrested for firearms violations than Texans who did not have such licenses.

The LA Times story explains that part of the problem is that in many cases, concealed permits were given to those whose records should have disqualified them. Perhaps the most disturbing case is that of Terry Gist, also known to his friends as ''Holsters'' because of his well-known affection for guns. Before he even applied for his permit to carry a concealed weapon in Texas in 1997, Gist had already been to court for trying to choke his wife and threaten her with a gun (she had a restraining order out against him) and arrested while in the army for brandishing his handgun at a local citizen in Haiti. After he passed the state background check and received his concealed weapons permit in the mail, he was known to carry two semiautomatic handguns, sometimes three, with him at all times. Gist bragged that he displayed one of those guns to a driver during a ''freeway feud.'' In 1998, Gist was arrested and convicted for sexually assaulting an eight-year-old girl who said during the trial that she was afraid he was going to shoot her.

The most common category of problems associated with concealed weapons holders, however, are not those of Terry Gist, but those of people like Paul Leuders. Leuders, a Houston computer analyst, became so upset when he almost missed his bus that the concealed weapons licensee took out his gun and shot the bus driver in the chest.

Law abiding citizens, armed with concealed weapons, are too often turning what would otherwise be unpleasant but not catastrophic events, such as fender-benders and commuting hassles, into tragedies. The ''shall issue'' laws in Texas and in states around the country don't make us safer, they make us less secure. In addition, they send the wrong message to our children, that the way to deal with the problems of modern life is with a gun. People around the country reject the NRA logic that they are unsafe in public places if they are not armed. Legislatures should do the same.

America has come a long way since the days of the wild west. Over the last years our law enforcement agencies have developed better ways to reduce violent crime and keep our streets safe. ''Shall issue'' laws go in the wrong direction by increasing the number of weapons on the streets and the dangers we and our children face.

NATIONAL RURAL DEVELOPMENT PARTNERSHIP ACT OF 2000

Mr. CONRAD. Mr. President, I am pleased to be a cosponsor of the National Rural Development Partnership (NRDP) Act of 2000 introduced yesterday by my friend from Idaho, Senator CRAIG, and 25 of our distinguished colleagues.

The NRDP is a nonpartisan interagency working group whose mission is to ''contribute to the vitality of the nation by strengthening the ability of all rural Americans to participate in determining their futures.'' Today the NRDP is comprised of nearly 40 State Rural Development Councils [SRDCs]. The NRDP also brings to the task of developing rural America more than 40 agencies, in addition to state, local, tribal, for- and non-profit organizations.

The Partnership has thrived in recent years because of the hard work of thousands of dedicated Americans throughout the country who are committed to reinvigorating rural life through coordination of their efforts and those of the public and private sectors. However, the NRDP has never been formally authorized. The future of this important organization can only be secured if the NRDP, the National Rural Development Council, and the SRDCs are formally recognized by the Congress and authorized to receive appropriations.

Mr. President, that is exactly what this legislation would do. Additionally, the Craig-Conrad bill delineates specific responsibilities for each component of the NRDP while refocusing and reinvigorating many current activities. It does not, however, create any new bureaucracy. This legislation grew out of a hearing of the Agriculture Committee's Subcommittee on Forestry, Conservation, and Rural Revitalization that Senator CRAIG and I, as chairman and ranking member, held on March 8 of this year. The support expressed at that hearing for the NRDP was broad-based and considerable.

I cannot emphasize enough the importance of the NRDP's work. Every region of our nation has benefited. In my part of the country, the NRDP has been particularly valuable in bringing together previously independent rural development efforts, creating a synergistic effect.

As I have discussed on the Senate floor and in committee on numerous occasions, in the Upper Great Plains we are facing a crisis of staggering proportions, placing unprecedented stress on every aspect of economic and community life. This is a very serious matter for the entire country. The farms of the Dakotas and the surrounding states produce wheat, corn, and soybeans in abundance, but something much more important: good families and great kids. The rural way of life helps foster the values of hard work and fortitude that have made America great.

In my view, the ongoing crisis in agriculture represents as great a threat to our nation's future as any of the foreign threats we face today. As we work to combat this domestic national security threat and preserve the rural way of life, the NRDP is a truly vital asset. I hope all my colleagues will join the 27 of us on this bill in pressing for its passage and enactment at the earliest possible moment.

Mr. President, I yield the floor.

ADDITIONAL STATEMENTS

FATHER NICHOLAS MAESTRINI AND FATHER JOHN BORACCO CELEBRATE 70TH ANNIVERSARY OF PRIESTHOOD TOGETHER

• Mr. ABRAHAM. Mr. President, I rise today to recognize Father Nicholas Maestrini and Father John Boracco, two men who have dedicated their lives in service to the Catholic Church, and who have often found their paths cross along the way. On October 22, 2000, the paths of these old friends will converge once again, as they will be honored together by the Pontifical Institute for Foreign Missions (PIME) in Detroit, Michigan, in recognition of their 70th Anniversary of Ordination.

Fr. Maestrini and Fr. Boracco began their long histories of dedicated service to the Catholic Church together as seminary classmates in Monza, Italy. Shortly after becoming ordained priests, both chose to enter into the PIME missionary. PIME is an international community of priests, lay missionaries and lay volunteers who have dedicated their lives to service in foreign lands. Founded in Italy in 1850, it is now a global organization that operates missions throughout the world. Its international headquarters are in Rome, Italy, while PIME U.S. Region is based out of Detroit.

Both Fr. Maestrini and Fr. Boracco joined missions in Asia, and both experienced struggle and hardship there during the chaotic period before, during and after World War II. Fr. Maestrini served as a missionary in Hong Kong from 1931–50. During this time, he suffered through the strife of the Great War and of being interned by the Japanese. Fr. Boracco had it no easier in China, where he was stationed from 1934–54, first in the northern Henan Province and then at Kai Pheng. He was forced to persevere through imprisonment, the Japanese occupation, and the Communist revolution. In 1954, he was condemned to die at the hands of the Communists, but was instead expelled.

In 1951, Fr. Maestrini was named Superior of the PIME U.S. Region. Four years later, he was joined in Detroit by Fr. Boracco, who was assigned to help with the seminary expansion started by his friend. For the next 19 years, the two formed the perfect team. Fr. Maestrini focused his energy on external matters, such as public relations and fundraising, while Fr. Boracco served as rector and spiritual director

of PIME's theological and high school seminars. With success, their roles expanded. Fr. Maestrini oversaw the establishment of three seminaries, two award-winning films, and many fund raising and public relations programs benefitting the foreign missions. Fr. Boracco became Director of the PIME residence for priests, brothers and seminaries. While Fr. Maestrini retired as Superior in 1974, Fr. Boracco retired just last year.

Both Fr. Boracco and Fr. Maestrini remain active within the Catholic community. Aside from assisting at his local parish, Fr. Maestrini publishes a mission newsletter, and continues correspondence with missionaries and benefactors. Fr. Boracco regularly assists several parishes in the Archdiocese of Detroit.

I applaud Fr. Maestrini and Fr. Boracco on their extraordinary legacies of service. For 70 years, they have tirelessly spread the message of faith and good will to others embodied by the Catholic Church, and they have done so while forming a friendship that is truly unique. On behalf of the entire United States Senate, I congratulate Father Nicholas Maestrini and Father John Boracco on 70 years of successful service, and wish them both continued success in the future.●

TRIBUTE TO MR. BENNIE THAYER

● Mr. KERRY. Mr. President, Senator BOND and I would like to submit for the RECORD a tribute to Mr. Bennie Thayer, a long-time business advocate and remarkable man who passed away Monday.

Mr. BOND. Yes, Mr. President, Senator KERRY and I would like to join in making the following statement recognizing Mr. Thayer's lifetime accomplishments.

The remarks follow:

Mr. Thayer earned the respect and admiration of the small business community. Until his passing, Mr. Thayer served as the eloquently outspoken President and CEO for the National Association for the Self-Employed. Representing more than 200,000 members nationwide, as head of NASE Mr. Thayer fought for relief from unfair government regulations and pushed for legislative action on issues ranging from taxes to retirement plans. I think we will all remember him for his tireless work to get 100 percent deductibility for health insurance purchased by the self-employed. It wasn't easy. In fact, it was a long, long fight, but he managed to build bi-partisan support for 100 percent deductibility. How fitting it would be for Congress to pass such legislation before we adjourn.

In addition to Mr. Thayer's leadership at NASE, he has chaired and served on the board of many local and national business associations covering economic development, credit development, small-business enhancement, and general business growth. Of course, Mr. Thayer knew what he was doing. He could identify with the needs of small business owners and the self-employed because he himself was co-owner of the Board of Natural Health Options and A.W. Curtis Products, a manufacturer of natural health products. In his distinguished career, Mr. Thayer also was called upon at times to advise the past three Presidents—President Reagan, President Bush, and President Clinton.

But Mr. Thayer should be remembered for much more than his impressive resume or for being a champion of and advocate for small businesses and the self-employed. He served tirelessly in several capacities as a leader in his community. For the past seven years, Mr. Thayer was Senior Pastor of the United Methodist Church of the Redeemer in Temple Hills, Maryland. He also worked toward community development and youth mentoring as a board member of such organizations as REDEEM Inc. and the Board of Eagle Flight Inc.

In the most recent issue of ''Self-Employed America,'' NASE's bi-monthly publication, there is an article entitled ''Make Yourself Memorable.'' Mr. Thayer did. His first impression was a lasting impression—a warm, sincere handshake and an incredible, mesmerizing voice. Even if you didn't agree with something he said, you always liked how he said it. We will miss him.

Our condolences go out to his wife Bernice, his two daughters, his two grandchildren and his home community in Prince George's County Maryland, where he touched the lives of so many. May God bless his family and friends, and may the remarkable Bennie Thayer rest in peace.●

HONORING A COLUMBINE HERO, BOY SCOUT EVAN TODD

● Mr. ALLARD. Mr. President, I rise today to share with my colleagues a pair of statements I recently received from an exceptional young man in Colorado, Mr. Evan Todd of Littleton. Evan was one of the many unfortunate victims of the horrific shooting that took place at Columbine High School on April 20, 1999. Evan was the first student shot in the library at Columbine High School, and despite his injuries he assisted other students and administered first aid to a seriously wounded peer until emergency services could arrive. Evan, an active Boy Scout, was awarded the prestigious Boy Scouts of America Honor Medal for his inspiring actions. Still a Columbine student, Evan has dedicated a tremendous amount of time to speaking to other students and adults around the nation concerning the problems of youth violence and the cultural influences on American youth. I am honored that Evan took the time to write to me and I ask that a copy of Evan Todd's letter to his fellow Scouts and a copy of a speech he delivered at ''The Gathering,'' a meeting of victims of school violence, be included in the CONGRESSIONAL RECORD.

The material follows:

Dear Fellow Scouts, I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine High School was a cloudburst of epic proportions. This act was senseless, tragic and without justification, whatsoever. 13 murdered 25 wounded and 1,951 students youth destroyed. As a student who was shot and wounded in the library, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. The event here at Columbine in Littleton Colorado, and the events at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere indicate to me that our nation has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the ''adult society'' debate as to the ''why'' and ''how'' of these terrible incidents. The adults debate and argue over what constitutes good and what constitutes evil; what is right and what is wrong. At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If we were to take into our lives what is provided to us by our society, our actions would also violate the Scout Oath & Law. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. Our nation has always had guns. Our nation has always had children. What our nation hasn't always had is children murdering children and their parents, and parents murdering their children. The ingredient that has made America different is the last couple of 'adult generations', and their changes towards what is right & wrong, good & evil. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. I have found them confused. Even at our age, we can discern the difference between what you say and what you do. . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my room is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

''THE ESSENCE OF DESTINY

''Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny.''

The good news for those of us that are Scouts is that we are privileged to be a part of an organization that provides us the tools and instructions to put into us that which builds a better person, a better nation. Those tools are called the Scout Oath and Scout Law. Robert Gates, former Director of the U.S. Central Intelligence Agency (CIA) and our current President of the National Eagle Scout Association (NESA) recently stated that there is a war going on for the souls of our boys and young men in this nation. He sees clearly. If you are to be a scout, don't be a scout in word only. Learn and practice the Oath & Law in everything you think, say and do. I understand well how hard that can be, but ''Do Your Best.'' To the Boy Scouts of America, thank you for defending our 90-year record and not allowing the Oath & Law to be redefined. As you say, it has stood the

test of time. The generation that wants to change the Oath & Law has not stood the test of time. To all the scouts across America that sent me & my troop cards, letters, posters, your thoughts and prayers, thank you from the bottom of my heart. To you here tonight, I bid you vaya con Dios mi amigos, God Bless you and God Bless the work you do. Thank you.

GLASTONBURY YOUTH AND FAMILY SERVICES

• Mr. LIEBERMAN. Mr. President, I rise today to congratulate Glastonbury Youth and Family Services on its thirtieth anniversary. For a generation, this agency has provided a much needed service to the families of Glastonbury, Connecticut.

The children of Glastonbury are the future leaders of our state and nation, and it is critical to our continued success that they obtain the social and educational skills necessary to compete and succeed in the twenty-first century. The many programs offered by Glastonbury Youth and Family Services helps ensure that the town's children are exposed to the very best role models both inside and outside of the home. Because of the hard work and dedication of the parents, children, and workers in this program, the future of Glastonbury is very bright indeed.

Glasonbury Youth and Family Services has already helped open doors for countless young people, and I am confident that the children of the community will continue to benefit from its services far into the future.

Mr. President, I ask that you and all of my colleagues join me in congratulating Glastonbury Youth and Family Services on this very special anniversary.•

THE 75TH ANNIVERSARY OF THE NORWEGIAN CLUB OF DETROIT

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Norwegian Club of Detroit, which will celebrate its 75th Anniversary in Orchard Lake, Michigan, on October 14, 2000. Only Ireland has had a larger percentage of its population immigrate to the United States than has Norway. As Norwegians arrived in Michigan, the Norwegian Club of Detroit was there to help them adjust to their new homeland, while at the same time continue to celebrate the familiar traditions of home.

The Norwegian Club of Detroit was organized in 1925. Originally consisting of only engineers, it quickly expanded to include Norwegians from all walks of life, providing an important cultural, social and professional network for Michigan's Norwegian community.

An example of the Club's importance to the Norwegian community can clearly be seen during World War II, when members managed to mobilize and ultimately provide support to Norwegian military forces who escaped the Nazi invasion. Members also organized training in Canada to assist in the war effort of the Allies.

The Norwegian Club of Detroit remains an important factor in celebrating and promoting Norwegian and Scandinavian cultural, political and economic ties to the State of Michigan. One of the first groups to participate in the Ethnic Festivals in Detroit, the Club also has helped support performances by the Scandinavian Symphony, a visit by the Hjemkomst Viking ship reproduction, as well as various Norwegian performers and artists.

Mr. President, 2000 is an extremely important year in the Norwegian-American community. It is the 100th Anniversary of the founding of Oslo, Norway's capital city, as well as the 1000th Anniversary of the Viking discovery of North America. This year also marks 175 years of Norwegian immigration to the United States. Amidst all of this, and on behalf of the entire United States Senate, I wish the Norwegian Club of Detroit a Happy 75th Anniversary, and continued success in the future.•

HONORING SHIRLEY RAGSDALE

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Shirley Ragsdale, the editor for the Sioux Falls, South Dakota Argus Leader newspaper, on her receiving the national Casey Journalism Center Awards 2000 Casey Medals for her outstanding coverage of the plight of South Dakota's children in the Juvenile Corrections facilities.

The Casey Medals for Meritorious Journalism honor distinguished coverage of disadvantaged children and family, and the institutions and agencies charged with serving them. The Casey Journalism Center serves as an independent national resource center for professional journalists and it is operated by the University of Maryland and funded by the Annie E. Casey Foundation.

Shirley Ragsdale is a talented journalist, an advocate of children's rights, and a dedicated citizen of South Dakota. This honorable award is a reflection of her extraordinary talent, creativity, and ability to convey depth and originality supported by thorough research and consistent documentation. Her unremitting and well-reasoned editorials pressed for changes in the unacceptable practices, as indicated by substantiated reports of abuse, occurring within the South Dakota juvenile correction system.

Shirley Ragsdale truly deserves this prestigous award. It is an honor for me to share her impressive achievements with my colleagues and to commend her on her journalistic success.•

OLYMPIC SWIMMER JENNY THOMPSON

• Mr. GREGG. Mr. President, I would like to take this opportunity to congratulate one of our nation's finest Olympians, Jenny Thompson. This week, Jenny set herself apart from the rest of the world. With 10 Olympic medals, 8 of which are gold, Jenny has become the most decorated Olympic female swimmer of all time. As an American, I am very proud of our U.S. Olympic athletes, but I am especially proud of Jenny Thompson, from my home state of New Hampshire.

Jenny first appeared on swimming's national stage in the mid-1980's when she began swimming for the Seacoast Swimming Association in Dover, New Hampshire for coach Mike Parratto. At the age of 15, Jenny just missed making the 1988 U.S. Olympic Swim Team, but her success as a young athlete drew the attention of college swimming programs from around the country. Jenny began attending Stanford University in 1991, and in 1992, she became the first woman in 61 years to set a world record in the 100 meter freestyle event. She followed up on her new world record by leading Stanford to a 27–0 dual-meet record, four PAC–10 titles and four consecutive NCAA Championships. Through her leadership and her firm sense of teamwork, Jenny Thompson was elevated to team captain and served as a mentor for Stanford's more recent arrivals to the natatorium.

In addition to Jenny's team accomplishments, she managed to swim her way to 19 NCAA titles, the most in women's collegiate swimming history. Having also captured 23 U.S. national titles, Jenny is the most successful active swimmer in the United States.

When Jenny arrived in Sydney, Australia, she did so with five gold medals and one silver medal. She has now added to her Olympic success by again leading the U.S. women's relay team to gold in the 4 x 100 meter freestyle relay, setting another new world record, and the 4 x 100 meter medley relay. Additionally, Jenny continued to show her competitive edge as an individual by medaling in the 100 meter freestyle, winning the bronze.

Jenny Thompson's performance at the 2000 Sydney Olympics has made her the most decorated female Olympian in the United States and the most successful female Olympic swimmer in history. Aside from her achievements at the Olympics and Stanford University, Jenny has won numerous World Championships and accumulated countless awards and honors as an athlete. She has always displayed team spirit and professionalism in and around the pool, showing that character is one of her finest assets. Her contribution to the sport of swimming is unmatched and has left a lasting impression in the minds and hearts of all who have watched her represent the United States throughout the years. Jenny Thompson has inspired a generation of young swimmers to dream and achieve their goals, to think positively and to work hard.

Jenny Thompson will enter Columbia University Medical School next fall, where I know she will be successful. Her drive and desire will surely allow her to achieve her goals as she makes

her way into a different stage of her life. I am confident that Jenny will continue to be a role model for all, and I hope that she knows we are proud of her. New Hampshire is proud of her, our nation is proud of her, and we wish her nothing but the best in her future endeavors.●

COLUMBUS, GEORGIA'S HOUSE OF HEROES PROGRAM

● Mr. CLELAND. Mr. President, there is a great outpouring of human generosity taking place in our great country that I must speak about here today. I was honored to be with my friends and colleagues, including the late Senator Coverdell, Representatives MAC COLLINS and SANFORD BISHOP, Columbus Mayor Bobby Peters, Col. Frank Helmick, along with Wayne Anthony of Hands On Columbus and many, many other volunteers, as we embarked on the historic event of initiating the House of Heroes program. This program should serve as a model to communities all across the country to provide needed assistance and support for aging veterans who bravely served their country and their families.

It is often said that ''Poor is the nation who has no heroes. Poorer still is the nation which has them but forgets them.'' The House of Heroes project makes sure we don't forget this adage by having volunteers take up shovels, paint brushes and brooms to show not only our veterans, but also their families, that they are not forgotten. This past May at the home of Betty Cook of Columbus, in my state of Georgia, the House of Heroes was inaugurated by federal, military, and local officials to help serve as a reminder to younger generations of Americans how our nation's older men and woman veterans have proudly served and sacrificed for their country to help preserve our freedom. The inauguration ceremony reminded us all that honor, valor, and sacrifice come not only from service members, but from their spouses and family as well. While Mrs. Cook's husband served his country as a medic in World War II, she fought the war at home. She supported their family on her own, while encouraging her husband to press on in battle overseas. Hundreds of thousands of G.I.'s fought for their families, sustained by the love they were getting from home. Victory was never won alone.

The House of Heroes program relies on people who volunteer their services to repair and improve the home of a veteran and/or their spouse as an act of appreciation from the Congress of the United States and people of this nation. I am especially proud of those who contributed their time, effort and energy to help bring this project to fruition. It was especially uplifting to have witnessed the hard work that was put into the project. I would like to express my gratitude to each and every volunteer who made this worthy event the great success that it was.

I strongly support H. Con. Res. 395 that expresses the sense of the Congress that the House of Heroes project in Columbus, Georgia, should serve as a model for public support for the Nation's veterans and strongly agree with everything this resolution represents. I especially thank Representative MAC COLLINS for introducing this worthy legislation.

Today, Columbus, Georgia, remains home to thousands of service members and their families stationed at Ft. Benning and Columbus has always been a critical area for our nation's defenses, both past and present. The initiation of the House of Heroes program proves that from beginning to end, this remarkable city is home to some remarkable people. This event is only the beginning for the House of Heroes program as communities across the nation will begin to undertake their own House of Heroes programs modeled after the great program that the fine people of Columbus started.●

A TRIBUTE TO CAPTAIN WILLIAM JAMES BUSHAW

● Mr. ABRAHAM. Mr. President, I rise today to recognize Captain William James Bushaw, who is retiring from the United States Navy after nearly 30 years of service. Captain Bushaw leaves behind a legacy of versatility and consistency, as he has consistently been successful in whatever area he has been asked to perform.

Upon graduating from the University of Michigan, Captain Bushaw attended Navy Officer Candidate School in Newport, Rhode Island. He was commissioned as an ensign May 14, 1971, receiving the award of Distinguished Naval Graduate.

While on active duty, Captain Bushaw served as the Gunnery Officer aboard the U.S.S. *Joseph Strauss*. From January of 1972 until August of that same year he participated in several combat operations in Vietnam, including Operation Freedom Train, Operation Linebacker and Operation Notification Line. During these operations, U.S.S. *Joseph Strauss* fired over 15,000 rounds of ammunition, earning the Navy Unit Citation. Captain Bushaw himself earned the Navy Achievement Medal with Combat V and the Combat Action Award.

Following active duty Captain Bushaw transferred to the selected reserve. As a drilling reservist, he served as Commanding Officer of three Navy reserve units and Executive Officer of two other units. For his efforts, he received a Navy Commendation Medal.

Captain Bushaw currently serves as the Emergency Preparedness Liaison Officer to the Governor of the State of Michigan, representing the United States Navy in all issues of emergency preparedness. He recently received the State Legion of Merit award from the Adjutant General of the Michigan National Guard.

I applaud Captain Bushaw on nearly thirty years of extraordinary service to our Nation. I know that the United States Navy will greatly miss his leadership, as will the many men he has commanded. On behalf of the entire United States Senate, I thank Captain William James Bushaw for his service, and wish him the best of luck in retirement.●

IN TRIBUTE TO FRANCIS BROWN

● Ms. SNOWE. Mr. President, I rise today to pay tribute to a great Mainer and one of the most outstanding individuals I have had the good fortune to know, Francis Brown of Calais, ME.

There are many rewarding aspects to public service, not the least of which is the opportunity to meet people like Francis Brown. It has been my privilege to call Francis a friend for more than two decades now, and I know the people of Downeast Maine share my high regard and deepest respect for this devoted family man who has given so much of himself to the community and state he loves.

Francis is a leading citizen of Calais. He exemplifies the kind of values and ideals we frequently associate with those small towns throughout the country where neighbors still help neighbors, and where service to others is the standard by which a man or woman is measured. Indeed, for Francis, the concept of service is one indelibly woven through the fabric of his life.

As a student at the University of Maine, my alma mater, Francis spent four years in the ROTC program, and went on to serve in World War Two as a Radar Officer and in Korea as a member of the military police. Having more than fulfilled his duty to his country, Francis nevertheless later volunteered as an Army reservist with the Maine Army National Guard from 1946 until 1967, when he retired with the rank of Major.

When he was not serving his country in the armed forces, Francis was working on behalf of his fellow Mainers not only in his law practice but as a longtime and well-respected city solicitor. As is typical of his nature, however, Francis was not content to allow his efforts in the practice of law alone—significant as they were—define his commitment to the community.

Giving generously of his time and talents, Francis has touched many lives and has made an indelible and positive mark on his beloved Washington County and the State of Maine. He was a member of the Advisory Committee to the Maine Supreme Judicial Court on Criminal Rules of procedure for thirteen years. A long-time active and integral member of the Calais Rotary Club, he earned distinction as a Paul Harris Fellow in 1976.

Emblematic of his commitment to and interest in education, Francis brought his tremendous wealth of knowledge and experience to his service on the University of Maine Board of Trustees for more than a decade. And

as a man whose faith has always been central to his life, he has served his beloved United Methodist Church in Calais as a trustee for many years.

Not surprisingly, Francis has been recognized with many awards over the years, including the Arlo T. Bates Award for Outstanding Community Service from the Calais Chamber of Commerce, the prestigious Jefferson Public Service Award, and the University of Maine Presidential Achievement Award.

And just as predictably, Francis has never been very impressed by all the recognition and adulation. For him, good deeds are always to be done for their own sake. Acts of kindness are made because that is simply the proper way to live one's life, not because they may bring personal glorification. Indeed, Francis is one of the most genuinely decent and humble people I have known.

Most of all, he is quite simply a wonderful person to be around. I would dare say there was never a person who has met Francis who does not like Francis. His generous spirit could warm even the coldest Maine day, and his humor could shine good cheer into the darkest of times. How thankful we are for such gifts as those he has so selflessly given to us.

Today, it is our turn to return the favor. With Francis having fallen ill in recent times, the hearts of many go out to him as do our prayers. It is not likely that any of us will be able to fully repay the debt of gratitude we feel to this beloved friend, neighbor, and fellow Mainer. But we certainly feel compelled to try.

The great American author Ralph Waldo Emerson once wrote, ''to know even one life has breathed easier because you have lived—this is to have succeeded.'' By that measure, Francis Brown is unquestionably one of the most successful people I know, and I want him to know that I am proud to call him a friend.●

THE 150TH BIRTHDAY OF ST. CLEMENT CATHOLIC CHURCH IN CENTER LINE, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize St. Clement Catholic Church in Center Line, Michigan, which will celebrate 150 years of service to the Warren and Center Line communities with an anniversary mass on October 15, 2000. The story of St. Clement is one of continual adaptation and growth, but through it all the spirit that existed in 1850 remains today, for the church has never stayed from its original purpose of teaching the timeless lessons of faith and love.

The perfect illustration of how important St. Clement is to the Warren and Center Line communities can be seen in how many times it has been forced to be reconstructed. In 1857, a school was added to the church. After expansions to the original building in 1868 and 1879, the growing size of the congregation forced a new building to be constructed in 1880. In 1922, a new school had to be built to accommodate the growing number of students, and, ultimately, another school was constructed anew in 1953. In May of 1960, ground broke on the present church building. It is an extraordinary piece of architecture, a Cruciform-shaped structure with a 65 foot high vaulted ceiling, gables that form a cross, hundreds of stain-glassed panes, a main altar of imported marble, a seating capacity of over 1,600 worshippers and two cry rooms.

An essential part of the success of St. Clement Church has been its leadership. From 1868–1890, Father William Hendrix guided the growing church to the point where it had firmly established its presence as the center of social activity in the Warren and Center Line communities. From 1890–1929, Father John Kramer's devotion to improving education was essential not only to having the new school be built, but also to filling it with nearly 400 students. Father Alexander Mayer guided the parish through the Depression, World War II and the Korean War, and his leadership enabled the church to make it through years of financial hardship.

Father Timothy Edward Murray oversaw the building of the third St. Clement Church, as well as set up a program where St. Clement Schools became involved in a shared-time program with Center Line Public Schools. In 1976, Father James Murphy returned a warmth and camaderie to the parish. From 1992–97, the Rev. Dr. Arthur J. Jacobi, Jr.'s many skills both as an educator and as a professional businessman helped to lead St. Clement both spiritually and financially. And today, Father Ron Victor continues in this strong tradition of leadership, overseeing the growth and adaptation that is a necessary part of any church's history, while at the same time shepherding his parish on its continuous mission of faith and love.

For 150 years, St. Clement Catholic Church has been an essential part of the Warren and Center Line communities. It has been a constant source of leadership within these communities, and has guided them through both good and bad times. It has also provided thousands of children with a solid foundation upon which to grow and become upstanding members of their own communities. On behalf of the entire United States Senate, I congratulate St. Clement Catholic Church on 150 successful years of leadership and growth, and wish the church continued success in the future.●

OLYMPIC SWIMMER B.J. BEDFORD

● Mr. GREGG. Mr. President, I rise today to recognize and honor B.J. Bedford, a gold medalist for the 2000 United States Olympic Swim Team and originally from the town of Hanover in my home state of New Hampshire. B.J. has been a competitive swimmer in national standings for years. She competed in the 1988 Olympic trials when she was just 15 years old. After three Olympic trials and a successful 12 year career in domestic competition, B.J.'s hard work has paid off this year as she secured a spot on the U.S. Swim Team for the 2000 Summer Games.

B.J.'s participation in the XXVII Olympiad certainly adds to a long and illustrious career in swimming. B.J. Bedford has qualified and competed in four Olympic trials, winning the 100 meter backstroke this year, set an American record in the 50 meter backstroke, and won seven U.S. National Titles in the 50, 100 and 200 meter backstroke and two gold medals for relays at the 1998 World Championships. On September 23, 2000, B.J. Bedford became the holder of a new world record. Swimming the backstroke leg of the 4 x 100 meter medley relay, B.J. and three of her teammates won gold in Sydney and smashed the previously held world record by an incredible three seconds.

Her outstanding work in the pool, along with her display of dedication to her sport and her country, have helped to make the U.S. Swim Team more successful than any other country at the Sydney Games. The United States won 33 medals in swimming, tying its highest total since 1984. B.J. Bedford was an important part of this overall team victory, as her experience undoubtedly made her a leader in the pool. B.J.'s athleticism, drive and determination have allowed her to claim her place in history. She has made both New Hampshire and the country proud, and I am confident that B.J. will be successful in all that she chooses to do.

I would like to congratulate B.J. for her fine work at the Olympics, for the excitement that she brought to Americans this summer, and for her gracious representation of the United States. She is a positive role model that will be looked up to by younger swimmers, and for that, she should be proud. We wish her nothing but the best in all of her future endeavors.●

IN RECOGNITION OF CORE CITY NEIGHBORHOODS IN DETROIT, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize Core City Neighborhoods of Detroit, Michigan, which will hold its 16th Annual Meeting and Dinner on October 12, 2000. In its sixteen years, Core City Neighborhoods has been a leader in the field of community development, serving and supporting the residents and small businesses of Southwest Detroit in an exemplary manner.

The mission of Core City Neighborhoods is to strengthen the social and human development of the Southwest Detroit community while at the same time helping to spur the physical and economic development of the area. The organization does this through a variety of programs, focusing on such

things as youth and adult leadership to training and employment.

One of the most successful Core City Neighborhoods program has been an after school program for children aged 6–13. The program seeks to strengthen academic and life skills, such as substance abuse and violence prevention, as well as provide a safe and positive environment for the youth involved. The program also provides children with tutoring and mentoring. They work on homework together, and play board games and sports in an effort to aid in the development of teamwork skills and self confidence.

Another program sponsored by CCN is the Multi-Family Apartment Building Acquisition and Rehabilitation Program. The goal of this program is to prevent further loss of highly visible apartment buildings, buildings which truly serve as the foundations of the Southwest Detroit community. The program includes counseling. Homebuyers Club, Home Repair workshops, loans and referrals on such topics as credit and budgeting.

Core City Neighborhoods has also been directly responsible for the development of nearly 200 units of housing, totaling over $12 million of reinvestment into the Southeast Detroit community. This includes the development of the Alberta W. King Village Apartments, which were built to house low to moderate income families.

I applaud the many people involved with Core City Neighborhoods on the extraordinary work they have done on behalf of Southwest Detroit. No group works harder to build up this community, both physically and spiritually. On behalf of the entire United States Senate I thank Core city Neighborhoods for fifteen successful years of civic service, and wish the organization continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:19 a.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. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

At 11:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 1:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 1162. An act to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the ''William H. Natcher Bridge.''

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street and Prospect Avenue in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse.''

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building.''

H.R. 5284. An act to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse.''

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:14 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

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–11047. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of five items; to the Committee on Environment and Public Works.

EC–11048. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area'' (FRL #6872–8) received on October 4, 2000; to the Committee on Environment and Public Works.

EC–11049. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Waste; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities'' (FRL #6882–6) received on October 4, 2000; to the Committee on Environment and Public Works.

EC–11050. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 'Announcement of Proposal Deadline for the Competition for the FY 2001 Brownfields Cleanup Revolving Loan Fund Pilots' '' (FRL #6884–1) received on October 5, 2000; to the Committee on Environment and Public Works.

EC–11051. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program, Regulatory Review: Electronic Benefit Transfer (EBT) Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996'' (RIN0584–AC44) received on October 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11052. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Phosphorus Acid; Exemption from the Requirement of a Tolerance'' (FRL #6599–1) received on October 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11053. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of one item, received on October 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11054. A communication from the Acting Associate Administrator for Civil Rights, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' received on October 3, 2000; to the Committee on Governmental Affairs.

EC–11055. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–11056. A communication from the Acting Director of Communications and Legislative Affairs, Equal Opportunity Commission, transmitting, pursuant to law, a report relative to the employment of minorities, women and people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

EC–11057. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the United Kingdom, France, Italy, Sweden, Australia, Germany, Norway, Japan, Belgium, Bermuda, and Canada; to the Committee on Foreign Relations.

EC–11058. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the updated strategic plan for fiscal year 2000 through 2005; to the Committee on Foreign Relations.

EC–11059. A communication from the Director of the Office of Equal Opportunity Program, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190–AA28) received on October 3, 2000; to the Committee on Finance.

EC–11060. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the effect of the Nursing Home Initiative on nursing home quality of care; to the Committee on Finance.

EC–11061. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Advance transit passes under section 132(f) of the Internal Revenue Code'' (Announcement 2000–78) received on October 4, 2000; to the Committee on Finance.

EC–11062. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 846 Discount Factors for 2000'' (Revenue Procedure 2000–44) received on October 5, 2000; to the Committee on Finance.

EC–11063. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 832 Discount Factors for 2000'' (Revenue Procedure 2000–45) received on October 5, 2000; to the Committee on Finance.

EC–11064. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rabbi Trust Notice'' (Notice 2000–56) received on October 5, 2000; to the Committee on Finance.

EC–11065. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice of Proposed Rulemaking; Rules and Procedures for Efficient Federal-State Transfers'' (RIN1510–AA38) received on October 5, 2000; to the Committee on Finance.

EC–11066. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the revised strategic plan; to the Committee on Commerce, Science, and Transportation.

EC–11067. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Appliance Labeling Rule, 16 C.F.R. Part 305'' (RIN3084–AA74) received on October 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11068. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Gary IN and establishment of Class E Airspace; Gary, IN; docket No. 00–AGL–16 [9–29/10–5]'' (RIN2120–AA66) (2000–0228) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11069. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Duchesne, UT; docket No. 00–ANM–08 [9/21–10/5]'' (RIN2120–AA66) (2000–0229) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11070. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations, IBR; docket No. 29334 [9–19/10–5]'' (RIN2120–AA66) (2000–0230) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11071. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta SpA Model A109E Helicopters; docket No. 2000–SW–41 [9–23/10–5]'' (RIN2120–AA64) (2000–0477) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11072. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes; docket No. 2000–NM–259 [9–22/10–5]'' (RIN2120–AA64) (2000–0478) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11073. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes, docket No. 2000–NM–43 [9–20/10–5]'' (RIN2120–AA64) (2000–0479) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11074. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB135 and EMB 145 Series Airplanes; docket No. 2000–NM–300 [9–18/10–5]'' (RIN2120–AA64) (2000–0480) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11075. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB135 and EMB 145; docket No. 2000–NM–301'' (RIN2120–AA64) (2000–0481) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11076. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (28); Amdt. No. 2010 [9–21/10–5]'' (RIN2120–AA65) (2000–0048) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11077. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (147); amdt. No. 2011 [9–21/10–5]'' (RIN2120–AA65) (2000–0049) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

PETITONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–627. A resolution adopted by the Senate of the State of Michigan relative to a proposed mitigation policy for portions of the Lake Michigan shoreline; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 209

Whereas, The United States Army Corps of Engineers, through its Detroit district office, has issued a proposed erosion mitigation policy for shore protection projects along the eastern shoreline of Lake Michigan's Lower Peninsula. This proposed policy is designed to minimize damage to the delicate ecology of the shore by structures constructed to save property threatened by erosion. The corps is seeking public comment until September 29, 2000; and

Whereas, The policy proposed provides for a series of requirements and reviews to safeguard the shoreline from damage that may occur at locations that can be some distance from any retaining wall or other project. A variety of permit options are presented; and

Whereas, There are many aspects of the proposed policy that have generated concern. One of the key problem areas is the possibility that the Corps of Engineers may be impinging upon the rights of private property owners to take reasonable steps to protect their property. Requirements for private property owners who follow regulations in constructing protective seawalls to bear all of the costs of beach nourishment can be a major obstacle for a property owner protecting his or her property; and

Whereas, In any discussion of the erosion mitigation policy, it is essential to determine the authority for the establishment of policies and for the enforcement of them. The line between congressional responsibility and the Army's responsibility must be understood for both clarity and consistency. This will also contribute to public support for shore protection practices; now, therefore, be it

Resolved by the Senate, That we urge the United States Army Corps of Engineers to hold public hearings on its proposed erosion mitigation policy for portions of the Lake Michigan shoreline (file number 00–900–001–0); and be it further

Resolved, That copies of this resolution be transmitted to the Detroit District of the United States Army Corps of Engineers, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 1688: A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in

the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes (Rept. No. 106–492).

H.R. 3995: A bill to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government (Rept. No. 106–493).

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. BINGAMAN (for himself, Mr. DOMENICI, and Mr. CONRAD):

S. 3176. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural states by developing a comprehensive program that will result in statewide physician population growth; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. REED):

S. 3177. A bill to require the Secretary of Health and Human Services to establish minimum nursing staff levels for nursing facilities, to provide for grants to improve the quality of care furnished in nursing facilities, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA)):

S. 3178. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same age that applies with respect to Federal law enforcement officers; to the Committee on Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. CLELAND):

S. 3179. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 3180. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. BYRD, and Mr. SCHUMER):

S. Res. 368. A resolution to recognize the importance of relocating and renovating the Hamilton Grange, New York; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mr. STEVENS):

S. Con. Res. 145. A concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital; considered and agreed to.

By Mr. WELLSTONE (for himself and Mr. GRAMS):

S. Con. Res. 146. A concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. CONRAD):

S. 3176. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural states by developing a comprehensive program that will result in statewide physician population growth; to the Committee on Finance.

RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION ACT OF 2000

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI of New Mexico to introduce legislation that is intended address a significant problem facing some rural states today—a serious shortage of physicians. The bills we are introducing are intended to demonstrate that physician shortages, and recruitment and retention problems can be ameliorated in some rural states by a multifaceted approach, including providing incentives for physicians in training to practice in areas where they are most likely to be needed.

The Council on Graduate Medical Education (COGME) has for some time held the position that the U.S., in the aggregate, has enough, if not too many, physicians. However, COGME's most recent report, published in March 1999, documented that almost half of the counties in our country are designated as Health Professional Shortage Areas—a remarkable finding, given almost three decades of Federal government efforts to address the geographic maldistribution of physicians.

In our State of New Mexico we have physician shortages that are worsening, with certain types of speciality physicians being in the shortest supply. According to 1998 data from the American Medical Association, New Mexico is 20 percent below the U.S. national average of 224 patient care physicians per 100,000 persons. In 15 New Mexico counties, there is no more than 1 physician or less per 1000 population, and 1 New Mexico county has no physician at all to care for its population.

And, Mr. President, New Mexico is not alone. Other rural states are also suffering.

A recent Health Care Finance Administration report showed that there has been a decline over the past 5 years in certain types of specialty physicians either practicing medicine or participating in the Medicare program in many rural states. The worst loss for New Mexico has occurred in thoracic surgery with a 35 percent decline. Several other specialities, such as urology, ophthalmology, and psychiatry, are not that far behind.

The only significant physician growth that can be seen is in primary care and that's still not adequate. With losses occurring in certain physician specialties, problems for all physicians' practices are continuing to worsen—they can't refer patients to specialists without great difficulty. For example, in New Mexico, there have been accounts of patients being referred to ear, nose and throat doctors having to wait up to 9 months for a non-emergency consultation. Without a timely in-state consultation, the patient's primary care physician may have to refer the patient to an out of state speciality physician for care. This is frustrating for the physician, and costly and time consuming for the patient.

As many of you know, New Mexico is one of the nation's poorest states, with a large uninsured population. In 1998, it ranked 48th in the amount of personal income per capita. For many physicians, this means they may never get paid for much of the work they do.

The physician shortage is becoming so severe in our state that last year the New Mexico Medical Society conducted a survey of our physicians to try to find out about how doctors are faring in the state. The response from New Mexico physicians was shocking—42 percent of the physicians surveyed said that they are seriously or somewhat seriously considering leaving their medical practice, and 40 percent said that reimbursement rates are a significant problem. Comments offered by physicians in this survey were very clear—''I make a good income, but to do that I have to work 65–70 hours a week, in, and week out. The reimbursement rates are such that I could move to a lot of nice places and maintain my income and work three-quarters as much. Family life is important.''

Almost weekly, New Mexico newspapers report about problems caused by provider shortages. On September 7th, the Albuquerque Journal carried a story about a women who had fallen, bruised her spinal cord, and rapidly developed paralysis of both hands and arms. She had to wait 18 hours to be seen on an emergency basis because of a critical shortage of neurosurgeons in Albuquerque, New Mexico's largest city. Stories like this one are becoming more and more common. There are many accounts of New Mexicans having to wait up to 9 months for an appointment to be seen by a specialist, and of newborns having to be transported out of state because the neonatal intensive care unit does not have adequate physician coverage.

My offices in Washington, DC, and New Mexico are constantly receiving letters and phone calls, and visits from constituents who want to tell us about physician shortages, physicians leaving the State of New Mexico, and the loss of their individual providers. They can't understand why this happening in a country with the greatest healthcare system in the world.

All of these problems clearly show that New Mexico's health care system

has broken down. However, it is not only New Mexico that is experiencing these problems. Other rural states are experiencing similar problems—they have become states that are being avoided by physicians entering practice. With the population in these states continuing to grow, the problem just gets worse. If this situation is not addressed right now, it will result in a complete breakdown of an already fragile health care delivery system.

This is why we are each introducing this package of legislation today. These two bills, the ''Rural States Physician Recruitment and Retention Demonstration Act of 2000, will together, when enacted, demonstrate that physician shortages and recruitment and retention problems can be ameliorated in rural states by instituting a comprehensive plan that provides for a proper physician speciality mix that will address the needs of a rural state's population.

My legislation will require the Secretary of the Department of Health and Human Services to establish a demonstration program that will:

Target up to a 15 percent increase in physician residency slots identified to be in short supply in demonstration states. These expanded residency slots would carry with them a legally binding commitment to practice in the demonstration state on a year of training for year of service basis.

Establish a loan repayment program to provide incentives for physicians in identified shortage specialities to locate their practices in demonstration states. This program will help physicians repay their educational loans on a year of service for a year of loan repayment basis in return for a commitment to practice in the demonstration state.

Develop a demonstration state health professional data base to capture and track the practice characteristics and distribution of licensed health care providers. This data will be used to develop a baseline and track changes in a demonstration state's health professions workforce, target this demonstration program to identified physician specialities and determine a state's need for other types of supportive health professionals.

Provide for an evaluation of each element of our comprehensive demonstration by the Council on Graduate Medical Education (COGME) for physician workforce issues, and by Medicare Payment Advisory Commission (Medpac) for Medicare reimbursement and Medicare funded graduate medical education positions.

As I mentioned earlier, one of the primary reason physicians report they are leaving New Mexico is because reimbursement is too low, particularly when combined with other factors like long work days, inability to recruit speciality physicians, and provide comprehensive patient care in a reasonable period of time.

That's why the second part of this package, the Physician Recruitment and Retention Act of 2000, consists of legislation that will provide physicians that are practicing in demonstration states with a special 5 percent Medicare part B reimbursement rate increase. This increase will provide a financial incentive to physicians to continue to practice in the underserved states and also to continue to participate in the Medicare program.

Both Senator DOMENICI and I anticipate that by the end of this demonstration program, physician shortages, particularly in specific physician specialities, will be greatly diminished or even have disappeared.

Mr. President, the health care system in New Mexico is near collapse for reasons too numerous and complex to get into here. These bills we are introducing today, in combination with the fixes we are making to the problems resulting from the BBA of 1997, may stave off disaster for a while. I certainly hope they will.

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. 3176

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural States Physician Recruitment and Retention Demonstration Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Rural States Physician Recruitment and Retention Demonstration Program.
Sec. 4. Establishment of the Health Professions Database.
Sec. 5. Evaluation and reports.
Sec. 6. Contracting flexibility.

SEC. 2. DEFINITIONS.

In this Act:

(1) COGME.—The term ''COGME'' means the Council on Graduate Medical Education established under section 762 of the Public Health Service Act (42 U.S.C. 294o).

(2) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Rural States Physician Recruitment and Retention Demonstration Program established by the Secretary under section 3(a).

(3) DEMONSTRATION STATES.—The term ''demonstration States'' means the 2 States selected by the Secretary that, based upon 1998 data, have—

(A) an uninsured population above 20 percent (as determined by the Bureau of the Census);

(B) a population eligible for medical assistance under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) above 17 percent (as determined by the Health Care Financing Administration);

(C) an unemployment rate above 4.8 percent (as determined by the Bureau of Labor Statistics);

(D) an average per capita income below $21,200 (as determined by the Bureau of Economic Analysis); and

(E) a geographic practice cost indices component of the reimbursement rate for physicians under the medicare program that is below the national average (as determined by the Health Care Financing Administration).

(4) ELIGIBLE RESIDENCY OR FELLOWSHIP GRADUATE.—The term ''eligible residency or fellowship graduate'' means a graduate of an approved medical residency training program (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A))) in a shortage physician specialty.

(5) HEALTH PROFESSIONS DATABASE.—The term ''Health Professions Database'' means the database established under section 4(a).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDPAC.—The term ''MedPAC'' means the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) SHORTAGE PHYSICIAN SPECIALTIES.—The term ''shortage physician specialty'' means a medical or surgical specialty identified in a demonstration State by the Secretary based on—

(A) an analysis and comparison of National data and demonstration State data; and

(B) recommendations from appropriate Federal, State, and private commissions, centers, councils, medical and surgical physician specialty boards, and medical societies or associations involved in physician workforce, education and training, and payment issues.

SEC. 3. RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Rural States Physician Recruitment and Retention Demonstration Program for the purpose of ameliorating physician shortage, recruitment, and retention problems in rural states in accordance with the requirements of this section.

(2) CONSULTATION.—For purposes of establishing the demonstration program, the Secretary shall consult with—

(A) COGME;

(B) MedPAC;

(C) a representative of each demonstration State medical society or association;

(D) the health workforce planning and physician training authority of each demonstration State; and

(E) any other entity described in section 2(9)(B).

(b) DURATION.—The Secretary shall conduct the demonstration program for a period of 10 years.

(c) CONDUCT OF PROGRAM.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Care Financing Administration) shall—

(i) waive any limitation under section 1886 of the Social Security Act (42 U.S.C. 1395ww) with respect to the number of residency and fellowship positions;

(ii) increase by up to 15 percent of the total number residency and fellowship positions approved at each medical residency training program in each demonstration State the number of residency and fellowships in each shortage physician specialty; and

(iii) subject to subparagraph (C), provide funding for such additional positions under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(B) ESTABLISHMENT OF ADDITIONAL POSITIONS.—

(i) IDENTIFICATION.—The Secretary shall identify each additional residency and fellowship position created as a result of the application of subparagraph (A).

(ii) NEGOTIATION AND CONSULTATION.—The Secretary shall negotiate and consult with representatives of each approved medical residency training program in a demonstration State at which a position identified under clause (i) is created for purposes of supporting such position.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—The Secretary shall condition the availability of funding for each residency and fellowship position identified under subparagraph (B)(i) on the execution of a contract containing the provisions described in clause (ii) by each individual accepting such a residency or fellowship position.

(ii) PROVISIONS DESCRIBED.—The provisions described in this clause provide that, upon completion of the residency or fellowship, the individual completing such residency or fellowship will practice in the demonstration State in which such residency or fellowship was completed that is designated by the contract for 1 year for each year of training under the residency or fellowship in the demonstration State.

(iii) CONSTRUCTION.—The period that the individual practices in the area designated by the contract shall be in addition to any period that such individual practices in an area designated under a contract executed pursuant to paragraph (2)(C).

(D) LIMITATIONS.—

(i) PERIOD OF PAYMENT.—The Secretary may not fund any residency of fellowship position identified under subparagraph (B)(i) for a period of more than 5 years.

(ii) PHASE-OUT OF PROGRAM.—The Secretary may not enter into any contract under subparagraph (C) after the date that is 5 years after the date on which the Secretary establishes the demonstration program.

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of Health Resources and Services Administration) shall establish a loan repayment and forgiveness program, through the holder of the loan, under which the Secretary assumes the obligation to repay a qualified loan amount for an educational loan of an eligible residency or fellowship graduate—

(i) for which the Secretary has approved an application submitted under subparagraph (D); and

(ii) with which the Secretary has entered into a contract under subparagraph (C).

(B) QUALIFIED LOAN AMOUNT.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall repay not more than $25,000 per graduate per year of the loan obligation on a loan that is outstanding during the period that the eligible residency or fellowship graduate practices in the area designated by the contract entered into under subparagraph (C).

(ii) LIMITATION.—The aggregate amount under this subparagraph shall not exceed $125,000 for any graduate and the Secretary may not repay or forgive more than 30 loans per year in each demonstration State under this paragraph.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall execute a contract containing the provisions described in clause (ii).

(ii) PROVISIONS.—The provisions described in this clause are provisions that require the eligible residency or fellowship graduate to practice in a demonstration State during the period in which a loan is being repaid or forgiven under this section.

(D) APPLICATION.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(ii) PHASE-OUT OF LOAN REPAYMENT AND FORGIVENESS PROGRAM.—The Secretary may not accept an application for repayment of any loan under this paragraph after the date that is 5 years after the date on which the demonstration program is established.

(E) CONSTRUCTION.—Nothing in the section shall be construed to authorize any refunding of any repayment of a loan.

(F) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this paragraph and any loan repayment or forgiveness program under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.).

(d) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary is authorized to waive any requirement of the medicare program, or approve equivalent or alternative ways of meeting such a requirement, if such waiver is necessary to carry out the demonstration program, including the waiver of any limitation on the amount of payment or number of residents under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(e) APPROPRIATIONS.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i).

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—There are authorized to be appropriated such sums as may be necessary to carry out the loan repayment and forgiveness program established under subsection (c)(2).

SEC. 4. ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.

(a) ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.—

(1) IN GENERAL.—Not later than 7 months after the date of enactment of this Act, the Secretary (acting through the Administrator of Health Resources and Services Administration) shall establish a State-specific health professions database to track health professionals in each demonstration State with respect to specialty certifications, practice characteristics, professional licensure, practice types, locations, education, training, as well as obligations under the demonstration program as a result of the execution of a contract under paragraph (1)(C) or (2)(C) of section 3(c).

(2) DATA SOURCES.—In establishing the Health Professions Database, the Secretary shall use the latest available data from existing health workforce files, including the AMA Master File, State databases, specialty medical society data sources and information, and such other data points as may be recommended by COGME, MedPAC, the National Center for Workforce Information and Analysis, or the medical society of the respective demonstration State.

(b) AVAILABILITY.—

(1) DURING THE PROGRAM.—During the demonstration program, data from the Health Professions Database shall be made available to the Secretary, each demonstration State, and the public for the purposes of—

(A) developing a baseline and to track changes in a demonstration State's health professions workforce;

(B) tracking direct and indirect graduate medical education payments to hospitals;

(C) tracking the forgiveness and repayment of loans for educating physicians; and

(D) tracking commitments by physicians under the demonstration program.

(2) FOLLOWING THE PROGRAM.—Following the termination of the demonstration program, a demonstration State may elect to maintain the Health Professions Database for such State at its expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this section.

SEC. 5. EVALUATION AND REPORTS.

(a) EVALUATION.—

(1) IN GENERAL.—COGME and MedPAC shall jointly conduct a comprehensive evaluation of the demonstration program established under section 3.

(2) MATTERS EVALUATED.—The evaluation conducted under paragraph (1) shall include an analysis of the effectiveness of the funding of additional residency and fellowship positions and the loan repayment and forgiveness program on physician recruitment, retention, and specialty mix in each demonstration State.

(b) PROGRESS REPORTS.—

(1) COGME.—COGME shall submit a report on the progress of the demonstration program to the Secretary and Congress 1 year after the date on which the Secretary establishes the demonstration program, 5 years after such date, and 10 years after such date.

(2) MEDPAC.—MedPAC shall submit biennial reports on the progress of the demonstration program to the Secretary and Congress.

(c) FINAL REPORT.—Not later than 1 year after the date on which the demonstration program terminates, COGME and MedPAC shall submit a final report to the President, Congress, and the Secretary which shall contain a detailed statement of the findings and conclusions of COGME and MedPAC, together with such recommendations for such legislation and administrative actions as COGME and MedPAC consider appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to COGME such sums as may be necessary for the purpose of carrying out this section.

SEC. 6. CONTRACTING FLEXIBILITY.

For purposes of conducting the demonstration program and establishing and administering the Health Professions Database, the Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. REED):

S. 3177. A bill to require the Secretary of Health and Human Services to establish minimum nursing staff levels for nursing facilities, to provide for grants to improve the quality of care furnished in nursing facilities, and for other purposes; to the Committee on Finance.

NURSING HOME STAFF IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, I am pleased to have the support of Senator BREAUX in introducing The Nursing Home Staff Improvement Act of 2000. This is an important piece of legislation for the 1.6 million frail elderly Americans who reside in nursing homes across the nation.

A recently released and long overdue report from the Health Care Financing

Administration was the immediate impetus for our bill. This report was first mandated by Congress in 1990. It took the Department of Health and Human Services 10 years to complete Part I of the report. It will take almost another year to finish it. The first part of the study documented, to just about everyone's satisfaction, severe staffing shortages, severe staffing shortages in our nation's nursing homes. While we are waiting for the agency to complete the second and final part of the report, Senate BREAUX and I want to begin to address the staffing crisis in long-term care. Therefore, we are introducing this legislation today.

We have a long way to go in meeting the staffing needs of elderly nursing home residents. The bill we are introducing today is not the answer to the problem. It is only a first step. Yet, it is an extremely important step that Congress should take.

Before describing the bill Senator BREAUX and I are introducing today, I'd like to take a couple of minutes to go over the history of our committee's work on nursing home quality of care and HCFA oversight of the Nursing Home Reform Act of 1987. It's important for me to emphasize the scope and depth of the problem in order to give my fellow Senators an appreciation of the context out of which this legislation developed.

In the fall of 1997, serious allegations were brought to my attention about the quality of care provided in California nursing homes. These allegations claimed that thousands of California nursing home residents had suffered and met with untimely and unnecessary deaths due to malnutrition, dehydration, decubitus ulcers, and urinary tract infections.

In an effort to respond to these allegations, I asked the General Accounting Office [GAO] to conduct a thorough review of them and, more generally, of the quality of care in California nursing homes.

This review culminated in a 2-day hearing held on July 27–28, 1998, entitled ''Betrayal: The Quality of Care in California Nursing Homes.'' At this hearing, the GAO released its report titled ''California Nursing Homes: Care Problems Persist Despite Federal and State Oversight.'' The findings of this report were explosive and disturbing, illustrating that residents in far too many California nursing homes were threatened by seriously substandard care.

One week prior to this hearing, the Clinton administration announced a broad set of new nursing home initiatives to improve enforcement of the Nursing Home Reform Act and, hence, the quality of care in nursing facilities. The administration was acting in response to the impending release of the GAO's study before the scheduled Aging Committee hearing. It acted also in response to a congressionally mandated report by the Department of Health and Human Services on nursing home oversight that was completed just before the hearing. The Department's report uncovered weaknesses on the part of the federal government in its oversight of nursing home quality of care. As the Federal agency with regulatory oversight responsibility over our Nation's nursing homes, the Health Care Financing Administration [HCFA] is responsible for monitoring the compliance of nursing home facilities in meeting the requirements of the Nursing Home Reform Act. For facilities found to be noncompliant, HCFA is responsible for seeing that remedies or sanctions are imposed until the situation is corrected. The administration's report found shortcomings in HCFA's enforcement of the Nursing Home Reform Act of 1987. The agency's report was really a kind of self-indictment. Up to that point, the agency had failed in its responsibility to protect nursing home residents.

As part of its multistep initiative, the administration called for improvements in nursing home inspections, better and more timely enforcement against nursing homes that repeatedly violate safety rules, and more attention to quality of care for nursing home residents through prevention of bed sores, malnutrition and dehydration. HCFA was given the responsibility for carrying out this initiative. Under my chairmanship, the Senate Special Committee on Aging has taken an active role in overseeing the implementation of the President's nursing home initiative led by the Administrator of HCFA. At regular hearings and forums, 10 to be specific, I have heard from family members, health care professionals and other long-term care experts about the progress and obstacles in achieving improved nursing home quality of care.

Anecdotally, we have heard from the very beginning of our work on nursing home quality of care that understaffing is a root cause of many of the problems facing nursing home residents. Because we desperately needed a more systematic, research-based analysis of this understaffing problem, I had persistently urged HCFA to finish the long delayed staffing report I mentioned earlier.

On July 27, 2000, Part I of the report, entitled ''Appropriateness of Minimum Staffing Ratios in Nursing Homes'' was done, and our committee held a hearing to take testimony on it. The report and the hearing presented groundbreaking new information on nursing facility staffing. It was the first time that understaffing, and the consequences of understaffing, were described by a scientifically sound government report. Although a Part II of the report will be required to completely validate the findings of Part I and to analyze a number of other questions raised by Part I, the report showed for the first time what family members and resident advocates had been saying for years: that the majority of nursing homes in our country are dramatically understaffed. Specifically, the report concluded that more than half of nursing facilities around the country employ too few nurses and nurse aides to provide adequate care to residents.

As a result of these report findings, I began working on legislation to address the serious problems of understaffing. I started by seeking input from interested parties, including the Administration, nursing home providers, health care professionals, and resident advocates. I finalized my proposal right around the same time the President announced the administration's initiative in this area. The two proposals are similar in their goal to start addressing the problems of understaffing in nursing facilities.

As I said earlier, the impetus for my bill was the Report to Congress on the ''Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes''. The major conclusions of the report are outlined in the Findings section of our bill. The report found that 2.0 nurse aide hours per resident day is a threshold below which residents' lives are at risk, not a standard for the provision of appropriate care. The findings also showed that 2.9 nurse aide hours per resident day are necessary for a nurse aide to complete core resident care tasks, although, because of the very conservative estimates used in this part of the study, 2.9 hours probably significantly understates the staffing levels necessary for a nurse aide to complete these core tasks. Part I of the report also indicated that Part II will analyze and report on minimum staffing levels according to a facility's resident acuity level. I urge Congress and the Administration to be careful in accepting either the 2.0 or 2.9 nurse aide hours per resident day as a minimum goal for nursing facilities until these results are validated and case-mix is included in the equation. It is reasonable to expect that staffing requirements will be substantially higher for facilities that have residents with higher acuity.

Our bill calls for the completion of phase two of the study. It requires the Secretary to complete the report not later than July 1, 2001. It adds to the original authority a requirement that the study undertake several tasks that Part I of the report stated would be done in the second phase. Among other things, these tasks include a requirement that the case mix analysis of Part I of the report be further refined and related to appropriate minimum staffing levels. It also adds to the original authority a requirement that the report analyze ''optimal minimum'' caregiver to resident levels and ''optimal minimum'' supervisor to caregiver levels of skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program. We modified the original authority in this manner because we believed the public should know not just appropriate minimum

staffing levels, but also what more optimal staffing levels should be in nursing facilities.

My bill requires that minimum staffing levels be developed and enforced within one year of the completion of the Report. It requires the Secretary to make recommendations regarding appropriate minimum caregiver to resident levels and minimum supervisor to caregiver levels for skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program. The Secretary further shall require through the administrative rulemaking process compliance with appropriate minimum staffing levels as a condition for such facilities to receive payment under those programs. The Secretary would be required to promulgate a final rule not later than one year after completion of the report.

The bill requires that the Secretary establish appropriate minimum staffing levels because we believed that a regulatory requirement should establish those staffing levels that will assure that residents receive the quality of care they have a right to receive under the terms of the Nursing Home Reform Act of 1987. We assume that the resident case mix of a facility will have an effect on the appropriate minimum staffing levels of the facility.

In order to help States prepare for the minimum staffing levels that the Secretary will promulgate by July 1, 2002, my bill establishes a competitive state grant program. The purpose of the grant program will be to improve staffing levels in nursing facilities in order to improve the quality of care to residents of such facilities. A state that secures such a grant may provide technical or financial support to nursing facilities, labor organizations, nonprofit organizations, community colleges, or other organizations approved by the Secretary. Such support from the state shall be used for projects which will help to increase or improve recruitment and retention of direct care nursing staff. Projects supported by a state must be consistent with the requirements of sections 1818 and 1919 of the Social Security Act. No funds may be made available to county or state-owned nursing facilities. Funds used under a grant to a state may only be used to supplement, not supplant, other funds that the state extends to carry out the activities that may be supported by this grant program. The Secretary shall evaluate this grant program and report to the Congress on her findings not later than six months after completion of the grant program. Authorized to be appropriated are $500,000,000 for each of fiscal years 2001 and 2002.

My bill includes a requirement for reporting of accurate information on staffing. Skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program would be required to submit staffing information to the Secretary in a form and manner determined by the Secretary. Such information must be attested to as accurate by the reporting facility. The Secretary shall periodically post and update such information on the Nursing Home Compare web site. Skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program shall submit to the Secretary a classification of all residents of the facility according to the resident classification system required under current law. My understanding is that nursing facilities should have data on hand and in a form that would be required by the Secretary for reporting to the Department, and, thus, the administrative burden of this requirement should be minimal.

My bill includes a requirement for posting of facility staffing information. Facilities participating in the Medicare and Medicaid program would be required to post daily for each nursing unit and each work shift the current number of licensed and unlicensed nursing staff directly responsible for resident care together with the number of residents per unit and shift.

Throughout my work and oversight activity of nursing facility quality of care, I have made it a point to stress that there are many good nursing facilities. When a family is in need of a facility for a loved one, it is critically important that individuals shop around and gather information in order to find the best nursing home to meet the needs of their loved ones. The provision in my bill calling for additional reporting of staffing and facility posting of staffing data will help families which need to find a good facility for a loved one's placement. It should also eventually have an effect on the overall quality of care in nursing facilities as families search out and choose better facilities.

The information collected by HCFA will help it improve and maintain its Nursing Home Compare web site. This is a database which contains information on every Medicare and Medicaid certified nursing home in the country. You can locate nursing homes in your area and find information about compliance with Medicare and Medicaid regulations based on the facility's most recent survey by state inspectors. Additionally, the web site contains useful phone numbers for survey agencies and long term care ombudsmen on the web site's ''Phone Directory'' page.

In closing, I plan to continue my work to improve quality of care and quality of life for nursing home residents. In my position as Chairman of the Special Committee on Aging, I will continue to monitor the quality of care provided to our nation's nursing home residents. With the assistance of the GAO, I will continually assess and monitor the Health Care Financing Administration's progress and commitment to improving the quality of care in nursing homes.

Mr. BREAUX. Mr. President, I rise today as ranking member of the Special Committee on Aging and am proud to inform you that after the culmination of years of investigation and attention to the relationship between nursing home staff levels and quality of care, today Senator GRASSLEY—my colleague on the Committee—and I are introducing legislation on this important issue. Our ''Nursing Facility Staff Improvement Act of 2000'' would encourage increased quantities of staff but also would improve the quality of those caring for our loved ones in nursing homes.

Chairman GRASSLEY and I have been committed to ensuring that our seniors are getting the best quality care possible in our nation's nursing homes, and the Aging Committee has held numerous hearings regarding the best way to reach this goal. We have been working with HCFA to determine the best way to ensure state surveyors are appropriately monitoring the quality of care their residents receive. Additionally, we held a hearing to learn from industry representatives about the links between nursing home bankruptcies and quality care. And we have continually and consistently sent the message that we will remain involved and committed to improvement for as long as it takes.

The bill we introduce today—the Nursing Facility Staff Improvement Act of 2000—is the result of bipartisan efforts to put something on the books that will not only provide real incentives for nursing home staff to strive to do their jobs well but will also be a huge step toward defining what optional nursing home care should entail. I commend President Clinton for building on the Aging Committee's findings and making this very important issue one of his priorities.

More specifically, this bill will:

Call for the Secretary of HHS to establish a competitive grant program to the states to increase or improve the recruitment and retention of direct care nursing staff. Provide for $1 billion over two years. Require that HCFA complete Phase II of their Nursing Home Staffing study and report back not later than July 1, 2001. Appropriate use of grant monies would include: establishing career ladders for nurse aides; improving nursing management; providing additional training programs for staff.

In conclusion, it is exciting for me to put forth a piece of legislation that offers tangible incentives to current and future staff and also directly encourages appropriate nursing home care for our loved ones. This effort has truly been one of joint cooperation between my Republican colleague on the Aging Committee and myself and I am proud to introduce it to you today.

Mr. REED. Mr. President, I rise today to join my colleague from Iowa, the Chairman of the Special Senate Committee on Aging, to introduce legislation that we hope will begin to address an immediate and critical labor

shortage facing nursing home facilities across the nation as well as the long term objective of establishing nursing home staffing thresholds.

In late July, the Health Care Financing Administration, HCFA, released the first phase of its long awaited report on the feasibility and appropriateness of minimum nursing home staffing ratios. The initial phase of this report explored the relationship between staffing levels and quality of care. The HCFA study found a strong correlation between certain staffing thresholds and the quality of care provided to nursing home residents. The report also found that nursing homes are having great difficulty in recruiting and retaining qualified staff to work in their facilities. Clearly, we can and should be doing more to ensure that the care of our elderly and disabled is not being placed at risk.

In my home state of Rhode Island, we have been dealing with a critical shortage in the number of Certified Nursing Assistants, CNAs, in particular. CNAs provide direct care in a skilled nursing setting to residents who need help with essential daily living tasks, such as dressing, feeding and bathing. A state task force comprised of long term care providers and nursing home consumer advocates found that over 26,000 individuals were licensed as CNAs, but only 14,000 are currently working in the field. The task force also found that the turnover rate for CNAs rose to an unprecedented 82.6 percent in 1999.

The two most important issues identified in the state report were wages and adequate staffing levels. In terms of wages, a person in my state can make more in starting salary as a hotel maid in Providence ($9.50/hour) than they would as a licensed CNA ($7.69/hour). Those individuals who have dedicated their careers to caring for our most vulnerable citizens certainly deserve better and the legislation we are introducing today will help to restore respect and dignity to the caregiver profession.

The Nursing Home Staff Improvement Act will address these problems in essentially two ways. First, the legislation requires the Secretary of Health and Human Services to complete the second phase of the nursing home staffing report by July 2001. The Secretary will then be called upon to use the findings and recommendations of the final report to develop appropriate caregiver to resident and supervisor to caregiver ratios for nursing facilities that participate in the Medicare and Medicaid programs. The second major component of the bill is the establishment of a grant program to States for the purpose of augmenting staffing levels. This provision, which is based on a initiative announced by President Clinton in mid-September, will support projects aimed at improving the recruitment and retention of direct nursing staff. The bill also requires nursing homes to post, on a daily basis, the number of staff and residents at the facility as well as submit staffing information to the Secretary.

As a member of the Special Senate Committee on Aging, I am pleased to be an original cosponsor of the Nursing Home Staff Improvement Act, a balanced piece of legislation that I believe will go a long way in stabilizing nursing home staffing levels nationwide. I look forward to working with Senator GRASSLEY and my other colleagues to enact this important legislation.

By Mrs. LINCOLN (for herself and Mr. CLELAND):

S. 3179. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

RECREATION LAKES ACT OF 2000

Mrs. LINCOLN. Mr. President, I rise today to introduce the Recreation Lakes Act of 2000—a bill that will recognize the benefits and value of recreation at federal lakes and give recreation a seat at the table in the management decisions of all our federal lakes. I am proud to be joined in this effort today by Senator CLELAND.

Recreation on our federal lakes has become a powerful tourist magnet, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services. And by the middle of this century, our federal lakes are expected to host nearly two billion visitors per year.

Yet, even with the millions of visitors each year to our lakes and reservoirs, recreation has suffered from a lack of unifying policy direction and leadership, as well as insufficient interagency and intergovernmental planning and coordination. Most federal agencies are focused on the traditional functions of man-made lakes and reservoirs; flood control, hydroelectric power, water supply, irrigation, and navigation. And often recreation is left out of the decision process.

Mr. President, this legislation will reaffirm that recreation is also an authorized purpose at almost all federal lakes and direct the agencies managing these projects to take action to reemphasize recreation programs in their management plans. This legislation will emphasis partnerships between the federal government, local governments, and private groups to promote responsible recreation on all our federal lakes.

It will establish a National Recreational Lakes Demonstration Program, comprised of up to 20 lakes across the nation. At each of these federal lakes, the managing agency will be empowered to develop creative agreements with private sector recreation providers as well as state land agencies to enhance recreation opportunities. Rather than just building new federal campgrounds with tax dollars, we need to create new partnerships to provide support for building recreation infrastructure that is in line with visitor and tourist desires for recreation. The National Recreation Lakes Demonstration Program will be a pilot project to test these creative agreements and management techniques on a small scale to demonstrate their effectiveness at promoting recreation on federal lakes.

Second, this legislation will establish a Federal Recreation Lakes Leadership Council to coordinate the National Recreation Lakes Demonstration Program and coordinate efforts among federal agencies to promote recreation on federal lakes.

It also will include the Bureau of Reclamation and the U.S. Army Corps of Engineers in the Recreation Fee Demonstration Program. The Fee Demo Program has had wide successes in Arkansas and across the country in allowing individual parks and recreation areas to keep more of their fee revenues on-site to reduce the often overwhelming maintenance backlog.

The legislation will also provide for periodic review of the management of recreation at federal water projects—something long overdue. A great deal has changed since many of the water projects were authorized, yet the initial legislative direction from over 70 years ago continues to be the basis for the management practices now in the year 2000—and that is not right.

Finally, the legislation will provide new opportunities to link the national recreation lakes initiative with other federal recreation assistance efforts, including the Wallop-Breaux program for boating and fishing.

Mr. President, let me give you a little background on how this legislation was developed. In 1996, the U.S. Senate recognized that recreation was becoming more important on federal lakes and conceived the National Recreation Lakes Study Commission to review the current and anticipated demand for recreational opportunities on federally managed lakes and reservoirs. The National Recreation Lakes Study Commission was charged to ''review the current and anticipated demand for recreational opportunities at federally-managed man-made lakes and reservoirs'' and ''to develop alternatives for enhanced recreational use of such facilities.''

The Commission released its long-awaited report confirming the impact of recreation on federally-managed, man-made lakes in June of last year. The Commission also recognized that we are far from realizing their full potential. The study documented that these lakes are powerful tourist magnets, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services.

During the Energy and Natural Resources Committee's hearing last year

on the Recreation Lakes Study, the Chairman and I spent some time discussing how children today do not take full advantage of the outdoor opportunities that are available to them. It is so important that we encourage our children to enjoy the great outdoors that often times is less than an hour's drive away.

As the mother of twin 4-year-old boys, I feel we need to encourage our children to be children, not to become adults too quickly, to learn how to enjoy the outdoors. The only way we can do that is by exposing them to it early and often.

In this nation we have nearly 1,800 federally-managed lakes and reservoirs. There are 38 in my home state of Arkansas. With so many federal lakes spread throughout the country, there's no reason why we shouldn't do all we can to promote recreation on our federal lakes. I know that in Arkansas, we don't think twice about getting away to the lake for the weekend to go boating or fishing, or to just get away from the day-to-day grind. And that doesn't even begin to get into the tremendous economic impact from recreation on our federal lakes.

Mr. President, this bill is not an attempt to completely rewrite how federal lakes in this country are managed or to put recreation in front of all other authorized purposes at federal lakes.

The Recreation Lakes Act of 2000 will work with all current laws and regulations to ensure that recreation is merely given a seat at the table when the management decisions are made for our federal lakes.

Mr. President, this is a good bill. In everything from the creation of jobs to the money that tourists like myself spend at the marinas and local stores surrounding the lake—our Federal lakes and reservoirs have an immense recreational value that can and does bring revenues into our local economies. The best way to encourage and expand this aspect is to ensure that recreation is given a higher priority in the management of our federal lakes.

I encourage my colleagues to support this legislation and look forward to the debate on how we can promote recreation on our federal lakes.

By Mr. EDWARDS:

S. 3180. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SPYWARE CONTROL AND PRIVACY PROTECTION ACT

Mr. EDWARDS. Mr. President, how would you feel if someone was eavesdropping on your private phone conversations without your knowledge? Well, if it happened to me, I would be very disturbed. And I think that most Americans would be very disturbed to know that something similar may be happening every time they use their computers.

The shocking fact is that many software programs contain something called spyware. Spyware is computer code that surreptitiously uses our Internet connection to transmit information about things like our purchasing patterns and our health and financial status. This information is collected without our knowledge or explicit permission and the spyware programs run undetected while you surf the Internet.

Spyware has been found in Quicken software, which is manufactured by Intuit, Inc. So let me use this as an example. Imagine you purchase Quicken software or download it from the Internet. You install it on your computer to help you with your finances. However, unbeknownst to you, Quicken does more than install financial planning tools on your computer. It also installs a little piece of spyware. The spyware lies dormant until one day when you get on the Internet.

As you start surfing the Internet, the spyware sends back information to Intuit about what you buy and what you are interested in. And all of this happens without your knowledge. You could be on Amazon.com or researching health issues and at the very same time Intuit spyware is using your Internet connection, transmitting some of your most private data to someone you never heard of.

In the months since it was reported that Quicken contained spyware, the folks at Intuit may have decided to remove the spyware from Quicken. However, Quicken is not the only software program that may contain spyware. One computer expert recently found spyware programs in popular children's software that is designed to help them learn, such as Mattel Interactive's Reader Rabbit and Arthur's Thinking Games. And, according to another expert's assessment, spyware is present in four hundred software programs, including commonly used software such as RealNetworks RealDownload, Netscape/AOL Smart Download, and NetZip Download Demon. Spyware in these software programs can transmit information about every file you download from the Internet.

I rise today to introduce the Spyware Control and Privacy Protection Act of 2000. I believe that this legislation will help Americans regain some control over their personal information and will help stop the loss of their privacy and the privacy of their families.

My proposal is common-sense and simple. It incorporates all four fair information practices of notice, choice, access and security—practices that I believe are essential to effective computer privacy legislation.

First, the Act requires that any software that contains spyware must provide consumers with clear and conspicuous notice—at the time the software is installed—that the software contains spyware. The notice must also describe the information that the spyware will collect and indicate to whom it will be transmitted.

Another critical provision of my bill requires that software users must first give their affirmative consent before the spyware is enabled and allowed to start obtaining and sharing users' personal information with third parties. In other words, software users must ''opt-in'' to the collection and transmission of their information. My bill gives software users a choice whether they will allow the spyware to collect and share their information.

The Spyware Control and Privacy Protection Act allows for some common-sense exceptions to the notice and opt-in requirements. Under my proposal, software users would not have to receive notice and give their permission to enable the spyware if the software user's information is gathered in order to provide technical support for use of the software. In addition, users' information may be collected if it is necessary to determine if they are licensed users of the software. And finally, the legislation would not apply to situations where employers are using spyware to monitor Internet usage by their employees. I believe that this last issue is a serious one and deserves to be addressed in separate legislation.

Another important aspect of the Spyware Control and Privacy Protection Act is that it would incorporate the fair information practice known as ''access.'' What this means is that an individual software user would have the ability to find out what information has been collected about them, and would be given a reasonable chance to correct any errors.

And finally, the fourth fair information practice guaranteed by my bill is ''security.'' Anyone that uses spyware to collect information about software users must establish procedures to keep that information confidential and safe from hackers.

Spyware is a modern day Trojan horse. You install software on your computer thinking it's designed to help you, and it turns out that something else is hidden inside that may be quite harmful.

I have been closely following the privacy debate for some time now. And I am struck by how often I discover new ways in which our privacy is being eroded. Spyware is among the more startling examples of how this erosion is occurring.

Most people would agree that modern technology has been extraordinarily beneficial. It has enabled us to obtain information more quickly and easily than ever before. And companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records, and buying habits. In

turn, our ability to keep our personal information private is being eroded.

Even sophisticated computer software users are unlikely to be aware that information is being collected about their Internet surfing habits and is likely being fed into a growing personal profile maintained at a data warehouse. They don't know that companies can and do extract the information from the warehouse to create a so-called cyber-profile of what they are likely to buy, what the status of their health may be, what their family is like, and what their financial situation may be.

I believe that in the absence of government regulation, it is difficult, if not impossible for people to control the use of their own personal information. Consumers are not properly informed, and businesses are under no legal obligation to protect consumers' privacy.

I believe that the Spyware Control and Privacy Protection Act is a reasonable way to help Americans regain some of their privacy. My legislation does not prevent software manufacturers from using their software to collect a consumer's online information. However, it gives back some control to the consumer by allowing him or her to decide whether their information may be gathered.

My bill protects consumer privacy, while enabling software companies and marketing firms to continue obtaining consumers' information if the consumer so chooses. Confidence in these companies will be enhanced if they are able to assure their customers that they will not collect their personal information without their permission.

Privacy protections should not stop with computer software. I am also proud to be a cosponsor of the Consumer Privacy Protection Act, a much-needed measure that would prevent Internet service providers, individual web sites, network advertisers, and other third parties from gathering information about our online surfing habits without our permission.

And last fall, I introduced the Telephone Call Privacy Act in order to prevent phone companies from disclosing consumers' private phone records without their permission. Although there are only a few weeks left in this congressional session, it is my hope that Congress will pass meaningful privacy legislation soon.

Increasingly, technology is impacting our lives and the lives of our families. I believe that while it is important to encourage technological growth, we must also balance new developments with our fundamental right to privacy. Otherwise, we may wake up one day and realize that our privacy has been so thoroughly eroded that it is impossible to recover.

I urge my colleagues to support the Spyware Control and Privacy Protection Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3180

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 ''Spyware Control and Privacy Protection Act of 2000''.

SEC. 2. COLLECTION OF INFORMATION BY COMPUTER SOFTWARE.

(a) NOTICE AND CHOICE REQUIRED.—

(1) IN GENERAL.—Any computer software made available to the public, whether by sale or without charge, that includes a capability to collect information about the user of such computer software, the hardware on which such computer software is used, or the manner in which such computer software is used, and to disclose to such information to any person other than the user of such computer software, shall include—

(A) a clear and conspicuous written notice, on the first electronic page of the instructions for the installation of such computer software, that such computer software includes such capability;

(B) a description of the information subject to collection and the name and address of each person to whom such computer software will transmit or otherwise communicate such information; and

(C) a clear and conspicuous written electronic notice, in a manner reasonably calculated to provide the user of such computer software with easily understood instructions on how to disable such capability without affecting the performance or operation of such computer software for the purposes for which such computer software was intended.

(2) ENABLEMENT OF CAPABILITY.—A capability of computer software described in paragraph (1) may not be enabled unless the user of such computer software provides affirmative consent, in advance, to the enablement of the capability.

(3) EXCEPTION.—The requirements in paragraphs (1) and (2) shall not apply to any capability of computer software that is reasonably needed to—

(A) determine whether or not the user is a licensed or authorized user of such computer software;

(B) provide, upon request of the user, technical support of the use of such computer software by the user; or

(C) enable an employer to monitor computer usage by its employees while such employees are within the scope of employment as authorized by applicable Federal, State, or local law.

(4) USE OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any information collected through a capability described in paragraph (1) for a purpose referred to in paragraph (3) may be utilized only for the purpose for which such information is collected under paragraph (3).

(5) ACCESS TO INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information about a user of computer software through a capability described in paragraph (1) shall—

(A) upon request of the user, provide reasonable access by user to information so collected;

(B) provide a reasonable opportunity for the user to correct, delete, or supplement such information; and

(C) make the correction or supplementary information a part of the information about the user for purposes of any future use of such information under this subsection.

(6) SECURITY OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information through a capability described in paragraph (1) shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of such information.

(b) PREINSTALLATION.—In the case of computer software described in subsection (a)(1) that is installed on a computer by someone other than the user of such computer software, whether through preinstallation by the provider of such computer or computer software, by installation by someone before delivery of such computer to the user, or otherwise, the notice and instructions under that subsection shall be provided in electronic form to the user before the first use of such computer software by the user.

(c) VIOLATIONS.—A violation of subsection (a) or (b) shall be treated as an unfair or deceptive act or practice proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(d) DISCLOSURE TO LAW ENFORCEMENT OR UNDER COURT ORDER.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a computer software provider that collects information about users of the computer software may disclose information about a user of the computer software—

(A) to a law enforcement agency in response to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (3); or

(B) in response to a court order in a civil proceeding granted upon a showing of compelling need for the information that cannot be accommodated by any other means if—

(i) the user to whom the information relates is given reasonable notice by the person seeking the information of the court proceeding at which the order is requested; and

(ii) the user is afforded a reasonable opportunity to appear and contest the issuance of the requested order or to narrow its scope.

(2) SAFEGUARDS AGAINST FURTHER DISCLOSURE.—A court that issues an order described in paragraph (1) shall impose appropriate safeguards on the use of the information to protect against its unauthorized disclosure.

(3) COURT ORDERS.—A court order authorizing disclosure under paragraph (1)(A) may issue only with prior notice to the user and only if the law enforcement agency shows that there is probable cause to believe that the user has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this paragraph, on a motion made promptly by the computer software provider may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the provider.

(e) PRIVATE RIGHT OF ACTION.—

(1) ACTIONS AUTHORIZED.—A person may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate Federal court, if such laws or rules prohibit such actions, either or both of the actions as follows:

(A) An action based on a violation of subsection (a) or (b) to enjoin such violation.

(B) An action to recover actual monetary loss for a violation of subsection (a) or (b) in an amount equal to the greater of—

(i) the amount of such actual monetary loss; or

(ii) $2,500 for such violation, not to exceed a total amount of $500,000.

(2) ADDITIONAL REMEDY.—If the court in an action under paragraph (1) finds that the defendant willfully, knowingly, or repeatedly violated subsection (a) or (b), the court may, in its discretion, increase the amount of the award under paragraph (1)(B) to an amount not greater than three times the amount available under paragraph (1)(B)(ii).

(3) LITIGATION COSTS AND ATTORNEY FEES.—In any action under paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action and assess reasonable costs, including reasonable attorney fees, against the defendant.

(4) VENUE.—In addition to any contractual provision otherwise, venue for an action under paragraph (1) shall lie where the computer software concerned was installed or used or where the person alleged to have committed the violation concerned is found.

(5) PROTECTION OF TRADE SECRETS.—At the request of any party to an action under paragraph (1), or any other participant in such action, the court may, in its discretion, issue a protective order and conduct proceedings in such action so as to protect the secrecy and security of the computer, computer network, computer data, computer program, and computer software involved in order to—

(A) prevent possible recurrence of the same or a similar act by another person; or

(B) protect any trade secrets of such party or participant.

(f) DEFINITIONS.—In this section:

(1) COLLECT.—The term ''collect'' means the gathering of information about a computer or a user of computer software by any means, whether direct or indirect and whether active or passive.

(2) COMPUTER.—The term ''computer'' means a programmable electronic device that can store, retrieve, and process data.

(3) COMPUTER SOFTWARE.—(A) Except as provided in subparagraph (B), the term ''computer software'' means any program designed to cause a computer to perform a desired function or functions.

(B) The term does not include a text file, or cookie, placed on a person's computer system by an Internet service provider, interactive computer service, or commercial Internet website to return information to the Internet service provider, interactive computer service, commercial Internet website, or third party if the person subsequently uses the Internet service provider or interactive computer service, or accesses the commercial Internet website.

(4) INFORMATION.—The term ''information'' means information that personally identifies a user of computer software, including the following:

(A) A first and last name, whether given at birth or adoption, assumed, or legally changed.

(B) A home or other physical address including street name and name of a city or town.

(C) An electronic mail address.

(D) A telephone number.

(E) A social security number.

(F) A credit card number, any access code associated with the credit card, or both.

(G) A birth date, birth certificate number, or place of birth.

(H) Any other unique information identifying an individual that a computer software provider, Internet service provider, interactive computer service, or operator of a commercial Internet website collects and combines with information described in subparagraphs (A) through (G) of this paragraph.

(5) PERSON.—The term ''person'' has the meaning given that term in section 3(32) of the Communications Act of 1934 (47 U.S.C. 153(32)).

(6) USER.—The term ''user'' means an individual who acquires, through purchase or otherwise, computer software for purposes other than resale.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1110

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1197

At the request of Mr. ROTH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. ABRAHAM), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Nebraska (Mr. KERREY), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2242

At the request of Mr. THOMAS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2242, a bill to amend the Federal Activities Inventory Reform Act of 1998 to improve the process for identifying the functions of the Federal Government that are not inherently governmental functions, for determining the appropriate organizations for the performance of such functions on the basis of competition, and for other purposes.

S. 2358

At the request of Mr. INHOFE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Delaware (Mr. ROTH), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2967

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 3045

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3091

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3091, a bill to implement

the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921 by the Department of Agriculture.

S. 3106

At the request of Mr. JEFFORDS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3106, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3127

At the request of Mr. SANTORUM, the names of the Senator from Missouri (Mr. BOND) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 3127, a bill to protect infants who are born alive.

S. 3137

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3147

At the request of Mr. ROBB, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3173

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3173, a bill to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century.

S. RES. 364

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. Res. 364, a resolution commending Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games and congratulating the United States Olympic Team for its outstanding accomplishments at those Olympic Games.

SENATE CONCURRENT RESOLUTION 145—EXPRESSING THE SENSE OF CONGRESS ON THE PROPRIETY AND NEED FOR EXPEDITIOUS CONSTRUCTION OF THE NATIONAL WORLD WAR II MEMORIAL AT THE RAINBOW POOL ON THE NATIONAL MALL IN THE NATION'S CAPITAL

Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103–422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capital the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capital, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

SENATE CONCURRENT RESOLUTION 146—A CONCURRENT RESOLUTION CONDEMNING THE ASSASSINATION OF FATHER JOHN KAISER AND OTHERS IN KENYA, AND CALLING FOR A THOROUGH INVESTIGATION TO BE CONDUCTED IN THOSE CASES, A REPORT ON THE PROGRESS MADE IN SUCH AN INVESTIGATION TO BE SUBMITTED TO CONGRESS BY DECEMBER 15, 2000, AND A FINAL REPORT ON SUCH AN INVESTIGATION TO BE MADE PUBLIC, AND FOR OTHER PURPOSES

Mr. WELLSTONE (for himself and Mr. GRAMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 146

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota, who for 36 years served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya and advocated the rights of all Kenyans, was shot dead on Wednesday, August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests report that Father Kaiser spoke to them of his fear for his life on the night before his assassination;

Whereas the murders of Father Stallone, Father Graife, and Father Luigi Andeni, all of Marsabit Diocese in Kenya, the circumstances of the murder of Brother Larry Timors of Nakaru Diocese in Kenya, the murder of Father Martin Boyle of Eldoret Diocese, and the murders of other local human rights advocates in Kenya have not yet been fully explained, nor have the perpetrators of these murders been brought to justice;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the government's investigation into tribal violence between 1992 and 1997 in Kenya's Great Rift Valley has not yet been released in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas, after Father Kaiser's assassination, documents were found on his body that he had intended to present to the Akiwumi Commission;

Whereas the nongovernmental Kenyan Human Rights Commission has expressed fear that the progress achieved in Kenya during the last few years in the struggle for democracy, the rule of law, respect for human rights, and meeting the basic needs of all

Kenyans is jeopardized by the current Kenyan government; and

Whereas the 1999 Country Report on Human Rights released by the Bureau of Democracy, Human Rights, and Labor of the Department of State reports that the Kenyan Government's ''overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others.'': Now, therefore, be it

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

(1) condemns the violent deaths of Father John Kaiser and others who have worked to promote human rights and justice in the Republic of Kenya and expresses its outrage at those deaths;

(2) calls for a thorough investigation of those deaths that includes other persons in addition to the Kenyan authorities;

(3) calls on the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, to prepare and submit to Congress, by December 15, 2000, a report on the progress made on investigating these killings, including, particularly, a discussion of the actions taken by the Kenyan government to conduct an investigation as described in paragraph (2);

(4) calls on the President to support investigation of these killings through all diplomatic means; and

(5) calls for the final report of such an investigation to be made public.

Mr. WELLSTONE. Mr. President, colleagues, I rise to today to offer a resolution calling for thorough investigation into the murder of Father John Kaiser, a Catholic missionary from Minnesota who was brutally murdered in Kenya last month, and requiring the State Department to report to Congress on the progress of the investigation by December 15th, and to make public the final findings of the investigation.

For those of you who know little of Father John Kaiser, let me just say this: Father Kaiser was an amazing man. One of those rare individuals who found his calling early in life, he remained dedicated to that calling throughout his life. A catholic of the Order of the Mill Hill Missionaries, Father Kaiser served as a missionary in Kenya for 36 years. Born in Minnesota in 1932 to a German father and Irish mother, from 1954–1957, prior to being ordained, he had served his own country in the U.S. Army training paratroopers in the 82nd Airborne.

Those who knew Father Kaiser recall him as humble and soft-spoken with totally selfless zeal for the service of others. In Kenya Father Kaiser was an outspoken advocate on the issue of human rights and injustice, and advocated those rights on behalf of all Kenyans. In March of this year Father Kaiser was awarded the ''Award for Distinguished Service in the Support of Human Rights'' by the Law Society of Kenya. This is the highest award given by the Law Society and it is usually awarded to three people annually—this year Father Kaiser was the sole recipient. I have a copy of the speech given by the Law Society in honor of Father Kaiser and I will ask that this speech be inserted in the RECORD. I'd also like to note that earlier this week in St. Paul, Minnesota Father Kaiser was posthumously awarded the twin cities International Citizen Award.

Father Kaiser spoke frequently against the injustice of government corruption in Kenya and some believe this is what led to his death. In 1992 Father Kaiser was confronted for his political activism against corruption. At an inquiry into why tribal clashes killed hundred in the run-up to Kenya's first multiparty election in 1992, Kaiser had testified that two Cabinet ministers had encouraged the strife in a ploy to drive those in opposition off their land. After accusing high-level government officials of stealing land from the poor, he was arrested last year and threatened with deportation. His most recent confrontation with a powerful Kenyan involved Minister of State Julius Sunkuli, considered by many to be the current Kenya President's personal preference as a successor. Working with the Kenya chapter of the International Federation of Women Lawyers, Father Kaiser had been helping a female parishioner who claimed that Mr. Sunkuli raped her three years ago when she was 14 and fathered her child. Father Kaiser was killed one week before the court case was due to begin. A few days later, the young women dropped the charge.

Father Kaiser's death is a manifestation of the corruption and injustice rampant in Kenya today. In its annual survey issued two weeks ago, the Transparency International watchdog organization named Kenya the ninth-most corrupt country in the world, on par with Russia. In Kenya, church leaders bemoan the fact that they are told to stay out of politics. They argue that what the government calls politics—promoting human rights, social and economic justice—is part and parcel of their mission. Mr. President, colleagues, I believe the position of the leadership in Kenya is not unusual; religious persecution is up around the world because religious mandates such as promoting human rights, social and economic justice, are inherently political. We must speak up about this case not only to find the truth about Father Kaiser's death and to bring some relief to his family, but also to let Kenya and the world know that the United States does not condone Kenya's behavior.

An investigation is underway for the killer of Father Kaiser. The Kenyan Attorney General requested the help of the FBI in the investigation and today three FBI agents are in Kenya. The U.S. Ambassador has also met with the Kenyan Foreign Minister and the Kenyan Attorney General. This is a good start. I am hopeful that the State Department will continue to keep a close eye on this case. We must express our outrage at the violent death of Father John Kaiser, as well as the brutal murder of other activists fighting against injustice in Kenya. And we must demand a thorough investigation into their deaths. Prominent human rights groups and organizations like Transparency International, report that in Kenya corruption reaches to the highest level of government. It is for that reason that any investigation must include persons other than the Kenyan authorities and its final report must be made public. That is what I call for in the Resolution I am offering today with my colleague from Minnesota. I urge you to join us in your support, not only for the family of Father Kaiser and the others who lost their lives fighting injustice in Kenya but for the countless victims who have given their lives fighting injustice worldwide.

Mr. President, I ask unanimous consent that the Law Society speech honoring Father Kaiser be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAW SOCIETY OF KENYA—STATEMENT IN SUPPORT OF THE AWARD FOR DISTINGUISHED SERVICE IN THE PROMOTION OF HUMAN RIGHTS TO FATHER JOHN ANTHONY KAISER FOR THE YEAR 2000, MARCH 11, 2000

This year's Law Society of Kenya Awards ceremony is a rare departure from its young tradition in that we have only one recipient. But that man is rare, indeed, one of a kind. His name is Father John Anthony Kaiser. And it is a name we have all heard.

In conferring upon him the Society's award for Distinguished Service in the Promotion of human rights for the year 2000, we of the Society consider ourselves specially honored to have known and dealt with this man of God who, like the Biblical Elijah, is a voice of stern rebuke to all those that trouble the people and think it a little matter to deny sovereign citizens their God-given right to live, move and have. To them, he is a poisonous troublemaker, an unwelcome meddler and a pain in the flesh. But to us and to all those that love life and liberty, he is a stalwart defender of the defenseless and a man eminently deserving of honor.

In his life Father Kaiser has lived for and upheld two ideals namely the universality of human rights and the principle that Kenya citizenship appeals and protects all Kenyan in every part of the Republic of Kenya. In upholding these noble truths in the 1990s in Kenya Father Kaiser repeatedly found himself in trouble. Not that Father Kaiser is a man who goes out of his way to court trouble. To the contrary, he is a retiring, humble and soft-spoken ''Mzee.'' He is a simple man without pretensions. Seeing him on a normal day one could easily dismiss him for just another tired old man. Though a tall one.

Those who know him will say he has a totally selfless zeal for the service of others. But they will also tell you that he is a man of singular candour. He is honest and forthright in speech almost to a fault. He would speak that uncomfortable truth with a startling naivete that at once sets you thinking and charms you to a new respect for the man.

Born in Minnesota, United States of America in 1932 to a German father and Irish mother, the future Father Kaiser attended a one-roomed school for eight years before he went to a Benedictine secondary school.

After a two-year stint at a junior college where he studied Greek and Latin, he joined the U.S. Army for some three years. His true calling was elsewhere and he quit to join the St. Louis College where he studied theology and philosophy. This was to be followed by some four years across the Atlantic, studying to become a priest at St. Joseph's Mill

Hill College. Father Kaiser was in 1964 posted to Kenya and specifically to the Kisii Catholic Diocese to which he dedicated 30 years of exemplary and emulable service mostly in the humble hills and valleys of Gusiiland, away from any sort of public limelight. Everywhere he went he exhibited the best missionary spirit of uplifting enlightening and supporting the poor. A strong man physically, he worked with joyful energy setting up churches wherever he went sometimes single-handedly. So thoroughly did he immerse himself in the daily living of the locals that he speaks Ekegussi with a fluency that would put most native speakers of the language to shame. He became in a real sense a much loved if not revered 'Omogaka' to the Abagusii among whom he lived and served.

Come 1993, Father Kaiser was sent to the Ngong Catholic Diocese his first appointment being to the fateful Maela Refugee Camp for the internally victims of the infamous Tribal Clashes. It was while at Maela that he witnessed at even closer hand some of the most dastardly and heinous acts of man's inhumanity to man. Freeborn Kenyans who had been violently and murderously driven out of homes they had lived in all their lives were reduced to the most abject and dehumanizing poverty. He saw disease, despair, hunger and the elements ravish men and women; the young and the aged alike whose only crime was the biological and historical accident of having been born into the 'wrong' tribes. Father Kaiser busied himself in trying to alleviate in what small ways he could the anguish of those unfortunate.

It was while *in situ* at Maela, and while lawfully engaged in Christian service quite in consonance with the oft repeated credo of being mindful of the welfare of fellow Kenyans that the fell foul of the ubiquitous and often tyrannical Provincial Administration.

The existence of the Maela Refugee Camp had become an acute embarrassment to the government which was not so keen on having the shocking truth of ethnic cleansing exposed to the watching world. The camp was an eyesore abominable and damning to the Government. Some evil genius in the administration hatched the plan to erase evidence of the very existence of the Camp. Thus, on the 27th of December 1994, those hapless Kenyans, once betrayed, raped, and dispossessed, were betrayed a second time. They were descended upon in a whirlwind government operation that broke up the camp and bundled its inhabitants into trucks that would dump them in stadiums, abandoned playing fields and roadsides in the Central Province. The same bright mind in government had now invented a new term with which these unfortunate victims were baptized: Land Speculators.

The Naivasha District Officer who spearheaded the Maela mop-up was livid that among those at the camp and who witnessed the wanton dehumanization of the refugees was Father Kaiser. For merely being there and not approving of what the officers of government were doing, Father Kaiser was violently assaulted by those agents of our government, handcuffed, as a common criminal would be removed from the scene. He was held under house arrest with armed men in guard. State-sponsored terrorism is no respecter of persons even when they are harmless parish priests. Shortly after Maela, Father Kiser was posted to Lologorian Parish in Trans Mara District. And trouble followed him there. It is an abiding if tragic fact of this country's sociopolitical landscape that no place is safe or tranquil for any honest man of pure convictions. Wherever such people are, the tyrants, sycophants, rapist and land grabbers that dot Kenya's public life will feel uneasy and attempt to make life unbearable for them.

True to his prophetic calling as a voice for the voiceless and defender of the defenseless among his flock, Father Kaiser found himself on a collision cause with those who had oppressed, displaced, dispossessed and marginalized whole clans of the Maasai in an orgy of systematic and avaricious land-grabbing. His consistent and conscientious stance against this and other evils and ills in Trans Mara was fast gaining a formidable horde of enemies at all levels of the power structure. No less than a powerful cabinet minister saw the hand of good Father Kaiser in allegations of rape or defilement leveled by young girls against the said minister. There is of course no question that it is in the nature of Father Kaiser to insist and demand that any man, no matter his rank, who proves to be a pestilential monster against nubile girls must face justice. It is a very Christian demand.

Father Kaiser's gift and burden has been his unshakable commitment to truth and justice. It is therefore not surprising that when the Commission appointed to investigate the causes of the ethnic cleansing under the Chairmanship of Court of Appeal Judge Akiwuni got down to business, he appeared to testify as to what he saw, experienced and heard.

In his painfully forthright way, the priest told the Commission the horrible things he had witnessed. He recounted tales heart rendering in their pain and outrageous that they should be true. Unquestionably, he was a witness of truth. His testimony was one of a man with a deep and abiding need to see the demons of our national shame exorcised, the ghosts of our innocent dead compatriots finally laid to rest and the tears of their beloved wiped dry at last.

Inevitably, he categorically and bluntly told the Commission that on the basis of the facts in his possession, responsibility for the horror that was the clashes lay at the highest echelons of state. Mincing no words, he fingered the very heart of State power as the first culprit in this crime against Kenya holding the Government and its trusted lieutenants responsible. Father Kaiser mentioned dates, names, places and times.

It is a monumental irony that detailed and useful as Father Kaiser's testimony was, the Commission thought it violated some in-house rules against mentioning the Head of State and promptly expunged the same from its record.

Whether offensive to the rules of the Commission or not, and shorn of all the trappings, technicalities and complexities of procedure, Father Kaiser's experiences and observations in his own words are admissible in the Tribunal of Truth and that of public opinion and, we trust, will some day find judicial admission when those who threatened to dismember Kenya are finally brought to book. His courage, boldness and candor in saying it as it really is cannot have been in vain.

It is in the aforegoing context that we view the attempt by the Kenya government to deport our hero in late 1999. A day after his testimony at the Commission, the agents of terror that he had named and shamed made a public threat that Father Kaiser would be deported from Kenya. Could what followed be related to these threats? Still smarting from the priest's insistent voice of conscience, someone suddenly remembered that this cleric who may pass for an Ompgusii, a Maasai, a Kalenjin or a Kikuyu and who had lived in Kenya for as long as we have been a republic, was not a Kenyan and, by reason of his inadvertent failure to renew his work permit was deserving of immediate deportation. Evidently our laws on citizenship are in urgent need of revision. For, if Father Kaiser does not qualify for citizenship, who does?

The move by the Government was amateurish, its sinister and vindictive motivation too transparent to miss. There was an immediate chorus of condemnation of the government's persecution of the priest from many quarters including Catholic Bishops, the Kenya Human Rights Commission and the American Embassy. We are happy to recall the Law Society of Kenya added its voice in demanding that his permit be renewed. We are happier to note with a certain satisfaction that, left with no choice, Government relented and, as you can see, Father Kaiser is still here with us.

The life and times of Father John Anthony Kaiser stand out as a study in courage, determination and sacrifice on behalf of the weak, oppressed and downtrodden. He has had the loftiness of ideals to speak out against social ills and defend the native rights and dignity of mankind in the face of callus and blood-chilling abuse. He has paid the price of his convictions in being beaten, arrested, insulted and hounded but has remained true to his conscience. He has stood up to tyrants big and petty and won many battles for which the humble men and women of Kenya for whom he has striven are the happier. And in all this he has retained his cool and has urged victims of violence not to retaliate in kind. Indeed, he is on record as still loving and still praying for his persecutors.

He does not consider himself a civil rights worker. He would not call himself a human rights activist let alone its champion. He would not admit to all his achievements, which have emboldened and inspired many to love truth, cherish liberty and fight for human rights. Father Kaiser says he is just a simple parish priest. We agree. And we honor him.

Mr. GRAMS. Mr. President, I rise today to introduce a resolution along with Senator WELLSTONE which addresses a very tragic event in Kenya involving a native son of Minnesota, Father John Kaiser.

Sixty-seven years ago, Father Kaiser was born in Perham, Minnesota and grew up in Maine Township near Fergus Falls. He attended St. John's Prep in Collegeville, along with former Senator Dave Durenberger, and St. John's University. He was ordained a Catholic priest in 1964 after attending St. Joseph's Seminary in England.

His thirty-six years in the East African country of Kenya was spent building schools and helping the people. He was a strong supporter of human rights and justice for the poor and oppressed. He was their spokesman and a highly visible reminder to the Kenyan government of the injustices he sought to remedy. His courage in the face of death emboldened and strengthened the resolve of others in the human rights community to stand for principle—for law and order, decency and respect.

The cattle herders and farmers in the Great Rift Valley, the helpless young girls who may have suffered abuse at the hands of government officials and the dedicated members of Father Kaiser's Mill Hill Mission have lost a champion—but not the principles on which he stood—justice and equity and human rights for all.

I have addressed this issue at the highest level with Secretary of State Madeleine Albright during a recent Foreign Affairs Committee meeting. The resolution of this United States citizen's death is important to Kenya's credibility in the world community. We intend to see his assassins quickly brought to trial, and our Resolution reflects the desire of Congress to step-up the investigation into his death. I join Bishop John Njue, Chairman of the Kenyan Catholic Episcopal Conference in saying ''Do not be afraid''—we are with you.

SENATE RESOLUTION 368—RECOGNIZING THE IMPORTANCE OF RELOCATING AND RENOVATING THE HAMILTON GRANGE, NEW YORK

Mr. MOYNIHAN (for himself, Mr. BYRD, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources.

S. RES. 368

Whereas Alexander Hamilton, assisted by James Madison and George Washington, was the principal drafter of the Constitution of the United States;

Whereas Hamilton was General Washington's aide-de-camp during the Revolutionary War, and, given command by Washington of the New York and Connecticut light infantry battalion, led the successful assault on British redoubt number 10 at Yorktown;

Whereas after serving as Secretary of the Treasury, Hamilton founded the Bank of New York and the New York Post;

Whereas the only home Hamilton ever owned, commonly known as ''the Grange'', is a fine example of Federal period architecture designed by New York architect John McComb, Jr., and was built in upper Manhattan in 1803;

Whereas the New York State Assembly enacted a law in 1908 authorizing New York City to acquire the Grange and move it to nearby St. Nicholas Park, part of the original Hamilton estate, but no action was taken;

Whereas in 1962, the National Park Service took over management of the Grange, by then wedged on Convent Avenue within inches between an apartment house on the north side and a church on the south side;

Whereas the 1962 designation of the Grange as a national memorial was contingent on the acquisition by the National Park Service of a site to which the building could be relocated;

Whereas the New York State legislature enacted a law in 1998 that granted approval for New York City to transfer land in St. Nicholas Park to the National Park Service, causing renovations to the Grange to be postponed; and

Whereas no obelisk, monument, or classical temple along the national mall has been constructed to honor the man who more than any other designed the Government of the United States, Hamilton should at least be remembered by restoring his home in a sylvan setting: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the immense contribution Alexander Hamilton made to the United States as a principal drafter of the Constitution; and

(2) the National Park Service should expeditiously—

(A) proceed to relocate the Grange to St. Nicholas Park; and

(B) restore the Grange to a state befitting the memory of Alexander Hamilton.

Mr. MOYNIHAN. Mr. President, I rise to introduce a Sense of the Senate Resolution that calls on the National Park Service to relocate the Hamilton Grange, which is the home of Alexander Hamilton. As Washington's aide-de-camp during the Revolution, delegate to the Constitutional Convention, Secretary of the Treasury, and founder of the Bank of New York and the New York Post, Hamilton was instrumental in determining the direction of the nation in its early years. The only home he ever owned is in New York City. It sits on a block in Harlem, bounded on the north by an apartment house and on the south by a church. The apartment house is inches away, the church a few feet.

For some forty years the National Park Service has been contemplating the relocation of the Grange to a better site. The plan now is to go around the corner to St. Nicholas Park. The park was part of the original Hamilton estate and would be a far more appropriate location for the house. The necessary civic approvals are nearly set. It will soon be in the hands of the Park Service to get this done. The resolution simply states that the agency should do so expeditiously, and should then proceed with the restoration projects that have been on hold. Alexander Hamilton and those who come to see his home deserve as much. I ask my colleagues for their support.

AMENDMENTS SUBMITTED

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2000

JEFFORDS (AND KENNEDY) AMENDMENT NO. 4301

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill (H.R. 1102) to provide for pension reform, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE IX—ERISA PROVISIONS

SEC. 901. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsection:

''(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

''(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

''(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

''(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

''(A) to the corporation, or

''(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

''(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

''(A) in a single sum (plus interest), or

''(B) in such other form as is specified in regulations of the corporation.

''(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

''(A) the plan is a pension plan (within the meaning of section 3(2))—

''(i) to which the provisions of this section do not apply (without regard to this subsection), and

''(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

''(B) at the time the assets are to be distributed upon termination, the plan—

''(i) has missing participants, and

''(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

''(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 902. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting ''other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined),'' after ''single-employer plan,'',

(2) in clause (iii), by striking the period at the end and inserting '', and'', and

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

''(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.''.

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

''(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

''(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has,

in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

''(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2000.

SEC. 903. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

''(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

''(I) 0 percent, for the first plan year.

''(II) 20 percent, for the second plan year.

''(III) 40 percent, for the third plan year.

''(IV) 60 percent, for the fourth plan year.

''(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.''.

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 902(b), is amended—

(1) by striking ''The'' in subparagraph (E)(i) and inserting ''Except as provided in subparagraph (G), the'', and

(2) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

''(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2000.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2000.

SEC. 904. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)'', and

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

''(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to refunds made on or after the date of the enactment of this Act.

SEC. 905. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

''(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(i) owns the entire interest in an unincorporated trade or business,

''(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

''(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

''(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

''(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

''(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.''.

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking ''section 4022(b)(5)'' and inserting ''section 4022(b)(5)(B)''.

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking ''(5)'' in paragraph (2) and inserting ''(4), (5),'', and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking ''as defined in section 4022(b)(6)'', and

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

''(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(1) owns the entire interest in an unincorporated trade or business,

''(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

''(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).''.

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking ''section 4022(b)(6)'' and inserting ''section 4021(d)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2000, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2001.

SEC. 906. MULTIEMPLOYER PLAN BENEFITS GUARANTEE.

(a) IN GENERAL.—Section 4022A(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322A(c)) is amended—

(1) by striking ''$5'' each place it appears in paragraph (1) and inserting ''$11'',

(2) by striking ''$15'' in paragraph (1) and inserting ''$33'', and

(3) by striking paragraphs (2), (5), and (6) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 4244(e)(4) of such Act (29 U.S.C. 1424(e)(4)) is amended by striking ''and without regard to section 4022A(c)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable after the date of the enactment of this Act, except that such amendments shall not apply to any multiemployer plan that has received financial assistance (within the meaning of section 4261 of the Employee Retirement Income Security Act of 1974) within the 1-year period ending on the date of the enactment of this Act.

SEC. 907. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking ''shall'' and inserting ''may'', and

(2) by striking ''equal to'' and inserting ''not greater than''.

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

''(2) For purposes of paragraph (1), the term 'applicable recovery amount' means

any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.''.

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

''(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

''(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) TRANSITION RULE.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 908. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who returns to work for a former employer after commencement of payment of benefits under the plan, shall, if a reduced rate of future benefit accruals could apply to the returning employee, include a statement that the rate of future benefit accruals may be reduced, and

(2) in the case of any other employee—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2000.

Mr. JEFFORDS. Mr. President, I rise today to file an amendment on behalf of myself, as chairman of the Committee on Health, Education, Labor, and Pensions, and Mr. KENNEDY, Ranking Member of the Committee to H.R. 1102, the Retirement Security and Savings Act of 2000, as reported by the Committee on Finance on September 12, 2000. Our amendment concerns pension issues within our jurisdiction. It would simplify and modify provisions of the Employee Retirement Income Security Act of 1974 relating to employer pension plans.

More specifically, the amendment would expand the Pension Benefit Guaranty Corporation's (PBGC) Missing Participants program; reduce PBGC premiums for new plans of small employers; authorize the PBGC to pay interest on premium overpayment refunds; simplify the substantial owner benefit rules for terminated defined benefit plans; increase the PBGC guarantee of benefits in multiemployer plans; allow the Secretary of Labor to reduce or waive civil penalties for breach of fiduciary responsibility; make parties that are jointly and severally liable for fiduciary violations also jointly and severally liable for the related penalty; and improve and better target notices of benefit suspension to pension plan participants.

Mr. President, I ask that our more detailed description of the amendment be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF AMENDMENT NO. 4301 TO THE ''RETIREMENT SECURITY AND SAVINGS ACT OF 2000'' (H.R. 1102)

1. EXTENSION OF PBGC MISSING PARTICIPANTS PROGRAM

Present law

The plan administrator of a defined benefit pension plan that is subject to Title IV of ERISA, is maintained by a single employer, and terminates under a standard termination is required to distribute the assets of the plan. With respect to a participant whom the plan administrator cannot locate after a diligent search, the plan administrator satisfies the distribution requirement only by purchasing irrevocable commitments from an insurer to provide all benefit liabilities under the plan or transferring the participant's designated benefit to the Pension Benefit Guaranty Corporation (''PBGC''), which holds the benefit of the missing participant as trustee until the PBGC locates the missing participant and distributes the benefit. The PBGC missing participant program is not available to multiemployer plans or defined contribution plans and other plans not covered by Title IV of ERISA.

Reason for change

Terminating multiemployer plans and terminating defined contribution plans face the same problems with missing participants as single-employer defined benefit plans. Allowing terminating multiemployer and defined contribution plans to transfer pension funds for missing participants to the PBGC would enable these plans to wind up their affairs and would increase the chances that missing participants will be able to locate their benefits.

Description of proposal

The proposal would direct the PBGC to prescribe for terminating multiemployer plans and terminating defined contribution plans (including plans under section 401(k) of the Internal Revenue Code) rules similar to the present-law missing participant rules applicable to terminating single-employer plans that are subject to Title IV of ERISA.

Effective date

The proposal would be effective for distributions from terminating plans that occur after the PBGC has adopted final regulations implementing the proposal.

2. REDUCE PBGC PREMIUMS FOR SMALL AND NEW PLANS

Present law

Under present law, the Pension Benefit Guaranty Corporation (''PBGC'') provides insurance protection for participants and beneficiaries under certain defined benefit pension plans by guaranteeing certain basic benefits under the plan in the event the plan is terminated with insufficient assets. The guaranteed benefits are funded in part by premium payments from employers who sponsor defined benefit plans.

The amount of the required annual PBGC premium for a single-employer plan is generally a flat rate premium of $19 per participant and an additional variable rate premium based on a charge of $9 per $1,000 of unfunded vested benefits. Unfunded vested benefits under a plan generally means (1) the unfunded current liability for vested benefits under the plan, over (2) the value of the plan's assets, reduced by any credit balance in the funding standard account. No variable rate premium is imposed for a year if contributions to the plan were at least equal to the full funding limit. The PBGC guarantee is phased in ratably in the case of plans that have been in effect for less than 5 years, and with respect to benefit increases from a plan amendment that was in effect for less than 5 years before termination of the plan.

Reason for change

The number of single-employer defined benefit plans covered by PBGC has declined dramatically in recent years—from 112,000 in 1985 to little over 39,000 in 1999. Most of the decline is because of the termination of small plans. An employer incurs a number of one-time costs to establish a plan. The proposal is intended to remove the PBGC premium as a disincentive to small employers establishing defined benefit plans.

For very small employers, the variable-rate premium can be a disproportionately large and unpredictable cost and can discourage them from establishing or maintaining a defined benefit pension plan for their employees. Very small employers would be more likely to establish and keep defined benefit plans if they could be assured that the variable rate premium would be affordable.

While most of the decline in the number of defined benefit plans is because of the termination of small plans, many larger plans also have terminated. Further, larger employers that establish plans are not choosing defined benefit plans.

Incentives are needed to encourage establishment of defined benefit plans by larger employers. The PBGC variable rate premium can be a disincentive to some plans. The proposal would provide a limited break from the variable rate premium, keyed to PBGC's guarantee limits in the early years of a plan.

Description of proposal

a. Reduced flat-rate premiums for new plans of small employers

Under the proposal, for each of the first five plan years of a new single-employer plan of a small employer, the flat-rate PBGC premium would be $5 per plan participant. A small employer would be defined as a plan contributing sponsor that, together with other members of its controlled group, employs 100 or fewer employees on the first day of the plan year.

Under ERISA, the ''employer'' consists of a plan's ''contributing sponsor'' and all entities that are in ''common control'' with it under the tax code. The contributing sponsor together with the other entities in common control are also referred to as members of the ''controlled group.'' In the case of a plan to which more than one unrelated contributing sponsor contributes, employees of all

contributing sponsors (and their controlled group members) would be taken into account in determining whether the plan is a plan of a small employer.)

A new plan would mean a defined benefit plan maintained by a contributing sponsor if, during the 36-month period ending on the date of adoption of the plan, such contributing sponsor (or controlled group member or a predecessor of either) did not establish or maintain a plan subject to PBGC coverage with respect to which benefits were accrued for substantially the same employees as are in the new plan.

b. Reduced variable PBGC premium for new and small employer plans

The proposal would provide that the variable premium is phased in for ''new defined benefit plans'' over a six-year period starting with the plan's first plan year. The amount of the variable premium would be a percentage of the variable premium otherwise due, as follows: 0 percent of the otherwise applicable variable premium in the first plan year; 20 percent in the second plan year; 40 percent in the third plan year; 60 percent in the fourth plan year; 80 percent in the fifth plan year; and 100 percent in the sixth plan year (and thereafter). A new defined benefit plan would be defined as under the flat-rate premium proposal relating to new small employer plans.

In addition, in the case of any plan (not just a new plan) of an employer with 25 or fewer employees, the per-participant variable-rate premium would be no more than $5 multiplied by the number of plan participants.

Effective date

The proposals relating to new plans would be effective for plans established after December 31, 2000. The proposal reducing the PBGC variable premium for small plans would be effective for years after December 31, 2000.

3. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS

Present law

The PBGC currently charges interest on underpayments but is not authorized to pay interest to plan sponsors on refunds of premium overpayments.

Reason for change

Premium payors should receive interest on monies that are owed to them.

Description of proposal

The proposal would allow the PBGC to pay interest on overpayments made by premium payors. Interest paid on overpayments would be calculated at the same rate and in the same manner as interest is charged on premium underpayments.

Effective date

The proposal would be effective with respect to refunds made on or after the date of enactment of this Act.

4. RULES FOR SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS

Present law

Under present law, the Pension Benefit Guaranty Corporation (''PBGC'') provides participants and beneficiaries in a defined benefit pension plan with certain minimal guarantees as to the receipt of benefits under the plan in case of plan termination. The employer sponsoring the defined benefit pension plan is required to pay premiums to the PBGC to provide insurance for the guaranteed benefits. In general, PBGC will guarantee all basic benefits which are payable in periodic installments for the life (or lives) of the participant and his or her beneficiaries and are non-forfeitable at the time of plan termination. The amount of the guaranteed benefit is subject to certain limitations. One limitation is that the plan (or an amendment to the plan which increases benefits) must be in effect for 60 months before termination for the PBGC to guarantee the full amount of basic benefits for a plan participant, other than a substantial owner. In the case of a substantial owner, the guaranteed basic benefit is phased in over 30 years beginning with participation in the plan. A substantial owner is one who owns, directly or indirectly, more than 10 percent of the voting stock of a corporation. Special rules restricting the amount of benefit guaranteed and the allocation of assets also apply to substantial owners.

Reason for change

The special substantial owner rules are inordinately complex and require plan documents going back as far as 30 years, which are difficult or impossible to obtain. The rules penalize owners in plans that started out with modest benefit levels and those with little control over plan decisions. Changes are needed in the guarantee and asset allocation rules to simplify determination of benefits and eliminate the unduly harsh treatment of owners under the current law. The proposed changes also will eliminate one of the reasons that small business owners give for not establishing defined benefit plans (i.e., the inadequacy of PBGC guarantees for owners).

Description of proposal

The proposal would provide that the 60-month phase-in of guaranteed benefits would apply to a substantial owner with less than 50 percent ownership interest. For a substantial owner with a 50 percent of more ownership interest (''majority owner''), the guarantee would depend on the number of years the plan has been in effect and would not be more than the amount guaranteed for other participants. Specifically, a majority owner's guarantee would be computed by multiplying the guarantee that would apply if the participant were not a substantial owner, by a fraction (not to exceed 1), the numerator of which is the number of years the plan was in effect, and the denominator of which is 10. The rules regarding allocation of assets would apply to substantial owners, other than majority owners, in the same manner as other participants.

Effective date

The proposal would be effective for plan terminations with respect to which notices of intent to terminate are provided, or for which proceedings for termination are instituted by the PBGC after December 31, 2000.

5. MULTIEMPLOYER PLAN BENEFITS GUARANTEED

Present law

The PBGC guarantees benefits of workers in multiemployer plans. The monthly guarantee is equal to the participant's years of service multiplied by the sum of (i) 100 percent of the first $5 of the monthly benefit accrual rate, and (ii) 75 percent of the next $15 of the accrual rate. The level of benefits guaranteed by the PBGC under the multiemployer program is modest and has not increased since 1980. For a retiree with 30 years of service, the maximum guaranteed annual benefit if $5,850. The maximum guarantee under the PBGC's single-employer program is adjusted each year to reflect changes in the social security wage index.

Reason for change

The level of benefits guaranteed by the PBGC under the multiemployer program is modest and has not increased since 1980.

Description of proposal

The proposal adjusts the amount guaranteed in multiemployer plans to account for changes in the social security wage index since 1980. Under the proposal, the PBGC would guarantee a monthly benefit equal to the participant's years of service multiplied by the sum of (i) 100 percent of the first $11 of the monthly benefit accrual rate, and (ii) 75 percent of the next $33 of the accrual rate. The proposed change would increase the maximum annual guarantee for a retiree with 30 years of service to $12,870.

Effective date

The proposal would be effective for benefits payable after the date of enactment of this Act, excluding benefits payable under a multiemployer plan that received assistance payments from the PBGC during the one-year period ending on the date of enactment of this Act.

6. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY

Current law

Section 502(1) was added to ERISA by the Omnibus Budget Reconciliation Act of 1989. In its current form, section 502(1) requires the Secretary of Labor to assess a civil penalty against a fiduciary who breaches a fiduciary responsibility under, or commits a violation of, Part 4 of Title I of ERISA, or any other person who knowingly participates in such a breach or violation. The penalty is a flat 20 percent of the ''applicable recovery amount'' that is paid pursuant to a settlement agreement with the Secretary or that a court orders to be paid in a judicial proceeding brought by the Secretary to enforce ERISA's fiduciary responsibility provisions. The Secretary may waive or reduce the penalty only if the Secretary finds in writing that either (1) the violator acted reasonably and in good faith, or (2) it is reasonable to expect that the violator cannot restore all the losses without severe financial hardship unless the waiver or reduction is granted.

Reson for change

Since its enactment, the section 502(1) penalty provision has discouraged voluntary, prompt settlements of fiduciary violations with the Department of Labor. This is because the Secretary of Labor was given little authority to reduce or waive the penalty in order to encourage prompt settlements with violators. Moreover, administration of the provision often raises difficult questions concerning whether a particular payment to a plan was made pursuant to a settlement agreement.

Description of proposal

The proposal would remove the current disincentive to settlement and encourage parties to quickly settle claims of violations that the Department brings to their attention. The proposal would give the Secretary of Labor full discretion to reduce or waive the penalty, and no penalty would be assessed on any amount recovered by a plan or by a participant or beneficiary within 30 days after the violator receives written notice of the violation from the Department of Labor. The Secretary would be given authority to extend the 30-day grace period.

The proposal would make all persons who are jointly and severally liable for a violation also jointly and severally liable for the penalty. The proposal also would clarify that the term ''applicable recovery amount'' includes payments by third parties that are made on behalf of the violator. This change would prevent avoidance of the penalty by having an unrelated third party pay the recovery amount.

Finally, when a penalty is contested, the proposal would give Administrative Law Judges the authority to decide both the existence of the underlying violation and the applicable recovery amount. This provision

would apply to any breach of fiduciary responsibility or other violation of Part 4 of Title I of ERISA occurring on or after enactment.

Effective date

(a) General effective date. The proposal would apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(b) Transition rule. Fiduciaries would have six months from the date of enactment to undo continuing violations without application of the amendments. Thereafter, all such violations would be treated as having begun after the effective date of the amendments for purposes of determining the applicable recovery amount.

7. BENEFIT SUSPENSION NOTICE

Current law

Pension plans must provide a ''Benefit Suspension Notice'' to retirees who have been receiving a pension who then decide to return to work for that same employer. These same notices are sent to employees who continue to work past normal retirement age. The plan must provide this notice during the first calendar month or payroll period after the employee reaches normal retirement age or the plan risks losing its tax exempt status.

Reason for change

The loss of tax exempt status is an excessive penalty for failure to give a notice to employees reaching normal retirement age. These ''Benefit Suspension Notices'' are often regarded by employees who choose to continue to work past normal retirement age either as a sign that the employer is trying to force them into retirement or as a notice that somehow the pension plan is being suspended. In either case, for the employee who continues to work, and does not expect to receive a pension, these notices are often cause for alarm. The benefit ''suspension'' notice for benefit payments that have not yet begun is irrational and should be discontinued.

Benefit Suspension Notices sent to retirees who return to work for their previous employer do not currently alert these workers to reductions in the rate of benefit accruals that may now apply to them because they are working past normal retirement age, the plan has been amended or terminated, or for other reasons. As a result, these workers may not be prepared for these lower accrual rates (or no accruals in the case of a terminated plan).

Description of proposal

The proposal would require that ''Benefit Suspension Notices'' be sent only to those pension plan beneficiaries who return to the workforce. Benefit Suspension Notices sent to a retiree returning to work for a previous employer, must include a statement that the rate of future benefit accruals may be reduced, if a reduced accrual rate could apply to the returning worker.

Effective date

The proposal would apply to plan years beginning after December 31, 2000.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

WYDEN (AND CRAIG) AMENDMENT NO. 4302

Mr HAGEL (for Mr. WYDEN (for himself and Mr. CRAIG)) proposed an amendment to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure Rural Schools and Community Self-Determination Act of 2000''.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Conforming amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of county funds.
Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stabilize payments to counties to provide funding for schools and roads that supplements other available funds.

(2) To make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species.

(3) To improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term ''eligibility period'' means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term ''eligible county'' means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term ''eligible State'' means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term ''full payment amount'' means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENT.—The term ''25-percent payment'' means the payment to States required by the sixth paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENT.—The term ''50-percent payment'' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term ''safety net payments'' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by inserting after ''(16 U.S.C. 500)'' the following: ''or the Secure Rural Schools and Community Self-Determination Act of 2000''.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BUREAU OF LAND MANAGEMENT COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) the full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) ELECTION; SUBMISSION OF RESULTS.—The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) DURATION OF ELECTION.—A county election to receive the 25-percent payment shall be effective for two fiscal years. When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended as required by the laws referred to in paragraph (1).

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENTS.—If an eligible county elects to receive its share of the full payment amount, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—

(A) IN GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under this section in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made pursuant to section 101(b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (c)(1), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

(e) TIME FOR PAYMENT.—The payment to an eligible State under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) PAYMENT.—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937 (43 U.S.C. 1181f), or the Act of May 24, 1939 (43 U.S.C. 1181f–1) as appropriate; or

(2) the full payment amount in place of the 50-percent payment.

(b) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) ELECTION; DURATION.—The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible county under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 50-PERCENT PAYMENTS.—Of the funds to be paid to an eligible county pursuant to subsection (a)(2), not less than 80 percent, but not more than 85 percent, of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (a)(2) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(d) TIME FOR PAYMENT.—The payment to an eligible county under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) PROJECT FUNDS.—The term ''project funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal lands described in section 3(1)(A); and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal lands described in section 3(1)(B).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed

project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIAL CONTRACTING PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable material using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale merchantable material are implemented using separate contracts:

(i) For fiscal year 2001, 15 percent.

(ii) For fiscal year 2002, 25 percent.

(iii) For fiscal year 2003, 25 percent.

(iv) For fiscal year 2004, 50 percent.

(v) For fiscal year 2005, 50 percent.

(vi) For fiscal year 2006, 50 percent.

(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable material shall be made by the Secretary concerned after the approval of the project under this title.

(D) ASSISTANCE.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal lands to assist in the administration of projects conducted under the pilot program. The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

(E) REVIEW AND REPORT.—Not later than September 30, 2003, the Comptroller General shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Resources of the House of Representatives a report assessing the pilot program. The Secretary concerned shall submit to such committees an annual report describing the results of the pilot program.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

(1) to road maintenance, decommissioning, or obliteration; or

(2) to restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold State elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at

least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to that project to the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i), whichever applies to the funds involved.

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) COUNTY FUNDS.—The term ''county funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION ON COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title. A project under this title shall be approved by the participating county only following a 45-day public comment period, at the beginning of which the county shall—

(1) publish a description of the proposed project in the publications of local record; and

(2) send the proposed project to the appropriate resource advisory committee established under section 205, if one exists for the county.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) RELATION TO OTHER APPROPRIATIONS.—Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B)(iii) or section 103(c)(1)(B)(iii), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mineral Revenue Payments Clarification Act of 2000''.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Section 10201 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 407) amended section 35 of the Mineral Leasing Act (30 U.S.C. 191) to change the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues ''50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency

during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .''.

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that ''the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions''.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)) is amended to read as follows:

''(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.''.

TITLE VI—COMMUNITY FOREST RESTORATION

SECTION 601. SHORT TITLE.

This title may be cited as the ''Community Forest Restoration Act''.

SEC. 602. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(c) build ownership and civil pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to promote healthy watersheds and reduced the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal, forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 604. DEFINITIONS.

As used in this title—

(1) the term 'Secretary' means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term 'stakeholder' includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 605. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the 'Collaborative Forest Restoration Program'). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total costs. The twenty percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this title, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State County, and Municipal government representatives in the design, implemention, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this title, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this title. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this title to pay for their travel and per diem expenses to attend the workshop.

SEC. 606. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 605, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 607. MONITORING AND EVALUATION.

The Secretary shall establish a multiparty monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 608. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this title are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this title.

COLORADO UTE SETTLEMENT ACT OF 2000

CAMPBELL (AND ALLARD) AMENDMENT NO. 4303

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Colorado Ute Settlement Act Amendments of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) In order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes on the Animas and La Plata Rivers, the Tribes, the State of Colorado, and certain of the non-Indian parties to the Agreement have proposed certain modifications to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) The claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) The Indian and non-Indian communities of southwest Colorado and northwest New Mexico will be benefited by a settlement of the tribal claims on the Animas and La Plata Rivers that provides the Tribes with a firm water supply without taking water away from existing uses.

(4) The Agreement contemplated a specific timetable for the delivery of irrigation and municipal and industrial water and other benefits to the Tribes from the Animas-La Plata Project, which timetable has not been met. The provision of irrigation water can not presently be satisfied under the current implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) In order to meet the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in particular the various biological opinions issued by the Fish and Wildlife Service, the amendments made by this Act are needed to provide for a significant reduction in the facilities and water supply contemplated under the Agreement.

(6) The substitute benefits provided to the Tribes under the amendments made by this Act, including the waiver of capital costs and the provisions of funds for natural resource enhancement, result in a settlement that provides the Tribes with benefits that are equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(7) The requirement that the Secretary of the Interior comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other national environmental laws before implementing the proposed settlement will ensure that the satisfaction of the tribal water rights is accomplished in an environmentally responsible fashion.

(8) In considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:

(A) The Final EIS No. INT–FES–80–18, dated July 1, 1980.

(B) The Draft Supplement to the FES No. INT–DES–92–41, dated October 13, 1992.

(C) The Final Supplemental to the FES No. 96–23, dated April 26, 1996;

(D) The Draft Supplemental EIS, dated January 14, 2000.

(E) The Final Supplemental EIS, dated July 2000.

(F) The Record of Decision for the Settlement of the Colorado Ute Indian Waters, September 25, 2000.

(9) In the Record of Decision referred to in paragraph (8)(F), the Secretary determined that the preferred alternative could only proceed if Congress amended the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) so as to satisfy the Tribal water rights claim through the construction of the features authorized by this Act. The amendments to the Colorado Ute Indian Water Rights Settlement Act of 1988 set forth in this Act will provide the Ute Tribes with substitute benefits equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988, in a manner consistent with paragraph (8) and the Federal Government's trust obligation.

(10) Based upon paragraph (8), it is the intent of Congress to enact legislation that implements the Record of Decision referred to in paragraph (8)(F).

(c) DEFINITIONS.—In this Act:

(1) AGREEMENT.—The term ''Agreement'' has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) DOLORES PROJECT.—The term ''Dolores Project'' has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

(4) TRIBE; TRIBES.—The term ''Tribe'' or ''Tribes'' has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

SEC. 2. AMENDMENTS TO SECTION 6 OF THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended to read as follows:

''(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

''(1) FACILITIES.—

''(A) IN GENERAL.—After the date of enactment of this subsection, but prior to January 1, 2005, or the date established in the Amended Final Decree described in section 18(c), the Secretary, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers, acting through the Bureau of Reclamation, is specifically authorized to—

''(i) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply, which facilities shall—

''(I) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the San Juan River Recovery Implementation Program;

''(II) be operated in accordance with the Animas-La Plata Project Compact as approved by Congress in Public Law 90-537;

''(III) include an inactive pool of an appropriate size to be determined by the Secretary following the completion of required environmental compliance activities; and

''(IV) include those recreation facilities determined to be appropriate by agreement between the State of Colorado and the Secretary that shall address the payment of any of the costs of such facilities by the State of Colorado in addition to the costs described in paragraph (3); and

''(ii) deliver, through the use of the project components referred to in clause (i), municipal and industrial water allocations—

''(I) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs;

''(II) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs;

''(III) with an average annual depletion not to exceed 2,340 acre-feet of water, to the Navajo Nation for its present and future needs;

''(IV) with an average annual depletion not to exceed 10,400 acre-feet of water, to the San Juan Water Commission for its present and future needs;

''(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs;

''(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the State of Colorado for its present and future needs; and

''(VII) with an average annual depletion of an amount not to exceed 780 acre-feet of water, to the La Plata Conservancy District of New Mexico for its present and future needs.

''(B) APPLICABILITY OF OTHER FEDERAL LAW.—The responsibilities of the Secretary described in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the construction of the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

''(C) LIMITATION.—

''(i) IN GENERAL.—If constructed, the facilities described in subparagraph (A) shall constitute the Animas-La Plata Project. Construction of any other project features authorized by Public Law 90-537 shall not be commenced without further express authorization from Congress.

''(ii) CONTINGENCY IN APPLICATION.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

''(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subclauses (I), (II) and (III) of paragraph (1)(A)(ii) shall be nonreimbursable to the United States.

''(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—

''(A) IN GENERAL.—Under the provisions of section 9 of the Act of August 4, 1939 (43 U.S.C. 485h), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied upon the payment in full of the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursable share of the construction costs allocated to that entity's municipal water storage. Such repayment shall be consistent with Federal reclamation law, including the Colorado River Storage Project Act of 1956 (43 U.S.C. 620 et seq.). Such agreement shall take into account the fact that the construction of certain project facilities, including those facilities required to provide irrigation water supplies from the Animas-La Plata Project, is not authorized under paragraph (1)(A)(i) and no costs associated with the design or development of such facilities, including costs associated with environmental compliance, shall be allocable to the municipal and industrial users of the facilities authorized under such paragraph.

''(B) NONTRIBAL REPAYMENT OBLIGATION SUBJECT TO FINAL COST ALLOCATION.—The nontribal repayment obligation set forth in subparagraph (A) shall be subject to a final cost allocation by the Secretary upon project completion. In the event that the final cost allocation indicates that additional repayment is warranted based on the applicable entity's share of project water storage and determination of overall reimbursable cost, that entity may elect to enter into a new agreement to make the additional payment necessary to secure the full water supply identified in paragraph (1)(A)(ii). If the repayment entity elects not to enter into a new agreement, the portion of project storage relinquished by such election shall be available to the Secretary for allocation to other project purposes. Additional repayment shall only be warranted for reasonable and unforeseen costs associated with project construction as determined by the Secretary in consultation with the relevant repayment entities.

''(C) REPORT.—Not later than April 1, 2001, the Secretary shall report to Congress on the status of the cost-share agreements contemplated in subparagraph (A). In the event that no agreement is reached with either the Animas-La Plata Conservancy District or the State of Colorado for the water allocations set forth in subclauses (V) and (VI) of paragraph (1)(A)(ii), those allocations shall be reallocated equally to the Colorado Ute Tribes.

''(4) TRIBAL WATER ALLOCATIONS.—

''(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or used pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

''(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

''(5) REPAYMENT OF PRO RATA SHARE.—Upon a Tribe's first use of an increment of a municipal and industrial water allocation described in paragraph (4), or the Tribe's first use of such water pursuant to the terms of a water use contract—

''(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall be made by the Tribe; and

''(B) the Tribe shall bear a pro rata share of the allocable annual operation, maintenance, and replacement costs of the increment as referred to in paragraph (4).''.

SEC. 3. MISCELLANEOUS.

The Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) is amended by adding at the end the following:

''SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MATTERS.

''(a) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, as soon as practicable, in a manner consistent with applicable law, assign, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or to the New Mexico Interstate Stream Commission in accordance with the request of the State Engineer, the Department of the Interior's interest in New Mexico State Engineer Permit Number 2883, dated May 1, 1956, in order to fulfill the New Mexico non-Navajo purposes of the Animas-La Plata Project, so long as the permit assignment does not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to the use of the water involved.

''(b) NAVAJO NATION MUNICIPAL PIPELINE.—The Secretary is specifically authorized to construct a water line to augment the existing system that conveys the municipal water supplies, in an amount not less than 4,680 acre-feet per year, to the Navajo Indian Reservation at or near Shiprock, New Mexico. The Secretary shall comply with all applicable environmental laws with respect to such water line. Construction costs allocated to the Navajo Nation for such water line shall be nonreimbursable to the United States.

''(c) PROTECTION OF NAVAJO WATER CLAIMS.—Nothing in this Act, including the permit assignment authorized by subsection (a), shall be construed to quantify or otherwise adversely affect the water rights and the claims of entitlement to water of the Navajo Nation.

''SEC. 16. RESOURCE FUNDS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $8,000,000 for each of fiscal years 2002 through 2006. Not later than 60 days after amounts are appropriated and available to the Secretary for a fiscal year under this paragraph, the Secretary shall make a payment to each of the Tribal Resource Funds established under subsection (b). Each such payment shall be equal to 50 percent of the amount appropriated for the fiscal year involved.

''(b) FUNDS.—The Secretary shall establish a—

''(1) Southern Ute Tribal Resource Fund; and

''(2) Ute Mountain Ute Tribal Resource Fund.

''(c) TRIBAL DEVELOPMENT.—

''(1) INVESTMENT.—The Secretary shall, in the absence of an approved tribal investment plan provided for under paragraph (2), invest the amount in each Tribal Resource Fund established under subsection (b) in accordance with the Act entitled, 'An Act to authorize the deposit and investment of Indian funds' approved June 24, 1938 (25 U.S.C. 162a). With the exception of the funds referred to in paragraph (3)(B)(i), the Secretary shall disburse, at the request of a Tribe, the principal and income in its Resource Fund, or any part thereof, in accordance with a resource acquisition and enhancement plan approved under paragraph (3).

''(2) INVESTMENT PLAN.—

''(A) IN GENERAL.—In lieu of the investment provided for in paragraph (1), a Tribe may submit a tribal investment plan applicable to all or part of the Tribe's Tribal Resource Fund, except with respect to the funds referred to in paragraph (3)(B)(i).

''(B) APPROVAL.—Not later than 60 days after the date on which an investment plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonable and sound. If the Secretary does not approve such investment plan, the Secretary shall set forth in writing and with particularity the reasons for such disapproval. If such investment plan is approved by the Secretary, the Tribal Resource Fund involved shall be disbursed to the Tribe to be invested by the Tribe in accordance with the approved investment plan, subject to subsection (d).

''(C) COMPLIANCE.—The Secretary may take such steps as the Secretary determines to be necessary to monitor the compliance of a Tribe with an investment plan approved under subparagraph (B). The United States shall not be responsible for the review, approval, or audit of any individual investment under the plan. The United States shall not be directly or indirectly liable with respect to any such investment, including any act or omission of the Tribe in managing or investing such funds.

''(D) ECONOMIC DEVELOPMENT PLAN.—The principal and income derived from tribal investments under an investment plan approved under subparagraph (B) shall be subject to the provisions of this section and shall be expended only in accordance with an economic development plan approved under paragraph (3)(B).

''(3) ECONOMIC DEVELOPMENT PLAN.—

''(A) IN GENERAL.—Each Tribe shall submit to the Secretary a resource acquisition and enhancement plan for all or any portion of its Tribal Resource Fund.

''(B) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under subparagraph (A), the Secretary shall approve such plan if it is consistent with the following requirements:

''(i) With respect to at least ¾ of the funds appropriated pursuant to this section and consistent with the long-standing practice of the Tribes and other local entities and communities to work together to use their respective water rights and resources for mutual benefit, at least ¾ of the funds appropriated pursuant to this section shall be utilized to enhance, restore, and utilize the Tribes' natural resources in partnership with adjacent non-Indian communities or entities in the area.

''(ii) The plan must be reasonably related to the protection, acquisition, enhancement, or development of natural resources for the benefit of the Tribe and its members.

''(iii) Notwithstanding any other provision of law and in order to ensure that the Federal Government fulfills the objectives of the Record of Decision referred to in section 1(b)(8)(F) of the Colorado Ute Settlement Act Amendments of 2000 by requiring that the funds referred to in clause (i) are expended directly by employees of the Federal Government, the Secretary acting through the Bureau of Reclamation shall expend not less than ⅓ of the funds referred to in clause (i) for municipal or rural water development and not less than ⅔ of the funds referred to

such clause for resource acquisition and enhancement.

''(C) MODIFICATION.—Subject to the provisions of this Act and the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

''(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

''(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water use contract, shall be distributed to any member of either Tribe on a per capita basis.

''(e) LIMITATION ON SETTING ASIDE FINAL CONSENT DECREE.—Neither the Tribes nor the United States shall have the right to set aside the final consent decree solely because the requirements of subsection (c) are not complied with or implemented.

''(f) LIMITATION ON DISBURSEMENT OF TRIBAL RESOURCE FUNDS.—Any funds appropriated under this section shall be placed into the Southern Ute Tribal Resource Fund and the Ute Mountain Ute Tribal Resource Fund in the Treasury of the United States but shall not be available for disbursement under this section until the final settlement of the tribal claims as provided in section 18. The Secretary of the Interior may, in the Secretary's sole discretion, authorize the disbursement of funds prior to the final settlement in the event that the Secretary determines that substantial portions of the settlement have been completed. In the event that the funds are not disbursed under the terms of this section by December 31, 2012, such funds shall be deposited in the general fund of the Treasury.

''SEC. 17. COLORADO UTE SETTLEMENT FUND.

''(a) ESTABLISHMENT OF FUND.—There is hereby established within the Treasury of the United States a fund to be known as the 'Colorado Ute Settlement Fund'.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in sections 6(a)(1)(A) and 15(b) within 7 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the first full fiscal year following the date of enactment of this section.

''SEC. 18. FINAL SETTLEMENT.

''(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of the water supply from those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with section 16 and the issuance of an amended final consent decree as contemplated in subsection (c) shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

''(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

''(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court, Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this Act under the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The amended final consent decree shall specify terms and conditions to provide for an extension of the current January 1, 2005, deadline for the Tribes to commence litigation of their reserved rights claims on the Animas and La Plata Rivers.

''SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

''(a) IN GENERAL.—Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

''(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the State of Colorado after the date on which payment is made of the amount specified in that section.''.

• Mr. CAMPBELL. Mr. President, today I am submitting an amendment which supercedes S. 2508, legislation I introduced earlier this year to provide for the final settlement of the Colorado Ute Indians Water Rights Settlement Act of 1988. I am proud to have my colleague Senator WAYNE ALLARD as an original cosponsor of this legislation.

These amendments come after prolonged negotiations with officials of the Department of Interior, the Tribes and other parties to this agreement. It is our last opportunity to fulfill our treaty obligations and prevent the Tribes from suing the federal government for the water they were promised more than 12 years ago.

I am aware of the precious little time we have left in this session and the huge legislative task we have with the remaining important legislation which remains on our calendar. Unfortunately, the Secretary of the Interior waited until September 25, 2000 to sign a Record of Decision supporting these amendments, amendments his staff helped negotiate. It was my intent to move forward long before this.

However, I am compelled to introduce this amended legislation now, because by law, the Tribes already have the ability to sue the federal government to have their treaty obligations for water fulfilled. And, I believe the Tribes will undoubtedly prevail and the damages awarded them could far exceed what it will cost us to do what is already prescribed by law and federal treaty.

The record, the law and our moral obligation in this matter are clear. I believe the Administration and my colleagues agree with me, the time to put this matter behind us has come. We teach our children that our country was built on honesty, respect for the law and integrity. But, we cannot hold up our respect for treaties we have entered into with American Indians, because we have never honored any of those treaties we have signed. It is time to do what is right and to make water available to the Ute Tribes. This legislation does so in a manner that minimizes the environmental impacts and the burden on the American taxpayers.

I urge my colleagues to support passage of this legislation before Congress adjourns for the year.•

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

On October 5, 2000, the Senate amended and passed S. 1756, as follows:

S. 1756

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Laboratories Partnership Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''departmental mission'' means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

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

(4) the term ''National Laboratory'' means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term ''facility'' means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term ''nonprofit institution'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term ''Secretary'' means the Secretary of Energy;

(8) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''technology-related business concern'' means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufacturers products based on new technologies, or

(D) performs technological services;

(10) the term ''technology cluster'' means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance through formal or informal relationships;

(11) the term ''socially and economically disadvantaged small business concerns'' has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term ''NNSA'' means the National Nuclear Security Administration established by title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments,

that can support the missions of the National Laboratories and facilities.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide no more than $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of Federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, that can support the missions of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project; and

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so, how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date and the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 4 may also serve as the technology partnership ombudsman.

SEC. 6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics—

(1) the possible benefits from and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purposes of this section, the term ''Funds-In-Agreement'' means a contract between the Department and a non-Federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall transmit the report, along with his recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

''(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

''(2)(A) The Secretary of Energy shall ensure that—

''(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

''(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

''(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

''(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

''(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

''(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.''.

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 3.

SEC. 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this Act with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of title XXXII of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 9. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) STRATEGIC PLANS.—Subsection (a) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking ''joint work statement,'' and inserting ''joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan,''.

(b) EXPERIMENTAL FEDERAL WAIVERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

''(6)(A) In the case of a Department of Energy laboratory, a designated official of the Department of Energy may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Department of Energy would substantially inhibit the commercialization of an invention that would otherwise serve an important Federal mission.

''(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.

''(C) The expiration under subparagraph (B) of authority to grant a waiver under subparagraph (A) shall not effect any waiver granted under subparagraph (A) before the expiration of such authority.''.

(c) TIME REQUIRED FOR APPROVAL.—Subsection (c)(5) of that section is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) as so redesignated—

(A) in clause (i)—

(i) by striking ''with a small business firm''; and

(ii) by inserting ''if'' after ''statement''; and

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

''(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

''(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.''.

SEC. 10. COOPERATIVE RESEARCH AND DEVELOPMENT OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) OBJECTIVE FOR OBLIGATION OF FUNDS.—It shall be an objective of the Administrator of the National Nuclear Security Administration to obligate funds for cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))), or similar cooperative, cost-shared research partnerships with non-Federal organizations, in a fiscal year covered by subsection (b) in an amount at least equal to the percentage of the total

amount appropriated for the Administration for such fiscal year that is specified for such fiscal year under subsection (b).

(b) FISCAL YEAR PERCENTAGES.—The percentages of funds appropriated for the National Nuclear Security Administration that are obligated in accordance with the objective under subsection (a) are as follows:

(1) In each of fiscal years 2001 and 2002, 0.5 percent.

(2) In any fiscal year after fiscal year 2002, the percentage recommended by the Administrator for each such fiscal year in the report under subsection (c).

(c) RECOMMENDTIONS FOR PERCENTAGES IN LATER FISCAL YEARS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report setting forth the Administrator's recommendations for appropriate percentages of funds appropriated for the National Nuclear Security Administration to be obligated for agreements described in subsection (a) during each fiscal year covered by the report.

(d) CONSISTENCY OF AGREEMENTS.—Any agreement entered into under this section shall be consistent with and in support of the mission of the National Nuclear Security Administration.

(e) REPORTS ON ACHIEVEMENT OF OBJECTIVE.—(1) Not later than March 30, 2002, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on whether funds of the National Nuclear Security Administration were obligated in the fiscal year ending in the preceding year in accordance with the objective for such fiscal year under this section.

(2) If funds were not obligated in a fiscal year in accordance with the objective under this section for such fiscal year, the report under paragraph (1) shall—

(A) describe the actions the Administrator proposes to take to ensure that the objective under this section for the current fiscal year and future fiscal years will be met; and

(B) include any recommendations for legislation required to achieve such actions.

GREAT SAND DUNES NATIONAL PARK ACT OF 2000

On October 5, 2000, the Senate amended and passed S. 2547, as follows:

S. 2547

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 ''Great Sand Dunes National Park and Preserve Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

(B) contributes to the protection of—

(i) the sand sheet associated with the dune mass;

(ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and

(iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;

(5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;

(6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—

(A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and

(B) expanded visitor use opportunities;

(7) land in and adjacent to the Great Sand Dunes National Monument is—

(A) recognized for the culturally diverse nature of the historical settlement of the area;

(B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and

(C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and

(8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) LUIS MARIA BACA GRANT NO. 4.—The term ''Luis Maria Baca Grant No. 4'' means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) MAP.—The term ''map'' means the map entitled ''Great Sand Dunes National Park and Preserve'', numbered 140/80,032 and dated September 19, 2000.

(4) NATIONAL MONUMENT.—The term ''national monument'' means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.

(5) NATIONAL PARK.—The term ''national park'' means the Great Sand Dunes National Park established in section 4.

(6) NATIONAL WILDLIFE REFUGE.—The term ''wildlife refuge'' means the Baca National Wildlife Refuge established in section 6.

(7) PRESERVE.—The term ''preserve'' means the Great Sand Dunes National Preserve established in section 5.

(8) RESOURCES.—The term ''resources'' means the resources described in section 2.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) USES.—The term ''uses'' means the uses described in section 2.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) ESTABLISHMENT.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) NOTIFICATION.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) ABOLISHMENT OF NATIONAL MONUMENT.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Great Sand Dunes National Monument'' shall be considered a reference to ''Great Sand Dunes National Park''.

(e) TRANSFER OF JURISDICTION.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act

shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–767; 16 U.S.C. 539i note).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY SURVEY.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) ESTABLISHMENT.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) ADMINISTRATION.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) PROTECTION OF WATER RESOURCES.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4) and

(B) the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) GRAZING.—

(1) ACQUIRED STATE OR PRIVATE LAND.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) FEDERAL LAND.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) TERMINATION OF LEASES.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) ADMINISTRATIVE EXCEPTIONS.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) AGENCY AGREEMENT.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) SAVINGS CLAUSE.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) WITHDRAWAL—(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) WILDNERNESS PROTECTION.—(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS

(a) ACQUISITION AUTHORITY.—(1) Within the area depicted on the map as the ''Acquisition Area'' or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided,* That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) BOUNDARY ADJUSTMENT.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) ADMINISTRATION OF ACQUIRED LANDS.—

(1) GENERAL AUTHORITY.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands of the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) FOREST SERVICE ADMINISTRATION.—(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

SEC. 9. WATER RIGHTS.

(a) SAN LUIS VALLEY PROTECTION, COLORADO.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

''(3) adversely affect the purposes of—

''(A) the Great Sand Dunes National Monument;

''(B) the Great Sands Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

''(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

''(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

''(E) any Federal land adjacent to any area described in subparagraph (A), (B), (C), or (D).''.

(b) EFFECT ON WATER RIGHTS.—

(1) IN GENERAL.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) NATIONAL FOREST WATER RIGHTS.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) NATIONAL MONUMENT WATER RIGHTS.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

SEC. 10. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the ''Great Sand Dunes National Park Advisory Council''.

(b) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) MEMBERS.—The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

(1) One member of, or nominated by, the Alamosa County Commission.

(2) One member of, or nominated by, the Saguache County Commission.

(3) One member of, or nominated by, the Friends of the Dunes Organization.

(4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) APPLICABLE LAW.—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) CHAIRPERSON.—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) NO COMPENSATION.—Members of the Advisory Council shall serve without compensation.

(h) TERMINATION.—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

THE CALENDAR

Mr. HAGEL. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported by the Governmental Affairs Committee: Calendar No. 864, H.R. 2302; Calendar No. 865, H.R. 3030; Calendar No. 866, H.R. 3454; Calendar No. 867, H.R. 3909; Calendar No. 868, H.R. 3985; Calendar No. 869, H.R. 4157; Calendar No. 870, H.R. 4169; Calendar No. 871, H.R. 4447; Calendar No. 872, H.R. 4448; Calendar No. 873, H.R. 4534; Calendar No. 874, H.R. 4449; Calendar No. 875, H.R. 4484; Calendar No. 876, H.R. 4517; Calendar No. 877, H.R. 4554; Calendar No. 878, H.R. 4615; Calendar No. 879, H.R. 4658; Calendar No. 880, H.R. 4884; Calendar No. 881, S. 2804.

Mr. President, I ask unanimous consent the bills be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to any of these bills be printed, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES W. MCCABE, SR. POST OFFICE BUILDING

A bill (H.R. 2302) to designate the building located at 307 Main Street in Johnson City, New York as the ''James W. McCabe, Sr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

MATTHEW F. MCHUGH POST OFFICE

A bill (H.R. 3030) to designate the building located at 757 Warren Road in Ithaca, New York as the ''Matthew F. McHugh Post Office'' was considered, ordered to a third reading, read the third time, and passed.

HENRY MCNEAL TURNER POST OFFICE

A bill (H.R. 3454) to designate the building located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office'' was considered, ordered to a third reading, read the third time, and passed.

HENRY W. MCGEE POST OFFICE BUILDING

A bill (H.R. 3903) to designate the building located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

VICKI COCEANO POST OFFICE BUILDING

A bill (H.R. 3985) to designate the building located at 14900 Southwest 30th Street in Miramar, Florida, as the

''Vicki Coceano Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

MATTHEW ''MACK'' ROBINSON POST OFFICE BUILDING

A bill (H.R. 4157) to designate the building located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew ''Mack'' Robinson Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

BARBARA F. VUCANOVICH POST OFFICE BUILDING

A bill (H.R. 4169) to designate the building located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

SAMUEL H. LACY, SR. POST OFFICE BUILDING

A bill (H.R. 4447) to designate the building located at 919 West 34th Street in Baltimore, Maryland as the ''Samuel H. Lacy, Sr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JUDGE ROBERT BERNARD WATTS, SR. POST OFFICE BUILDING

A bill (H.R. 4448) to designate the building located at 3500 Dolfield Avenue in Baltimore, Maryland as the ''Judge Robert Bernard Watts, Sr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JAMES T. BROYHILL POST OFFICE BUILDING

A bill (H.R. 4534) to designate the building located at 114 Ridge Street in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

DR. FLOSSIE McCLAIN DEDMOND POST OFFICE BUILDING

A bill (H.R. 4449) to designate the building located at 1908 North Ellamont Street in Baltimore, Maryland as the ''Dr. Flossie McClain Dedmond Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

EVERETT ALVAREZ, JR. POST OFFICE BUILDING

A bill (H.R. 4484) to designate the building located at 500 North Washington Street in Rockville, Maryland as the ''Everett Alvarez, Jr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

ALAN B. SHEPARD, JR. POST OFFICE BUILDING

A bill (H.R. 4517) to designate the building located at 24 Tsienneto Road in Derry, New Hampshire as the ''Alan B. Shepard, Jr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JOSEPH F. SMITH POST OFFICE BUILDING

A bill (H.R. 4554) to designate the building located at 1602 Frankford Avenue in Philadelphia, Pennsylvania as the ''Joseph F. Smith Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

REVEREND J.C. WADE POST OFFICE

A bill (H.R. 4615) to designate the building located at 3030 Meredith Avenue in Omaha, Nebraska as the ''Reverend J.C. Wade Post Office'' was considered, ordered to a third reading, read the third time, and passed.

J.L. DAWKINS POST OFFICE BUILDING

A bill (H.R. 4658) to designate the building located at 301 Green Street in Fayetteville, North Carolina as the ''J.L. Dawkins Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

WILLIAM S. BROOMFIELD POST OFFICE BUILDING

A bill (H.R. 4884) to designate the building located at 200 West 2nd Street in Royal Oak, Michigan as the ''William S. Broomfield Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JOHN BRADEMAS POST OFFICE

A bill (S. 2804) to designate the building located at 424 South Michigan Street in South Bend, Indiana as the ''John Brademas Post Office'' was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 2804

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

SECTION 1. DESIGNATION OF JOHN BRADEMAS POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, shall be known and designated as the ''John Brademas Post Office''.

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

FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE

Mr. HAGEL. I ask unanimous consent the Senate proceed to the consideration of H.R. 4975, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4975) to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. LAUTENBERG Post Office and Courthouse''.

Without objection, the Senate proceeded to consider the bill.

Mr. HAGEL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4975) was read the third time and passed.

JOHN BRADEMAS POST OFFICE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2938 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2938) to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office.''

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2938) was read the third time and passed.

COUNTY SCHOOLS FUNDING REVITALIZATION ACT OF 1999

Mr. HAGEL. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2389 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4302

Mr. HAGEL. Mr. President, Senators WYDEN and CRAIG have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for Mr. WYDEN, for himself and Mr. CRAIG, proposes an amendment numbered 4302.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HAGEL. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4302) was agreed to.

The bill (H.R. 2389), as amended, was read the third time and passed.

REDUCED RATE MAIL

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 917, S. 2686.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2686) to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2686) was read the third time and passed, as follows:

S. 2686

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

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title.''.

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

''(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

''(i) the estimated costs attributable to such class of mail or kind of mailer; and

''(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).''.

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

''(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358 (d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

''(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358 (d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.''.

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United States Code, is amended by adding at the end the following:

''(6) The rates for mail matter under former sections 4452 (b) and (c) of this title shall be established as follows:

''(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452 (b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

''(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

''(C) Rate differentials within each subclass of mail matter under former sections 4452 (b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.''.

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

''(7) The rates for mail matter under former sections 4554 (b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.''.

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452 (b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking ''4454(b), or 4454(c)'' and inserting ''4554(b), or 4554(c)''.

DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 918, S. 3062.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3062) to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3062) was read the third time and passed, as follows:

S. 3062

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

SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.

Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''Not later than March 1 of each year (beginning with 1998)'' and inserting ''Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)''; and

(B) in paragraph (2)(A) by striking ''that describe an acceptable level of performance by the government and a superior level of performance by the government''; and

(2) in subsection (b)—

(A) in paragraph (1) by striking ''1999'' and inserting ''2001''; and

(B) in paragraph (2)(A) by striking ''for an acceptable level of performance by the government and a superior level of performance by the government''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Armed Services Committee, Nos. 717 through 755, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action,

and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Hopper, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Grig. Gen. Paul W. Essex, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John H. Campbell, 0000

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lloyd J. Austin III, 0000
Col. Vincent E. Boles, 0000
Col. Gary L. Border, 0000
Col. Thomas P. Bostick, 0000
Col. Howard B. Bromberg, 0000
Col. James A. Coggin, 0000
Col. Michael L. Combest, 0000
Col. William C. David, 0000
Col. Martin E. Dempsey, 0000
Col. Joseph F. Fil, Jr., 0000
Col. Benjamin C. Freakley, 0000
Col. John D. Gardner, 0000
Col. Brian I. Geehan, 0000
Col. Richard V. Geraci, 0000
Col. Gary L. Harrell, 0000
Col. Janet E. A. Hicks, 0000
Col. Jay W. Hood, 0000
Col. Kenneth W. Hunzeker, 0000
Col. Charles H. Jacoby, Jr., 0000
Col. Gary M. Jones, 0000
Col. Jason K. Kamiya, 0000
Col. James A. Kelley, 0000
Col. Ricky Lynch, 0000
Col. Bernardo C. Negrete, 0000
Col. Patricia L. Nilo, 0000
Col. F. Joseph Prasek, 0000
Col. David C. Ralston, 0000
Col. Don T. Riley, 0000
Col. David M. Rodriguez, 0000
Col. Donald F. Schenk, 0000
Col. Steven P. Schook, 0000
Col. Gratton O. Sealock II, 0000
Col. Stephen M. Seay, 0000
Col. Jeffrey A. Sorenson, 0000
Col. Guy C. Swan III, 0000
Col. David P. Valcourt, 0000
Col. Robert M. Williams, 0000
Col. W. Montague Winfield, 0000
Col. Richard P. Zahner, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., Section 624:

To be major general

Brig. Gen. Lawrence R. Adair, 0000
Brig. Gen. Buford C. Blount III, 0000
Brig. Gen. Steven W. Boutelle, 0000
Brig. Gen. James D. Bryan, 0000
Brig. Gen. Eddie Cain, 0000
Brig. Gen. John P. Cavanaugh, 0000
Brig. Gen. Bantz J. Craddock, 0000
Brig. Gen. Keith W. Dayton, 0000
Brig. Gen. Kathryn G. Frost, 0000
Brig. Gen. Larry D. Gottardi, 0000
Brig. Gen. Stanley E. Green, 0000
Brig. Gen. Criag D. Hackett, 0000
Brig. Gen. Franklin L. Hagenbeck, 0000
Brig. Gen. Hubert L. Hartsell, 0000
Brig. Gen. George A. Higgins, 0000
Brig. Gen. William J. Leszczynski, 0000
Brig. Gen. Michael D. Maples, 0000
Brig. Gen. Thomas F. Metz, 0000
Brig. Gen. Daniel G. Mongeon, 0000
Brig. Gen. William E. Mortensen, 0000
Brig. Gen. Eric T. Olson, 0000
Brig. Gen. Richard J. Quirk III, 0000
Brig. Gen. Ricardo S. Sanchez, 0000
Brig. Gen. Gary D. Speer, 0000
Brig. Gen. Mitchell H. Stevenson, 0000
Brig. Gen. Charles H. Swannack, Jr., 0000
Brig. Gen. Terry L. Tucker, 0000
Brig. Gen. John R. Wood, 0000

The following named officer for appointment as the Chief of Engineers, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 3036:

To be lieutenant general

Maj. Gen. Robert B. Flowers, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles S. Mahan, Jr., 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. H. Steven Blum, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William T. Nesbitt, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David P. Rataczak, 0000

To be brigadier general

Col. George J. Robinson, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. George F. Bowman, 0000
Brig. Gen. Lloyd D. Burtch, 0000
Brig. Gen. Alfonsa Gilley, 0000
Brig. Gen. James R. Helmly, 0000
Brig. Gen. Dennis E. Klein, 0000

To be brigadier general

Col. James A. Cheatham, 0000
Col. George R. Fay, 0000
Col. Charles E. Gorton, 0000
Col. John H. Kern, 0000
Col. Charles E. McCartney, 0000
Col. Jack S. Stultz, Jr., 0000
Col. Stephen D. Tom, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bradford C. Brightman, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10 U.S.C., section 12203:

To be major general

Brig. Gen. H. Douglas Robertson, 0000

To be major general

Brig. Gen. Willie A. Alexander, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10 U.S.C., section 12203:

To be brigadier general

Col. Carole A. Briscoe, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David J. Kaucheck, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Daniel F. Perugini, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John E. Stevens, 0000

To be brigadier general

Col. Rick Baccus, 0000
Col. Abner C. Blalock, Jr., 0000
Col. John M. Braun, 0000
Brig. Gen. George A. Buskirk, Jr., 0000
Col. James R. Carpenter, 0000
Col. Craig N. Christensen, 0000
Col. Paul D. Costilow, 0000
Col. James P. Daley, 0000
Col. Charles E. Gibson, 0000
Col. Michael A. Gorman, 0000
Col. John F. Holechek, Jr., 0000
Col. Mitchell R. LeClaire, 0000
Col. Richard G. Maxon, 0000
Col. Gary A. Pappas, 0000
Col. Donald H. Polk, 0000
Col. Robley S. Rigdon, 0000
Col. Charles T. Robbs, 0000
Col. Bruce D. Schrimpf, 0000
Col. Thomas J. Sullivan, 0000
Col. Brian L. Tarbet, 0000
Col. Gordon D. Toney, 0000
Col. Antonio J. Vicens-Gonzalez, 0000
Col. William L. Waller, Jr., 0000
Col. Charles R. Webb, 0000
Col. William D. Wofford, 0000
Col. Kenneth F. Wondrack, 0000
Col. Ronald D. Young, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William J. Davies, 0000
Brig. Gen. George T. Garrett, 0000
Brig. Gen. Dennis A. Kamimura, 0000
Brig. Gen. Bruce M. Lawlor, 0000
Brig. Gen. Timothy E. Neel, 0000
Brig. Gen. Larry W. Shellito, 0000
Brig. Gen. Darwin H. Simpson, 0000
Brig. Gen. Edwin H. Wright, 0000

To be brigadier general

Col. George A. Alexander, 0000
Col. Terry F. Barker, 0000
Col. John P. Basilica, Jr., 0000
Col. Wesley E. Craig, Jr., 0000
Col. James J. Dougherty, Jr., 0000
Col. Ronald B. Kalkofen, 0000
Col. Edward G. Klein, 0000
Col. Thomas P. Luczynski, 0000
Col. James R. Mason, 0000
Col. Glen I. Sakagawa, 0000
Col. Joseph J. Taluto, 0000

Col. Thomas S. Walker, 0000
Col. George W. Wilson, 0000
Col. Ireneusz J. Zembrzuski, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Herbert L. Altshuler, 0000
Brig. Gen. Richard E. Coleman, 0000
Brig. Gen. B. Sue Dueitt, 0000
Brig. Gen. Michael R. Mayo, 0000
Brig. Gen. Robert S. Silverthorn, Jr., 0000
Brig. Gen. Charles E. Wilson, 0000

To be brigadier general

Col. Michael G. Corrigan, 0000
Col. John R. Hawkins III, 0000
Col. Gregory J. Hunt, 0000
Col. Michael K. Jelinsky, 0000
Col. Robert R. Jordan, 0000
Col. David E. Kratzer, 0000
Col. Michael A. Kuehr, 0000
Col. Bruce D. Moore, 0000
Col. Conrad W. Ponder, Jr., 0000
Col. Jerry W. Reshetar, 0000
Col. Bruce E. Robinson, 0000
Col. James R. Sholar, 0000
Col. Edwin E. Spain, 0000
Col. Stephen B. Thompson, 0000
Col. George W. Wells, Jr., 0000

The following named officers for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Kerry G. Denson, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William W. Goodwin, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jack A. Davis, 0000

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. James R. Battaglini, 0000
Brig. Gen. James E. Cartwright, 0000
Brig. Gen. Christopher Cortez, 0000
Brig. Gen. Gary H. Hughey, 0000
Brig. Gen. Thomas S. Jones, 0000
Brig. Gen. Richard L. Kelly, 0000
Brig. Gen. John F. Sattler, 0000
Brig. Gen. William A. Whitlow, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John F. Goodman, 0000

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas A. Benes, 0000
Col. Christian B. Cowdrey, 0000
Col. Michael E. Ennis, 0000
Col. Walter E. Gaskin, Sr., 0000
Col. Michael R. Lehnert, 0000
Col. Joseph J. McMenamin, 0000
Col. Duane D. Thiessen, 0000
Col. George J. Trautman III, 0000
Col. Willie J. Williams, 0000
Col. Richard C. Zilmer, 0000

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Andrew B. Davis, 0000
Col. Harold J. Fruchtnicht, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gregory S. Newbold, 0000

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John G. Cotton, 0000
Rear Adm. (lh) Henry F. White, Jr., 0000

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. William V. Alford, 0000
Capt. John P. Debbout, 0000
Capt. Roger T. Nolan, 0000
Capt. Stephen S. Oswald, 0000
Capt. Robert O. Passmore, 0000
Capt. Gregory J. Slavonic, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael R. Johnson, 0000
Rear Adm. (lh) Charles R. Kubic, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Rodrigo C. Melendez, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard W. Mayo, 0000

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. William J. Fallon, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Toney M. Bucchi, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy J. Keating, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Martin J. Mayer, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Dennis V. McGinn, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1166 Air Force nominations (9) beginning Donna L. Kennedy, and ending Michael D. Prazak, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

PN1167 Air Force nominations (106) beginning Franklin C. Albright, and ending Lewis F. Wolf, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1209 Air Force nomination of Warren S. Silberman, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1243 Air Force nomination of James C. Seaman, which was received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1288 Air Force nominations (680) beginning George M. Abernathy, and ending Richard M. Zink, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2000.

PN1330 Air Force nominations (2) beginning Douglas N. Barlow, and ending Gregory E. Seely, which nominations were received by the Senate and appeared in the Congressional Record of September 28, 2000.

PN1337 Air Force nominations (2) beginning John B. Stetson, and ending Christine E. Tholen, which nominations were received by the Senate and appeared in the Congressional Record of October 2, 2000.

IN THE ARMY

PN1135 Army nominations (28) beginning John W. Alexander, Jr. and ending Donald L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of July 10, 2000.

PN1168 Army nominations (158) beginning Bruce D. Adams, and ending Vikram P. Zadoo, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1196 Army nominations (1314) beginning Daniel G. Aaron, and ending X2457, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1210 Army nomination of Merritt M. Smith, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1211 Army nominations (4) beginning James M. Davis, and ending Lanneau H. Siegling, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1212 Army nomination of John Espinosa, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1222 Army nomination of Albert L. Lewis, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1223 Army nominations (2) beginning Philip C. Caccese, and ending Donald E. McLean, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1224 Army nominations (3) beginning Richard W.J. Cacini, and ending Carlos A. Trejo, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1225 Army nominations (4) beginning Melvin Lawrence Kaplan, and ending George Raymond Ripplinger, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1226 Army nomination of *Michael Walker, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1244 Army nominations (13) beginning Eddie L. Cole, and ending Christopher A. White, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1245 Army nominations (19) beginning Jeanne J. Blaes, and ending Janelle S. Weyn, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1246 Army nominations (43) beginning *Patrick N. Bailey, and ending *Jeffrey L. Zust, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1247 Army nominations (1747) beginning Timothy F. Abbott, and ending *X4076, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

IN THE MARINE CORPS

PN1197 Marine Corps nominations (73) beginning Jack G. Abate, and ending Jeffrey G. Young, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1227 Marine Corps nomination of Gerald A. Cummings, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1259 Marine Corps nomination of David L. Ladouceur, which was received by the Senate and appeared in the Congressional Record of September 13, 2000.

IN THE NAVY

PN1040 Navy nomination of Bradley S. Russell, which was received by the Senate and appeared in the Congressional Record of May 11, 2000.

PN1169 Navy nomination of Douglas M. Larratt, which was received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1170 Navy nominations (11) beginning Felix R. Tormes, and ending Christopher F. Beaubien, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1171 Navy nominations (387) beginning Ava C. Abney, and ending Michael E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1188 Navy nominations (217) beginning William B. Acker III, and ending John Zarem, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1198 Navy nomination of Keith R. Belau, which was received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1213 Navy nomination of Randall J. Bigelow, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1228 Navy nomination of Robert G. Butler, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1229 Navy nomination of Vito W. Jimenez, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1230 Navy nomination of Michael P. Tillotson, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1231 Navy nomination of Michael W. Altiser, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1232 Navy nomination of Melvin J. Hendricks, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1233 Navy nomination of Glenn A. Jett, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1234 Navy nomination of Joseph T. Mahachek, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1235 Navy nomination of Robert J. Werner, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1236 Navy nomination of Marian L. Celli, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1237 Navy nomination of Stephen M. Trafton, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1248 Navy nominations (821) beginning Eric M. Aaby, and ending Anthony E. Zerangue, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1249 Navy nominations (1446) beginning William S. Abrams II, and ending Michael Ziv, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1260 Navy nomination of Jeffrey N. Rocker, which was received by the Senate and appeared in the Congressional Record of September 13, 2000.

PN1261 Navy nominations (224) beginning Jerry C. Mazanowski, and ending Douglas S. Velvel, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2000.

PN1289 Navy nominations (32) beginning Michael W. Bastian, and ending Steven C. Wurgler, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, OCTOBER 10, 2000

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 2 p.m. on Tuesday, October 10. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business for up to 2 hours, with the time controlled in the following fashion: the first hour under the control of Senator DURBIN or his designee, with 30 minutes under the control of Senator GRAHAM of Florida; the second hour under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HAGEL. Mr. President, for the information of all Senators, the Senate will be in session on Tuesday for morning business and possible consideration of an appropriations conference report. On Wednesday, there will be up to 7 hours of debate on the conference report to accompany trafficking victims. Senator THOMPSON will make the point of order against the report and a vote is expected relative to appealing the ruling of the Chair and adoption of the conference report, both of which will occur late afternoon on Wednesday.

The Senator from Virginia is recognized.

EXPRESSING THE SENSE OF THE CONGRESS ON THE NEED FOR CONSTRUCTION OF THE WORLD WAR II MEMORIAL ON THE CAPITAL MALL

Mr. WARNER. Mr. President, on behalf of myself, Mr. INOUYE, Mr. STEVENS, and Mr. THURMOND, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 145) expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, our former distinguished majority leader, Mr. Dole, has headed up, together with others, an effort across America, and indeed from abroad, to raise the funds and otherwise provide for a memorial to be erected in the Nation's Capital in memory of those who served in World War II, and indeed those who were not in uniform but here on the homefront who, in every other respect, supported that heroic effort during that period from the day beginning December 7, 1941, to and including the surrender of Japan in August of 1945.

Mr. President, as we all know, World War II was the defining event of the 20th century for the United States and its wartime allies with more than 16,000,000 American men and women serving in uniform in the Armed Forces. Over 400,000 Americans gave their lives for our nation and more than 600,000 were wounded. In addition, countless Americans back home in the

United States organized and sacrificed to give their unwavering support to those in uniform.

Today, there are less than 6,000,000 surviving World War II veterans and we mourn the passing of greater than 1,200 veterans each day.

Mr. President, this is why the construction of the National World War II Memorial must follow an expeditious and critical path to completion. In 1994, legislation was enacted which approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool.

Since July 1995, the National World War II Memorial site and design have been subject to 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, and most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission. In July of this year, the Commission of Fine Arts approved the design of the memorial followed by final architectural design approval by the National Capital Planning Commission on September 21, 2000.

Mr. President, it is my feeling that construction of this magnificent memorial, which has received a thorough review and given final approval by all jurisdictional authorities, should begin without delay. It is imperative that this fitting tribute to those brave and patriotic Americans be completed and dedicated while surviving veterans are still alive.

I ask my Senate colleagues to support this resolution and allow our World War II veterans, veterans of the most devastating war the world has known, to see and be a part of the memorial they so fiercely deserve.

Mr. President, I sought to get the cosponsorship of all those in this body who served in World War II. The ability to do this, time-wise, precluded that, but I am certain that almost all would have joined. Therefore, it is a particular privilege for me to submit this to the Senate. Congressman STUMP will introduce the identical measure in the House of Representatives.

Mr. President, I ask that we take action on this resolution.

The PRESIDING OFFICER. Is there further debate on the concurrent resolution?

The concurrent resolution (S. Con. Res. 145) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103–422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capitol the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capitol, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

Mr. WARNER. Mr. President, I thank the Chair, the floor staff, and the staffs of many Senators who were able to clear this resolution. I appreciate that.

I note the presence of another colleague on the floor. I would like to consult the Republican floor staff before I address the Senate further.

Mr. President, I understand our distinguished colleague wishes to address the Senate for a period of time. How much time will he require?

Mr. WYDEN. Five minutes will be plenty.

ORDER FOR RECESS

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, following the remarks of Mr. WYDEN for not to exceed 5 minutes, I ask unanimous consent that the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. WYDEN. Mr. President, twenty-two days ago I was here on the Senate floor helping to secure the support of 100 Senators in passing the Secure Rural Schools and Community Self-Determination Act of 2000. It was a good day for rural Americans when the Senate adopted S. 1608 unanimously.

Today is even better for rural Americans. A few minutes ago, the Senate passed legislation that now reflects an agreement among all stakeholders—the schools, the counties, the House and Senate and the Administration—that assures House and Senate passage and the President's signature. This bill is the winning formula for everyone concerned about rural communities.

The bill the Senate has passed is fundamentally unchanged from S. 1608. The basics are the same: the purposes, the funding formula, and the flexibility for counties to choose how to spend a portion of the payment. The bill will provide stable payments for education and roads in more than 750 timber-dependent counties across this country and real opportunities for environmental restoration on our national forests.

The bill will make sure our rural communities do not become economic sacrifice zones. It will help people in forest communities adapt to changing national forest management policies by creating a funding formula alternative to timber receipts.

Policy changes in Washington, D.C. affecting logging on national forests across this country have caused timber receipts to fall an average of 70 percent over the last 15 years, and by as much as 90 percent in some areas. As timber receipts disappeared, roads fell deeper into disrepair, school programs were cut to the bone, and some schools even had to close their doors at least one day a week.

This legislation will give rural communities a more predictable payment formula than the current roller coaster system based on timber receipts. The amount going toward schools and roads would represent 80–85 percent of the three-year average of the highest payment years from fiscal years 1986 to 1999. The amount would be calculated on a state-by-state, three-high-year basis, but would be distributed among the counties on a county-by-county,

three-high-year calculation. Unlike today's system, a county will receive its payment from the General Treasury, regardless of whether a single tree is cut on the national forests.

The bill before us today retains and improves upon a key element of S. 1608: that counties decide for themselves, in conjunction with other stakeholders, how they want to invest the remaining 15-to-20 percent of the average payment. This bill clarifies and underscores county flexibility to use the funds other than those designated for schools and roads in any combination a county chooses for: fire prevention and fighting wildfires; forest-related education; easement purchases; emergency services reimbursement; stewardship projects; maintenance of existing forest infrastructure; ecosystem restoration; and improvement of land and water quality on national forest lands.

There is no doubt about it. This legislation will change the traditional dynamic between logging and Federal payments to schools and counties. But altering the link between timber harvest and county payments does not mean we seek to sever the ties between people and land. This bill will strengthen the bond between communities and neighboring Federal forests. The authorized projects are a way for the Federal government to recognize—without relaxing or compromising our environmental commitments—that timber towns grow not just trees, but people, too.

S. 1608 is supported by thousands of groups, hundreds of counties, labor organizations and school groups including the National Education Association, National Association of Counties, the American Federation of State, County and Municipal Employees, as well as the AFL–CIO.

I particularly want to thank Senator CRAIG, Chairman of the Forests and Public Lands Subcommittee, for helping to bring us to where we are today. He has been tireless in his efforts. I also want to recognize the outstanding commitment of Senator BINGAMAN, the ranking member on the Energy Committee, and the incredible work of Senator BAUCUS, who brought additional attention to non-federal land county projects, including wildfire prevention.

I would also like to acknowledge the work of the staff on this legislation. In particular, Josh Kardon, my Chief of Staff, and Sarah Bittleman, my Natural Resources Counsel, have done yeoman's work on this legislation. Carole Grunberg, my Legislative Director, was always there with support and encouragement. And Jeff Gagne, my Education advisor, also contributed to the effort by figuring out the maze of Oregon education spending. Special thanks also goes to David Dye, Counsel to the Senate Energy Committee and to Mark Rey of the Energy Committee staff, whose steady hand and creativity helped resolve so many problems successfully; to Bob Simon and Kira Finkler, of the Energy Committee Democratic staff; and to Brian Kuehl with Senator BAUCUS, Sara Barth with Senator BOXER, and Peter Hanson with Senator DASCHLE.

RECESS UNTIL 2 P.M. TUESDAY, OCTOBER 10, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. Tuesday, October 10, 2000.

Thereupon, the Senate, at 3:51 p.m., recessed until Tuesday, October 10, 2000, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 6, 2000:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

AVIS T. BOHLEN, OF THE DISTRICT OF COLUMBIA
RICHARD A. BOUCHER, OF MARYLAND
JOSEPH GERARD SULLIVAN, OF MASSACHUSETTS
WILLIAM H. TWADDELL, OF RHODE ISLAND
ALEXANDER RUSSELL VERSHBOW, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MICHAEL HUGH ANDERSON, OF MINNESOTA
ANNA ANDERSON LEHEL BORG, OF THE DISTRICT OF COLUMBIA
MARK M. BOULWARE, OF TEXAS
WILLIAM RIVINGTON BROWNFIELD, OF TEXAS
STEVEN A. BROWNING, OF TEXAS
JOHN PATRICK CAULFIELD, JR., OF NEW JERSEY
GENE BURL CHRISTY, OF TEXAS
GWEN C. CLARE, OF CONNECTICUT
JOHN ALBERT CLOUD, JR., OF VIRGINIA
STEVEN JAMES COFFEY, OF VIRGINIA
PAMELA COREY-ARCHER, OF CALIFORNIA
ARNOLD JACKSON CRODDY, JR., OF MARYLAND
GLYN TOWNSEND DAVIES, OF WYOMING
JOHN SHIELDS DICKSON, OF NEW HAMPSHIRE
JOHN R. DINGER, OF IOWA
GEORGE S. DRAGNICH, OF VIRGINIA
KENNETH ALAN DUNCAN, OF CONNECTICUT
WILLIAM A. EATON, OF VIRGINIA
GREGORY WILLIAM ENGLE, OF VIRGINIA
RICHARD W. ERDMAN, OF MARYLAND
BEN FLOYD FAIRFAX, OF VIRGINIA
DANIEL TED FANTOZZI, OF VIRGINIA
BRIAN M. FLORA, OF FLORIDA
MICHAEL E. GUEST, OF SOUTH CAROLINA
JOHN DAVIS HAMILL, OF OHIO
RENO LEON HARNISH III, OF VIRGINIA
DOUGLAS ALAN HARTWICK, OF WASHINGTON
JOHN E. HERBST, OF VIRGINIA
HEATHER M. HODGES, OF VIRGINIA
CAROLYN RUTH HUGGINS, OF FLORIDA
WILLIAM IMBRIE III, OF MARYLAND
JAMES FRANKLIN JEFFREY, OF MASSACHUSETTS
LAURA-ELIZABETH KENNEDY, OF VIRGINIA
KRISTIE ANNE KENNEY, OF VIRGINIA
FREDERIC M. KRUG, OF NEW JERSEY
JAMES V. LEDESMA, OF CALIFORNIA
MICHAEL CRAIG LEMMON, OF FLORIDA
DAVID C. LITT, OF FLORIDA
WAYNE K. LOGSDON, OF WASHINGTON
THOMAS A. LYNCH, JR., OF VIRGINIA
FREDERIC WILLIAM MAERKLE III, OF CALIFORNIA
MICHAEL E. MALINOWSKI, OF ILLINOIS
STEVEN R. MANN, OF PENNSYLVANIA
EDWARD MCKEON, OF THE DISTRICT OF COLUMBIA
BRIAN J. MOHLER, OF VIRGINIA
JAMES F. MORIARTY, OF MASSACHUSETTS
LAUREN MORIARTY, OF HAWAII
GRETA N. MORRIS, OF CALIFORNIA
MICHAEL NESEMANN, M.D., OF VIRGINIA
EDWARD B. O'DONNELL, JR., OF TEXAS
MICHAEL ELEAZAR PARMLY, OF FLORIDA
MILDRED ANNE PATTERSON, OF VIRGINIA
MARGARET C. PEARSON, OF CALIFORNIA
VICTOR MANUEL ROCHA, OF CALIFORNIA
ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE
LAWRENCE GEORGE ROSSIN, OF CALIFORNIA
ARTHUR F. SALVATERRA, OF PENNSYLVANIA
DAVID MICHAEL SATTERFIELD, OF VIRGINIA
BRENDA BROWN SCHOONOVER, OF CALIFORNIA
CHARLES S. SHAPIRO, OF GEORGIA
DANIEL SREEBNY, OF VIRGINIA
GEORGE MCDADE STAPLES, OF KENTUCKY
JAIME SUAREZ, M.D., OF LOUISIANA
THOMAS C. TIGHE, OF FLORIDA
HOWARD C. WIENER III, OF VIRGINIA
ROSS LEE WILSON, OF MARYLAND
THOMAS W. YUN, M.D., OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BETSY LYNN ANDERSON, OF VIRGINIA
JOHN RICHARD ARNDT, OF FLORIDA
LEWIS R. ATHERTON, OF THE DISTRICT OF COLUMBIA
SHELDON E. AUSTIN, OF FLORIDA
DAVID LEE BALLARD, OF TEXAS
DOUGLAS MALCOLM BARNES, OF COLORADO
WILLIAM MICHAEL BARTLETT, OF FLORIDA
JOHN ROSS BEYRLE, OF VIRGINIA
STANTON R. BIGELOW, OF WISCONSIN
MICHELE THOREN BOND, OF NEW JERSEY
GAYLEATHA BEATRICE BROWN, OF NEW JERSEY
HERBERT RENARD BROWN, OF FLORIDA
DAVID M. BUSS, OF TEXAS
PATRICIA A. BUTENIS, OF NEW JERSEY
JORGE CINTRON, OF PUERTO RICO
SCOTT H. DELISI, OF VIRGINIA
ALICE AMELIA DRESS, OF TENNESSEE
CLIFTON W. FLOWERS, OF VIRGINIA
JAMES BRENDAN FOLEY, OF NEW YORK
PHILIP CHARLES FRENCH, OF CALIFORNIA
GEORGE ALLEN GLASS, OF NEW JERSEY
JAN HARTMAN, OF FLORIDA
WILLIAM JAMES HAUGH, OF CALIFORNIA
LLEWELLYN H. HEDGBETH, OF CALIFORNIA
DOUGLAS C. HENGEL, OF NEW YORK
ROBYN E. HINSON-JONES, OF NEW YORK
J. ANTHONY HOLMES, OF CALIFORNIA
LEE JAMES IRWIN, OF WISCONSIN
JEANINE JACKSON, OF WYOMING
KENNETH H. JARRETT, OF NEW YORK
PAUL WAYNE JONES, OF NEW YORK
CRAIG ALLEN KELLY, OF CALIFORNIA
HANS GEORGE KLEMM, OF INDIANA
ANDREW C. KOSS, OF MAINE
DAVID KURAKANE, OF CALIFORNIA
BARRY JAY LEVIN, OF MISSOURI
SALLY MATHIASEN LIGHT, OF WASHINGTON
DENNIS M. LINSKEY, OF NEW YORK
MARY BLAND MARSHALL, OF VIRGINIA
GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY
GARY H. MAYBARDUK, OF MINNESOTA
DEBORAH ANN MCCARTHY, OF CALIFORNIA
TERENCE PATRICK MCCULLEY, OF OREGON
JACKSON C. MCDONALD, OF FLORIDA
KEVIN CORT MILAS, OF CALIFORNIA
DAVID B. MONK, OF MASSACHUSETTS
PATRICK S. MOON, OF OKLAHOMA
JAMES ROBERT MOORE, OF CONNECTICUT
JEFFREY C. MURRAY, OF MARYLAND
JAMES DINNEEN NEALON, JR., OF NEW HAMPSHIRE
LOUIS JOHN NIGRO, OF FLORIDA
THEODORE ARTHUR NIST, OF SOUTH DAKOTA
ROGER CHRISTOPHER NOTTINGHAM, OF INDIANA
ANNE H. O'LEARY, OF CALIFORNIA
STEPHEN R. PATTISON, OF TEXAS
DAVID D. PEARCE, OF MAINE
ROGER DWAYNE PIERCE, OF THE DISTRICT OF COLUMBIA
EUNICE SHARON REDDICK, OF NEW YORK
J. PAUL REID, OF CALIFORNIA
RONALD SINCLAIR ROBINSON, OF VIRGINIA
JOSIAH BLUMENTHAL ROSENBLATT, OF CONNECTICUT
PAUL EDWARD ROWE, OF VIRGINIA
MARLENE J. SAKAUE, OF CALIFORNIA
JOHN FREDERICK SAMMIS, OF VIRGINIA
JOHN RICHARD SCHMIDT, OF WISCONSIN
STEPHEN A. SECHE, OF MASSACHUSETTS
ANGUS TAYLOR SIMMONS, OF CALIFORNIA
MICHELE J. SISON, OF MARYLAND
DOUGLAS GORDON SPELMAN, OF OHIO
MADELYN ELIZABETH SPIRNAK, OF THE DISTRICT OF COLUMBIA
ADRIENNE M. STEFAN, OF FLORIDA
CRAIG J. STROMME, OF NEW YORK
JUDITH ANNE STROTZ, OF VIRGINIA
PAUL A. TRIVELLI, OF CONNECTICUT
J. PATRICK TRUHN, OF THE DISTRICT OF COLUMBIA
MOOSA A. VALLI, OF CALIFORNIA
LUCIEN S. VANDENBROUCKE, OF MARYLAND
DAVID GOFORTH WAGNER, OF PENNSYLVANIA
JANET M. WEBER, OF NEW YORK
A. DANIEL WEYGANDT, OF VIRGINIA
MARY ANN WHITTEN, OF CALIFORNIA
ROBERT M. WITAJEWSKI, OF CALIFORNIA
ROBERT CANTRELL WOOD, OF SOUTH CAROLINA
JACK M. ZETKULIC, OF NEW JERSEY
JAMES P. ZUMWALT, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALAN O. BIGLER, OF OHIO
JOHN P. BOULANGER, OF NEW HAMPSHIRE
JEFFREY L. BOZWORTH, OF MARYLAND
ANDREW J. COLANTONIO, OF VIRGINIA
JOSEPH M. DEVLIN, OF MONTANA
EDWARD F. GAFFNEY, OF VIRGINIA
STEPHEN J. KRUCHKO, OF VIRGINIA
SUSAN J. MONG, OF PENNSYLVANIA
ANTHONY MUSE, OF TENNESSEE
JANE S. NORRIS, OF TEXAS
RAYMOND L. NORRIS, OF OKLAHOMA
WILLIAM PRIOR, OF VIRGINIA
NICHOLAS J. RIESLAND, OF WASHINGTON
DAVID T. SHAEFFER, OF VIRGINIA
GREGORY BOWNE STARR, OF VIRGINIA

JOHN L. TELLO, OF MAINE
HARLAN D. WADLEY, OF OREGON
CHARLES D. WISECARVER, JR., OF VIRGINIA
MARK YOUNG, OF CALIFORNIA

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

THE JUDICIARY

ANDRE M. DAVIS, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

CCONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. HOPPER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. PAUL W. ESSEX, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN H. CAMPBELL, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LLOYD J. AUSTIN III, 0000
COL. VINCENT E. BOLES, 0000
COL. GARY L. BORDER, 0000
COL. THOMAS P. BOSTICK, 0000
COL. HOWARD B. BROMBERG, 0000
COL. JAMES A. COGGIN, 0000
COL. MICHAEL L. COMBEST, 0000
COL. WILLIAM C. DAVID, 0000
COL. MARTIN E. DEMPSEY, 0000
COL. JOSEPH F. FIL, JR., 0000
COL. BENJAMIN C. FREAKLEY, 0000
COL. JOHN D. GARDNER, 0000
COL. BRIAN I. GEEHAN, 0000
COL. RICHARD V. GERACI, 0000
COL. GARY L. HARRELL, 0000
COL. JANET E. A. HICKS, 0000
COL. JAY W. HOOD, 0000
COL. KENNETH W. HUNZEKER, 0000
COL. CHARLES H. JACOBY, JR., 0000
COL. GARY M. JONES, 0000
COL. JASON K. KAMIYA, 0000
COL. JAMES A. KELLEY, 0000
COL. RICKY LYNCH, 0000
COL. BERNARDO C. NEGRETE, 0000
COL. PATRICIA L. NILO, 0000
COL. F. JOSEPH PRASEK, 0000
COL. DAVID C. RALSTON, 0000
COL. DON T. RILEY, 0000
COL. DAVID M. RODRIGUEZ, 0000
COL. DONALD F. SCHENK, 0000
COL. STEVEN P. SCHOOK, 0000
COL. GRATTON O. SEALOCK II, 0000
COL. STEPHEN M. SEAY, 0000
COL. JEFFREY A. SORENSON, 0000
COL. GUY C. SWAN III, 0000
COL. DAVID P. VALCOURT, 0000
COL. ROBERT M. WILLIAMS, 0000
COL. W. MONTAGUE WINFIELD, 0000
COL. RICHARD P. ZAHNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LAWRENCE R. ADAIR, 0000
BRIG. GEN. BUFORD C. BLOUNT III, 0000
BRIG. GEN. STEVEN W. BOUTELLE, 0000
BRIG. GEN. JAMES D. BRYAN, 0000
BRIG. GEN. EDDIE CAIN, 0000
BRIG. GEN. JOHN P. CAVANAUGH, 0000
BRIG. GEN. BANTZ J. CRADDOCK, 0000
BRIG. GEN. KEITH W. DAYTON, 0000
BRIG. GEN. KATHRYN G. FROST, 0000
BRIG. GEN. LARRY D. GOTTARDI, 0000
BRIG. GEN. STANLEY E. GREEN, 0000
BRIG. GEN. CRAIG D. HACKETT, 0000
BRIG. GEN. FRANKLIN L. HAGENBECK, 0000
BRIG. GEN. HUBERT L. HARTSELL, 0000
BRIG. GEN. GEORGE A. HIGGINS, 0000
BRIG. GEN. WILLIAM J. LESZCZYNSKI, 0000
BRIG. GEN. MICHAEL D. MAPLES, 0000
BRIG. GEN. THOMAS F. METZ, 0000
BRIG. GEN. DANIEL G. MONGEON, 0000
BRIG. GEN. WILLIAM E. MORTENSEN, 0000
BRIG. GEN. ERIC T. OLSON, 0000
BRIG. GEN. RICHARD J. QUIRK III, 0000
BRIG. GEN. RICARDO S. SANCHEZ, 0000
BRIG. GEN. GARY D. SPEER, 0000
BRIG. GEN. MITCHELL H. STEVENSON, 0000
BRIG. GEN. CHARLES H. SWANNACK, JR., 0000
BRIG. GEN. TERRY L. TUCKER, 0000
BRIG. GEN. JOHN R. WOOD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

To be lieutenant general

MAJ. GEN. ROBERT B. FLOWERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES S. MAHAN, JR., 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. STEVEN BLUM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM T. NESBITT, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID P. RATACZAK, 0000

To be brigadier general

COL. GEORGE J. ROBINSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE F. BOWMAN, 0000
BRIG. GEN. LLOYD D. BURTCH, 0000
BRIG. GEN. ALFONSA GILLEY, 0000
BRIG. GEN. JAMES R. HELMLY, 0000
BRIG. GEN. DENNIS E. KLEIN, 0000

To be brigadier general

COL. JAMES A. CHEATHAM, 0000
COL. GEORGE R. FAY, 0000
COL. CHARLES E. GORTON, 0000
COL. JOHN H. KERN, 0000
COL. CHARLES E. MCCARTNEY, 0000
COL. JACK C. STULTZ, JR., 0000
COL. STEPHEN D. TOM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADFORD C. BRIGHTMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10. U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. DOUGLAS ROBERTSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIE A. ALEXANDER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CAROLE A. BRISCOE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID J. KAUCHECK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANIEL F. PERUGINI, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN E. STEVENS, 0000

To be brigadier general

COL. RICK BACCUS, 0000
COL. ABNER C. BLALOCK, JR., 0000
COL. JOHN M. BRAUN, 0000
BRIG. GEN. GEORGE A. BUSKIRK, JR., 0000
COL. JAMES R. CARPENTER, 0000
COL. CRAIG N. CHRISTENSEN, 0000
COL. PAUL D. COSTILOW, 0000
COL. JAMES P. DALEY, 0000
COL. CHARLES E. FLEMING, 0000
COL. CHARLES E. GIBSON, 0000
COL. MICHAEL A. GORMAN, 0000
COL. JOHN F. HOLECHEK, JR., 0000
COL. MITCHELL R. LECLAIRE, 0000
COL. RICHARD G. MAXON, 0000
COL. GARY A. PAPPAS, 0000
COL. DONALD H. POLK, 0000
COL. ROBLEY S. RIGDON, 0000
COL. CHARLES T. ROBBS, 0000
COL. BRUCE D. SCHRIMPF, 0000
COL. THOMAS J. SULLIVAN, 0000
COL. BRIAN L. TARBET, 0000
COL. GORDON D. TONEY, 0000
COL. ANTONIO J. VICENS-GONZALEZ, 0000
COL. WILLIAM L. WALLER, JR., 0000
COL. CHARLES R. WEBB, 0000
COL. WILLIAM D. WOFFORD, 0000
COL. KENNETH F. WONDRACK, 0000
COL. RONALD D. YOUNG, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. DAVIES, 0000
BRIG. GEN. GEORGE T. GARRETT, 0000
BRIG. GEN. DENNIS A. KAMIMURA, 0000
BRIG. GEN. BRUCE M. LAWLOR, 0000
BRIG. GEN. TIMOTHY E. NEEL, 0000
BRIG. GEN. LARRY W. SHELLITO, 0000
BRIG. GEN. DARWIN H. SIMPSON, 0000
BRIG. GEN. EDWIN H. WRIGHT, 0000

To be brigadier general

COL. GEORGE A. ALEXANDER, 0000
COL. TERRY F. BARKER, 0000
COL. JOHN P. BASILICA, JR., 0000
COL. WESLEY E. CRAIG, JR., 0000
COL. JAMES J. DOUGHERTY, JR., 0000
COL. RONALD B. KALKOFEN, 0000
COL. EDWARD G. KLEIN, 0000
COL. THOMAS P. LUCZYNSKI, 0000
COL. JAMES R. MASON, 0000
COL. GLEN I. SAKAGAWA, 0000
COL. JOSEPH J. TALUTO, 0000
COL. THOMAS S. WALKER, 0000
COL. GEORGE W. WILSON, 0000
COL. IRENEUSZ J. ZEMBRZUSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HERBERT L. ALTSHULER, 0000
BRIG. GEN. RICHARD E. COLEMAN, 0000
BRIG. GEN. B. SUE DUEITT, 0000
BRIG. GEN. MICHAEL R. MAYO, 0000
BRIG. GEN. ROBERT S. SILVERTHORN, JR., 0000
BRIG. GEN. CHARLES E. WILSON, 0000

To be brigadier general

COL. MICHAEL G. CORRIGAN, 0000
COL. JOHN R. HAWKINS, III, 0000
COL. GREGORY J. HUNT, 0000
COL. MICHAEL K. JELINSKY, 0000
COL. ROBERT R. JORDAN, 0000
COL. DAVID E. KRATZER, 0000
COL. MICHAEL A. KUEHR, 0000
COL. BRUCE D. MOORE, 0000
COL. CONRAD W. PONDER, JR., 0000
COL. JERRY W. RESHETAR, 0000
COL. BRUCE E. ROBINSON, 0000
COL. JAMES R. SHOLAR, 0000
COL. EDWIN E. SPAIN, 0000
COL. STEPHEN B. THOMPSON, 0000
COL. GEORGE W. WELLS, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEVIN P. BYRNES, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KERRY G. DENSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM W. GOODWIN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JACK A. DAVIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES R. BATTAGLINI, 0000
BRIG. GEN. JAMES E. CARTWRIGHT, 0000
BRIG. GEN. CHRISTOPHER CORTEZ, 0000
BRIG. GEN. GARY H. HUGHEY, 0000
BRIG. GEN. THOMAS S. JONES, 0000
BRIG. GEN. RICHARD L. KELLY, 0000
BRIG. GEN. JOHN F. SATTLER, 0000
BRIG. GEN. WILLIAM A. WHITLOW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN F. GOODMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS A. BENES, 0000
COL. CHRISTIAN B. COWDREY, 0000
COL. MICHAEL E. ENNIS, 0000
COL. WALTER E. GASKIN SR., 0000
COL. MICHAEL R. LEHNERT, 0000
COL. JOSEPH J. MCMENAMIN, 0000
COL. DUANE D. THIESSEN, 0000
COL. GEORGE J. TRAUTMAN III, 0000
COL. WILLIE J. WILLIAMS, 0000
COL. RICHARD C. ZILMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ANDREW B. DAVIS, 0000
COL. HAROLD J. FRUCHTNICHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY S. NEWBOLD, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN G. COTTON, 0000
REAR ADM. (LH) HENRY F. WHITE, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. WILLIAM V. ALFORD, 0000
CAPT. JOHN P. DEBBOUT, 0000
CAPT. ROGER T. NOLAN, 0000
CAPT. STEPHEN S. OSWALD, 0000
CAPT. ROBERT O. PASSMORE, 0000
CAPT. GREGORY J. SLAVONIC, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL R. JOHNSON, 0000
REAR ADM. (LH) CHARLES R. KUBIC, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RODRIGO C. MELENDEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. MAYO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. WILLIAM J. FALLON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TONEY M. BUCCHI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY J. KEATING, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARTIN J. MAYER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DENNIS V. MCGINN, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DONNA L. KENNEDY, AND ENDING
MICHAEL D. PRAZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.
AIR FORCE NOMINATIONS BEGINNING FRANKLIN C. ALBRIGHT, AND ENDING LEWIS F. WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.
THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WARREN S. SILBERMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. SEAMAN, 0000

AIR FORCE NOMINATIONS BEGINNING GEORGE M. ABERNATHY, AND ENDING RICHARD M. ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2000.
AIR FORCE NOMINATIONS BEGINNING DOUGLAS N. BARLOW, AND ENDING GREGORY E. SEELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2000.
AIR FORCE NOMINATIONS BEGINNING JOHN B. STETSON, AND ENDING CHRISTINE E. THOLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 2, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOHN W. ALEXANDER JR, AND ENDING DONALD L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 2000.
ARMY NOMINATIONS BEGINNING BRUCE D. ADAMS, AND ENDING VIKRAM P. ZADOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.
ARMY NOMINATIONS BEGINNING DANIEL G. AARON, AND ENDING X2457, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2000.
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

MERRITT M. SMITH, 0000

ARMY NOMINATIONS BEGINNING JAMES M. DAVIS, AND ENDING LANNEAU H. SIEGLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2000.
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 628:

To be major

JOHN ESPINOSA, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALBERT L. LEWIS, 0000

ARMY NOMINATIONS BEGINNING PHILIP C. CACCESE, AND ENDING DONALD E. MCLEAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.
ARMY NOMINATIONS BEGINNING RICHARD W. J. CACINI, AND ENDING CARLOS A. TREJO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.
ARMY NOMINATIONS BEGINNING MELVIN LAWRENCE KAPLAN, AND ENDING GEORGE RAYMOND RIPPLINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

*MICHAEL WALKER, 0000 SP

ARMY NOMINATIONS BEGINNING EDDIE L. COLE, AND ENDING CHRISTOPHER A. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.
ARMY NOMINATIONS BEGINNING JEANNE J. BLAES, AND ENDING JANELLE S. WEYN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.
ARMY NOMINATIONS BEGINNING *PATRICK N. BAILEY, AND ENDING *JEFFREY L. ZUST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.
ARMY NOMINATIONS BEGINNING TIMOTHY F. ABBOTT, AND ENDING *X4076, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JACK G. ABATE, AND ENDING JEFFREY G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2000.
THE FOLLOWING NAMED OFFICER FOR ORIGINAL APPOINTMENT AS PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

GERALD A. CUMMINGS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. LADOUCEUR, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRADLEY S. RUSSELL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS M. LARRATT, 0000

NAVY NOMINATIONS BEGINNING FELIX R. TORMES, AND ENDING CHRISTOPHER F. BEAUBIEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.
NAVY NOMINATIONS BEGINNING AVA C. ABNEY, AND ENDING MICHAEL E. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.
NAVY NOMINATIONS BEGINNING WILLIAM B. ACKER III, AND ENDING JOHN ZAREM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 2000.
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KEITH R. BELAU, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RANDALL J. BIGELOW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT G. BUTLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VITO W. JIMENEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL P. TILLOTSON, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

MICHAEL W. ALTISER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

MELVIN J. HENDRICKS, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

GLENN A. JETT, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

JOSEPH T. MAHACHEK, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

ROBERT J. WERNER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MARIAN L. CELLI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN M. TRAFTON, 0000

EXTENSIONS OF REMARKS

HONORING JUDGE ROMAN S. GRIBBS ON HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. DINGELL. Mr. Speaker, today I recognize, honor and salute my dear friend Judge Roman S. Gribbs on his retirement from the Michigan Court of Appeals and for his many years of dedicated public service.

Beginnings do not come much more humble than Roman's. He attended grammar school in a one-room schoolhouse in the Thumb area of Michigan, and in 1944 graduated, as salutatorian, from Capac High School. After serving in the United States Army, Roman graduated Magna Cum Laude from the University of Detroit in 1952, with a degree in Economics and Accounting. In 1954, he earned his Juris Doctor from the same school.

Roman began his professional career as an instructor at his alma mater, the University of Detroit. He later served as Assistant Wayne County Prosecutor, Presiding Traffic Court Referee for the City of Detroit and Wayne County Sheriff. From 1970 through 1974, Judge Gribbs served as Mayor of Detroit, during which time he also was President of the National League of Cities. While working as a partner at the law firm Fenton, Nederlander, Dodge, Barris and Gribbs, P.C., Roman was also an Adjunct Professor at the University of Michigan. As though these many accomplishments were not enough, Mr. Speaker, my good friend has spent the last 23 years serving as a judge, first on the Third Judicial Circuit Court of Michigan, then on the Michigan Court of Appeals.

In addition to his vast professional accomplishments, Roman is an active member of many fine organizations including: the Detroit Institute of Arts, the Economic Club of Detroit, American Academy of Political and Social Sciences, the League of Women Voters of Michigan, National Association for the Advancement of Colored People and Michigan Youth Commission to name only a few.

Mr. Speaker, as Roman leaves the public limelight to spend time with his lovely wife, Lee, and his five children, I would ask that all of my colleagues salute Roman and his leadership, hard work and caring heart.

HONORING DR. LINDA ROSENSTOCK

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. OBEY. Mr. Speaker, The National Institute of Occupational Safety and Health (NIOSH) and the Centers for Disease Control and Prevention (CDC) are extremely fortunate to have recruited and retained one of the top occupational health physicians in the country to lead NIOSH over the past six years. As an internationally known authority in the field of occupational safety and health, Dr. Linda Rosenstock's steadfast devotion and visionary leadership have contributed significantly in establishing NIOSH as the model agency for occupational safety and health research. With this in mind, it comes as no surprise that she was recently selected as the new Dean of the School of Public Health at the University of California, Los Angeles, and while the CDC and NIOSH will miss her insightful leadership; young professionals and the public health environment as a whole will benefit in yet another way from her knowledge, hard work, and dedication to the field of occupational safety and health.

In her role as Director of NIOSH, Dr. Rosenstock relied greatly upon input from industry, labor unions, academia, government and other occupational health and safety professionals to help guide the Institute in a new direction that would explore the changing nature of our nation's workforce and work environment. Much of this involvement came about through the introduction of the National Occupational Research Agenda (NORA), a framework for guiding occupational safety and health research that was developed in collaboration with 500 external partners. This along with the strategic relocation of the health and safety functions of the former Bureau of Mines, and the completion of a new state-of-the-art research facility in Morgantown, West Virginia has brought an annual appropriation increase of $85 million to NIOSH since Dr. Rosenstock's arrival in 1994.

Dr. Rosenstock's hard work and dedication to occupational safety and health will long be remembered by this Congress and by the workers in this country who have benefitted from her efforts.

UP THE ANTE ON PAKISTAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HILLIARD. Mr. Speaker, I submit the following articles for the Record.

[From the Washington Post, Sept. 11, 2000]

UP THE ANTE ON PAKISTAN

(By Arthur H. Davis)

While bitter enemies form Ireland to Israel are bowing to the dictates of peace and economic development, the threat of war in South Asia continues to loom large. The economy of Pakistan is sinking, yet the focus of the military leadership remains stronger than ever on Kashmir. Pakistan's junta continues to concentrate all of its resources on funding and fueling terrorism in Kashmir on the one hand, while on the other dashing domestic hopes for a return to a democratic and secular society.

Gen. Pervez Musharraf, the self-appointed chief executive of Pakistan, who also has the dubious distinction of being the coup leader and saboteur of the Lahore peace process, went on record saying that however the people of Kashmir decide their fate will be acceptable to Pakistan. The general also has reiterated his willingness to conduct his own talks with India at any place and any time on all issues, if Kashmir is included. Yet recent events clearly belie hopes that he intends to honor his words.

In late July the world welcomed the announcement of a three-month cease-fire and the offer of unconditional talks with the central government of India by the Hizbul Mujaheddin, the largest militant group in Indian Kashmir. Majir Dar, the Hizbul commander operating in Indian Kashmir, reportedly made this unexpected announcement after secret meetings with Hizbul followers and presumably with the group's leader, Sayed Salahuddin, who resides in Pakistan.

To this, the Indian government exhibited a new and welcome flexibility by responding positively to the offer. Lt. Gen. John Mukherjee, commander of Indian forces in Kashmir, announced the cessation of all operations against the Hizbul, while senior officials from Delhi proceeded to Kashmir to discuss the modalities of talks with the Hizbul. Unfortunately, the prospect for peace was not met with similar alacrity by Pakistan's military and fundamentalist religious leaders, who were clearly caught off guard by this show of militant independence. Pakistani security agents reportedly picked up Salahuddin shortly after the cease fire agreement, while his Hizbul Mujaheddin was ejected from the United Jehad Council, the umbrella alliance of Kashmiri militant outfits. And while official Pakistani responses initially were muted, wholesale attempts since have been underway by the junta to employ its influence over the regional militants to derail the

On the night of Aug. 1, more than a hundred Hindus, many of them pilgrims, were massacred by Pakistani-backed terrorists. The massacre has been followed by the attachment of two deal-breaking caveats to Hizbul's offer of ''unconditional'' talks. In a move the State Department has since termed ''not helpful,'' Hizbul has demanded a seat for Pakistan at any talks and also that those talks be conducted outside the scope of India's constitution, thus allowing for a deal on Kashmiri independence. Indian leaders long have resisted both conditions.

It has been widely stated in Washington and other Western capitals that India must negotiate with the Pakistani military for a definitive peace to be achieved. But the question remains whether the army really wants peace. All three wars between India and Pakistan have been fought when there were military governments in Pakistan. A fourth, under the present military leadership, remains a possibility—this time with a nuclear shadow cast upon it.

The Pakistani military regime is exhibiting an almost pathological determination to keep South Asia in turmoil, doing little to curb Islamic fundamentalism and terrorism breeding within its borders, while scuttling others' steps toward peace.

During his visit to the region earlier this year, President Clinton threaded a needle of admonishing Pakistan for its support of violence in Kashmir while keeping the door open for engagement if it abated such activities. Unfortunately, his stern warnings have

yet to exact much change. Pakistan's intended destruction of the nascent Kashmir peace process requires a firmer response from the U.S. administration. Declaring Pakistan a terrorist state, and thus putting it on par with the terrorist group it harbors and supports, would encourage the people of Pakistan to remove the military warmongers who have deprived them of sustainable development.

It is clear who wants peace in the region and who does not. Only by challenging Pakistan's duplicatous ways will peace have a hope of winning.

[From the Los Angeles Times, Sept. 12, 2000]

ARMED INDIA CAN HELP STABILIZE ASIA

(By Selig S. Harrison)

In May, 1998, India conducted five nuclear tests. More than two years later, the United States, with a record of 949 nuclear tests during the five decades since Hiroshima, is still enforcing punitive economic sanctions against New Delhi, poisoning the entire relationship between the world's two largest democracies.

President Clinton should quietly bury this self-defeating policy when he meets with Prime Minister Atul Behari Vejpayee at the White House this week. Pressuring India to reverse its commitment to develop nuclear weapons merely strengthens Indian hawks who oppose closer relations with Washington and favor an all-out nuclear buildup that would stimulate nuclear arms races with China and Pakistan.

The United States should accept the reality of a nuclear armed India as part of a broader recognition of its emergence as a major economic and military power. Such a shift would remove the last major barrier blocking a rapid improvement in Indo-U.S. relations. President Clinton has kept up the pressure on India to forswear nuclear weapons despite the fact that all sections of Indian opinion strongly favor a nuclear deterrent.

Instead of persisting in a futile effort to roll back the Indian nuclear weapons program, the United States should seek to influence the current debate in New Delhi over the size and character of the nuclear buildup. A more relaxed relationship with New Delhi would facilitate U.S. cooperation with moderate elements in the Indian leadership who favor nuclear restraint.

A U.S. policy focused on nuclear restraint rather than nuclear rollback should not only seek to minimize the number of warheads but also to keep them under civilian control and to limit the frequency of missile tests. Other key U.S. goals should be to get India to sign the Comprehensive Nuclear Test Ban Treaty and to formalize de facto Indian restrictions on the export of nuclear technology.

Moderate elements in New Delhi are sympathetic to many of these objectives but need U.S. quid pro quos to make them politically attainable. For example, the continuation of sanctions makes it impossible for the Indian government to sign the test ban without appearing to surrender to foreign pressure. Equally important, the sanctions have blocked $3 billion in multilateral aid credits for power projects and other economic development priorities.

Together with the removal of sanctions, the U.S. should greatly reduce the blanket restrictions on the transfer of dual-use technology that were imposed after the 1998 tests. These restrictions cover many items with little relevance to nuclear weapons.

The most important U.S. quid pro quo would be the relaxation of the existing U.S. ban on the sale of civilian nuclear reactors badly needed by India to help meet its growing energy needs. Indians find it galling that China is permitted to buy U.S. reactors, while India is not.

The reason for this blatantly discriminatory policy lies in legalistic hair-splitting in the 1968 Nuclear Non-Proliferation Treaty (NPT). Since China had tested nuclear weapons in 1964, it was classified as a ''nuclear weapons state'' under the treaty. As such, Beijing was eligible to sign the NPT, along with the other powers then possessing nuclear weapons, the United States, Russia, Britain and France.

All other states were barred in perpetuity from the nuclear club and asked to forswear nuclear weapons formally by signing the treaty. India branded the NPT as discriminatory and refused to sign. Now it would like to sign as a nuclear weapon state but the U.S. will not permit it.

The NPT itself does not bar its signatories from providing nuclear technology to non-signatories such as India. However, the U.S. Congress went beyond the NPT with a law stipulating that non-signatories cannot receive U.S. nuclear technology even if they accept International Atomic Energy Agency, or IAEA, safeguards on its use, which India is willing to do. This legislation even bars the U.S. from helping India to make its nuclear reactors safer.

Significantly, Hans Blix, the respected former IAEA director who now heads the U.N. arms inspection mission to Iraq, has urged that the ban on civilian nuclear sales to both India and Pakistan be lifted if they are willing to make two major concessions: signing the test ban and agreeing to freeze their stockpiles of weapons-grade fissile material at present levels.

''There is nothing in the NPT that would stand in the way of such an arrangement,'' Blix noted at a Stockholm seminar, and as matters stand, ''India and Pakistan are most unlikely to discard whatever nuclear weapons capacity they possess. There is even a clear risk of a race between them to increase fissile material stocks.''

The United States has been pushing India to join in a multilateral moratorium on fissile material production but without offering clear incentives. Blix has proposed a more realistic approach. U.S. policy should be based on a tactic recognition that a multipolar Asian balance of power in which India possesses a minimum nuclear deterrent will be more stable than one in which China enjoys a nuclear monopoly.

HONORING BETTE BELLE SMITH

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. CONDIT. Mr. Speaker, today I honor a very special lady. When I think of Bette Belle Smith I am truly amazed. This remarkable woman is the epitome of the word inspiration. I am proud to report to my colleagues Bette Belle has been named as California's Outstanding Older Worker for 2000 by Green Thumb, Inc.

Her story is truly one of extraordinary accomplishment. Consider that she didn't enter the workforce until she was 57 years old. Now, 22 years later she's still holding the same job as a bank vice president. As amazing as that may seem, what makes this lady so special is that she is truly the queen of volunteerism.

In fact, Bette Belle has been volunteering most of her life. She began her career as a volunteer during the Second World War with the American Red Cross. Among the organizations she is involved with since then include the Girl Scouts, Boy Scouts, California Women for Agriculture and the 4-H Sponsor Committee, the American Field Service International Scholarship Program and AFS Committee, United Way and Special Events Committee, the McHenry Museum Society and Museum Guild and the Modesto Symphony Orchestra board.

When she walks into a room, Mr. Speaker, it's nearly impossible to say no to her. Is it any wonder why The United Way of Stanislaus County named its annual volunteerism award, the ''Bette Belle Smith Community Award?'' I am proud to call this incredible woman my friend. She is tireless and a fantastic role model for us all.

I ask my colleagues in the House of Representatives to rise and join me in honoring Bette Belle Smith.

QUALITY, NOT QUANTITY; RESULTS, NOT PROCESS

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to our distinguished colleague from Seven Valleys, Pennsylvania, the Honorable WILLIAM GOODLING. BILL GOODLING has served his constituents and the nation in this body for more than a quarter century. In that time, he has proven himself a dedicated public servant, one who recognizes the importance of, as he says, quality over quantity and results over process.

That philosophy has been most apparent during his tenure as Chairman of the Education and the Workforce Committee. Over the past six years, BILL GOODLING has worked tirelessly for fair and comprehensive education and labor policy. He has advocated returning control over our children's education to parents, teachers, principals, and local school districts because BILL knows that no one is better qualified to meet their educational needs than the people who interact with them every day.

In fact, very few among us are as well suited as BILL GOODLING to championing the improvement of this nation's educational system. Prior to coming to Washington, he served his community as a teacher, principal, and coach. He even served as school superintendent, so he knows first-hand the educational needs of children.

From his development of the Even Start Program to aid parents in supporting this children's learning process and his support of the Ed Flex bill, to his push to increase the percentage of American children receiving quality education from the current 50 percent to 100 percent, we know that BILL GOODLING has recognized the need to work today to create a better tomorrow.

I know I speak for many of our colleagues when I say that BILL GOODLING's insight and experience will be missed. Thank you, BILL, for your many years of service, and good luck in your future endeavors.

TRIBUTE TO MILDRED MILLIE JEFFREY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. LEVIN. Mr. Speaker, it is with high honor and deep admiration that I share the words of President William Jefferson Clinton as he bestowed the Presidential Medal of Freedom to a national treasure from the State of Michigan, Mildred ''Millie'' Jeffrey.

As a Catholic schoolgirl, Millie Jeffrey dodged the stones of neighborhood bigots and watched Klansmen march through town with a burning cross. As a union organizer in Mississippi, she stood bravely as company men snapped bullwhips at her feet. Clearly, they didn't know whom they were up against.

She may be small in stature and humble in manner, but she is very strong. She worked for Walter Reuther and counseled the Kennedys, influencing all with her courage and unflagging commitment to social justice. To meet the need for more women in public office, she started the National Women's Political Caucus, and sparked the effort to nominate Geraldine Ferraro 16 years ago.

For countless women around the world, she remains an inspiration. Her impact will be felt for generations, and her example never forgotten.

It has been my personal privilege to work side by side with Millie Jeffrey over these years on many vital issues ranging from the world of politics including the campaign of Robert Kennedy to the world of civil rights and the rights of women. It is hard to convey through the written word Millie's enthusiasm and dogged devotion to her causes. She not only continues to ''light up'' a room, but she remains committed to action and results.

In closing, let me share a bit of Millie Jeffrey herself from an upcoming documentary film of her life, ''You never win freedom permanently. You have to win it time after time after time—whether it's union rights, civil rights, equality in education or for women in any aspect of our lives. We have to keep at it, and at it.''

TRIBUTE TO J.R. CURTIS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in memory of an exceptional man, an outstanding community leader and beloved citizen of Longview, Texas, the late J.R. Curtis, whose life was cut short at the age of 55 following a motorcycle accident on September 2 in Durango, Colorado. J.R. lived life with enthusiasm—and with a tremendous devotion to his family, his community, his friends and his faith. He leaves a remarkable legacy of professional and civic accomplishments—as well as a legacy of loving relationships with his family and many friends.

J.R. was born on August 18, 1945, to James R. Curtis, Sr., and Sarah DeRue Armstrong Curtis of Longview. He graduated from Longview High School in 1963 and graduated from Texas Christian University in Forth Worth in 1967. He also attended the American Institute of Foreign Trade in Glendale, Ariz., from 1967–68.

J.R. was a successful and popular radio broadcaster in Longview. He purchased KFRO AM/FM radio station from his father in 1986 and was the owner and manager until 1998. He also became owner of KLSQ–FM and operated KNYN in Santa Fe, N.M. He began his broadcasting career in high school, working for his father's station as sportscaster for KFRO's Wednesday night Teen Time Program. He learned all aspects of the radio business, from engineering to news and sales, at an early age.

J.R. was active in the Texas Association of Broadcasters, serving as a medium market director for TAB and as president of TAB. He was named Texas Broadcaster of the Year in 1990. He also was active at the national level, serving as a member of the National Association of Broadcasters Blitz Committee and as a director of NAB in Washington, DC, from 1996–99.

In addition to broadcasting, J.R. served as president of the Curtis Foundation, president of Workmans Oil Co., and a director of First Federal Savings Bank of Longview from 1982–1997. At the time of his death, he was employed as a consultant with Longview Economic Development Corp.

J.R. served nine years on the Longview City Council, from 1975–1984. In 1977 he became the youngest mayor in Texas when he was appointed by the council at age 33 to the city's top job. His recent community involvement included serving as president and vice president of Longview 20/20 Forum; finance chairman of Longview Museum Fine Arts, 1997; director of Longview Partnership, 1995–98; and a member of the administrative board of First United Methodist Church, 1996–98. He had a 19-year perfect attendance record in the Longview Rotary Club, where for many years he kept the membership informed of local and national news.

Other involvements included serving as president of Gregg County Housing Finance Corp., executive committee member for the East Texas Council of Governments, director of Little Cypress Utility District, director of the Longview Chamber of Commerce, foundation board member of Good Shepherd Medical Center, foundation board member of LeTourneau University, board member of Crisman Preparatory School and a volunteer for many other organizations. He was a member of the Collier Sunday School Class at First United Methodist Church and an usher at the church.

J.R. is survived by his loving wife of 33 years, Sue Skaggs Curtis; his son and daughter-in-law, Jason Skaggs Curtis and Janey of Forth Worth; his daughter, Elizabeth Ann Curtis of Longview; granddaughter, Margaret Lynn of Forth Worth; his aunt, Ruth Elizabeth Curtis Gray of Longview; mother-in-law, Fredna Skaggs of Longview; brother-in-law Bill Hodges of Longview and brother-in-law and sister-in-law, Dr. and Mrs. Richard Lucas of Longview; two nephews and a niece, and other relatives. He was preceded in death by his parents and one sister, Elizabeth DeRue Curtis Hodges.

J.R. had biked to Durango with five friends for an annual getaway vacation. He died as he had lived—with enthusiasm for life and for friendship. He will long be remembered for the significant contributions he made to his beloved city of Longview. As his wife and high school sweetheart, Sue Curtis, noted, ''He loved Longview. He believed in Longview. He was born here and went to school here and wanted to make it a better place.''

And he did. J.R.'s influence can be found everywhere in Longview—and will be felt for years to come. Mr. Speaker, as we adjourn today, let us do so in celebration of the life of this wonderful man and citizen of Longview, Texas—J.R. Curtis, whose memory will be cherished in the hearts and minds of those who knew him and loved him.

CONGRATULATIONS TO THE PEOPLE OF TAIWAN ON THE OCCASION OF THE REPUBLIC OF CHINA'S 89TH NATIONAL DAY

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mrs. CLAYTON. Mr. Speaker, on the eve of the Republic of China's 89th National Day, I ask my colleagues to join me in wishing our friends in Taiwan a most happy and enjoyable National Day.

Mr. Speaker, like many of my colleagues and me, there are countless people across this nation who applaud the economic and political accomplishments of our friends in Taiwan.

Mr. Speaker, I truly wish there were more nations in the world following Taiwan's example of unprecedented economic success and rapid democratization; Taiwan is indeed the shining model that all developing nations in the world should seek to emulate. I am certain, Mr. Speaker, that many of my colleagues, given the opportunity, would express the same sentiment.

I am pleased for this opportunity to extend every good wish to the people of Taiwan and its leaders.

TAIWAN CELEBRATES ITS BIRTHDAY

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HILL of Montana. Mr. Speaker, Taiwan will celebrate its birthday on October 10, 2000. Taiwan is a modern country led by President Chen Shui-bian, who believes that Taiwan's future lies in a strong democracy and a free enterprise system. Taiwan is an excellent model of democracy, as was demonstrated in its March presidential election. Since his inauguration as president on May 20, President Chen has convincingly demonstrated his leadership. Economically, in addition to its well-known industrial prowess, in recent years Taiwan leads most Asian nations in its production of computers, chips and telecommunications equipment.

Taiwan is Montana's 5th largest trade partner, purchasing millions of dollars of Montana exports of agricultural products, chemicals and machinery. I want to thank our friends in Taiwan for their continued importation of Montana goods.

Taiwan's citizens enjoy one of the highest living standards in the world. On the occasion

of Republic of China's National Day, it is important to remember that Taiwan has a strong relationship with the United States and we hope that this relationship will continue to flourish in the years to come. Happy birthday Taiwan.

IN MEMORIAL OF THOMAS J. LASSITER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. ETHERIDGE. Mr. Speaker, today I celebrate the life and memory of Mr. Thomas J. Lassiter of Smithfield, NC. Mr. Lassiter was a talented and influential journalist, a respected community figure, and a dedicated family man. As a journalist and editor of the Smithfield herald, Mr. Lassiter was widely known for his bold and careful thought and for taking sometimes umpopular, yet morally correct positions on issues of the day. History has proven that Thomas Lassiter was truly a man before his time.

Thomas James Lassiter, Jr. was born on August 21, 1911, to Thomas and Rena Lassiter, and graduated from Duke University in 1932. After taking a year to play jazz trombone with the Jelly Leftwich orchestra, Mr. Lassiter returned to Smithfield to join his mother at the herald, where she was serving as editor. He remained at the paper for not quite half a century until his retirement in 1980. During the 1940's, 50's, and 60's. Lassiter gained fame for his strong editorials on racial justice and his opinions on local and international issues. He also served as president of the North Carolina Press Association in 1951–52, and in 1982 was elected to the North Carolina Journalism Hall of Fame. Mr. Lassiter also taught journalism at the University of North Carolina from 1948 to 1953.

By virtue of the words he wrote in the Smithfield herald, Mr. Lassiter was already a public figure, but he also was motivated to serve his community through action. Over the years, he served as chairman or president of the Smithfield Library Board of Trustees, the Smithfield Chamber of Commerce, the local chapter of the North Carolina Symphony Society, and the Smithfield Kiwanis Club. He was also a leader at Smithfield First Baptist Church, as superintendent of Sunday school and church history. Mr. Lassiter was also committed to his family. Together he and Elizabeth, his wife of 61 years, raised two children who gave him four grandchildren, and two great grandchildren.

Mr Speaker, before I close I want to read a quote form one of Mr. Lassiter's editorials. I believe it summarizes the greatness and vision of his work and gives us an idea of the intellect Mr. Lassiter possessed. This excerpt taken from an article titled ''A Regrettable Rift'' was written after some African American citizens were denied the right to register to vote in the 1945 Smithfield primary election.

All the Negroes who presented themselves for registration—more than 75 of them—were turned down, while only two whites were denied the privilege of getting their names in the book.

Racial discrimination is on the way out in America and the sooner the people generally recognizing that fact the better it will be for whites as well as Negroes. Racial discrimination is on the way out because it is fundamentally wrong. It is contrary to the very heart of the teachings of Jesus Christ. It is contrary to the highest concept of democracy. It is specially forbidden by the Constitution of the United States.

Negroes pay taxes; they are subject to the same laws that govern whites; they are drafted into the armed forces; they shed their blood on the battlefields alongside of white soldiers. If they are asked to spill their blood for democracy, can we honorably deny them the right to share in the democracy for which they fight?

How long will the Negroes refrain from militancy or belligerency in their struggle for basic rights? That depends upon how soon the majority race frees itself from deep-rooted prejudices and refrains from denying Negroes fundamental democratic privileges which are guaranteed them by the highest law in the land.

Twenty years before the Voting Rights Act, the extraordinary editorial was bold, visionary and courageous. Mr. Speaker, Thomas J. Lassiter left us a legacy of words and actions that inspire us to improve our society, serve our local community, and uphold the honor of our families. I am honored to share his story and celebrate his legacy with this House today.

IN MEMORY OF BETTY BANKS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. HALL. Mr. Speaker, I rise today in memory of a beloved citizen of the Fourth Congressional District and a dear friend, the later Betty Jean Henderson Banks of Ivanhoe, Texas, who passed away earlier this year. Betty was a wonderful woman whose kindness and dedication to her family, friends and community will be long remembered.

Born in Louisiana to the late Lafayette Victor Henderson and Ida Butler Starke Henderson, Betty married James Walter Banks in 1938 in Bonham, Texas. Throughout her years in Bonham, Betty raised a family and worked tirelessly on behalf of her community. Betty was known by many of her work at the Sam Rayburn Memorial Veterans Center in Bonham, where she worked in food service. She also was known throughout Bonham for her volunteer efforts on numerous causes, for making uniforms for the Missionettes (Girls Club) to helping find and fight for a liver transplant for a baby in need. Betty was an integral part of a women's prayer group that met monthly for a prayer breakfast at the First National Bank in Bonham, and she was a member of the First Pentecostal Church of God in Bonham.

In the local paper, this was written about Betty by Mrs. Paul Keahey: ''Over the years she stood up for truth and honesty at all levels of society and government and what she believed to be right.'' These sentiments were echoed by her many friends and fellow citizens who knew her and loved her.

Betty is survived by her son and daughter-in-law, James V. ''Butch'' Banks and Carol of Baytown; two daughters and sons-in-law, Kathy and Mike Stockton of Ravenna and Becky and Victor Santiago of West Haven, Conn.; and a brother, Robert H. Henderson of Colville, Wash.. She is also survived by seven grandchildren and three great-grandchildren. She was preceded in death by her loving husband, James Walter Banks, who passed away in 1996; a granddaughter, Amanda Stockton; brother, L. Victor Henderson, and a sister, Yvonne Henderson.

Betty was an honest and loyal friend to many and a role model in her community. We will miss her—but her legacy will live on in the lives of all those whom she touched with her generosity and kindness. Mr. Speaker, as we adjourn today, may we do so in memory of this beloved citizen of Fannin County, Betty Banks.

DR. JAMES BILLINGTON, LIBRARIAN OF CONGRESS, HONORED FOR BICENTENNIAL AND LOCAL LEGACIES PROGRAM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to Dr. James H. Billington, the Librarian of Congress, and to thank him for the fine job that he and the staff of the Library have done with the Local Legacies program, which has served as the focal point of this year's bicentennial celebration for the Library.

As the members may be aware, the Library of Congress, the nation's oldest federal cultural institution, was established by an act of Congress in 1800, when President John Adams signed a bill transferring the seat of government from Philadelphia to the new capital city of Washington. In addition to the Local Legacies program, which is the focus of my remarks today, the bicentennial of this great institution has been observed with ceremonies, exhibitions, the issuance of a commemorative stamp and coins, as well as the launch of a new, easy-to-use and entertaining Web site, americaslibrary.gov.

In light of Dr. Billington's accomplishments and the tremendous success of the Local Legacies project, I would like to point out his ties to the Keystone State and to Northeastern Pennsylvania in particular. He is a native of Pennsylvania and holds an honorary degree from the University of Scranton. He has made great stride toward his goal of making the Library truly the ''people's library,'' and the Local Legacies project is an excellent example of this.

Last year, each Member of Congress was asked to submit audio, visual, or textual documentation for at least one significant cultural heritage that has been important to his or her district or state to serve as a record for future generations, who might otherwise have lost this important knowledge forever. This documentation is now permanently housed in the collections of the Library's American Folklife Center. In May, Members of Congress and Local Legacies project participants from across the country came together in the Great Hall of the Thomas Jefferson building to celebrate the completion of this magnificent collection of historical material.

I was pleased to register several important cornerstones of community life in my district for posterity as Local Legacies: the Hazleton

Funfest, the Bloomsburg Fair, the West End Fair, the Wyoming Commemorative Association, the Anthracite Heritage Parade, the Pittston Tomato Festival and the Saint Mary's Annual Homecoming Picnic in Mocanaqua.

Led by Father Thomas Skotek, the pastor of Saint Mary's, Our Lady of Perpetual Help Church, the Mocanaqua community sent the largest delegation of anywhere in the country—more than 80 people—to Washington for the Local Legacies completion ceremony. I was pleased to introduce them to Dr. Billington at the ceremony.

Mr. Speaker, the visit of the Mocanaqua delegation for the Local Legacies celebration was a particularly special occasion for Frank Evina, a native of Mocanaqua and 30-year employee of the Library of Congress, whose accomplishments are noteworthy in their own right. Mr. Evina was co-coordinator of the Local Legacies project and has helped organize numerous exhibits at the Library, including The Thomas Jefferson Building: Book Palace of the America People,'' an exhibition marking the centennial of the opening of the Jefferson Building, and ''The Wizard of Oz: An American Fairy Tale,'' an exhibition marking this year's 100th anniversary of one of America's most beloved stories, The Wonderful Wizard of Oz.

The Library is holding a gala celebration tonight as part of the year-long observation of its bicentennial. I send my congratulations to Dr. Billington, Mr. Evina and the staff of the Library of Congress for their tremendous work on the Local Legacies project and all of the bicentennial commemorations, and I also send my best wishes to the people of Saint Mary's and Mocanaqua for the continued success of the Homecoming Picnic.

FIGURE SKATING: A GLIMPSE OF FREEDOM

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. MANZULLO. Mr. Speaker, Janet Lynn fascinated the nation several years ago, when, as a 14-year-old figure skater, she participated in the 1968 Olympics. Four years later, she won a Bronze Medal. Her faith and perseverance captured the Nation. She spoke during the Independence Day celebration in her home town of Rockford, IL, where the people named the ice arena after her. Her remarks on family, faith, and freedom are so compelling that I want her testimony to affect other Americans.

I would like to submit the following remarks into the CONGRESSIONAL RECORD.

FIGURE SKATING; A GLIMPSE OF FREEDOM

(By Janet Lynn)

I am honored to be asked to speak with you. What a privilege that the City of Rockford remembers me with such respect. I realized recently that the honor I feel is even stronger because I have been at home as a wife and mother longer than I was a skater. The fact that I am still remembered, yet alone having an ice rink named after me, is very humbling. I will try to reflect what is in my heart and tell you what it means to me.

Speaking is not my favorite past time and preparing to speak is more difficult for me than you can imagine. You may not know this, but my parents introduced me to skating hoping it would help cure my extreme shyness and timidity around people. But I liked to skate because I could express myself without talking to anyone! Somehow I think the joke was on me when I find myself invited to speak.

I grew up in Rockford from the age of 8. My memories of growing up here include my time at home, at the Wagon Wheel, at church and school, and my many opportunities to travel. It is here that foundations were built into my life. Skating was such an incredible vehicle to learn about many areas of life. I would like to share with you what I learned from the foundations of my skating, and relate them to the foundations of our nation; specifically, family, faith and freedom.

Since this is the eve of our country's birthday in a new millenium, I thought this would be entirely appropriate. The ability to live in a free and civilized nation has become a great passion for me. Over the years, even the many years that I have been raising my family, I have given deep thought to our freedom; where it comes from and why it is important. The skills and priorities I have developed from my job as wife, mother of 5 sons, and homemaker have strengthened my belief in the power and importance of strong foundations. The foundations historically provided by family and faith were the inspiration for our nation's beginning. I strongly believe that in order to continue to enjoy freedom in a civilized nation, we must rebuild our foundations.

God has placed in each and every human spirit the desire to be free. I think that skating is a very powerful metaphor of that hope of freedom.

It is my belief that one of the things that makes skating so very popular is that it looks so free. The people who skate well seem to fly. There is great exhileration in watching skaters fly across the ice and then into the air with such beauty and grace! It touches something deep in the soul of many who watch.

I can tell you that when I was skating well, it did indeed seem like I was soaring; and I felt very free to attempt anything I wanted to on the ice. It was so much fun to let God and beautiful music inspire my spirit on the ice, to the point that I could express what in my soul, without talking. That freedom that I had to skate was built upon foundations.

I not only learned about freedom from learning to be free on the ice, but also from my experience of visiting nations that were not free.

Perhaps my travels when I was young have given me a perspective of which many are unaware. I had the rare opportunity to visit nations that were not free at the time and to experience in a small way the oppression and fear of expression so many wonderful people had to live under. I have seen people so afraid of being caught socializing with people from other nations that they hid in a closet. I was sobered when suspicions were confirmed that some ''officials'' who closely monitored and traveled with my skating peers from unfree nations were actually secret police.

On one occasion in an unfree nation we were assigned an interpreter for our entire stay with whom I innocently spoke to about God. He must have been immediately reassigned because we never saw him again. I didn't realize how serious that kind of conversation was in unfree nations.

I have vivid memories of being a young lady who saw the Stars and Stripes with an emotional and grateful heart upon returning to the United States. I had a new awareness of what that flag meant and what it has meant to many millions who have sought the privilege to live under its freedom and protection. I remember wanting to kiss the ground of my country, the most free country on the face of the earth.

Even at a young age I knew there was an important difference between what I experienced in nations that were not free, and the freedom I knew in our great nation. I have thought long and hard to determine what the difference is between freedom and a lack of freedom and I believe the difference is found in the substance of foundations.

I learned about foundations from my skating. My brilliant coach, Miss Kohout, as I respectfully called her, constantly emphasized the foundational skills of my skating. How I executed a single jump was as important as how I executed a double or triple. I once had a three hour lesson on just one simple turn. Our challenging weekly Saturday night workout sessions mostly emphasized the foundations of skating. Plain stroking to music, as our muscles burned, was something I think we all dreaded. As Miss Kohout's students, we were especially challenged the day we had to stroke to music in rental hockey skates on very bad and chewed up ice. In the face of these challenges, our skills had to be strong and the technique proper. If the simple skills were not perfected, the advanced skills would become difficult, if not impossible and certainly much more dangerous.

As with the techniques and skills of skating, I learned that in order to have civilized freedom, our country must remain on its solid foundations. In skating, mastering those foundations required 4–10 hours a day, six days a week, of training, teaching and practicing. The discipline of school figures was an essential part of my training. Only when the foundational skills were mastered did I have the freedom to use those skills to express myself without fear of getting hurt. The training in those foundations of my skating continued for all the years that I skated. If I started having trouble with a jump, spin, turn, or edge, it could always be traced back to the loss or incorrect execution of foundational skills.

For 17 years I did not skate at all while I have tried to build and raise my family. When I began to skate again for physical fitness purposes, it became immediately clear that I had lost most of my freedom to express myself on the ice without fear of getting hurt. The foundations of my freedom on the ice were still somewhere in my memory, but I had to start reteaching myself and fighting with my body, which did not want to do those foundational skills in a way that gave me the freedom I once had. I could no longer enjoy the fun part of flying across the ice and doing jumps, spins, and footwork. To regain that freedom, I need to pay the price of rebuilding the foundations on the ice. When those foundations become second nature and I have the self-government of each muscle, then I will have earned the freedom to express myself without fear of getting hurt.

With all my heart I believe that these thoughts about my skating are a metaphor to what is happening in our nation. Our nation's freedom cost a great price. It was built upon certain foundations including the natural family and personal faith in the God Almighty. Today we have altered, or ignored, or perhaps forgotten the foundations of our nation's freedom, and I believe we are in great danger of losing our freedom to express ourselves without fear, as I have lost my freedom to skate.

There is a price to relearn the foundations of our freedom. But we can do it—and we must! I am concerned about the direction of our country. What kind of nation will my children, and yours, inherit? A lack of self control is omnipresent. Our culture seems to exist to satisfy the senses, and we have forgotten or deadened our souls. It is true that

if we are not governed from within ourselves, that we will have to be controlled with excessive regulation or restrictions and force. If we relearn our self-government, there will be no need for excessive restrictions.

Peter Marshall put it best: ''James Madison, chief architect of the Constitution of the United States, once explained the nature of the American Republic in these words: 'We have staked the whole of all our political institutions upon the capacity of mankind for self-government, upon the capacity of each and all of us to govern ourselves, to control ourselves, to sustain ourselves according to the Ten Commandments of God'.'' (This quote comes from ''The Glory of America'' by Peter Marshall and David Manuel.)

I do not want the next generation to inherit a nation where children are killing children as we have seen this past year in shock and horror, and where mothers and fathers are neglecting, abandoning or killing their own children. I want my children to inherit a nation that is relearning and applying the foundations of self-government, civility, and freedom. This work is hard, especially because parents have a hard time finding healthy opportunities for their children's growth that are not influenced by our degrading culture. That is why it is so important to make available in Rockford wholesome activities like ice skating which preserve the innocence of childhood.

I agree with William Bennett [as quoted in the Washington Times on October 12, 1999] as he spoke about ''The Leading Cultural Indicators''. He said, ''the last 3½ decades . . . have 'fractured' many of the pillars American civilization stands on, and the nation remains 'more violent and vulgar, coarse and cynical, rude and remorseless, deviant and depressed,' than the one we once inhabited''. He went on to say, ''America's 'capacity for self-renewal is rare and real. We have relied on it in the

The foundations of my skating were supported by the foundations of our free nation. This profoundly impacted my ability to learn to skate and share my skill with others. In the United States of America I was free to express on the ice, without fear, what God put in my soul. The foundations of our free nation are within reach of every person in this land. They include family, faith and the great gift of living in a free country.

The important foundation of my family was essential as my skating developed and started to grow beyond anyone's expectations. I mentioned earlier that there is a price to learning and sustaining foundations. In my case my family often found themselves sacrificing for my success. They always did so with great grace, love and encouragement to me. It is hard to adequately express my thoughts and gratitude for the big and little things they did. I could not have accomplished what I did in skating without my father and mother, my brothers and sister, and my grandpa. They, all of them, gave me an honorable place to belong and a strong assurance that I was loved whether I won or lost (my worth did not come from skating). They taught me how to laugh at myself and they let me know I was a part of my natural family no matter what part of the world I was in, or how many hours I spent training. They gave me a perspective on life that went far beyond what I did on the ice. They are part of the reason that I know that what I have been doing as a homemaker is the most important job in the world.

The natural family is committed to one another and draws lessons, knowledge, love and a place of belonging from one another. It is a part of the foundation of our freedom. We need mothers who are devoted to their children and who are willing to spend quantity time loving and teaching them right and wrong. They must be willing to forgo immediate personal fulfillment for long term family rewards. We need faithful fathers who work with all their might to take moral responsibility for their families and provide for them. Fathers and mothers need to grow in the ability to give strong, loving guidance. We need parents who are willing to make their children and homes a priority each day, providing them with security and safety; protecting the innocence of childhood.

Though material wealth may have to be sacrificed, the wealth of spirit can hold the family foundation steady. Taking the time to learn, and then to teach our children the morals and virtues that sustain freedom only costs our time, effort, and a healthy balance of love and discipline. These foundations of our freedom are available to anyone.

Faith, which is available to everyone, was another deep foundation of my skating. Even now, as I look back on my skating, it is continually apparent to me—even more than when I skated—that God had a plan for me to skate. I made that statement in an interview as a shy 14 year old girl right after I made the Olympic Team in 1968. The next day the headlines in the Rockford paper read something like: ''God has plan for Janet to Skate''. I have wondered if that sincere statement would make a headline today?

I did not choose the circumstances that surrounded my ability to skate. Nor did I choose my ability, nor the love that I developed for skating. It had to be a Providential plan.

My skating gave me so many incredible, enriching opportunities and joyful experiences for which I am deeply thankful. But in life, the bitter often comes with the sweet. There were hard parts: getting up early every day, being so cold so often, having muscles aches and being away from family. It was difficult to have motion sickness since age 8 and to travel very uncomfortably. I had an obstacle to overcome when I had strep throat during the 1968 Olympics and was not able to take medicine because of the drug testing, but I was determined to be in the Olympics. I ended up very sick and delerious with fever after the Olympics. It was hard skating on intense exhibition tours with what was thought to be severe bronchitis, though I wanted so much to skate and was not about to go home. The emotional lows that corresponded to the extreme emotional highs were a part of training and competition. I didn't enjoy developing exercise-induced asthma at the height of my career after suffering from strep throat, pneumonia and pleurisy. I felt crushed when I realized that the medical treatment for my exercise-induced asthma caused more of a negative reaction from my body than the condition itself. When I had come home from Ice Follies to get my condition fixed so I could skate, I had no idea my body would not respond as I wanted. One of my favorite posters says: ''When life gives you lemons, make lemonade.''

Through the joys and difficulties, Jesus Christ has been my stability. He has a plan for my life and it certainly included skating. The faith that my family introduced me to through regular church attendance has been what ultimately enabled me to focus on the good and persevere through the unpleasant things. My faith in Christ, knowing that the loving God can take even broken dreams and make something beautiful in His time, has been the hope of my life. This faith was a foundation of my skating.

Let me tell you a story. A few weeks before I competed in the 1972 Olympics, I appeared on the cover of Newsweek Magazine as a Gold medal hopeful. My life to this point, including all the effort and sacrifice of my family and coach, as well as my personal dreams and ambitions for self, country and God, were wrapped up in this competition. I was devastated when I found myself in 4th place after the school figures with no possibility to win the gold medal. That day I argued with God as I lay weeping in my Olympic village apartment.

Somehow, through my broken dreams, a thought came into my mind, that if I couldn't win, then all I could do was to finish the competition and decide to dedicate my free-skating to show God's love to all who watched. A medal no longer mattered. Somehow, God heard my cries and answered a girl's prayers in ways I could not have imagined.

I fell on a flying sit spin, which I had never missed before, even in practice. Because of the way I had been trained, and the purpose that was in my heart, I was still smiling when I was sitting on the ice. That performance did earn me the bronze medal, but even more, that night I began an incredible relationship with the nation of Japan that has lasted 27 years. I was able to go back to Japan to talk about my faith soon after the Olympics. ''How could I keep smiling when I fell in the Olympics?'', is a question that has always been asked of me in Japan. Fifteen years after I spoke in Japan of my faith, I went back to Japan to skate. A young woman approached me and gave me a note. In the note she told me that when I had spoken of my faith 15 years earlier, she had wanted to take her own life. After hearing about the hope in Christ that I had when I fell in the Olympics, she decided to take that hope for her own and continue her life. That reward is one that is eternal; a reward that was given

One of the foundations of our free nation is faith in this Almighty God, Who is bigger than ourselves, or any situation. He is the One Who put the yearning for freedom into the human spirit, and it is He Who directs us towards the loving path of discipline and self-control—or self-government—that allows us to live in that freedom.

I had the gift of being born a free citizen in the United States of America. My success in skating was built upon the foundational element of being born in this country. I didn't have to flee my country to gain freedom of artistic expression, as some had to do during the era in which I skated. I didn't have to fear because I spoke to God.

I had the opportunity to visit some nations which did not allow their people to believe in God or to express that publicly. As a young lady I was amazed, and even depressed, when I was taken on tours of old and beautiful churches which were empty, unused, and explained a way as only great architectural works. God had been shut out, unwelcome; even unspeakable. I was even more depressed when we were taken on an Easter Sunday tour of a place where a bloody revolution had been started. One of the results of that revolution was the expulsion of God from a people rich in heart.

Because of that perspective, it disturbs me greatly to see instances in our nation become more and more frequent where people try to exclude God or create fear of talking about God in public. He has blessed this nation so richly. Why would anyone want to shut Him out? It is upon the principles of this God that this nation's foundation rests.

One of those principles of God is charity. I believe perhaps our nation has been the most charitable nation in the history of the world, and I believe that is because of our foundation of faith and freedom. We have been able to choose how we will earn a living with honor and honesty. And we have been able to freely choose, according to our conscience, how to spend what we earn.

I was not beholden to a government or its ideals that provided my training. My family did not believe that freedom was having everything provided. We all worked very hard and my family was very frugal. But at a point in my skating when I was going to have to quit, the charity of Mr. Walter Williamson as the sponsor of my skating allowed me to continue working to become the best I could be. This kind of charity one can never repay, nor did Mr. Williamson ever expect me to repay his charity to me, though I can pass on what I learned from it. He never exploited me or my name nor did he keep me beholden to him. His charity remained a quiet, unassuming foundation of my ability to learn to be free in my skating.

In this great nation, hard work and charity have been the often unnamed foundation that has helped develop hopes and dreams.

The freedom of our nation allowed my parents to choose a coach who valued discipline and hard work. And Miss Kohout, with incredible charity, freely chose to stop sending bills for lessons as my skating started to blossom.

By God's grace I was the benefactor of the free and charitable spirit of my coach and sponsor. Besides the generosity of Mr. Williamson and Miss Kohout, there was a man and wife, who we had never met, who freely offered to pay for my skates. And some generous people in New York helped me with costumes, as well as street clothes and hair cuts, in order to present myself properly. Professional secretaries freely gave of their time and energy to help with my mail when it became too overwhelming, and my mom tells of her friends and neighbors who would each take a part of my costumes to bead. Friends, family and neighbors often traveled to my competitions for quiet moral support. My ballet teacher, Helen Olson, patiently worked with me for many years, though I had no flexibility and had no promise of dancing. There was a woman from Rockford who donated cowboy hats to go with my choreography to the music of Rodeo. An American soldier on leave in Davos, Switzerland volunteered to shovel snow from the ice a few hours a day so I could practice school figures while training for a World Championship, though the snow did not stop for three weeks. The stories of help and charity are endless—all made possible by freedom.

The freedom to give and receive and to work hard and have the choice of how to use what we earn through our hard work—this freedom, based on self-control and self-government, was a foundation of my skating. Without this freedom and charitable spirit I would not have had the opportunity to develop my skating talent for God and for all those that took part. Ultimately it was God Who gave me this freedom. It was His plan for my life.

Family, faith and freedom—The three deep foundations that supported my skating. The foundational skills of skating allowed me to gain freedom to express the joy God put in my soul. And my desire to express God's love on the ice changed the destiny of one young woman in Japan. God's power and love is all about changed lives, and nations that are renewed, free and civilized.

The foundations of these United States of America have, and can again allow the greatest nation on earth to continue to express what God has put into our national soul and spread that freedom for others to enjoy.

As I learn again the foundations of my skating. I hope you will join me in learning again the foundations of family, faith, and freedom, starting in our own minds, hearts and homes. I want all of our children to inherit a nation where God is not shut out, a strong nation that is free and civilized. I hope we can rise above the desire to just do things that appeal to our senses, and rebuild a nation that fulfills the yearning of the soul.

May God grant us the will to do so.

To end, I would like to dedicate the ice arena that will carry my name, to all those who have sacrificed so I could learn to be free on the ice; to all those who have sacrificed so our nation can be free, and to God Who has given us the foundations in the Ten commandments and teaches us how to be free without fear of getting hurt. It is these unsung heros who deserve the honor, and God Who deserves the glory.

Thank you for your kind attention as I have tried to share what the honor you have given me means to me.

IN HONOR OF MR. JOE A. GUERRA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. BONILLA. Mr. Speaker, I would like to take this opportunity to recognize Mr. Joe A. Guerra for his excellence in public service. Mr. Guerra currently serves as the dean of the Laredo City Council and is mayor pro-tempore. Mr. Guerra has been a member of the Laredo City Council for 18 years with his last, and final term ending in 2002. He has served under four distinct administrations, J. C. Martin, Aldo Tatangelo, Saul N. Ramirez, and Elizabeth G. Flores. A true representative of the people, Mr. Guerra was instrumental in the inception of Laredo's citywide paving program, and is a strong supporter for the disadvantaged and elderly.

Jose Antonio Guerra was born on July 9, 1934 in Laredo, TX, to Jose M. and Josefina Valls Guerra. His lineage traces all the way back to the first Guerra who came to the New World from Montana de Castilla, Spain, Jose Guerra Canamar. He is the oldest of nine children, carrying on the legacy of the Guerra family raising and educating eight children, and enjoying the blessing of six grandchildren with his wife of 39 years, Josie Guerra. Joe attended local schools and graduated from Martin High School in 1953, following high school he received his Bachelor of Science degree from Saint Mary's University in San Antonio, TX, in 1957.

Following his college experience, Mr. Guerra returned to Laredo to join his family in the automotive replacement part business. Since 1969, he has been involved in the commercial oil and gas business, and is the owner/operator of a local service station. Not only is he involved in the city council and the local business community, he is also a member of the City/County Government Consolidation Committee which was created to study and establish a metropolitan government, the City of Laredo Water Issues Committee, and the Ad Hoc Insurance Committee.

A member of the Republican Party since 1964, Mr. Guerra attributes his success to the party's ideals and values. He served as Webb County Chairman to the campaign for Governor William P. Clements. He served on the committee working to promote George Bush for President in 1988, and 1992. He also worked diligently to ensure my election as Representative of the 23rd District of Texas. Currently he is working hard for the George W. Bush for President campaign efforts.

Mr. Guerra was asked to lead the ''Pledge of Allegiance'' at the fourth session of the 2000 Republican National Convention in Philadelphia, which he proudly accepted with honor and dignity.

Mr. Guerra has made great contributions to society as a public servant. His commitment and dedication to his community are evident in the dynamic growth and development the city of Laredo has recently experienced. I want to send sincere thanks and best wishes to him, his wife Josie and the entire family for exceptional service.

SPEECH OF DEPUTY SECRETARY OF DEFENSE, RUDY DE LEON

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mrs. TAUSCHER. Mr. Speaker, I wish to submit into the record a speech by Deputy Secretary of Defense Rudy de Leon. This speech takes a look at the state of America's military, its accomplishments over the last decade, its challenges in recruiting and retaining the best people, and the realities we face in building the next generation of our fighting force.

Perhaps most importantly, Secretary de Leon does a superb job of illustrating the success that can come from Congress and the Administration working together. In the areas of defense and foreign policy, we must never divert from our traditional approach: that politics must stop at the water's edge.

Mr. Speaker, I hope that we will never deviate from that wisdom. Over the last eight years, the President and the Congress have come together in the area of defense policy, and the results have been stupendous. I know from my own experiences on the Armed Services Committee how valuable a bipartisan approach is, and I thank Secretary de Leon for articulating the concepts so well.

REMARKS BY DEPUTY SECRETARY OF DEFENSE RUDY DE LEON, DEFENSE ORIENTATION CONFERENCE ASSOCIATION

OCTOBER 4, 2000

Donald Bickle [DOCA President], John Olsen [DOCA Vice President], thank you both for the opportunity to join you today, for your leadership of this outstanding organization and for your service to this nation. John was in the Air Force and Donald was in the Navy during both the Second World War and Korea. We are grateful to you both. Members of the Board, members of DOCA and spouses, ladies and gentlemen.

First, allow me to begin with two simple words to every one of you. Thank you. Most of you will recall a time not so long ago when virtually every American had a family member or a friend in uniform and when what Tom Brokaw calls the Greatest Generation shared the lessons of their lives with the generations that followed.

Today, in an era when the military is smaller and less visible in our society, you—the members of that Greatest Generation—have been a bridge like no other. As informed observers with experience and insights into the military, and as respected and powerful voices within your communities, you have been in a unique position to help the nation understand the sacrifices and needs of our sons and daughters in uniform. And that is why I wanted to speak to you today.

I thought I might begin this morning by painting two pictures, pulled directly from recent headlines and world events, that capture a fundamental truth of our time.

The first picture is of the Former Republic of Yugoslavia. It is a picture of an entire people standing up and speaking out, of workers putting down their tools and walking out of their factories, of truckers and taxi drivers blockading roads, and of tens of thousands of average citizens taking to the streets to demand that their votes be counted and that the dictator who brought such misery and death to an entire region be ousted. And as this drama unfolds, the world hopes that a long, bloody chapter in the history of Europe might perhaps be coming to an end.

The second picture is from a world away on the Korean Peninsula. It is a picture of the leaders of North and South meeting for the first time and of a historic ceremony to cut through the DMZ—the world's most fortified border—with a reopened railway and a historic highway along which trade will travel. It is a picture of families reuniting in tearful embraces after a half-century of separation and of North and South Korean athletes marching into the Olympic stadium in Sydney under a common flag for the first time. And as this drama unfolds, the world hopes that a long, sad chapter of division in Asia might perhaps be coming to an end.

As different as these two pictures are, as distinct as the histories that have propelled these two nations to this epic moment, they share a common thread. Both would have been impossible without the presence, the persistence, and the determination of the United States Armed Forces

So there's no more fitting time than now to consider how we reached this moment and to consider the great questions that will continue to face our nation in the future. What should our role be in the 21st Century? Is America's military ready? And how can we ensure that our forces can meet the immediate crises of today while at the same time, modernizing to meet the emerging threats of tomorrow?

These are valid and profound questions for our nation. They demand thoughtful and honest answers. When it comes to America's Armed Forces, we need a candid and comprehensive portrait of the state of our military. And that is what I want to discuss with you this afternoon.

Military readiness is a function of many factors, including the overall level of defense spending; the quality and quantity of those we recruit and retain; the capabilities of their equipment; and, finally, their ability to fulfill the missions we ask of them. To understand each of these is to understand the state of America's military at the dawn of the 21st Century.

First, there is the spending this nation devotes to our men and women in uniform. I think if we look over our shoulders at the past decade, we see that there have been several great revolutions that have had a tremendous impact on our country and the world at large.

There is the revolution in global affairs, most notably the collapse of the Soviet Union. With all the benefits of the Cold War's end came the burdens of being the world's sole superpower. As General [Hugh] Shelton [Chairman, Joint Chiefs of Staff] outlined to you this morning, soon we had fewer military personnel facing more missions, combining to levy unprecedented demands on our military men and women.

Then there is the revolution in technology with its daily digital leaps that are transforming everything from how we communicate, to how we learn, to how we understand our universe. As Secretary [of Defense William] Cohen has said, information can indeed be the great equalizer, placing enormous power in the hands of the common citizen or consumer. At the same time, information can also be the great destabilizer, placing enormous and deadly power in the hands of those who wish us harm. And so we now also face the prospect of hackers launching daily assaults on our defense systems and our critical infrastructure.

At the same time, there has been a revolution in demographics. Those born between 1965 and 1979—the so-called ''Generation X''—comprise one of the smallest groups of 18–22 year olds, and, therefore, the smallest pool of potential recruits, since we started the All Volunteer Force in the 1970s. While the next wave—so-called ''Generation Y''—is considerably larger, it won't start having a major impact on recruiting until at least 2003.

And then there is the revolution in our domestic financial affairs. We have balanced the budget and have eliminated deficits as a drain on our national security. Contrary to conventional wisdom, the decline in military spending did not start with the end of the Cold War. Rather, it started several years before with efforts to reduce the deficit—specifically the Gramm-Rudman Deficit Reduction Act—in the late 1980s.

Ten years ago when I was staff director of the House Armed Service Committee, and eight years ago when I entered the Pentagon, the overwhelming reality was the enormous budget deficit that hung over our heads. Few dared even think about real growth in spending or investment.

Today, we have achieved a sea-change in our financial affairs. Because of hard economic decisions and deficit reduction, and because of the roaring economy, these decisions helped to unleash, those record deficits have now turned into record surpluses.

That surplus has now allowed us to do something many through unlikely, if not impossible, even only a few years ago. With the President and Secretary of Defense working with the Congress, we are now making new investments in our military men and women totaling some $180 billion in just the last two years—the largest sustained increase in defense spending in fifteen years.

Consider the second measure by which to measure readiness—the quality and quantity of those we recruit and retain. The dynamic economy is pulling away many potential recruits and many of our highly skilled people. So we faced the twin challenges of too many people leaving the force and too few people entering the force.

That's why a significant part of that $180 billion increase in defense spending is going toward dramatic improvements in quality of life. With respect to pay, all our men and women have now received the largest pay raise since the early 1980s. Others with special skills and many in their mid-careers have received additional raises and bonuses on top of that, some as much as 5 percent more.

With respect to benefits, we have made dramatic changes. We have fixed and improved military retirement, restoring benefits so our people can once again retire with 50 percent of their pay after 20 years of service and have a powerful incentive to stay in the force longer.

With respect to housing, we're making progress as well. I know that some of you visited Travis Air Force Base in August, where you saw substandard housing in an area where the basic housing allowance we provide our forces sometimes isn't enough to match the high cost of living. Well, we've modified the allowance to better reflect the actual cost of off-base housing. And now we're making a truly historic change. This year, we are going to reduce from 19 percent to 15 percent what many of our people pay out of pocket for off-base housing. Within five years, we plan to eliminate those expenses entirely and we're going to devote $3 billion to do it.

With respect to health care, we have made, and will continue to make, improvements in an area that consistently ranks among the top concerns of our forces and their families. I know that in March some of you visited Fort Sam Houston in Texas, home to the U.S. Army Medical Command. Our TRICARE health system is now fully operational in the continental United

But just like the nation as a whole, we're grappling with sky-rocketing health care costs and a growing population of older Americans—our retired veterans. So Congress is about to pass—with the Administration's support—an expansion of a pharmacy benefit so that our military retirees can afford the cost of their prescription drugs. Health care will continue to be a hard issue, but we will continue to work hard with Congress in keep faith with our retired veterans who served their country so nobly. And Secretary Cohen and particularly General Shelton, continue to work with Congress in this area.

In many ways our force is only as strong as the families behind it. And because so many of our personnel are also parents, we've also devoted tremendous time and attention to ensuring strong military families. As a result, our schools recently led the nation in a national survey on writing, with our overseas schools coming in second to only one state, and our stateside schools coming in year. In recent years, students in our schools have scored well above the national average at all grade levels and in all subjects.

At the same time, by adding $190 million to child care programs over the past six years, we now have a child care system that has been described by many, including the New York Times, as ''a model for the nation.''

Thanks to all these efforts to improve quality life, we're now witnessing some important improvements in retention. However, it's not only the fundamental rewards that keep our people in uniform, it's the personal reward of doing the job they were trained to do. In fact, those soldiers serving in places like the Balkans have some of the highest re-enlistment rates in our armed forces. The services have already worked to relieve the stress of current operations. In the future, our challenge will be to ensure that the stress on our forces and their families doesn't turn that motivation to serve into a motivation to leave.

We want our forces to stay because they by almost every measure, the quality of our men and women is higher than it's ever been. With more of the force staying in the service for longer than 10 years, they are more experienced than ever. With more high school diplomas and more advanced degrees to their name, they are more educated than ever. So while very real challenges remain in keeping quality people, America needs to know what General Shelton told the U.S. Senate last week and perhaps again to you today. He said, ''In my 37 years in uniform, I have never been around better soldiers, sailors, airmen and marines.''

Our efforts to improve quality of life have also improved recruiting. In addition to the demographic revolution and lure of the private sector I mentioned, the causes [of our recruiting challenge] are many. They include the ever-increasing value of a college education and the ever-increasing availability of tuition assistance that has now made college available to virtually every high school graduate who wants to attend.

So what did we do when we wanted to recruit more young people? We put more recruiters on the streets. We created higher bonuses for enlistment. We increased educational incentives. And we tailored advertising and more spending to reach out to young people.

As a result, we're now seeing a real turnaround in recruitment. Just last week, the Army enlisted its 80,000th soldier for the fiscal year ending September. Shortfalls indeed remain in some areas like naval flight officers and computer specialists. But for the first time in three years, every service not only met their active duty recruiting goal, they exceeded them, and not only in terms of quantity, but in terms of quality as well. For example, over 90% of our recruits hold high school diplomas, much higher than the national average. So while challenges remain, America needs to know that we're still recruiting the best and brightest this nation has to offer.

Of course, just as important as the quality of our men and women, is the third measure of readiness—the quality of their equipment. The end of the Cold War was a time of transition for our force. But by 1997 we knew that a 13-year decline in procurement spending would have to end. So we ended it. As General Shelton noted to you this morning, this year we achieved our $60 billion in annual funding for the new weapons, tools and technologies our warriors need. Over the next five years we plan to increase that to $70 billion. And in the years beyond, building the advanced force of the future means that procurement will have to remain a national priority.

That's why we are investing in the next generation of aircraft. We're investing $38 billion for the revolutionary V–22 Osprey that takes off and lands like a helicopter but flies like an airplane, allowing our forces to be more mobile. We're investing $45 billion for the massive C–17 transport that carries more cargo to less accessible places, like those airfields in Albania during the air war over Kosovo. We're investing $62 billion for the F–22 that will ensure our supremacy of the skies for decades to come. And over the long-term, we're investing in our largest acquisition program, the Joint Strike Fighter.

America needs to know that all this investment is fueling an unprecedented Revolution in Military Affairs. Indeed, it's not enough to spend more, we also have to spend smarter. And we're doing both.

The Navy is improving the capabilities of its ships and aircraft, increasing their striking power by tying them together with the most sophisticated technologies.

The Air Force is transforming itself into an expeditionary force and—as the world saw in Kosovo—making greater use of Unmanned Aerial Vehicles that reduce the risk to pilots and increase our intelligence and reconnaissance capabilities.

The Marines are revolutionizing their capabilities by honing their skills in urban warfare.

And, of course, the Army has embarked on a historic transformation to dramatically enhance the speed, mobility, and firepower of our soldiers. That's why we worked with Congress to secure more than $7 billion for the next four years to propel that transformation, including more than $4 billion for Interim Armored Vehicles that will be more agile and lethal

America needs to know that we're also transforming the Defense Department to better support this new military. We created the Joint Forces command in Norfolk to improve the ability of the services to operate together and to experiment with the most advanced technologies and tactics. We created a Defense Threat Reduction Agency to pull together our counter-proliferation efforts. We created a special task force to advise and assist communities should a chemical or biological weapon ever be used on American soil. And we created another task force to defend our computer systems as part of our normal warfighting mission. As different as all these efforts may be, the result is the same—our men and women will be safer and our military will be stronger.

I've mentioned many of the investments we're making in our military. But I would suggest that just as important as what we should be spending is what we should not be spending. Consider the money lost to inefficiencies within the Defense Department itself. That's why we began a Defense Reform Initiative that is now saving us tens of billions of dollars.

Consider the money wasted on excess infrastructure. As a result of the four rounds of base realignment and closure to date, we expect to save more than $25 billion by the year 2003. Those of you who visited Kelly Air Force Base in March know how base closure, if done right, can mean the opening of new prosperity. The country and the Congress need to know that we can't build a lean, agile 21st Century military if it's dragged down by an oversized, outdated 20th Century infrastructure. The country and the Congress need to know that two more rounds of BRAC would save us $3 billion a year, billions that could be better spent on our forces and their families.

Which brings me to the fourth and final measure of readiness I want to address—and perhaps the most important of all—the ability of our men and women to complete the missions we ask of them. As you know from your visits to bases and installations around the country, and as the Joint Chiefs told Congress last week, and which I believe General Shelton reiterated to you this morning, our front-line units—the first to fight in the event of a conflict on the Korean Peninsula or in the Persian Gulf and the Balkans—are capable. Our forces can fulfill our strategy of fighting two major theater wars. And in the future, we should experience an increasing trend in readiness.

And so if the question is asked, ''Is America's military ready if we call?'' We need only look to the times when we have called them.

Those of you who went to Guatemala last year know that when Hurricane Mitch ripped across Central America, America's military was ready. As General [Charlie] Wilhelm [then Commander-in-Chief, U.S. Southern Command] told you, the millions of tons of food and supplies that U.S. forces flew in and gave out saved countless lives and helped to literally rebuild entire regions from the ground up.

When Slobodan Milosevic unleashed a wave of terror in Kosovo last year, America's military was ready. We had soldiers in neighboring countries preventing a wider war and airlifting tons of food and supplies to save thousands of Kosovar refugees. We had sailors and marines on ships and submarines in the Adriatic, and naval aviators flying into those dangerous Balkans skies. And we had airmen engaging in the most precise campaign in the history of air power. They conducted the vast majority of those 38,000 NATO sorties. They took to the skies for 78 days with only two planes lost and not a single combat casualty. And while that record was not achieved without stress on certain assets, that is a historic achievement of which our forces and the American people should be enormously proud.

Indeed, the true measure of America's military is the job they do every day. In short, America needs to know that the U.S. Armed Forces are the best trained, best educated, best led, most respected and finest fighting force the world has ever seen.

So in closing, I want to recite a page from America's past that I believe points the way to ensuring our military strength in the future. Half a century ago, this nation stood at the hinge of history, an unprecedented time of both promise and peril. There was the promise, our victory in the Second World War. But there was also the peril, a dawning Cold War. And America's very survival demanded that we think anew and act anew. And so to navigate the shoals of the century that lay ahead, Arthur Vanderberg, a Republican Senator from Michigan, joined with Harry Truman, a Democratic President from Missouri, and the nation came together around a common foreign and defense policy to defend freedom and to create a Marshall Plan and an alliance called NATO that would eventually win the Cold War.

Today, in the long wake of our triumph in that long struggle, America again stands at the hinge of history. Again there is the promise, of the world's sole economic and military superpower. Again there is the peril, the new threats of this new century. And to chart the nation's course in our time, William Cohen, a Republican Senator from Maine, joined with Bill Clinton, a Democratic President from Arkansas, to help restore a spirit of bi-partisanship to defense policy and to ensure that when it comes to our men and women in uniform, politics does indeed stop at the water's edge.

Ladies and gentlemen, in recent years we have recognized that truth. We have worked with Congress to support and strengthen our military. We have upheld our sacred pledge to care for America's sons and daughters who wear this nation's uniform. That is the message I wanted to bring to you today. That is the message I hope you carry back to your communities and the country. Thank you very much.

HONORING THE GRAND OLE OPRY IN NASHVILLE, TENNESSEE ON THE 75TH ANNIVERSARY CELEBRATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. CLEMENT. Mr. Speaker, today I honor a sacred historic institution, the Grand Ole Opry in Nashville, Tennessee, on the occasion of its 75th Anniversary as the longest continuously running live radio show in the world. The Opry and its colorful cast of characters are known and loved by individuals across the globe.

As a native Nashvillian, born and reared in Music City USA, I truly appreciate the significance of country music and its influence on so many people. Country music and its cousins, bluegrass, folk, gospel, blues and rockabilly, truly have captured the heart and soul of our

great nation, offering songs that spring from the fabric of America. Country lyrics espouse our history, our faith in God, our love of family, and our appreciation for the value of freedom and hard work. With these melodies and themes, country music appeals to listeners of all ages and from all walks of life.

To honor and highlight the significance of country music, in 1990, I sponsored and passed legislation designating October as Country Music Month. Now Country Music Month and Country Music Week are nationally recognized events each year, celebrated by millions of individuals.

The Opry has inspired a country music fan fair phenomenon; been the focus of a theme park, hotel complex, television networks, magazines, and movies; infused the tourism industry in Tennessee; and given us an incredible amount of memorable music. Yet, the Opry's beginnings were humble.

In 1925, the ''solemn old judge'' George D. Hay moved from Chicago's WLS Barn Dance to Nashville, where he began broadcasting and hosting the show that would later become the Grand Ole Opry. Hay eventually would coin the phrase, ''Grand Ole Opry'' about the program, instantly giving it a name that would endure forever. With WSM's strong 100,000-watt clear channel signal, the Opry could be heard for hundreds of miles across the United States by thousands of people. As the show brought performers of traditional music to the stage, a new genre of music was officially born—country music.

Those early 1920s Opry performers included mainly instrumental talents such as banjo player Uncle Dave Macon and harmonica player Deford Bailey. In the 1930s and 40s, vocalists such as the ''King of Country Music'' Roy Acuff, Ernest Tubb, Hank Williams, and Bill Monroe all took the stage, as did comedienne Minnie Pearl.

As the years passed, the talent pool grew and the NBC Network picked up the show. Such big names as Patsy Cline, Flatt and Scruggs, Hank Snow, Hawkshaw Hawkins, Jim Reeves, Red Foley, Marty Robbins, Martha Carson, Kitty Wells, Johnny Wright, Bill Anderson, Connie Smith, Dolly Parton, Porer Wagoner, Garth Brooks, Pam Tillis, Trisha Yearwood, and Alison Krauss all have called the Opry stage home. These artists represent just a fraction of the bright and talented performers to grace the stage since its inception, whether at the War Memorial Auditorium, the Ryman Auditorium, or the Grand Ole Opry House of today.

My family has enjoyed an ongoing relationship with the Grand Ole Opry over the years. In fact my father, Governor Frank Clement, enjoyed strong friendships with many Opry members, often enlisting their talents for political rallies across the state. In addition, Governor Clement traveled to Washington and testified on behalf of country music when its lyrics were under fire by Congress in the 1950s.

Like any sacred institution, the Opry has endured sorrow, grief, and loss. It has faced adversity and strain. There have been joyous times and laughter. But the Opry has endured throughout each season. In the 1980s, George Jones touched our hearts as he sang, ''Who's Gonna Fill Their Shoes'' about the legacy of country music and its legendary artists. Jones singled out performers such as Lefty Frizzell, Merle Haggard, Elvis Presley, Carl Perkins, Willie Nelson, and Roy Acuff in the tune. He also mentioned the Opry in the song lyrics, inspiring a new generation of country artists to carry the torch. I'd particularly like to recognize the contributions of Ricky Skaggs, Marty Stuart, and WSM announcer Eddie Stubbs for promoting the cause of traditional music and educating the next generation about our rich heritage in this new millennium.

Throughout the years the Opry and its cast of performers, announcers, advertisers, and musicians have inspired and entertained us each Friday and Saturday night. For these valued contributions and cherished memories we are forever grateful to the Opry and those who have called it ''home.'' We salute the Grand Ole Opry for 75 wonderful years and offer our sincerest wishes for continuous success in the years to come.

Thank you and God bless you.

HONORING OLYMPIC GOLD MEDAL WINNER STACY DRAGILA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. DOOLITTLE. Mr. Speaker, today I recognize a native of my congressional district who has brought glory and honor to herself, her family, and her fellow Americans. I wish to congratulate Stacy Dragila on recently winning the gold medal in the first-ever Olympic Women's Pole Vault Competition.

Dragila grew up in Auburn, California, where she competed in goat roping as a child. As a heptathlete during her years on Placer High School's track and field team, she had little idea that she would one day stand atop the Olympic medals podium as a pole vault champion. You see, when she was in high school, the pole vault was an event in which only male competitors took part.

As the women's pole vault has finally taken root in the United States, Stacy has quickly established herself as the premier athlete in her field. Each time she reaches a new personal best mark, she rewrites the world record. In fact, while competing on her home turf at this summer's U.S. Olympic Trials in Sacramento, she set the current world record 15′2¼″. By continually raising the bar, Stacy has forced her competitors to push their own limits as well. This resulted in an exciting duel at this month's Olympic Games in Sydney, Australia. In the end, Dragila brought home the gold with a vault of 15′1″.

At the age of 29, Stacy Dragila stands as an Olympic champion and as an American hero. Furthermore, as a pioneer in a new sport, she stands as a role model for those young women who will strive to match her achievements on the field. Perhaps most importantly, however, she is, by all accounts, a world-class person as well as a world-class athlete. Today, I proudly join with Americans everywhere in saluting gold medalist Stacy Dragila.

INDIAN GOVERNMENT SHOULD STOP ITS STATE TERRORISM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. TOWNS. Mr. Speaker, on September 27, a letter from the Council of Khalistan was published in the Washington Times. It details the propaganda spread by the Indian government to discredit its opponents.

That propaganda is necessary for the Indian government to cover up the atrocities and state terrorism against Christians, Sikhs, and other minorities. Former Indian cabinet minister R.L. Bhatia admitted in 1995 that the Indian government is spending ''large sums of money'' to spread this propaganda and influence affairs in the United States.

Earlier this month, militant Hindu fundamentalists attacked the home of a priest. They beat him and his servant. The servant was beaten so badly that he died. Unfortunately, this kind of thing is not unusual. It is just the latest in a series of atrocities carried out by organizations under the umbrella of the Rashtriya Swayamsewak Sangh (RSS), the parent organization of the ruling BJP. While Prime Minister Vajpayee was in New York during his recent visit to the U.S., he said, ''I will always be a Swayamsewak.''

Last week, former Prime Minister Chandra Shekhar said that there is no difference between the ruling BJP and the supposedly secular Congress Party. Unfortunately, from the point of view of the minorities in India, it is true. There is no difference. Whoever is in power, the repression continues. India has murdered over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of Dalit ''untouchables'' and other minorities. Thousands of Sikhs and other minorities are in illegal detention without charge or trial simply because they are opposed to the government, or because they are members of a minority.

Mr. Speaker, it is time for India to stop its state terrorism against the minorities within its borders. We must stop American aid to India and declare our support for self-determination for the people of Khalistan, Kashmir, Nagalim, and the other nations seeking their freedom, in the form of a free and fair democratic plebiscite. These measures are the only ones we can take that will help to bring real freedom and democracy to the people of South Asia. I submit the following article into the CONGRESSIONAL RECORD.

[From the Washington Times, Sept. 27, 2000]

NO MILITANTS IN THE COUNCIL OF KHALISTAN

Manpreet Singh Nibber's Sept. 16 letter, ''India human rights criticism from unreliable source?'' is so full of disinformation that he must be fronting for the Indian Embassy in its effort to confuse the American people.

Mr. Nibber, who is a member of the Punjab Welfare Council of the USA, does not address any of the facts we brought up in our last letter. Instead, he spreads Indian disinformation about the Council of Khalistan and its origins. He knows there are no ''militants'' involved in the council. We consistently support the liberation of Khalistan, the Sikh homeland that declared its independence from India on Oct. 7, 1987,

by democratic, nonviolent means, through the Sikh tradition of ''Shantmai morcha,'' or peaceful agitation.

The Indian Embassy has interfered in American elections, calling for the re-election of former Sen. Larry Pressler and attempting to damage the re-election campaign of Sen. Robert Torricelli. A few years ago, the Indian Embassy was caught giving illegal campaign donations to members of Congress through an immigration lawyer named Lalit Gadhia, who pleaded guilty to the scheme in federal court.

There are many other Gadhias throughout this country. Former Indian cabinet minister R.L. Bhatia admitted in a 1995 news conference that the Indian government is spending ''large sums of money'' through the embassy to influence American politics. But what is that money defending?

On Sept. 8, militant Hindus attacked the home of a priest and beat the priest and his servant. The servant was so severely beaten that he died of the injuries. On Aug. 25, News stories reported that militatnt Hindu nationalists kidnapped and tortured a priest in Gujarat, then paraded him naked through town. This attack was part of a wave of terror against Christians since Christmas 1998.

Incidents have included the murder of priests, the rape of nuns and the burning to death of nuns and the burning to death of a missionary and his two sons in their van by members of the Rashtriya Swayamsevak Sang (RSS), the parent organization of the ruling Bharatiya Janata Party. Schools and prayer halls have been attacked and destroyed. The individuals who raped the nuns were described by the Vishwa Hindu Parishad, a militant organization within the RSS, as ''patriotic youth.'' The RSS was founded in support of fascism.

In March, 35 Sikhs were murdered in the village of Chithi Singh-pora in Kashmir. Two extensive independent investigations, one conducted by the Movement Against State Repression and the Punjab Human Rights Organization and another conducted by the Ludhiana-based International Human Rights Organization, proved that the Indian government was responsible for this massacre.

The Indian government has murdered more than 250,000 Sikhs since 1984, according to figures published in Inderjit Singh Jaijee's ''The Politics of Genocide.'' India also has killed more than 200,000 Christians in Nagaland since 1947, more than 70,000 Kashmiri Muslims since 1988 and tens of thousands of other minorities. Amnesty International reports that thousands of political prisoners are being held without charge or trial in ''the world's largest democracy.''

India is hostile to the United States. It votes against America at the United Nations more often than any country except Cuba.

In May 1999, the Indian Express reported that Indian Defense Minister George Fernandes led a meeting with Cuba, China, Iraq, Serbia, Russia and Libya to construct a security alliance ''to stop the U.S.''

India openly supported the Soviet Union's invasion of Afghanistan. Its nuclear weapons test started the nuclear arms race in South Asia. It refuses to allow the Sikhs, Kashmiris, Christians and other minority nations seeking their freedom to decide their political future in a free and fair vote, the democratic way.

America must not accept this kind of brutality and tyranny from a government that claims to be democratic. We must cut off aid and trade to India and support a free and fair plebiscite to ensure human rights and self-determination for Khalistan, Christian Nagalim, Kashmir and all the minority nations and peoples living under Indian rule.

PERSONAL EXPLANATION

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SPENCE. Mr. Speaker, on rollcall Nos. 503, 504 and 505, I was not present as I was unavoidably detained. Had I been present, I would have voted ''yea'' on all three.

A LETTER TO MY SONS

HON. MARSHALL ''MARK'' SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SANFORD. Mr. Speaker, in the final days of the 106th Congress and my time here in the House, I rise today to pass these words on to my sons.

October 5, 2000.

DEAR MARSHALL, LANDON, BOLTON AND BLAKE: I wanted to write this letter so that maybe in twenty years or maybe after I have died you could look it up and think about how much your Dad loves you. I write this letter as much as anything because I feel the need to pause and praise each of you and to say how proud I am of you and how much, again, I love you.

That's needed because over the last seven years all you have known is a world tied to politics. For each of the words I spoke into the record on the House floor, or in Committee, I couldn't expand time and also fill those minutes and hours with words to each of you. Each of the days I spent in Washington were days I couldn't spend with you. Each of the evenings I spent at political events were evenings I couldn't spend with you. I apologize for our time apart. Each of you as young men will one day discover your calling—why God put you here—and in turn have to struggle in balancing the different responsibilities each of you will embrace.

I have felt that my job over these last seven years was getting to—and being in—Congress. Since I came here I have tried as best I could do what I thought was right, but in all that doing I always thought of each one of you. Here in Washington I never went to bed once without saying prayers with each of you in them.

In the early years it was just Marshall and Landon, and you guys, as little guys, put in far more than your share of parades and political events.

As if yesterday I remember the Hell hole swamp parade and pulling the wagon with Marshall and Landon. In the Summerville parade in the first campaign, to this day I remember Marshall's wild white curls and his little light blue V-neck sweater. I am amazed to look at pictures and see how small Landon was at the start of this process.

I think the last parade with just Marshall and Landon was at the Loris Bog-off. It was cool and I remember your mom and I buying you both swords at a booth alongside the railroad track afterward. I doubt I was that big on the swords, but I am sure your mom well made the point that you earned them, and in case you don't remember the spot—there were men and women in bright blue clothes dancing to country music on a flatbed trailer just to the left.

Marshall, you have always been great help with your younger brothers, thank you. The way you have carried yourself also makes me proud. Do you remember going with then Governor Beasley and several security men in a Department of Natural Resources speedboat out to a Navy destroyer in Charleston Harbor? During the commissioning ceremony it was hot and you were not wild about being there, but you put up with it and behaved well. In the same vein do you remember sitting under my chair at the Hwy 61 connector opening. It was hardly a grand event, but you found shade and stayed still and quiet which was no small feat given your age. In these and many other events like them, you showed a maturity well beyond your years. It will carry you far in life.

In the political context of my note, Landon made me proud most recently at the St. Patricks day parade in North Myrtle Beach. I was pulling a wagon along side you while you walked straight up the yellow line in the middle of the street. In your young man's march you were waving at the several thousand people who lined both sides of the road. In most waves your arm was held at a forty-five degree angle and your palm and hand were straight up as if the tip of a small spear. The whole thing was not easy for you. In fact it was incredibly brave. Blake was in my arms and your two brothers were riding in the wagon and there you were, a reserved boy by nature walking up a street surrounded by strangers—waving to both sides. On the long drive home you started singing some silly song and next thing you know three boys are laughing hysterically in the back of the Suburban. You have the ability to defuse things with laughter.

Bolton—you are a natural born performer. Of all the family members you are the most gifted in surprising people, and not infrequently, making them laugh. You were doing just that winter before last at the Conway parade when you rode in the wagon and chose to throw bags of candy—not the candies! In the same light I remember the words Mary Crixmas, Mary Crixmas, Happy Santa Claus. Last winter I was the Grand Marshall of the Mount Pleasant Christmas parade. Marshall sat to my left, Landon on my right, you were on my lap and with outstretched arms you yelled these words with such enthusiasm that half-way through the parade you couldn't say another word. John McCain asks regularly about you and still talks about your enthusiasm for fishing. I think you are the only four year old to have given the President of the United States a froggy kiss. These days you are into catching butterflies with your hands, but thank you for wearing politics as well as you have.

Blake—you haven't said a whole lot in parades yet, but you haven't had to because with your blonde curls and cute smiles everyone adores you! You are specific in what you want thought, you like to be carried—not to ride on my shoulders like some of your brothers.

The point in these memories, and a thousand others like them, is that we have been through some interesting times together. Your peers have not had to go through what you have. At your young ages you have been exposed to a wide range of people and settings—medicade nursing home visits, trips to the White House, the House that Congress built with Habitat for Humanity, watching the sun rise from a boat moored feet from where the Hunley would rise hours later, feeding special Olympic kids at the Citadel, getting up hours earlier than you would have to go to an event in Myrtle Beach, beach sweeps, and more. In the end I think you will be better for having seen a wide swath of life, but since it involved wear and tear on your bodies this note is here simply to say thank you. Thank you for behaving well, and thank you for putting with it. I am proud of you. You are each unique young men. I love you

and look forward to spending more time with each of you over the years ahead.

Love,

DAD.

P.S. After reading this, one day do an extra something special for your mom. In my absence over the last six years she has changed a lot of diapers and fixed more than her share of dinners for you.

RECOGNIZING THE ACCOMPLISHMENTS OF HERBERT S. BECKER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. THOMAS. Mr. Speaker, it is with great pride that we recognize the accomplishments of a visionary who is set to retire from service to the Congress at the end of this year. Herbert S. Becker has been the Director of the Office of Information Technology Services at the Library of Congress. During his 15 years of leadership, he helped bring about new programs in support of the Congress, the Library, and the nation.

In collaboration with the Congressional Research Service, Mr. Becker created a Capitol-Hill-wide Legislative Information System for better and faster access to legislative resources. He oversaw the successful transition to new technology that made the Library's online card catalog easier for patrons to use. He initiated the development and implementation of new technology to improve archiving at the Congressional Research Service and the U.S. Copyright Office. And he helped create a new financial management system.

But perhaps Mr. Becker's most significant accomplishment was his role in the development of the popular THOMAS website for public access to legislative information. With the advent of THOMAS, any citizen can access detailed and recently updated information about the business of Congress and gain insight into the legislative process.

His vision and the strength of his commitment have clearly facilitated the work of the people's representatives. I know I speak for the entire House when I wish him well in his future endeavors and thank him for his years of service to the American people.

MISSING JOURNALIST IN THE UKRAINE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SMITH of New Jersey. Mr. Speaker, it has been almost three weeks since the highly disturbing disappearance of Heorhii Gongadze, a journalist known for his articles exposing corruption in the Ukraine and for playing a prominent role in defending media freedoms. Mr. Gongadze, whose visit to the United States last December included meetings with the Helsinki Commission staff, was publisher of a new Internet newspaper called Ukrainska Pravda (meaning Ukrainian Truth), a publication often critical of senior Ukrainian officials and their associates. In fact, shortly before he vanished, Mr. Gongadze had apparently been facing pressure and threats and had complained that police were harassing him and his colleagues at Ukrainska Pravda.

Unfortunately, Mr. Gongadze's disappearance takes place in an increasingly unhealthy media environment. According to the Committee to Protect Journalists, his disappearance follows several suspect or inconclusive investigations into the suspicious deaths of several Ukrainian journalists over the last few years and the beatings of two journalists following their articles about official corruption this year. This disappearance has occurred within an environment which has made it increasingly difficult for professional journalists to operate, including harassment by tax police, criminal libel prosecutions, the denial of access to state-controlled newsprint and printing presses, and phone calls to editors suggesting that they censure certain stories. Such an atmosphere clearly has a chilling effect on press freedom.

Mr. Speaker, I am encouraged that the Verkhovna Rada—the Ukraine's parliament—has formed a special ad hoc committee to investigate Mr. Gongadze's disappearance. I am also hopeful that the Ukraine's Ministry of Internal Affairs and other law enforcement agencies will conduct a serious, vigorous investigation to solve the case of this missing journalist.

As Chairman of the Helsinki Commission and as someone who has a longstanding interest in the Ukraine, I am deeply disappointed that the Ukraine's relatively positive human rights record has been tarnished by an environment not conducive to the development of a free media. I remain hopeful that the Ukrainian authorities will make every effort to reverse this situation.

HONORING TAIWAN'S NATIONAL DAY, OCTOBER 10, 2000

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Ms. DUNN. Mr. Speaker, as President Chen Shui-bian, Vice President Annette Lu, and the people of the Republic of China prepare to celebrate their National Day on October 10, 2000, I wish to extend my sincere congratulations on their progress.

Since its founding 89 years ago, the Republic of China on Taiwan has attained many remarkable achievements. Their progress ought to be recognized by the United States and emulated by the entire world community. For instance, Taiwan's economy is robust. In June of this year, exports and imports grew nearly 25 percent from the previous year. This growth is due in large part to Taiwan's embrace of the new economy, specifically information and high technologies.

Not only has Taiwan experienced strong economic growth, but Taiwan is also a democracy in the truest sense of the word. Taiwan upholds the freedoms we, as Americans, hold dear, including free elections, free media, and free expression.

Mr. Speaker, Taiwan is truly a model of success for many countries in the world. Taiwan deserves our congratulations and our support.

GOVERNOR RIDGE HONORS CONGRESSMAN WILLIAM GOODLING

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. SHUSTER. Mr. Speaker, I submit the following remarks to the CONGRESSIONAL RECORD on behalf of my good friend and former Member of this body, the current Governor of the Commonwealth of Pennsylvania, Tom Ridge, in honor of the outstanding contributions and dedicated service that Congressman BILL GOODLING has provided to the United States Congress, the Commonwealth of Pennsylvania, and the people of the 19th Congressional District.

HONORING CONGRESSMAN WILLIAM GOODLING

DEAR MR. SPEAKER: It gives me great pleasure to join the Pennsylvania delegation to honor Congressman Bill Goodling for his outstanding contributions and dedicated service to the United States Congress, the Commonwealth of Pennsylvania and the people of the 19th Congressional District.

Pennsylvania possesses a rich heritage of great civic and business leaders who have made significant contributions to their communities and the Commonwealth as a whole. Bill's attention and unwavering devotion to the needs and best interests of the constituents and our Commonwealth community aligns him with those who exemplify the founding principles of this great nation.

Adequately serving the needs of Pennsylvania citizens, families and communities relies upon the practical knowledge and personal integrity of those committed to the highest measures of citizenship. As Chairman of the Committee on Education and the Workforce Bill Goodling has consistently demonstrated outstanding leadership that directly reflects his unyielding devotion to ensuring a better quality of life for Pennsylvanians. As a devotee to both family and community, his tireless efforts have ensured south central Pennsylvania's economic stability and leadership as we enter the 21st century. It has been my honor to work with him as both a colleague and as Governor and I have personally witnessed his consistent diligence to the highest levels of personal, professional and civic distinction.

Michele and I extend our best wishes to Bill for much happiness and fulfillment in the future.

TOM RIDGE,

Governor, Commonwealth of Pennsylvania.

REMEMBERING THE LIFE OF IDALOU FIREFIGHTER DAVID BUTLER

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. COMBEST. Mr. Speaker, today I remember the life of Mr. David Butler, an individual who understood the meaning of dedication and service to his neighbors and his community. On September 19, Mr. Butler was doing what he did best—helping people—when he collapsed and later passed away.

A firefighter with the Idalou, Texas, Volunteer Fire Department for 23 years and Assistant Chief for 10 of those, David gave the ultimate gift of life to save that of another. David,

along with other members of the Idalou and Lorenzo Volunteer Fire Departments, arrived at the scene of a one-vehicle roll-over to find the driver trapped beneath a water truck. In an effort to free the driver, Assistant Chief Butler helped set up air bags to lift the truck off the pavement. Once the bags were inflated, he operated the controls to raise the truck, and the man was soon freed from the wreckage and transported to a local hospital. As firefighters were loading their equipment for the return home, David collapsed never to regain consciousness.

The fire department was an extension of David's family, and he acted as a father to his colleagues just as he did to his own three children. He was the epitome of a family man; an ever-dedicated servant to his family, friends and community. David is a true hero, and through his service, he has made Idalou and our society a better place to live. I would like to extend my most sincere condolences to his wife and children and to all who had the pleasure of working with and knowing him. You are all in my thoughts and prayers.

H.R. 2392

HON. JAMES M. TALENT

OF MISSOURI

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. TALENT. Mr. Speaker, on behalf of myself and Ms. Velazquez, I submit the following Joint Statement of Managers relating to The Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392).

JOINT STATEMENT OF MANAGERS FROM THE COMMITTEE ON SMALL BUSINESS REGARDING H.R. 2392, AS CONSIDERED PURSUANT TO H. RES. 590

TITLE I

The Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392) was introduced on June 30, 1999, and referred to the House Committees on Small Business and Science. Both Committees held hearings and the House Committee on Small Business reported H.R. 2392 on September 23, 1999 (H. Rept. 106–329). In the interest of moving the bill to the floor of the House of Representatives promptly, the Committee on Science agreed not to exercise its right to report the legislation, provided that the House Committee on Small Business agreed to add the selected portions of the Science Committee version of the legislation, as Sections 8 through 11 of the House floor text of H.R. 2392. H.R. 2392 passed the House without further amendment on September 27. The Science Committee provisions were explained in floor statements by Congressmen Sensenbrenner, Morella, and Mark Udall.

On March 21, 2000, the Senate Committee marked-up H.R. 2392 and on May 10, 2000, reported the bill (S. Rept. 106–289). The Senate Committee struck several of the sections originating from the House Committee on Science and added sections not in the House-passed legislation, including a requirement that Federal agencies with Small Business Innovation Research (SBIR) programs report their methodology for calculating their SBIR budgets to the Small Business Administration (SBA) and a program to assist states in the development of small high-technology businesses. Negotiations then began among the leadership of the Senate and House committees on Small Business and the House Committee on Science (hereinafter referred to as the three committees). The resultant compromise text contains all major House and Senate provisions, some of which have been amended to reflect a compromise position. A section-by-section explanation of the revised text follows. For purposes of this statement, the bill passed by the House of Representatives is referred to as the ''House version'' and the bill reported by the Senate Committee on Small Business is referred to as the ''Senate version.''

Section 101. Short Title; Table of Contents. The compromise text uses the Senate short title: ''Small Business Innovation Research Program Reauthorization Act of 2000.'' The table of contents lists the sections in the compromise text.

Section 102. Findings. The House and Senate versions of the findings are very similar. The compromise text uses the House version of the findings.

Section 103. Extension of the SBIR Program. The House version extend the SBIR program for seven years through September 30, 2007. The Senate version extend the program for ten years through September 30, 2010. The compromise text extends the program for eight years through September 30, 2008.

Section 104. Annual Report. The House version provides for the annual report on the SBIR program prepared by the SBA to be sent to the Committee on Science, as well as to the House and Senate Committees on Small Business that currently receive it. The Senate version did not include this section. The compromise text adopts the House language.

Section 105. Third Phase Assistance. The compromise text of this technical amendment is identical to both the House and Senate versions.

Section 106. Report on Programs for Annual Performance Plan. This section requires each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act. The House and Senate versions have the same intent. The compromise text uses the House version.

Section 107. Output and Outcome Data. Both the House and Senate versions contain sections enabling the collection and maintenance of information from awardees as is necessary to assess the SBIR program. Both the House and Senate versions require the SBA to maintain a public database at SBA containing information on awardees from all SBIR agencies. The Senate version adds paragraphs to the public database section dealing with database identification of businesses or subsidiaries established for the commercial application of SBIR products or services and the inclusion of information regarding mentors and mentoring networks. The House version further requires the SBA to establish and maintain a government database, which is exempt from the Freedom of Information Act and is to be used solely for program evaluation. Outside individuals must sign a non-disclosure agreement before gaining access to the database. The compromise text contains each of these provisions, with certain modifications and clarifications, which are addressed below.

With respect to the public database, the compromise text makes clear that proprietary information, so identified by a small business concern, will not be included in the public database. With respect to the government database, the compromise text clarifies that the inclusion of information in the government database is not to be considered publication for purposes of patent law. The compromise text further permits the SBA to include in the government database any information received in connection with an SBIR award the SBA Administrator, in conjunction with the SBIR agency program managers, consider to be relevant and appropriate or that the Federal agency considers to be useful to SBIR program evaluation.

With respect to small business reporting for the government database, the compromise text directs that when a small business applies for a second phase award it is required to update information in the government database. If an applicant for a second phase award receives the award, it shall update information in the database concerning the award at the termination of the award period and will be requested to voluntarily update the information annually for an additional period of five years. This reporting procedure is similar to current Department of Defense requirements for the reporting of such information. When sales or additional investment information is related to more than one second phase award is involved, the compromise text permits a small business to apportion the information among the awards in any way it chooses, provided the apportionment is noted on all awards so apportioned.

The three committees understand that receiving complete commercialization data on the SBIR program is difficult, regardless of any reasonable time frame that could be established for the reporting of such data. Commercialization may occur many years following the receipt of a research grant and research from an award, while not directly resulting in a marketable product, may set the groundwork for additional research that leads to such a product. Nevertheless, the three committees believe that the government database will provide useful information for program evaluation.

Section 108. National Research Council Reports. The House version requires the four largest SBIR program agencies to enter into an agreement with the National Research Council (NRC) to conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs and to make recommendations on potential improvements to the program. The Senate version contains no similar provision. The study was designed to answer questions remaining from the House Committees' reviews of these programs and to make sure that a current evaluation of the program is available when the program next comes up for reauthorization.

The compromise text makes several changes to the House text. The compromise text adds the National Science Foundation to the agencies entering the agreement with the NRC and requires the agencies to consult with the SBA in entering such agreement. It also expands on the House version, which requires a review of the quality of SBIR research, to require a comparison of the value of projects conducted under SBIR with those funded by other Federal research and development expenditures. The compromise text further broadens the House version's review of the economic rate of return of the SBIR program to require an evaluation of the economic benefits of the SBIR program, including economic rate of return, and a comparison of the economic benefits of the SBIR program with that of other Federal research and development expenditures. The compromise text allows the NRC to chose an appropriate time-frame for such analysis that results in a fair comparison.

The three committees believe that a comprehensive report on the SBIR program and

its relation to other Federal research expenditures will be useful in program oversight and will provide Congress with an understanding of the effects of extramural Federal research and development funding provided to large and small businesses and universities. The three committees understand, however, that measuring the direct benefits to the nation's economy from the SBIR program and other Federal research expenditures may be difficult to calculate and may not provide a complete portrayal of the benefits achieved by the SBIR program. Accordingly, the legislation requires the NRC also to review the non-economic benefits of the SBIR program, which may include, among other matters, the increase in scientific knowledge that has resulted from the program. The paragraph in the compromise text calling for recommendations remains the same as the House version, except that the bill now asks the NRC to make recommendations, should there be any.

While the study is to be carried out within National Research Council study guidelines and procedures, the compromise text requires the NRC to take the steps necessary to ensure that individuals from the small business community with expertise in the SBIR program are well-represented in the panel established for performing the study and among the peer reviewers of the study. The NRC is to consult with and consider the views of the SBA's Office of Technology and the SBA's Office of Advocacy and to conduct the study in an open manner that makes sure that the views and experiences of small businesses involved in the program are carefully considered in the design and execution of the study. Extension of the SBIR program for eight years rather than the five being contemplated when the House study provision was initially written has necessitated some adjustments in the study. The report is now required three years rather than four years after the date of enactment of the Act and the NRC is to update the report within six years of enactment. The update is intended to bring current, any information from the study relevant to the reauthorization of the SBIR program. It is not intended to be a second full-fledged study. In addition, semiannual progress reports by NRC to the three committees are required.

Section 109. Federal Agency Expenditures for the SBIR Program. The Senate version requires each Federal agency with an SBIR program to provide the SBA with a report describing its methodology for calculating its extramural budget for purposes of SBIR program set-aside and requires the Administrator of the SBA to include an analysis of the methodology from each agency in its annual report to the Congress. The House version has no similar provision. The compromise text follows the Senate text except that it specifies that each agency, rather than the agency's comptroller, shall submit the agency's report to the Administrator. The three committees intend that each agency's methodology include an itemization of each research program that is excluded from the calculation of its extramural budget for SBIR purposes as well as a brief explanation of why the agency feels each excluded program meets a particular exemption.

Section 110. Policy Directive Modifications. The House version includes policy directive modifications in Section 9 and the requirement of a second phase commercial plan in Section 10. The Senate version includes policy directive modifications in Section 6. The Senate version and now the compromise text require the Administrator to make modifications to SBA's policy directives 120 days after the date of enactment rather than the 30 days contained in the House version. The compromise text drops the House policy directive dealing with awards exceeding statutory dollar amounts and time limits because this flexibility is already being provided administratively. Addressed below is a description of the policy directive modifications contained in the compromise text that were not included in both the Senate version and the House version.

Section 10 of the House version requires the SBA to modify its policy directives to require the small businesses provide a commercial plan with each application for a second-phase award. The Senate version does not contain a similar provision. The compromise text requires the SBA to modify its policy directives to require that a small businesses provide a ''succinct commercialization plan for each second phase award moving towards commercialization.'' The three committees acknowledge that commercialization is a current element of the SBIR program. The statutory definition of SBIR, which is not amended by H.R. 2392, includes ''a second phase, to further develop proposals which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the proposals, as evidenced by the first phase, considering among other things the proposal's commercial potential * * *'', and lists evidence of commercial potential as the small business's commercialization record, private sector funding commitments, SBIR Phase III commitments, and the presence of other indicators of the commercial potential. The three committees do not intend that the addition of a commercialization plan either increase or decrease the emphasis an agency places on the commercialization when reviewing second-phase proposals. Rather, the commercialization plan will give SBIR agencies a means of determining the seriousness with which individual applicants approach commercialization.

The commercialization plan, while concise, should show that the business has thought through both the steps it must take to prepare for the fruits of the SBIR award to enter the commercial marketplace or government procurement and the steps to build business expertise as needed during the SBIR second phase time period. The three committees intend that agencies take into consideration the stage of development of the product or process in deciding whether an appropriate commercialization plan has been submitted. In those instances when at the time of the SBIR Phase II proposal, the grantee cannot identify either a product or process with the potential eventually to enter either the commercial or the government marketplace, no commercialization plan is required.

The compromise text also adds new provisions that were not contained in either the Senate version or the House version. Current law (Section 9(j)(3)(C) of the Small Business Act) requires that the Administrator put in place procedures to ensure, to the extent practicable, that an agency which intends to pursue research, development or production of a technology developed by a small business concern under an SBIR

The three committees are concerned that agencies sometimes provide these follow-on activities to large companies who are in incumbent positions or through contract bundling without written justification or without the statutory required documentation of the impracticability of using the small business for the work. So that the SBA and the Congress can track the extent of this problem, the compromise text requires agencies to record and report each such occurrence and to describe in writing why it is impractical to provide the research project to the original SBIR company. Additionally, the compromise text directs the SBA to develop policy directives to implement the new subsection (v), Simplified Reporting Requirements. This subsection requires that the directives regarding collection of data be designated to minimize the burden on small businesses; to permit the updating the database by electronic means; and to use standardized procedures for the collection and reporting of data.

Section 103(a)(2) of P.L. 102–564, which reauthorized the SBIR program in 1992, added language to the description of a third phase award which made it clear that the third phase is intended to be a logical conclusion of research projects selected through competitive procedures in phases one and two. The Report of the House Committee on Small Business (H. Rpt. 102–554, Pt. I) provides that the purpose of that clarification was to indicate the Committee's intent that an agency which wishes to fund an SBIR project in phase three (with non-SBIR monies) or enter into a follow-on procurement contract with an SBIR company, need not conduct another competition in order to satisfy the Federal Competition in Contracting Act (CICA). Rather by phase three the project has survived two competitions and thus has already satisfied the requirements of CICA, set forth in section 2302(2)(E) of that Act, as they apply to the SBIR program. As there has been confusion among SBIR agencies regarding the intent of this change, the three committees reemphasized the intent initially set forth in H. Rpt. 102–554, Pt. 1, including the clarification that follow-on phase III procurement contracts with an SBIR company may include procurement of products, services, research, or any combination intended for use by the Federal government.

Section 111. Federal and State Technology Partnership Program. This section establishes the FAST program from the Senate version, which is a competitive matching grant program to encourage states to assist in the development of high-technology businesses. The House version does not contain a similar provision. The most significant changes from the Senate version is the compromise text that are an extension of the maximum duration of awards from three years to five years and the lowering of the matching requirement for funds assisting businesses in low income areas to 50 cents per federal dollar, as advocated by Ranking Member Velazquez of the House Small Business Committee. The compromise text combines the definitions found in the Senate version of this section and the mentoring networks section.

Section 112. Mentoring Networks. The Senate version sets forth criteria for mentoring networks that organizations are encouraged to establish with matching funds from the FAST program and creates a database of small businesses willing to act as mentors. The compromise text, except for relocating the program definitions to Section 111, is the same as the Senate text. The House version did not contain a similar provision.

Section 113. Simplified Reporting Requirements. This section is not in either the House or the Senate versions. It requires the SBA Administrator to work with SBIR program agencies on standardizing SBIR reporting requirements with the ultimate goal of making the SBA;s SBIR database more user friendly. This provision requires the SBA to consider the needs of each agency when establishing and maintaining the database. Additionally, it requires the SBA to take measures to reduce the administrative burden on SBIR program participants whenever possible including, for example, permitting updating by electronic means.

Section 114. Rural Outreach Program Extension. This provision, which was not in either House or Senate versions, extends the life and authorization for appropriations for the Rural Outreach Program of the Small Business Administration for four additional years through fiscal year 2005. It is the intent of the three committees that this program be evaluated on the same schedule and in the same manner as the FAST program. Among other things, the evaluation should examine the extent to which the programs complement or duplicate each other. The evaluation should also include recommendations for improvement to the program, if any.

TITLE II

The purpose of Title II is to amend the general business loan program at the Small Business Administration, commonly known as the 7(a) loan program. Title II of H.R. 2392 contains a variety of technical and substantive changes to improve the program and correct problems brought to the Committee's attention through the oversight process and originally passed by the House as H.R. 2616.

Title II will increase the maximum guarantee amount of a 7(a) loan to $1 million from the current limit of $750,000 in order to keep pace with inflation. The guarantee amount was last increased in 1988. It also maintains a cap prohibiting loans with a gross amount in excess of $2 million.

The bill will also remove a provision which reduced SBA's liability for accrued interest on defaulted loans since the provision's intended savings failed to materialize.

Title II also includes three changes designed to encourage the making of smaller loans. The guarantee rate will be expanded to 85 percent from loans under $100,000 to loans under $150,000. Likewise, the two percent guarantee fee will now apply to loans up to $150,000, which represent a significant savings for these small borrowers.

Finally, for small loans, Title II of H.R. 2392 includes a provision allowing lenders to retain one quarter of the guarantee fee on loans under $150,000 as an incentive to make these loans.

The last part of Title II modifies an SBA regulatory restriction which prohibit loans for passive investment. Title II will permit the financing of projects where no more than 20 percent of a business location will be rented out provided the small business borrower in question occupies at least 60 percent of the business space.

Section 201. Short Title.

Section 202. Levels of Participation. Increases the guarantee percentage on loans of $150,000 or less to 85 percent. The current guarantee level of 80 percent extends only to loans of $100,000 or less. This guarantee increase is one of the changes proposed to encourage the availability of smaller loans.

Section 203. Loan Amounts. This provision will increase the maximum guarantee amount of $1 million. The maximum gross loan amount will be capped at $2 million. The language would prohibit SBA from placing a guarantee on any loan over $2 million regardless of the guaranteed amount. Consequently, the largest loan available would be a $2 million loan with a 50 percent guarantee.

The largest loan available at the maximum guarantee rate of 75 percent would be $1,333,333. The cap on loans over $2 million will effectively remove a number of large loans that have been made with only a minimal guarantee, loans which use up loan authority at a disproportionate rate. In 1998, roughly thirty loans over $2 million were made.

Section 204. Interest on defaulteld loans. This will remove the provision that reduced SBA's liability for accrued interest on defaulted loans. This provision was added to the program in 1996 as a method of reducing the subsidy cost of the program. It has come to the Committee's attention that the expected savings have not materialized.

Section 205. Prepayment of loans. This provision will reduce the incentive for early prepayment of 7(a) loans. It will assess a fee to the borrower for early prepayment of any loan with a term in excess of 15 years. Early prepayment will be defined as any prepayment within the first three years after disbursement. The prepayment fee will be determined by the date of the prepayment—5 percent in the first year, 3 percent in the second year, 1 percent in the third year. The fee will be based on ''excess prepayment'' which is defined as prepayment of more than 25 percent of the outstanding loan amount. In the event of an excess prepayment the fee would be assessed on the entire outstanding loan amount.

Section 206. Guarantee fees. This section changes the guarantee fee for loans of $150,000 or less to 2 percent. Currently, the guarantee fee of 2 percent is only for loans under $100,000. Loans over $100,000 currently have a guarantee fee of 3 percent. The section also provides for an incentive for lenders to make smaller loans (under $150,000) by allowing them to retain ¼ of the guarantee fee.

Section 207. Lease Terms. Under existing 7(a) rules, loan proceeds may not be used for investment purposes. This includes purchase or construction of property to be leased to others. Currently, 7(a) loans may be used to construct property which will be used solely by the borrower.

In 1997, Congress modified this rule for the 504 program to allow for projects where a small portion of a property might be rented out permanently, but the borrower's main focus was the construction of a permanent location. This provision would allow the same authority for 7(a) loans. Borrowers would be allowed to lease up to 20 percent of a property in which they will occupy at least 60 percent of the business space.

TITLE III

The purpose of Title III of H.R. 2392 is to amend the Small Business Investment Act to make changes in the Certified Development Company (CDC) loan program at the Small Business Administration (SBA), commonly known as the 504 loan program. Title III is the substance of H.R. 2614 which passed the House earlier this Congress and contains a variety of technical and substantive changes to improve the program and correct problems brought to the Committee's attention through the oversight process.

Title III will increase the maximum amount of a 504 loan, and its underlying debenture, to $1 million from the current limit of $750,000 in order to keep pace with inflation. The maximum amount for loans with specific public policy purposes (low-income, rural, and minority owned businesses) is increased to $1,300,000. The loan amount was last increased in 1988. Title III will also reauthorize the fees which support the 504 program.

Title III will also add women-owned businesses as a specific public policy goal for the 504 program. Title III will make permanent two pilot programs begun by SBA in 1997 in response to a Congressional mandate. The first pilot program, the Liquidation Pilot Program, enables certain qualified Certified Development Companies to liquidate their own loans rather enduring the usual process of SBA controlled liquidation. The second, the Premier Certified Lenders Program, enables experienced CDCs to use streamlined procedures for loan making and liquidation.

Sec. 302. Women-Owned Businesses. Women-owned businesses are added to the list of concerns eligible for the higher debentures available for public policy purposes. Current policy goals include lending to low-income and rural areas, and loans to businesses owned by minorities.

Sec. 303. Maximum Debenture Size. Maximum loan/debenture size is increased from $750,000 to $1,000,000 for regular debentures. Public policy loan/debentures are increased from $1,000,000 to $1,300,000 for public policy debentures. This increase is commensurate with inflation since the current debenture levels were established.

Sec. 304. Fees. Currently, the 504 program levies fees on the borrower, CDC, and the participating bank. The bank pays a one-time fee whereas the borrower and CDC pay a percentage of the outstanding balance annually in order to provide operational funding for the 504 program. Currently these fees sunset on October 1, 2000. This legislation would continue the fees through October 1, 2003.

Sec. 305. Premier Certified Lenders Program. The Premier Certified Lenders Program (PCLP) is granted permanent status. The current demonstration program terminates at the end of FY 2000.

Sec. 306. Sale of Certain Defaulted Loans. SBA is required to give any certified lender with contingent liability 90 days notice prior to including a defaulted loan in a bulk sale of loans. No loan may be sold without permitting prospective purchasers to examine SBA records on the loan.

Sec. 307. Loan Liquidation. Section 510 is added to the Small Business Investment Act of 1958 in order to create a program permitting CDCs to handle the liquidation of defaulted loans. This program replaces the pilot program authorized by PL 105–135, the Small Business Reauthorization Act of 1997. A permanent program would permit OMB to score savings achieved by the program when computing the subsidy rate for the 504 program.

In order to participate in the liquidation program, a CDC must have made at least 10 loans per year for the past three years and have at least one employee with 2 years of liquidation experience or be a member of the Accredited Lenders Program with at least one employee with 2 years of liquidation experience. Both groups are required to receive training. PCLP participants and current participants in the pilot program automatically qualify.

CDCs have the authority to litigate as necessary to foreclose and liquidate, but SBA could assume control of the litigation if the outcome might adversely affect SBA's management of the program or if SBA has additional legal remedies not available to the CDC.

All Section 510 participants are required to submit a liquidation plan to SBA for approval, and SBA has 15 days to approve, deny, or express concern with the plan. Further SBA approval of routine liquidation activities is not required.

CDCs are able to purchase indebtedness with SBA approval, and SBA is required to respond to such a request within 15 days. Likewise, CDCs are required to seek SBA approval of any workout plan, and SBA must respond to that request within 15 days. With SBA approval, a CDC may compromise indebtedness. Such approval must be granted, denied, or explained within 15 days of receipt of SBA.

TITLE IV

The purpose of Title IV is to amend the Small Business Investment Act (the Act) to make changes in the Small Business Investment Company (SBIC) program at the SBA.

Title IV contains the language from H.R. 3845 which passed the House earlier this Congress and contains four technical changes to improve the program and correct problems brought to the Committee's attention through the oversight process.

H.R. 3845 modifies the definition of control for SBIC investment in small businesses, eliminating a cumbersome five prong test and setting a clear statutory standard. H.R. 3845 will also modify the definition of long term investment under the Act, changing it from five years to one year, in order to harmonize that definition with accepted business practice and the tax and banking laws. Third, the bill allows the Administration to adjust the subsidy fee for the SBIC program to maintain the subsidy rate of the program at zero. Finally, the bill makes a change to the distribution language in the Act, allowing SBICs more flexibility in making distributions to their investors and will simplify the accounting and tax procedures at SBICs.

Sec. 401. Short Title.

Sec. 402. Definitions. (a) Small Business Concern. Inserts the following language in section 103(5)(A)(i) of the Small Business Investment Act—''regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment''. This phrase clarifies that a venture capital investment agreement from an SBIC may cause a change in control of a small business, but that such a change with not affect the eligibility of the small business concern. The Committee does not intend that SBICs become holding companies hence the language references the period of the investment agreement. Further, the Committee retains the authority for SBA examinations to inquire into ''illegal control'' by SBICs, though the committee expects such control to be that exercised outside an investment agreement.

(b) Long term. Inserts the following paragraph in section 103 of the Small Business Investment Act,

''(17) the term long term, when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.'' The language changes the definition of a long term investment to harmonize it with the tax and banking laws.

Sec. 403. Investment in SBICs. This provision allows federal savings associations to invest in SBICs.

Sec. 404. Subsidy Fees. This provision amends sections 303(b) and 303(g)(2) of the Small Business Investment Act to allow the Administration to adjust the fee assessed on debentures and participating securities up to a maximum of one percent. The fee will be adjusted to keep the subsidy cost of the programs at zero or as close as possible to zero.

Sec. 405. Distributions. This section amends section 303(g)(8) of the Small Business Investment Act in order to allow SBICs to make distributions at any time during a calendar quarter based on the maximum estimated tax liability.

Sec. 406. Conforming Amendment.

TITLE V

The purpose of Title V is to reauthorize the programs and operations of the SBA. Title V contains the language from H.R. 3843 which contained the authorization levels for SBA for fiscal years 2001, 2002, and 2003. It contains no technical or substantive changes to any of the programs. The SBA provides a variety of services for small businesses—financial assistance, technical assistance, and disaster assistance.

Financial Assistance. The SBA provides approximately $11 billion in financing to small businesses annually. This financing is made available through a variety of programs.

SBA's largest financial program is the Section 7(a) general business loan program. The 7(a) program offers loans to small businesses through local lending institutions. These loans are provided with an SBA guarantee of up to 80 percent and are limited to a maximum of $750,000. The 7(a) program has a subsidy rate of 1.16 percent for fiscal year 2000 and an appropriation of $107 million, permitting $9.8 billion in lending.

The Section 504 loan program provides construction, renovation and capital investment financing to small businesses through CDCs. These CDCs are SBA licensed, local business development organizations which provide loans of up to $750,000 for small businesses, in cooperation with local banks. CDCs provide 40 percent of the financing package, while the bank provides 50 percent, and the small business provides a 10 percent down payment. CDC funding is obtained through issuance of an SBA guaranteed debenture. The 504 program currently operates at no cost to the taxpayer but does require authorization.

The microloan program provides small loans of up to $25,000 to borrowers in low-income areas. In fiscal year 1999 the program provided $29 million in loans. In addition, the program has a technical assistance aspect that provides managerial and business expertise to microloan borrowers. Microloans are made by intermediary organizations that specialize in local business development. The program has a subsidy rate of 8.54 percent.

The Small Business Investment Company (SBIC) program provides over $1.5 billion in long term and venture capital financing for small businesses annually. SBICs are venture capital firms that leverage private investment dollars with SBA guaranteed debentures or participating securities. The SBIC debenture program currently operates at a zero subsidy rate and requires no taxpayer subsidy. The participating securities program has a 1.8 percent subsidy rate.

Technical Assistance. The SBA provides technical and managerial assistance to small businesses through four primary programs—Small Business Development Centers (SBDCs), the Service Corps of Retired Executives (SCORE), the 7(j) technical assistance program, and the Women's Business Center program.

SBDCs are located primarily at colleges and universities and provide assistance through 51 center sites and approximately 970 satellite offices. Through a formula of matching grants and donations SBDCs offer small businesses guidance on marketing, financing, start-up, and other areas. The program currently receives $84 million in appropriations.

SCORE provides small business assistance on-site through the volunteer efforts of its members. SCORE volunteers are retired business men and women who offer their expertise to small businesses. SCORE volunteers are reimbursed for their travel expenses and SCORE receives funding as well for a website and offices in Washington, DC.

The 7(j) program provides financing for technical assistance to the minority contracting community primarily through courses and direct assistance from management consultants. In addition, the program provides assistance participants to attend business administration classes offered through several colleges and universities.

The Women's Business Center program provides five year grants matched by non-federal funds to private sector organizations to establish business training centers for women. Depending on the needs of the community, centers teach women the principles of finance, management and marketing as well as specialized topics such as government contracting or starting home-based businesses. There are currently 81 centers in 47 states in rural, urban and suburban locations.

Disaster Assistance. The Small Business Administration also provides disaster loan assistance to homeowners and small businesses nationwide. This program is a key component of the overall Federal recovery effort for communities struck by natural disasters. This assistance is authorized by section 7(b) of the Small Business Act which provides authority for reduced interest rate loans. Currently the interest rates fluctuate according to the statutory formula—a lower rate, not to exceed four percent is offered to applicants with no credit available elsewhere, while a rate of a maximum of eight percent is available for other borrowers.

SECTION-BY-SECTION ANALYSIS

Section 501. Short Title.

Section 502. Reauthorization of Small Business Programs. This section provides the authorized appropriation levels for the following programs: Section 7(a) general business loans, Section 504 Certified Development Company loans, direct microloans, guaranteed microloans, microloan technical assistance, Defense Transition (DELTA) loans, Small Business Investment Company debentures, Small Business Investment Company participating securities, Surety Bonds guarantees, SCORE, disaster loans, and salaries and expenses.

The following are the authorizations levels for the financial programs:

(in millions)	2001	2002	2003
7(a)	$14,500	$15,000	$16,000
504	4,000	4,500	5,000
Microloan	60	80	100
Microloan TA	45	60	70
Microloan gty	50	50	50
SBIC debentures	1,500	2,500	3,000
SBIC part. Securities	2,500	3,500	4,000
Surety bonds	4,000	5,000	6,000

This Title also authorizes the Service Corps of Retired Executives (SCORE). SCORE will be authorized at 5, 6, and 7 million dollars for fiscal years 2001, 2002, and 2003, respectively.

Title V also contains provisions authorizing funding for salaries and expenses at the Small Business Administration. These authorizations are established as ''such sums as may be necessary''.

Section 503. Additional Reauthorizations.

This section reauthorizes five programs:

(a) SBDC funding—Increases the authorization from $95,000,000 to $125,000,000.

(b) Drug Free Workplace—Extends authorization through fiscal year 2003 at $5,000,000 per year.

(c) HUBZones—Authorizes appropriations of $10,000,000 per year through fiscal year 2003.

(d) National Women's Business Council—Increases authorization to $1,000,000 per year and extends authorization through fiscal year 2003.

(e) Very Small Business Concerns—Extends authorization through September 30, 2003.

(f) SDB Certification—Extends authorization through September 30, 2003.

TITLE VI

Title VI contains several miscellaneous authorizations and programs.

Section 601. Loan Application Processing. This section requires a study of the time required for SBA to process loan applications.

Section 602. Application of eligibility requirements. This section clarifies that women-owned business, socially and economically disadvantaged business, and veteran owned business status is to be determined without regard for the possible application of state community property laws.

Certain SBA offices have been denying loan applications based upon the possibility that qualified individuals may divorce resulting in joint ownership of the small business.

Section 603. HUBZone Eligibility. This section includes a provision extending eligibility for HUBZone Small Business Concerns for an additional year if they are located in areas that recently were removed from HUBZone status.

Section 604. Subcontracting Preference for Veterans. This clarifies that the language included in subcontracting plans for small business concerns owned and controlled by veterans and used for the purpose of data collection also includes small business concerns owned and controlled by service disabled veterans. Apparently, there is confusion over the fact that the group of veteran owned businesses also includes service disabled veteran owned businesses.

Section 605. Small Business Development Center funding. This section reforms the formula for funding Small Business Development Centers.

Section 606. Surety Bond program. Reauthorizes the Surety Bond financing program.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY IRRIGATION WORKS OWNERSHIP

SPEECH OF

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. HAYWORTH. Mr. Speaker, during House floor consideration and passage of H.R. 2820, a draft resolution was inserted into the RECORD that was to have been a signed version of the resolution from the Salt River Pima-Maricopa Indian Community approving certain amendments to the Community's water code, as contemplated, and, indeed, as required by the bill. To correct this admission, I ask unanimous consent that the attached signed copy of the Community's resolution approving the requisite amendments to its water code be inserted into the RECORD and be included in the RECORD of the proceedings of the House with regard to H.R. 2820.

SALT RIVER PIMA-
MARICOPA INDIAN COMMUNITY,
Scottsdale, AZ.

RESOLUTION NO. SR–2031–2000

Whereas, the Salt River Pima-Maricopa Indian Community (''SRP–MIC'') Council has the authority pursuant to Article VII, Section 1(d)(5) of the Constitution of the SRP–MIC to provide for the proper use and development and prevent the misuse of the lands, natural resources and other public property of the SRP–MIC; and

Whereas, the Congress of the United States has under consideration the passage of H.R. 2820 to convey to the SRP–MIC the irrigation works formerly owned and operated by the Bureau of Indian Affairs and located on SRP–MIC tribal and allottee land; and

Whereas, as a result of negotiations that led to the development of H.R. 2820, and amendments thereto, the legislation's language contemplates that the Community will adopt certain amendments to its Surface Water Management Code prior to enactment of the legislation: Now, therefore, be it

Resolved, That the SRP–MIC hereby adopts the attached amendments to its Surface Water Management Code, attached hereto as Exhibits ''A'' and ''B'' respectively; and be it further

Resolved, That, if substitute legislation for H.R. 2820 (1) is not passed by the Congress prior to the adjournment sine die of the 106th Congress, or (2) if so passed by Congress, but it is not signed into law during the 106th Congress, the approval by the Community of these amendments shall become null and void.

CERTIFICATION

Pursuant to the authority contained in Article VII, Section 1(d)(5) of the Constitution of the Salt River Pima-Maricopa Indian Community, ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, the foregoing resolution was adopted this 19th day of September 2000, at a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 5 members were present by a vote of 5 for, 0 against, and 4 excused.

Salt River Pima-Maricopa Indian Community Council.

MERMA LEWIS,
Vice President.

MEDICARE COMPREHENSIVE QUALITY OF CARE AND SAFETY ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. STARK. Mr. Speaker, in March of 1998, the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry (Quality Commission) issued its final report, raising concerns about medical errors and recommending steps to reduce the incidence of medical errors. The Quality Commission urged that measuring and improving quality of care be made a national priority.

In June of 1998, the Congressional Medicare Payment Advisory Commission (MedPAC) reported on quality of care in Medicare, and in June of 1999, MedPAC made specific recommendations for improving quality of care in Medicare. MedPAC recommended:

That quality of care goals for Medicare, including minimizing preventable errors and increasing participation by patients in their care should be established, reviewed and revised through a public process; that systems be established in Medicare for monitoring, improving and safeguarding quality of care; that the Secretary work with the private sector to develop and use common, core sets of quality measures for monitoring quality; and that to the extent possible, quality of care systems in the traditional Medicare fee-for-service program and Medicare+Choice be comparable.

In July of last year, the Inspector General issued four reports citing major deficiencies in the accreditation of hospitals to ensure that quality of care provided in hospitals for Medicare by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO). The Inspector General made a series of recommendations for improving the accreditation of hospitals to ensure that quality of care provided in hospitals met Medicare standards. Also last year, the General Accounting Office issued reports citing major deficiencies in the accreditation of nursing facilities.

Then, in November of last year, the Institute of Medicine issued a report, ''To Err is Human'', which reported that almost 100,000 people may be killed each year by medical errors. The IOM recommended that improving health care safety be made a national priority and that a nationwide mandatory reporting system of medical errors by providers should be established. The IOM also called for a ''culture of safety'' in health care organizations. On February 10, 2000, the Ways and Means Health Subcommittee held hearings on the IOM report.

And yesterday, October 4, 2000, the Journal of the American Medical Association (JAMA) published an article reporting on the findings of a study on quality of care furnished to Medicare fee-for-service (FFS) beneficiaries. The study examined Medicare hospital claims by State for 24 quality of care performance indicators. The study found wide variation in quality of care both among States and among performance indicators.

The authors state: ''Available data suggest that providing the services measured here could each save hundreds to thousands of lives a year.'' The authors report that ''there has been no systematic program for monitoring the quality of medical care provided to FFS

Today, I along with Mr. NEAL and Mr. JEFFERSON, am introducing legislation that would address the recommendations made by these distinguished organizations. For the first time since the Medicare program was enacted, my bill would establish quality of care as a major emphasis in Medicare.

The ''Medicare Comprehensive Quality of Care and Safety Act of 2000'' would for the first time in the history of Medicare establish a comprehensive quality of care and safety system in Medicare for setting quality of care goals and priorities, conducting research and setting standards for quality of care, monitoring quality, safeguarding quality, and establishing systems to improve information and education of patients and providers concerning quality of care issues.

Perhaps most important of all, my legislation will create a ''culture of safety and quality'' in health care by requiring every provider to establish a ''Medicare Quality of Care and Safety Program'' (MQCSP). Based on model fraud and abuse compliance plans developed and implemented by the HHS Inspector General, every Medicare provider would be required to implement a quality monitoring and error reduction program—''Medicare Quality of Care and Safety Program''—and to report serious failures to meet quality standards and medical errors. The Secretary would be required to establish a national database of medical errors, as called for by the Institute of Medicine.

This legislation would establish a Medicare Quality and Safety Advisory Committee, which would be charged with recommending annual goals and priorities on quality of care. In the Medicare comprehensive quality of care system, the Secretary would be required to establish quality standards, including performance measures. The Secretary would be required to coordinate Medicare quality of care activities with those in other Agencies of the Department. As an example, the Centers for Disease Control and Prevention have for many years established and implemented performance standards for certain aspects of care; the CDC

Medical Infection Disease System (MIDS) provides performance standards for limiting the spread of infectious diseases in hospitals. My legislation would require Medicare to make use of these standards and others already developed either in government or in the private sector. The Secretary would be required to establish systems to adopt these standards in Medicare and educate providers on their use.

Providers would be required to report quality of care and medical error data in a completely confidential system, and the Secretary would be required to establish data systems to monitor the performance of providers regarding quality of care and medical errors. The Secretary would be required to use standard data so that comparisons could be made across providers.

My legislation does not evision a punitive system, but rather a system of working together to achieve improvements in quality and error reduction. I believe that most medical errors are the result of systems failures, and my legislation would focus on correcting these systems errors. I also believe that improvement must come from within health care organizations, rather than being imposed from outside. That is why my legislation would focus on identifying and correcting systems failures from within. However, I also believe that information on best practices and standards must be collected at the national level and shared with health care providers.

This legislation would build on the organizations that are already charged with sharing information and helping to improve quality of care are the Peer Review Organizations (PROs). The Secretary would be required to develop standards and train the PROs regarding those standards. PROs, in turn, would train health care providers in implementing those standards. PROs would also be required to investigate serious failures by providers to meet quality standards, including serious medical errors, and work with providers to implement corrective action plans to modify systems or take other actions to improve quality and minimize errors.

As a way of increasing the confidence of providers in the PROs, fraud and abuse activities of the PROs would be phased out, and their work would be limited to quality related activities. The legislation would change the name of the PROs to ''Quality Improvement Organizations'' in keeping with their new emphasis in Medicare.

The Secretary would be required to monitor quality and safety though a national data system, as recommended by virtually all of the organizations reporting on quality of care. To help providers feel more comfortable in reporting problems with quality or medical errors, the Secretary would be required to establish a confidential reporting system so that physicians, employees of providers, and others would be able to report errors or other failures on a confidential basis. Employees would be provided whistle blower protection for reporting quality failures and errors. Providers who achieve outstanding results in meeting quality standards and minimizing errors would be rewarded with the designation of ''Medicare Provider of Excellence.''

ON THE INTRODUCTION OF THE VETERANS COMMEMORATION ACT OF 2000

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. INSLEE. Mr. Speaker, today I introduce the Veterans Commemoration Act of 2000. This piece of legislation will help to alleviate a serious impediment to adequate health care for our veterans.

Many veterans have trouble getting to and from VA hospitals. The legislation that I am introducing today would create a coin commemorating Executive Order 5398, signed by President Herbert Hoover on July 21, 1930, which established the Veterans Administration. The proceeds from the sale of this coin would fund a transportation program for veterans, provided by the Disabled American Veterans.

This program provides a much-needed service to our nation's veterans. The DAV provides transportation services to veterans to and from VA hospitals. Considering the fact that many veterans live far away from VA hospitals and are disabled, the lack of transportation can be a very serious impediment to adequate health care.

In my home state of Washington, the Veterans Administration hospital in Seattle serves the entire Pacific Northwest. Many of the patients who rely upon the care provided by the VA have severe disabilities that prevent them from easily accessing the clinic. Public transportation serves those veterans that live in the Metropolitan area, but for the thousands of veterans without access to public transportation, the DAV steps in to provide door to door services. This essential program is truly the missing link for veterans' health care.

The DAV has recognized this need by creating the transportation program. This program has been very successful so far. But it only operates in a few select areas and serves only a handful of veterans. This program should be available to all veterans, but the DAV simply cannot afford to fund a project of that magnitude. This bill would create the funds necessary to expand this program.

With no cost to the taxpayer, we can help our nation's veterans and show them that their needs are important. We must show our support to the brave men and women who have risked their lives to serve this country. This unique program, provided by the DAV, deserves our support.

Today I stand with over 150 of my colleagues to introduce this legislation. This bipartisan bill has diverse and broad support. We have the time and the support to pass this bill now. We should not wait for the next Congress to take action when we have the ability and the will to do so now. I urge my colleagues to stand with me and with the Disabled American Veterans to pass this bill and support our veterans.

THE CHILDREN OF SIERRA LEONE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. TIERNEY. Mr. Speaker, if you are paying attention to the House floor at this moment, please listen very closely to what some of my colleagues and I are discussing. Because we are talking about saving children who are being savaged and we desperately need your help.

If you can, please stop what you are doing for a second—I know we're all very busy right now, but again this is important. So, please, stop what you are doing and remember for a moment what you felt like when you were a child, especially if you had moments in which you felt very vulnerable in any way.

Now, take that feeling, and try to imagine living in a community ripped by the throes of war—your parents are missing, friends, sisters and brothers beaten, broken and battered, if even still alive.

And as you imagine this life, now look down at your arms and legs. Imagine an arm or a leg or more mutilated and even severed from your body. Think about that. Can you even bear to imagine it?

As hard as it is to believe, there are children today who don't have to imagine this horror because they live it. They see where their arms and legs once were. They know that their family has been destroyed.

They are the children of Sierra Leone.

And no matter what your politics are, humanity calls us to act. Support funding for peacekeeping now. Support Tony Hall's bill to halt the illegal diamond trade that funds this butchering now. Don't wait. Support ending the horrific suffering of these children now.

CELEBRATION IN PITTSBURGH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. COYNE. Mr. Speaker, I rise today to call my colleagues' attention to an upcoming ceremony that will be held in Pittsburgh on October 13, 2000, to commemorate the 100th anniversary of the founding of the Homestead Grays and the 40th anniversary of Bill Mazeroski's World Series-winning home run. The joint ceremony serves to highlight Pittsburgh's long history of outstanding professional baseball.

The Homestead Grays was a Negro League baseball team that was originally formed by local African American steelworkers. The Homestead Grays played baseball from 1900 until Major League baseball teams were integrated 50 years ago, and the club won a number of pennants. The Grays, incidentally, played the first night game in Pittsburgh baseball history—against the Kansas City Monarchs at Forbes Field on July 25, 1930.

The Homestead Grays were known for several outstanding players who could compete with the best baseball players of the time, white or black. A number of these players were eventually inducted into the Baseball Hall of Fame. Oscar Charleston, first baseman and manager for the Grays—with a lifetime batting average of .357, the ranking of fourth on the all-time home run list for the Negro Leagues, and fielding that was deemed superior to that of his white contemporary Ty Cobb—was inducted into the Baseball Hall of Fame in 1976. Smoky Joe Williams, who pitched for the Grays, was voted the greatest pitcher in Negro League history in 1952, beating out Leroy

''Satchel'' Paige. The Grays claim Buck Leonard, another first baseman and home run hitter, as well as Ray Brown, who in 1940 had the greatest season of any Negro league pitcher ever with 24 wins and only 4 losses. Catcher and power-hitter Josh Gibson was another of the stars of the Homestead Grays. Gibson has the distinction of having hit a 505-foot home run in Yankee Stadium—a feat matched or exceeded by no one, not even Babe Ruth (and in fact, only Dave Winfield and Doug DeCinces have even come close). I am pleased to note that Josh Gibson, Jr., who also played professional baseball, will receive a plaque at this ceremony in honor of his father.

I'd like to note in passing that the Pennsylvania Historical and Museum Commission put up a State historic marker to honor the Homestead Grays on the 100th anniversary of their founding. That marker, which was dedicated last week, can be found at the intersection of Amity Street and Fifth Avenue in Homestead, PA.

The October 13th ceremony will also honor Bill Mazeroski, long-time second baseman for the Pittsburgh Pirates. Mazeroski, who played for the Pirates from 1956 until 1972, was a great infielder and defensive player. Maz won eight Gold Gloves and was picked as an All-Star seven times. He holds the record as the second-baseman with the most double plays in Major League history—1,706—and the most double plays in one season—161 in 1966. He holds the Major League record for the most seasons leading the league in assists, and in five of those nine seasons, he was credited with 500 or more assists. For these accomplishments, if for nothing else, he deserves admission to the National Baseball Hall of Fame, an honor which to this date he has been unfairly denied.

Despite a long career of excellence in fielding, however, Maz is probably best remembered for his winning home run in the 1960 World Series against one of the greatest Yankees teams ever—a team that included baseball greats Mickey Mantle, Whitey Ford, and Yogi Berra. In the seventh game of the 1960 World Series, the Yankees and the Pirates were tied at three games apiece. In the bottom of the ninth inning, with the score tied at nine runs for each team, Bill Mazeroski knocked a home run over the left center field wall of Forbes Field, and the Pirates won the World Series four games to three with a score of 10 to 9. That one magnificent achievement has tended to obscure the remainder of William Stanley Mazeroski's outstanding career in Major League baseball. Mr. Mazeroski will also receive a plaque at the October 13th ceremony in acknowledgment of his many accomplishments on the 40th anniversary of his famous home run.

The ceremony will also highlight plans for the painting of two new wall murals on the wall that runs along the Boulevard of the Allies in Pittsburgh. One of these murals will commemorate the 100th anniversary of the founding of the Homestead Grays. The other will honor Mr. Mazeroski. The brass plaques that Mr. Mazeroski and Mr. Gibson will receive during the ceremony will be mounted alongside these murals. I believe that this is a fitting tribute to two of Pittsburgh's outstanding sports teams and two of Pittsburgh's greatest sports heroes.

TRIBUTE TO BROTHER MARTIN MCMURTREY

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. GONZALEZ. Mr. Speaker, I rise today to thank and pay tribute to a true San Antonio legend, Brother Martin McMurtrey. After 56 years of service as an educator in the Society of Mary Catholic schools, 49 of those years being spent at Central Catholic High School in San Antonio, TX, Brother McMurtrey has announced his retirement.

Having received a bachelor of arts degree in English from the University of Dayton in 1942, and a master of education degree from St. Louis University in 1949, Brother McMurtrey first entered a classroom as a teacher in 1944. Shortly after, in 1951, Brother McMurtrey moved to San Antonio and began teaching at Central Catholic.

During his years at Central Catholic, Brother McMurtrey taught courses in English and drafting, coached football, authored two books, and dedicated countless hours to working with the disadvantaged in San Antonio parishes. I know that even though he is retiring, Brother McMurtrey will continue teaching all of us. As a matter of fact, I am sure that he will check the spelling and grammar of this entry in the CONGRESSIONAL RECORD of the U.S. House of Representatives.

In addition, Brother McMurtrey established a scholarship fund to assist students who could otherwise not afford to attend Catholic schools. He also spent 22 years volunteering after school as a Confraternity of Christian Doctrine teacher and as a worker with the Presentation Nuns. He also organized the Guardian Angels at Central Catholic, an organization that guided student collections of food, toys, and clothing during holiday seasons.

It is estimated that during his half-century of service, Brother McMurtrey touched the lives of some 6,000 students. Those students have gone on to careers in education, medicine, law, public service, and countless other fields. Indeed the impact that Brother McMurtrey has had on the lives of his students and on the San Antonio community is immeasurable.

Upon hearing Brother McMurtrey's announcement, several former Central Catholic students joined together to plan a retirement celebration aptly titled ''The Last English Class.'' Mr. Speaker, today I join those students in thanking Brother McMurtrey for enriching the lives of all who had the privilege of his mentorship.

TRIBUTE TO SGT. MAJOR BILLY RAY LANEY OF CHEROKEE COUNTY, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. CRAMER. Mr. Speaker, today I recognize a fallen soldier from my home state of Alabama. It is a most unusual day for my district, today they are welcoming home Sgt. Maj. Laney 33 years after they sent him off to serve his country in the Vietnam War. Laney's widow, Charline and his three grown children, Wanda, Billy Ray Jr. and Vicky deserve our recognition for the sacrifices they have endured these many years. As their husband and father is laid to rest in the soil he fought and died to protect, I would like to offer my condolences to the family and express my utmost gratitude for Sgt. Maj. Laney's brave actions.

Sgt. Maj. Laney was only in Vietnam for one month. He was a member of the 5th Special Forces Group of the 1st Airborne Division and was listed as missing in action June 3, 1967 in Laos. Although the Department of Defense declared him deceased eleven years ago, his family has had no physical evidence of his death until two months ago.

I would like to take this opportunity to thank the Veterans Groups of my district: Vietnam Veterans of America, American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart and Disabled American Veterans for going to extraordinary efforts to ensure that Sgt. Maj. Laney's life and death and his families' sacrifices will not be forgotten. Today as Sgt. Maj. Laney's remains are returned home, though tardy, he will be honored properly. Governor Don Siegelman, the Honor Guard and the Alabama State Patrol are traveling to join the procession and to pay their respects to this brave soldier and his family.

Sgt. Maj. Billy Ray Laney's retrieval sheds light on the POW/MIAs still unaccounted for across the country. There are two soldiers from Alabama listed as missing, Prentice Wayne Hicks and Edward Upner. I would like to take this opportunity to say that my thoughts are with their families and let them know that there is still hope that we will uncover their fate.

On behalf of the Congress of the United States, I would like to pay tribute to Sgt. Maj. Billy Ray Laney and his loving family. We can never afford to forget the victories and sacrifices of our veterans like Sgt. Maj. Laney lest we take for granted the precious freedoms we enjoy every minute of every day. My thoughts and prayers are with them today as they welcome their husband and father home to rest.

ATAXIA AWARENESS DAY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. DUNCAN. Mr. Speaker, September 25, 2000, marked International Ataxia Awareness Day. Ataxia disorders comprise a family of progressive, degenerative, neurological illnesses which affect more than 100,000 American families, including many in my District. Ataxia usually initially affects coordination, speech, and balance, but various forms often progress to impact the heart, sight, and hearing.

Unfortunately, there are no effective treatments for this often fatal disease. Worse, our very limited understanding of most forms of the disorder has not even produced any effective treatments. Hopefully we can increase awareness of this serious public health threat and spur the type of progress which will bring hope to the thousands of American families dealing with Ataxia.

The biomedical revolution which has taken root over the last couple of decades offers great promise. That is why I have been a proud supporter of the research efforts at the National Institutes of Health (NIH) and the National Institute on Neurological Disorders and Stroke (NINDS), the component of NIH charged with the study of Ataxia.

For example, NINDS-supported research has recently generated considerable new insights into more than 100 related gene defects which cause nervous system disorders. This work is particularly important to those suffering from the many forms of Ataxia which still cannot be specifically diagnosed. As we identify the genes responsible we can more quickly identify specific forms, and perhaps more importantly, begin developing treatment models.

Additionally, we need to continue to create incentives for additional private research aimed at the so-called orphan diseases. These relatively rare conditions do not receive the resources and attention that are often associated with more common public health problems like cancer and heart disease. I believe these special incentives for those developing orphan drugs have proven to be an unqualified success resulting in more new research on Ataxia, multiple sclerosis, ALS and other neurological disorders.

Even with all these efforts under way, it will still take time to even fully understand the questions we need to be asking about Ataxia. That is why it is so important to inform the public about this work and encourage the medical and emotional support those affected need. International Ataxia Awareness Day should be a substantial step in this direction, and I anticipate it will be an annual event. At the same time, we can hope that current research foreshadows a day when it will no longer be necessary to raise awareness of Ataxia.

SCIENCE SPENDING

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. BOEHLERT. Mr. Speaker, I insert in the record an op-ed piece that appeared in yesterday's Washington Post—an op-ed that I am also distributing as a Dear Colleague letter.

The column is by Dr. Harold Varmus, a distinguished Nobel Laureate and former director of the National Institutes of Health (NIH) who is now president of the Memorial Sloan-Kettering Cancer Center in New York City.

Dr. Varmus' point is that Congress needs to be investing adequately in science spending across the board, not just at NIH. Improvements in medicine rest on advancements in a wide variety of fields; we can't improve health in this country by focusing exclusively on NIH.

This is advice we would be wise to heed. The federal research portfolio has become too skewed toward medical research. We need to address that imbalance not by reducing funding for NIH but by increasing funding for the other federal research agencies. That would be a wise investment in this time of surplus.

I'm pleased to say that Congress is beginning to take steps in that direction. I know, for example, that the appropriations bill my good friend and neighbor Congressman JIM WALSH has put together includes a substantial increase for the National Science Foundation (NSF).

But we need to make a comprehensive, consistent commitment to funding the entire federal science portfolio more generously. I look forward to working with my colleagues to accomplish just that.

[From the Washington Post, Oct. 4, 2000]

SQUEEZE ON SCIENCE

(By Harold Varmus)

In recent weeks both presidential campaigns have voiced their support of efforts to double the budget of the National Institutes of Health. This is an encouraging sign that the current bipartisan enthusiasm for medical research will continue in the next administration. But it also offers an opportunity to make an important point about the kinds of science required to achieve breakthroughs against disease.

The NIH does a magnificent job, but it does not hold all the keys to success. The work of several science agencies is required for advances in medical sciences, and the health of some of those agencies is suffering.

For the coming fiscal year, Congress has again—magnanimously and appropriately—slated the NIH for a major increase, its third consecutive 15 percent increase. By these actions, Congress has shown that it is determined to combat the scourges of our time, including heart disease, cancer, diabetes, AIDS and Alzheimer's disease.

But Congress is not addressing with sufficient vigor the compelling needs of the other science agencies, especially the National Science Foundation and the Office of Science at the Department of Energy. This disparity in treatment undermines the balance of the sciences that is essential to progress in all spheres, including medicine.

I first observed the interdependence of the sciences as a boy when my father—a general practitioner with an office connected to our house—showed me an X-ray. I marveled at a technology that could reveal the bones of his patients or the guts of our pets. And I learned that it was something that doctors, no matter how expert with a stethoscope or suture, wouldn't have been likely to develop on their own.

Of course, the X-ray is routine now. Medical science can visualize the inner workings of the body at far higher resolution with techniques that sound dazzlingly sophisticated: ultrasound, positron-emission tomography and computer-assisted tomography. These techniques are the workhorses of medical diagnostics. And not a single one of them could have been developed without the contributions of scientists, such as mathematicians, physicists and chemists supported by the agencies currently at risk.

Effective medicines are among the most prominent products of medical research, and drug development also relies heavily on contributions from a variety of sciences. The traditional method of random prospecting for a few promising chemicals has been supplemented and even superseded by more rational methods based on molecular structures, computer-based images and chemical theory. Synthesis of promising compounds is guided by new chemical methods that can generate either pure preparations of a single molecule or collections of literally millions of subtle variants. To exploit these new possibilities fully, we need strength in many disciplines, not just pharmacology.

Medical advances may seem like wizardry. But pull back the curtain, and sitting at the lever is a high-energy physicist, a combinational chemist or an engineer. Magnetic resonance imaging is an excellent example. Perhaps the last century's greatest advance in diagnosis. MRI is the product of atomic, nuclear and high-energy physics, quantum chemistry, computer science, cryogenics, solid state physics and applied medicine.

In other words, the various sciences together constitute the vanguard of medical research. And it's time for Congress to treat them that way. Sens. Christopher Bond (R–Mo.) and Barbara Mikulski (D–Md.) have just proposed to double the budget of the National Science Foundation over five years. This admirable effort should be vigorously supported and extended to include the Department of Energy's Office of Science, which fund half of all research in the physical sciences and maintains the national laboratories that are central to biomedicine.

Scientists can wage an effective war on disease only if we—as a nation and as a scientific community—harness the energies of many disciplines, not just biology and medicine. The allies must include mathematicians, physicists, engineers and computer and behavioral scientists. I made this case repeatedly during my tenure as director of NIH, and the NIH has made significant efforts to boost its support of these areas. But in the long run, it is essential to provide adequate budgets for the agencies that traditionally fund such work and train its practitioners. Moreover, this will encourage the interagency collaboration that fuels interdisciplinary science. Only in this way will medical research be optimally poised to continue its dazzling progress.

H.R. 4292: THE BORN-ALIVE INFANTS PROTECTION ACT OF 2000

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mr. QUINN. Mr. Speaker, I would like to commend my colleagues in the House of Representatives for demonstrating their overwhelming support for H.R. 4292 last week. The Born-Alive Infants Protection Act of 2000, which is designed to ensure that all infants who are born alive are treated as persons for purposes of federal law, passed the House with 385 votes.

It has long been accepted legal principle that infants who are born alive are persons and are entitled to the full protection of the law. In fact, many states have statutes that, with some variations, explicitly enshrine this principle as a matter of state law, and some federal courts have recognized the principle in interpreting federal laws. But recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question.

Babies whose lungs are insufficiently developed to permit sustained survival are often spontaneously delivered alive, and they may live for hours or days. Others are born alive following deliveries induced for medical reasons, or following attempted abortions. Enactment of H.R. 4292 is necessary to ensure that all infants who are born alive are treated as legal persons for purposes of federal law.

H.R. 4292 is proposed to codify (for federal law purposes only) the traditional definition of ''born alive'' that is already found in the laws of most states: complete expulsion from the mother, accompanied by heartbeat, respiratory, and/or voluntary movements.

Although I was unable to vote on this legislation, I wholeheartedly support it and urge its enactment into law.

H.R. 4365: CHILDREN'S HEALTH ACT OF 2000

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Mrs. MYRICK. Mr. Speaker, a woman who becomes pregnant in less than ideal circumstances has a difficult road ahead no matter what action she takes. She faces serious questions about what will happen to her future: Will the father help? How will I afford the costs? What will my family think and will they support my decision? How am I going to get through this? It is an incredibly scary time and the ultimate question is whether her life will ever be the same.

My biggest concern for a woman in this situation is that she may see abortion as the easiest solution—when there is no easy choice. Too often, I hear stories about women who are frantic for a solution and rush to an abortion clinic without learning about the long-term emotional and physical consequences. As a mother and a grandmother, I can tell you that pregnancy changes a woman's life forever—even if the pregnancy is not carried to term.

The law states that women have the right to choose between carrying the baby and aborting it. Before she makes the decision, I pray that she is given the information and the support to truly be able to choose what is best for her and the tiny baby.

This bill strengthens a woman's choices in two ways. First, it increases access to information about adoption in the health clinics where it is needed most. Women facing unplanned pregnancies deserve to hear about their options from a well-trained counselor who can provide accurate, up-to-date information and refer them to a reputable placement agency.

This bill also authorizes a new grant program for research and additional services (such as mobile health clinics to provide comprehensive health services, including ultrasound screenings), to enhance access to health care for pregnant women and infants, including grants to increase access to prenatal care, ultrasound services, and prenatal surgery.

Prenatal surgery is now a very realistic option. Look at this picture that was taken by Max Aguilera-Hellwag—this baby underwent prenatal surgery to correct spina bifida. Sarah Marie Switzer was born on August 22, 1999.

Mr. Speaker, there are many exciting programs contained in this bill, and I urge my colleagues to vote in favor of H.R. 4365.

IN RECOGNITION OF BENNIE L. THAYER

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 5, 2000

Ms. VALAZQUEZ. Mr. Speaker, I rise today to pay a sad farewell to Bennie Thayer, the long-time President and Chief Executive of the National Association for the Self-Employed, who died October 2.

As a retailer and manufacturer himself, Mr. Thayer knew small business issues from the inside out. On the first day that I became the Democratic leader of the House Small Business Committee, he came to my office to advocate the need to accelerate the 100 percent deduction of health insurance for the self-employed.

He was a regular fixture in the Halls of Congress, where he frequently testified about the importance of simplifying government regulations for small businesses, clarifying the home-office deduction and promoting tax fairness.

When Mr. Thayer talked, I listened, because I knew he spoke straight from the heart of the small business community.

He has such an impressive history of accomplishments on behalf of small businesses that it is impossible to list them all adequately. He chaired and served on the boards of numerous local and national business associations concerned with economic development, credit development, small business enhancement and general business growth. In this capacity, he advised three Presidents on small business issues.

He authored a book that examined health care issues from the standpoint of small business owners. It was called, ''We, the People: An American Solution to Health Care Reform.''

But his accomplishments don't stop there. He served as the State Chair of the Maryland delegation to the 1995 White House Conference on Small Business and as the Regional Implementation Chairman. He was also on the Microsoft Small Business Technology Board to promote computer and information technology to small businesses nationwide. And he served as the Co-Chairman of the Maryland Delegation to the 1986 White House Conference on Small Business.

He was a renowned public speaker, appearing on various radio and television shows to increase awareness of the opportunities and challenges of the self-employed.

I will remember Bennie Thayer as a passionate champion of small businesses, a man of principle and someone who cared deeply about his community.

While the nation's small businesses have lost a great advocate, Mr. Thayer's legacy will live on in Congress and in the hearts of the self-employed.

I salute Bennie Thayer and extend my sympathies to his family.

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report on Transportation Appropriations.

The House agreed to the Conference Report on H.R. 4475, Transportation and Related Agencies.

The House agreed to the Conference Report on H.R. 3244, Trafficking Victims Protection.

Senate

Chamber Action

Routine Proceedings, pages S10037–S10122

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 3176–3180, S. Res. 368, and S. Con. Res. 145–146. **Page S10083**

Measures Reported:

S. 1688, to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage. (S. Rept. No. 106–492)

H.R. 3995, to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government. (S. Rept. No. 106–493) **Pages S10082–83**

Measures Passed:

James W. McCabe, Sr. Post Office Building: Senate passed H.R. 2302, to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building", clearing the measure for the President. **Pages S10112–13**

Matthew F. McHugh Post Office: Senate passed H.R. 3030, to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office", clearing the measure for the President. **Pages S10112–13**

Henry McNeal Turner Post Office: Senate passed H.R. 3454, to designate the United States Post Office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office", clearing the measure for the President. **Pages S10112–13**

Henry W. McGee Post Office Building: Senate passed H.R. 3909, to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building", clearing the measure for the President. **Pages S10112–13**

Vicki Coceano Post Office Building: Senate passed H.R. 3985, to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the "Vicki Coceano Post Office Building", clearing the measure for the President.

Matthew "Mack" Robinson Post Office Building: Senate passed H.R. 4157, to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson Post Office Building", clearing the measure for the President. **Pages S10112–13**

Barbara F. Vucanovich Post Office Building: Senate passed H.R. 4169, to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building", clearing the measure for the President. **Pages S10112–13**

Samuel H. Lacy, Sr. Post Office Building: Senate passed H.R. 4447, to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel

H. Lacy, Sr. Post Office Building'', clearing the measure for the President. **Pages S10112–13**

Judge Robert Bernard Watts, Sr. Post Office Building: Senate passed H.R. 4448, to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building'', clearing the measure for the President. **Pages S10112–13**

James T. Broyhill Post Office Building: Senate passed H.R. 4534, to redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building'', clearing the measure for the President. **Pages S10112–13**

Dr. Flossie McClain Dedmond Post Office Building: Senate passed H.R. 4449, to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building'', clearing the measure for the President. **Pages S10112–13**

Everett Alvarez, Jr. Post Office Building: Senate passed H.R. 4484, to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building'', clearing the measure for the President. **Pages S10112–13**

Alan B. Shepard, Jr. Post Office Building: Senate passed H.R. 4517, to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building'', clearing the measure for the President **Pages S10112–13**

Joseph F. Smith Post Office Building: Senate passed H.R. 4554, to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building'', clearing the measure for the President. **Pages S10112–13**

Reverend J.C. Wade Post Office: Senate passed H.R. 4615, to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the ''Reverend J.C. Wade Post Office'', clearing the measure for the President. **Pages S10112–13**

J.L. Dawkins Post Office Building: Senate passed H.R. 4658, to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building'', clearing the measure for the President. **Pages S10112–13**

William S. Broomfield Post Office Building: Senate passed H.R. 4884, to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building'', clearing the measure for the President. **Pages S10112–13**

John Brademas Post Office: Senate passed S. 2804, to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office''. **Pages S10112–13**

Frank R. Lautenberg Post Office and Courthouse: Senate passed H.R. 4975, to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. Lautenberg Post Office and Courthouse'', clearing the measure for the President. **Page S10113**

John Brademas Post Office: Committee on Governmental Affairs was discharged from further consideration of H.R. 2938, to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office'', and the bill was then passed, clearing the measure for the President. **Page S10113**

Secure Rural Schools and Community Self-Determination Act: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 2389, to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools and roads, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10113–14**

Hagel (for Wyden/Craig) Amendment No. 4302, in the nature of a substitute. **Page S10114**

Reduced Rate Mail Modification: Senate passed S. 2686, to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter. **Page S10114**

D.C. Performance Accountability: Senate passed S. 3062, to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress. **Page S10114**

National World War II Memorial: Senate agreed to S. Con. Res. 85, expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capitol. **Pages S10117–18**

National Energy Security Act: Senate resumed consideration of the motion to proceed to consideration 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. **Pages S10039–40**

Transportation Appropriations—Conference Report: By 78 yeas to 10 nays (Vote No. 267), Senate agreed to the conference report on H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, clearing the measure for the President. **Pages S10052–59**

Trafficking Victims Protection Act—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the conference report on H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, at 9:30 a.m. on Wednesday, October 11, 2000. **Pages S10061–62**

Nominations Confirmed: Senate confirmed the following nominations:

3 Air Force nominations in the rank of general.

166 Army nominations in the rank of general.

23 Marine Corps nominations in the rank of general.

17 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S10114–17, S10120–22**

Nominations Received: Senate received the following nominations:

Sophia H. Hall, of Illinois, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2003. (Reappointment)

Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

A routine list in the Foreign Service. **Pages S10119–20**

Messages From the House: **Page S10081**

Communications: **Pages S10081–82**

Petitions: **Page S10082**

Statements on Introduced Bills: **Pages S10083–91**

Additional Cosponsors: **Pages S10091–92**

Amendments Submitted: **Pages S10095–S10107**

Additional Statements: **Pages S10076–81**

Text of S. 1756, as Previously Passed: **Pages S10107–10**

Text of S. 2547, as Previously Passed: **Pages S10110–12**

Record Votes: One record vote was taken today. (Total—267) **Page S10059**

Recess: Senate convened at 9:31 a.m., and recessed at 3:51 p.m., until 2 p.m., on Tuesday, October 10, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10117.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 19 public bills, H.R. 5408–5426; and 2 resolutions, H. Con. Res. 419, and H. Res. 614 were introduced. **(See next issue.)**

Reports Filed: Reports were filed today as follows.

H.R. 828, to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, amended (H. Rept. 106–943);

S. 964, to provide for equitable compensation for the Cheyenne River Sioux Tribe (H. Rept. 106–944);

Conference report on H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001 (H. Rept. 106–945);

H.R. 2592, to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act, amended (H. Rept. 106–946);

H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001 (H. Rept. 106–947);

S. 1288, an act to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico (H. Rept. 106–947, Pt. 1); and

Conference report on H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001 (H. Rept. 106–948). **(See next issue.)**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Claude Pomerleau, University of Portland, Portland, Oregon. **Page H9013**

Journal: Agreed to the Speaker's approval of the Journal of Thursday, Oct. 5, 2000 by a yea and nay vote of 267 yeas to 50 nays with 1 voting "present", Roll No. 514. **Pages H9013–14**

Transportation and Related Agencies Conference Report: The House agreed to the conference report on H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001 by a yea and nay vote of 344 yeas to 50 nays, Roll No. 516. **Pages H9018–28**

Agreed to H. Res. 612, the rule that waived points of order against the conference report by a yea and nay vote of 244 yeas to 136 nays, Roll No. 515. Also pursuant to the rule, H. Res. 586, H. Res. 592, H. Res. 595, H. Res. 599 and H. Res. 600 were laid on the table. **Pages H9014–18**

Trafficking Victims Protection: The House agreed to the conference report on H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking by a yea and nay vote of 371 yeas to 1 nay, Roll No. 518. **Pages H9036–48**

Agreed to H. Res. 613, the rule that waived points of order against the conference report by a yea and nay vote of 356 yeas to 28 nays, Roll No. 517. **Pages H9029–36**

Increased Employer Fees for H–1B Non-Immigrant Workers: The House passed H.R. 5362, to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers. **Pages H9048–52**

Recess: The House recessed at 3:49 p.m. and reconvened at 9:59 p.m. **(See next issue.)**

Legislative Program: Representative Dreier announced the Legislative Program for the week of Oct. 9, 2000. **Page H9048**

Meeting Hour—Tuesday, Oct. 10: Agreed that when the House adjourns today, it adjourn to meet on Tuesday, Oct. 10 at 12:30 p.m. for morning-hour debates. **(See next issue.)**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Oct. 11, 2000. **(See next issue.)**

Senate Messages: Messages received from the Senate today appear on pages H9028–29, H9052.

Referrals: S. 134, S. 1367, S. 1670, S. 1972, S. 2069, S. 2273, S. 2300, S. 2345, S. 2478, S. 2485, S. 2749, and S. 2950 were referred to the Committee on Resources. S. 2439, S. 2499 and S. 2942 were referred to the Committee on Commerce, S. 2885 was referred to the Committee on Government Reform. S. 2865 and S. 2691 were referred to the Committees on Resources and Agriculture; S. 1534 was referred to the Committees on Resources and Transportation and Infrastructure. **(See next issue.)**

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings of the House today

and appear on pages H9014, H9017, H9027–28, H9036, and H9047–48. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:01 p.m.

Committee Meetings

FAIRNESS IN SECURITIES TRANSACTIONS ACT

Committee on Commerce: Ordered reported, as amended, H.R. 2441, Fairness in Securities Transactions Act.

INTERACTIVE TV SERVICES MARKETPLACE FUTURE

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection continued hearings on the Future of the Interactive Television Services Marketplace: What Should Consumers Expect? Testimony was heard from public witnesses.

FEDERAL WETLANDS POLICY

Committee on Government Reform: Held a hearing on "Federal Wetlands Policy: Protecting the Environment or Breaching Constitutional Rights?" Testimony was heard from Michael Davis, Deputy Assistant Secretary, Policy and Legislation, Office of Civil Works, Department of the Army; Robert Wayland, III, Director, Office of the Wetlands, Oceans, and Watersheds, EPA; and public witnesses.

OVERSIGHT—METRO'S TRACK RECORD

Committee on Government Reform: Subcommittee on the District of Columbia held a hearing on Examining Metro's Track Record: An Oversight hearing on the Challenges and Opportunities Facing the Washington Metropolitan Area Transit Authority. Testimony was heard from Nuria Fernandez, Acting Administrator, Federal Transit Administration, Department of Transportation; the following officials of the Washington Metropolitan Area Transit Authority: Gladys W. Mack, Chairman; Richard White, General Manager and CEO; Decatur Trotter, Vice Chairman and Christopher Zimmerman, Second Vice Chairman, both members of the Board of Directors; and public witnesses.

OVERSIGHT—FCC MANAGEMENT PRACTICES

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held an oversight hearing on the Management Practices of the Federal Communications Commission: The Chairman Reports. Testimony was heard from the following officials of the FCC: William E. Kennard, Chairman; and H. Walker Feaster, III, Inspector General; and public witnesses.

Joint Meetings

APPROPRIATIONS—AGRICULTURE

Conferees on Thursday, October 5, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001.

AUTHORIZATION—DEFENSE

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4205, 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.

TRAFFICKING VICTIMS PROTECTION ACT

Conferees on Thursday, October 5, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

CONGRESSIONAL PROGRAM AHEAD

Week of October 9 through October 14, 2000

Senate Chamber

On *Monday,* Senate will not be in session.

On *Tuesday,* Senate will be in a period of morning business.

On *Wednesday,* Senate will consider the conference report on H.R. 3244, Trafficking Victims Protection Act.

During the remainder of the week, Senate expects to consider any other cleared legislative and executive business, including appropriation bills and conference reports, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: October 12, Subcommittee on Labor, Health and Human Services, and

Education, to hold hearings to examine the status of Gulf War illnesses, 9:30 a.m., SD–124.

Select Committee on Intelligence: October 10, closed business meeting to consider pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: October 11, Subcommittee on Administrative Oversight and the Courts, to continue oversight hearings on the Wen Ho Lee case, 9:30 a.m., SD–226.

October 13, Subcommittee on Criminal Justice Oversight, to hold oversight hearings to examine the United States Sentencing Commission, focusing on whether guidelines are being followed, 10 a.m., SD–226.

House Chamber

Tuesday, consideration of suspensions:

(1) H. Con. Res. 376, Recognition of a Liberty Day;

(2) H.R. 208, Thrift Savings Plan Rollover Distributions and Waiting Period Requirements;

(3) H.R. 4831, Roberto Clemente Post Office, Chicago, Illinois;

(4) H. Res. 163, Importance of Early Diagnosis and Treatment of Postpartum Depression;

(5) H. Res. 575, Supporting Internet Safety Awareness;

(6) H.R. 3756, Standard Time Zone for Guam and the Northern Mariana Islands;

(7) H.R. 762, Lupus Research and Care Amendments;

(8) H.R. 1042, Drug Dealer Liability;

(9) H.R. 5136, Marshal of the Supreme Court and the Supreme Court Police Authority to Provide Security Beyond the Supreme Court Building and Grounds;

(10) H.R. 3767, Visa Waiver Permanent Program;

(11) H.R. 4838, Waiver of the Oath of Renunciation and Allegiance for Naturalization of Aliens Having Certain Disabilities;

(12) H.R. 4441, Motor Carrier Fuel Cost Equity;

(13) S. 2438, Pipeline Safety Improvement;

(14) H. Res. 451, Call for Lasting Peace, Justice, and Stability in Kosova;

(15) H. Con. Res. 404, Release of Mr. Edmond Pope from Russian Prison for Humanitarian Reasons;

(16) H. Con. Res. 328, Recognition of the 10th Anniversary of Free Elections in Burma and the Need to Improve the Democratic and Human Rights;

(17) H. Con. Res. 408, Appreciation for the U.S. Service Members Who Were Aboard the British transport HMT ROHNA When it Sank, Their Families, and the Rescuers of the Passengers and Crew;

(18) H.R. 5314, Improved Treatment of Military Working Dogs and Adoption of Retired Military Working Dogs;

(19) H.R. 5174, DOD Authority to Permit Military Installations and Reserve Component Facilities to Be Used as Polling Places in Federal, State, and Local Elections for Public Office;

(20) H.R. 3621, Posthumous Promotion of William Clark of the Commonwealths of Virginia and Kentucky, Co-leader of the Lewis and Clark Expedition, to the Grade of Captain in the Regular Army;

Wednesday and the Balance of the Week:

Consideration of H.R. 4205, Floyd Spence National Defense Authorization Act, 2001 Conference Report (Subject to a Rule);

Consideration of H.R. 4461, Agriculture, Rural Development, FDA, and Related Agencies Appropriations Act, 2001 Conference Report (Subject to a Rule);

Consideration of H.R. 4577, Labor, HHS, Education, and Related Agencies Appropriations Act, 2001 Conference Report (Subject to a Rule); and

Consideration of H.R. 4942, DC Appropriations Act, 2001 Conference Report (Subject to a Rule).

House Committees

Committee on Commerce, October 11, Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing on Recent Developments in Privacy Protections for Consumers, 10 a.m., 2123 Rayburn.

October 12, full Committee, hearing on the Global Need for Access to Safe Drinking Water, 10 a.m., 2123 Rayburn.

Committee on Government Reform, October 11, to continue hearings on The Anthrax Vaccine Immunization Program—What Have We Learned? 10 a.m., 2154 Rayburn.

October 12, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on U.S. Aid to Colombia, 1:30 p.m., 2154 Rayburn.

Committee on International Relations, October 11, hearing to review the Policy Blueprint for Approving U.N. Peacekeeping Missions, 10 a.m., 2172 Rayburn.

October 12, hearing on Implementation of the Iran Nonproliferation Act, 10 a.m., 2172 Rayburn.

October 13, hearing on Developments in Western Europe, 10:30 a.m., 2172 Rayburn.

Committee on Rules, October 10, to consider the following conference reports: H.R 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001; and H.R. 4205, Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, 5 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, October 11, Subcommittee on Aviation, hearing on Effect of Fuel Price Increases on Airlines and Passengers, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, October 12, Subcommittee on Oversight, hearing on Employee Stock Option Plans, 10:30 a.m., 1100 Longworth.

Joint Meetings

Conference: October 10, closed meeting of conferees on H.R. 4392, to authorize appropriations for fiscal year

2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 7:30 p.m., S–407 Capitol.

Conference: October 11, meeting of conferees on H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, 11 a.m., H–140 Capitol.

Next Meeting of the **SENATE**

2 p.m., Tuesday, October 10

Senate Chamber

Program for Tuesday: After the recognition of certain Senators for speeches and the transaction of any morning business (not to extend beyond 4 p.m.), Senate may begin consideration of appropriation conference reports if available.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Tuesday, October 10

House Chamber

Program for Tuesday: Consideration of Suspensions:

(1) H. Con. Res. 376, Recognition of a Liberty Day;

(2) H.R. 208, Changes to Thrift Savings Plan Rollover Distributions and Waiting Period Requirements;

(3) H.R. 4831, Roberto Clemente Post Office, Chicago, Illinois;

(4) H. Res. 163, Importance of Early Diagnosis and Treatment of Postpartum Depression;

(5) H. Res. 575, Internet Safety Awareness Support;

(6) H.R. 3756, Standard Time Zone for Guam and the Northern Mariana Islands;

(7) H.R. 762, Lupus Research and Care;

(8) H.R. 1042, Drug Dealer Liability;

(9) H.R. 5136, Marshal of the Supreme Court and Supreme Court Police Authority to Provide Security Beyond the Supreme Court Building and Grounds;

(10) H.R. 3767, Visa Waiver Permanent Program;

(11) H.R. 4838, Waiver of the Oath of Renunciation and Allegiance for Naturalization of Aliens Having Certain Disabilities;

(12) H.R. 4441, Motor Carrier Fuel Cost Equity;

(13) S. 2438, Pipeline Safety Improvement;

(14) H. Res. 451, Call for Lasting Peace, Justice, and Stability in Kosova;

(15) H. Con. Res. 404, Release of Mr. Edmond Pope from Russian Prison for Humanitarian Reasons;

(16) H. Con. Res. 328, Recognition of the 10th Anniversary of Free Elections in Burma and the Need to Improve the Democratic and Human Rights;

(17) H. Con. Res. 408, Appreciation for the U.S. Service Members Who Were Aboard the British transport HMT ROHNA When it Sank, Their Families, and the Rescuers of the Passengers and Crew;

(18) H.R. 5314, Improved Treatment of Military Working Dogs and Adoption of Retired Military Working Dogs;

(19) H.R. 5174, DOD Authority to Permit Military Installations and Reserve Component Facilities to Be Used as Polling Places in Federal, State, and Local Elections for Public Office; and

(20) H.R. 3621, Posthumous Promotion of William Clark of the Commonwealths of Virginia and Kentucky, Co-leader of the Lewis and Clark Expedition, to the Grade of Captain in the Regular Army.

Extensions of Remarks, as inserted in this issue

HOUSE

Boehlert, Sherwood L., N.Y., E1706
Bonilla, Henry, Tex., E1693
Clayton, Eva M., N.C., E1689
Clement, Bob, Tenn., E1695
Combest, Larry, Tex., E1698
Condit, Gary A., Calif., E1688
Coyne, William J., Pa., E1704
Cramer, Robert E. (Bud), Jr., Ala., E1705
Dingell, John D., Mich., E1687
Doolittle, John T., Calif., E1696
Duncan, John J., Jr., Tenn., E1705
Dunn, Jennifer, Wash., E1698
Etheridge, Bob, N.C., E1690
Gonzalez, Charles A., Tex., E1705
Hall, Ralph M., Tex., E1689, E1690
Hayworth, J.D., Ariz., E1703
Hill, Rick, Mont., E1689
Hilliard, Earl F., Ala., E1687
Inslee, Jay, Wash., E1704
Kanjorski, Paul E., Pa., E1690
Levin, Sander M., Mich., E1689
Manzullo, Donald A., Ill., E1691
Myrick, Sue Wilkins, N.C., E1707
Obey, David R., Wisc., E1687
Quinn, Jack, N.Y., E1706
Sanford, Marshall ''Mark'', S.C., E1697
Sensenbrenner, F. James, Jr., Wisc., E1688
Shuster, Bud, Pa., E1698
Smith, Christopher H., N.J., E1698
Spence, Floyd, S.C., E1697
Stark, Fortney Pete, Calif., E1703
Talent, James M., Mo., E1699
Tauscher, Ellen O., Calif., E1693
Thomas, William M., Calif., E1698
Tierney, John F., Mass., E1704
Towns, Edolphus, N.Y., E1696
Velaquez, Nydia M., N.Y., E1699, E1707

(House proceedings for today will be continued in Part II)

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