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Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, November 14, 2000, at 12 noon.

House of Representatives

MONDAY, NOVEMBER 13, 2000

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 13, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord, we pray that these words of Psalm 27 we read with our eyes and pray with our lips, echo deep within until they become inscribed in the heart of each Member of this House.

''The Lord is my light and my salvation, whom should I fear?
The Lord is my life's refuge, of whom should I be afraid?
One thing I ask of the Lord; this I seek:
To dwell in the House of the Lord all the days of my life. . . .''

Make all of us seekers of Your light. May we rejoice always in Your salvation. May Your Spirit dwell deep within us that this House may be transformed into a house of prayer and a place of mutual respect, integrity, and justice now and forever. Amen

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2000 at 12:55 p.m.

That the Senate passed without amendment H.J. Res. 124.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE REGARDING COMMUNICATION FROM THE PRESIDENT PERMITTING CONDITIONAL ADJOURNMENT UNDER SENATE CONCURRENT RESOLUTION 160

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2000.

Hon. J. DENNIS HASTERT,
Speaker,
Washington, DC.

DEAR MR. SPEAKER: This is to advise that on November 4, 2000 at 10:46 a.m., I was notified that the President had signed the Continuing Resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2001, and for other purposes; and H.J. Res. 84, making further continuing appropriations for the fiscal year 2001, and for other purposes.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and

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joint resolutions on Friday, November 3, 2000:

S. 11, for the relief of Wei Jingsheng.

S. 150, for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 276, for the relief of Sergio Lozano.

S. 768, to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

S. 785, for the relief of Frances Schochenmaier and Mary Hudson.

S. 869, for the relief of Mina Vahedi Notash.

S. 1078, for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513, for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

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

S. 1880, to amend the Public Health Service Act to improve the health of minority individuals.

S. 1936, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2000, for the relief of Guy Taylor.

S. 2002, for the relief of Tony Lara.

S. 2019, for the relief of Malia Miller.

S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2289, for the relief of Jose Guadalupe Tellez Pinales.

S. 2440, to amend title 49, United States Code, to improve airport security.

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

S. 2547, 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.

S. 2712, to amend Chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 2773, to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2789, to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2915, to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3164, to protect seniors from fraud.

S. 3194, to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office.''

S. 3239, to amend the Immigration and Nationality Act to provide special immigrant status for certain United States International Broadcasting employees.

H.J. Res. 84, making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 124, making further continuing appropriations for the fiscal year 2001, and for other purposes.

COMMUNICATION FROM DISTRICT CASEWORK MANAGER OF HON. RON PAUL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dianna Gilbert, district casework manager of the Honorable RON PAUL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court of Brazoria County, Texas.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House.

Sincerely,

DIANNA GILBERT,
District Casework Manager
for Congressman Ron Paul.

COMMUNICATION FROM FINANCIAL COUNSELING DIRECTOR, OFFICE OF FINANCE

The SPEAKER pro tempore laid before the House the following communication from Jacqueline Aamot, financial counseling director, Office of Finance:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, November 7, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JACQUELINE AAMOT,
Financial Counseling Director,
Office of Finance.

AN AGENDA FOR AMERICA

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

Mr. GIBBONS. Mr. Speaker, for the first time in decades, the American voters have reelected a Republican House majority here in four consecutive elections. While the nay-sayers and political pundits have spent 2 years writing off our majority, we have spent 2 years forging a legislative agenda for America's families, an agenda that America has endorsed.

The political season, Mr. Speaker, is now over; and the time has come to look ahead. We will continue to work across party lines in a bipartisan fashion to ensure that seniors are secure in their retirement and that every child has a successful education and a safe school and that working families receive long overdue tax relief and that our country's military is indeed ready for any challenge.

These are the goals that the American people have entrusted us with, and we are meeting those goals. We stand ready to look forward to working in the 107th Congress to achieve these goals and for the common good of the American people and for the future of our great Nation.

EYES OF AMERICA ON FLORIDA

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

Mr. TRAFICANT. Mr. Speaker, the eyes of America are on Florida, and they should be. The truth is, this is not a Washington matter; this is a matter for Florida. Let Florida count the votes, and if Mr. Bush continues to maintain his lead, and does win the popular vote in Florida, Mr. Bush should be installed as our next President.

Mr. Speaker, the electoral college system to elect Presidents has survived for over 200 years unchanged. I yield back the wisdom of our Founding Fathers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

CARRIAGE OF NONPROJECT WATER BY MANCOS PROJECT, COLORADO

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2594) to authorize the

Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

The Clerk read as follows:

S. 2594

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

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the ''Water Conservation and Utilization Act'') (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the ''project''), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, this legislation authorizes the Secretary of the Interior to enter into contracts with the Mancos Water Conservancy District and its member unit contractors to transfer nonproject water for any beneficial purpose, up to the extent of any excess capacity. Legislation such as this has passed Congress on several occasions since the Bureau of Reclamation does not have the authority to move nonproject water administratively, unless it is for irrigation purposes. The increased growth and resulting need to use water facilities more efficiently in the western United States have been the basis for Congress to authorize the Secretary of the Interior to enter into these contracts.

Mr. Speaker, I urge an ''aye'' vote on this legislation.

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

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

Mr. Speaker, S. 2594 authorizes the use of Mancos Project facilities for the storage, diversion, or carriage of nonproject water.

Mr. Speaker, this legislation is not controversial, so we have no objection to its enactment.

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

Mr. DOOLITTLE. Mr. Speaker, I urge an ''aye'' vote on this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 2594.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds have voted in the affirmative.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONVEYANCE TO DOLORES, COLORADO, CURRENT SITE OF JOE ROWELL PARK

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1972) to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

The Clerk read as follows:

S. 1972

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

SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) IN GENERAL.—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by the Secretary) depicted on the map entitled ''Joe Rowell Park,'' dated July 12, 2000.

(2) SURVEY.—

(A) IN GENERAL.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) COST.—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) POSSIBILITY OF REVERTER.—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, S. 1972 was introduced by Senator ALLARD. This legislation would convey approximately 25 acres of Forest Service land to the town of Dolores, Colorado, for use as a park. The property has been used by the town of Dolores as a park under permit from the Forest Service.

Mr. Speaker, S. 1972 guarantees the reversion of the property back to the United States if the town attempts to transfer the title or permit the property to be used for any other purpose.

Mr. Speaker, I urge all Members to support S. 1972.

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

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

Mr. Speaker, S. 1972 directs the Forest Service to convey 25 acres of land to the town of Dolores, Colorado, for use as a local park. Dolores currently operates a park on those lands under a special-use permit. In addition, the lands are surrounded by town and private lands that are not contiguous to other national forestlands.

The bill does not require the town to compensate the Forest Service for the land, but the bill does provide that the lands must be used for a park, or they revert back to the Forest Service.

Mr. Speaker, we are generally reluctant to convey lands out of public ownership without payment of fair compensation. In this case, however, the administrative transfer to the town is consistent with its current uses and may facilitate improvements to the

park facilities. Under these circumstances, we have no objection to the bill.

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

Mr. DOOLITTLE. Mr. Speaker, I urge an ''aye'' vote on this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 1972.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess for 10 minutes.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 o'clock and 33 minutes p.m.

REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

''(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

''(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

''(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Maryland (Mr. WYNN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2346.

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

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

H.R. 2346 is an important initiative intended to improve compliance with the FCC rules governing citizens band radio service.

The House passed this bill in September by a voice vote, and the other body made a clarifying amendment to the bill when it passed the bill just last month. The result is the text that we see before us today.

Fundamentally, the bill is an effort to help eliminate the practices of the few CB radio users that have chosen to take advantage of the unlicensed nature of CB radios to operate outside the boundaries of the FCC rules. When some people choose not to follow those rules, unexpected and potentially harmful interference can result for users of other services.

Let me take a moment to talk about the amendment that the other body has made to the bill. The amendment was worked out by all parties, including my good friend, the gentleman from Michigan (Mr. EHLERS), and the American Trucking Association, the sponsor of the bill; and obviously the trucking association is a very interested group of American citizens.

First, the amendment protects against the possibility that the courts might construe the legislation to require a final decision in a State adjudication process, as distinguished from a mere final action of a State or a local enforcement agency, as a precondition of appeal to the FCC which has, of course, jurisdiction in the area.

This would prevent lengthy court action prior to appealing a decision of a State or a local agency.

The other body's amendment makes it clear that the legal standard of probable cause for commercial motor vehicles and operators under this legislation is a standard developed by the court system.

This eliminates a protection included in the House bill to help the operators of commercial motor vehicles that raised some unintended consequences and concerns. Accordingly, we should be able to drop that section of the bill.

Lastly, the amendment modifies a requirement that the FCC provide technical guidance to the State and local government agencies.

Mr. Speaker, I want to commend the gentleman from Michigan (Mr. EHLERS), my friend, for his work on this bill and ask all Members to support its passage

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

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

Mr. Speaker, I rise in support of H.R. 2346, the Citizens Band Radio Enforcement bill. This legislation will go a long way towards solving an ever-increasing and intrusive problem, the illegal operation of CB radios.

To be sure and I must emphasize, the vast majority of CB operators are law-abiding citizens who use their radios properly. However, rogue operators do exist across the country who regularly operate their CB radios at power levels far above the legal limit. When these operators boost their CB power levels, it often causes bleeding into nearby frequencies.

I am actually reminded of an old science fiction program, the Outer

Limits, in which a rogue radio operator boosted his frequency above allowable limits creating a highway for which an alien appeared on our planet. In the real world, however, Americans who are unfortunate enough to live near these illegal CB radio stations experience only interference with their telephones, televisions and other electronic equipment, a very serious problem. Worst, these transmissions are often profane and occur at all hours of the night and day. This intrusive practice is simply not a neighborhood nuisance, it borders on trespass.

Unfortunately, the Federal Communications Commission does not have the power or resources to adequately police illegal CB radio operators around the country. As a result, victims are left helpless to defend against this growing intrusion to their privacy and the quiet enjoyment of their homes.

The bill before us would protect the American public by allowing local law enforcement officials to enforce existing FCC rules regarding CB radios. Victims of this type of harassment can be given assistance by local authorities to shut down these rogue operators.

Mr. Speaker, I urge my colleagues to support this important consumer legislation with the improvements that have been described this evening.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the author of the legislation who has worked tirelessly for many years now to bring this legislation to final action by the House and the Senate.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding the time to me.

Mr. Speaker, I am very pleased to rise in support of this legislation. It has taken a considerable amount of work over several years to reach this point.

It initially arose when a constituent contacted me; he was extremely frustrated, because they were unable to use their radios, television sets, and their cordless telephones, because a neighbor near them was blasting away at 100 watts of CB power when the legal limit is only 5 watts. He had illegally attached a high power amplifier to his CB system.

This person, my constituent, had contacted the police. They were unable to help. They simply said, we do not have jurisdiction. He had contacted State agencies. They also could not help. In both cases, he was told to contact the Federal Communications Commission. When he did so, they said, yes, this person is breaking the law, but we do not have the personnel to go everywhere in the country to take care of this matter. As a result of this situation I have introduced this bill.

Mr. Speaker, I initially thought this constituent's problem was a rather isolated incident. Once I introduced the bill, I heard from individuals and organizations across the country that were encountering the same problem. Since I had apparently hit a hot nerve with a number of members of the public, I decided this bill was worth pursuing.

The Senate has made minor changes to the bill which clarify it and which take care of some concerns of the truckers who, as my colleagues know, use CBs very heavily. They were worried about perhaps being harassed by improper use of this law, but we have taken care of that. I believe it is now in very, very good shape and will serve the purpose for which it was intended.

There will not be any further complications with it; therefore, I urge the Members of the House to concur in the Senate amendments and pass this bill.

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

Mr. Speaker, I just would like to commend the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. EHLERS), and another original cosponsor of this bill, the gentleman from Michigan (Mr. DINGELL), for the efforts to bring this bill to the floor today.

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

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

Mr. Speaker, I simply want to say thank you to the gentleman from Maryland (Mr. WYNN), my friend, who has always demonstrated, as the Committee on Commerce often does, a bipartisan spirit to improve the condition of our consumer protection laws.

This certainly is not a bill that is going to reshape the economy of Louisiana or America or Michigan or Maryland, but it nevertheless is an unusually important bill to neighbors who cannot use their telephones and their television sets.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), my friend.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Louisiana (Chairman TAUZIN) for yielding me the time.

Mr. Speaker, I simply want to thank the members of the Committee on Commerce, especially the gentleman from Louisiana (Chairman TAUZIN), who has been very helpful in this, the gentleman from Maryland (Mr. WYNN), and the ranking member (Mr. DINGELL), and, of course, the gentleman from Virginia (Chairman BLILEY), who has also been involved in this. I appreciate their help in all aspects of this bill.

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

Mr. Speaker, I wanted to point out, even while we are going through an awfully hotly contested election and waiting to find out who our next President may be, we are still working here and still improving the state of our Nation's laws and this small, but important area making sure that consumers enjoy their televisions and their radios and their mobile telephone sets in their homes.

This is an important bill that helps American families in a very special way when they run into this problem. It will give them local redress so they do not have to come all the way to Washington to get help.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. EHLERS), my friend, for persevering all this year to bring this to final action in this House. I want to thank the gentleman from Virginia (Chairman BLILEY), because without the assistance of the gentleman from Virginia, obviously, we would not have moved the bill to this point.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, and the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, Trade and Consumer Protection, for their extraordinarily bipartisan cooperation on this and so many communication bills that our committee works on.

Mr. Speaker, again, I want to thank the gentleman from Maryland (Mr. WYNN), my friend, for being here to help us finalize this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I would only like to say the gentleman from Louisiana (Mr. TAUZIN) has put a good perspective on this bill. It does not shake the Earth, but yet it is very important to our constituents to show that we are, in fact, here working, carrying out the public's business.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2346.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 44 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 p.m.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 125) making further continuing appropriations for the fiscal year 2001, and for other purposes, to the end that the joint resolution be hereby passed; and that a motion to reconsider be hereby laid on the table.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 125 is as follows:

H.J. RES. 125

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Public Law 106–275 is further amended by striking the date specified in section 106(c) and inserting ''December 5, 2000'', and by adding, at the end, the following three new sections:

''SEC. 121. (a) Notwithstanding any other provision of this joint resolution, except section 107, there are appropriated for all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 14, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 14, 2000 (One Hundred Sixth Congress), $1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000: *Provided*, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the Joint Congressional Committee on Inaugural Ceremonies shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

''(b) During fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to the following events:

''(1) Upon request of the Chair of the Joint Congressional Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89 (One Hundred Sixth Congress), agreed to March 14, 2000, the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States.

''(2) Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

''SEC. 122. Notwithstanding any other provision of this joint resolution except Section 107, $5,961,000 shall be available for a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities.

''SEC. 123. Notwithstanding limitations imposed by this continuing resolution except Section 107, the Executive Residence at the White House is authorized to make expenditures to provide for the orderly transition and moving expenses following the election on November 7, 2000.''.

SEC. 2. Notwithstanding section 106 of Public Law 106–275, funds shall be available and obligations for mandatory payments due on or about December 1, 2000, may continue to be made.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida so he might be allowed to explain his motion.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to advise Members this extends the date of the original CR until December 5, 2000. It provides authority to make mandatory payments due on December 1, 2000, which are Social Security, Veterans benefits and other entitlement programs that have to be approved.

It amends the original CR, this is new, to provide $1 million for the legislative branch inaugural expenses that were contained in the vetoed legislative branch appropriations act.

Secondly, it provides $5.961 million for the District of Columbia inaugural expenses that are contained in the held-up District of Columbia appropriations act.

It provides approximately $200,000 for executive residence transition and moving expenses that were contained in the vetoed Treasury, Postal Service, General Government appropriations act.

That is what the CR does, Mr. Speaker.

Mr. OBEY. Mr. Speaker, continuing under my reservation of objection, let me simply say that my understanding is that this CR would continue to keep the government open through Tuesday, December 5.

It had certainly been my original hope that since the ergonomics issue, which has caused so much contention between the two parties, has now been issued, it had been hoped that since the objection to that standard is now moot, that we would, in fact, be able to move forward with the Labor, Health, Education conference, the remaining issues in that conference, and also reach a compromise with respect to the State, Justice, Commerce appropriations bill finishing the work of the Committee on Appropriations for this year.

It is apparent that the House leadership does not at this point want to release that bill. Under the circumstances, I would agree that there is no point in holding Members here with the unrealistic expectation that something is going to happen over the next week or so on the appropriations bills.

I think that under the circumstances, the date for the renewal of the resolution suggested by the gentleman makes sense.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would like to say I agree with what the gentleman from Wisconsin has said, and I hope that we can resolve these issues that have held us apart for these past few weeks.

Again, I think the gentleman would acknowledge what I am about to say that the issues that are holding us up from completing these bills are not appropriations issues, they are riders on appropriations bills.

I agree with the gentleman, I hope we can resolve them quickly and expeditiously and prepare for next year's appropriations process.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, I would hope that come December 5, we can do as I just described so that this lame duck session can, in fact, adjourn before it does too much damage to the Republicans.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

S. 2594, by the yeas and nays;

S. 1972, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CARRIAGE OF NONPROJECT WATER BY MANCOS PROJECT, COLORADO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2594.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 2594, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 201, nays 151, not voting 80, as follows:

[Roll No. 595]

YEAS—201

Archer	Barton	Blunt
Armey	Bass	Boehlert
Bachus	Bereuter	Boehner
Baker	Biggert	Bonilla
Barr	Bilbray	Bono
Barrett (NE)	Bilirakis	Brady (TX)
Bartlett	Bliley	Bryant

Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—151

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Slaughter
Snyder
Spratt
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wu
Wynn

NOT VOTING—80

Ackerman
Aderholt
Andrews
Ballenger
Becerra
Bishop
Borski
Boswell
Boyd
Brown (FL)
Burr
Carson
Clay
Coburn
Cooksey
Coyne
Danner
DeFazio
Deutsch
Diaz-Balart
Dickey
Dunn
Ehrlich
Farr
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Ganske
Gilchrest
Goodlatte
Green (TX)
Hall (OH)
Hansen
Hefley
Hoeffel
Holden
Hulshof
Jefferson
John
Kaptur
Kasich
Kennedy
Klink
Largent
Latham
Lowey
Maloney (NY)
McCarthy (NY)
McIntosh
McNulty
Meehan
Millender-McDonald
Miller (FL)
Moakley
Neal
Pascrell
Peterson (MN)
Peterson (PA)
Pitts
Price (NC)
Rogan
Rothman
Rush
Smith (WA)
Souder
Stark
Stenholm
Strickland
Talent
Taylor (NC)
Velazquez
Walsh
Wamp
Weiner
Wexler
Weygand
Wilson
Wise

□ 1829

Messrs. HILL of Indiana, UDALL of Colorado and SHOWS changed their vote from ''yea'' to ''nay''.

Mr. TAYLOR of Mississippi changed his vote from ''nay'' to ''yea''.

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 595, I was in my Congressional District on official business. Had I been present, I would have voted ''nay.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONVEYANCE TO DELORES, COLORADO CURRENT SITE OF JOE ROWELL PARK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1972.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 1972, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 201, nays 145, not voting 86, as follows:

[Roll No. 596]

YEAS—201

Archer
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cox
Crane
Cummings
Cunningham
Davis (VA)
Deal
DeGette
DeLay
DeMint
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (PA)
Weller
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NAYS—145

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Fattah
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holt
Hooley

Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Spratt
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOT VOTING—86

Ackerman
Aderholt
Andrews
Armey
Ballenger
Becerra
Bishop
Borski
Boswell
Boyd
Brown (FL)
Burr
Carson
Clay
Coburn
Cooksey
Coyne
Cubin
Danner
DeFazio
Deutsch
Diaz-Balart
Dickey
Dunn
Edwards
Ehrlich
Farr
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Ganske
Gilchrest
Goodlatte
Green (TX)
Hall (OH)
Hansen
Hefley
Hoeffel
Holden
Hulshof
Jefferson
John
Kaptur
Kasich
Kennedy
Klink
Largent
Latham
Lowey
Maloney (NY)
McCarthy (NY)
McCrery
McIntosh
McNulty
Meehan
Millender-McDonald
Miller (FL)
Moakley
Neal
Pascrell
Peterson (MN)
Peterson (PA)
Pitts
Price (NC)
Rogan
Rothman
Rush
Sisisky
Smith (WA)
Souder
Stark
Stenholm
Strickland
Talent
Taylor (NC)
Velazquez
Wamp
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wilson
Wise

□ 1837

Mr. UDALL of Colorado changed his vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 596, I was in my Congressional District on official business. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote No. 595 and rollcall vote No. 596. Had I been present I would have voted ''nay'' on rollcall vote No. 595 and ''nay'' on roll call vote No. 596.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 6, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope from the White House on Saturday, November 4, 2000 at 3:55 p.m., and said to contain a message from the President whereby he returns without his approval, H.R. 4392, the ''Intelligence Authorization Act for Fiscal Year 2001''.

Sincerely yours,

JEFF TRANDAHL,
Clerk of the House.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

Today, I am disapproving H.R. 4392, the ''Intelligence Authorization Act for Fiscal Year 2001,'' because of one badly flawed provision that would have made a felony of unauthorized disclosures of classified information. Although well intentioned, that provision is overbroad and may unnecessarily chill legitimate activities that are at the heart of a democracy.

I agree that unauthorized disclosures can be extraordinarily harmful to United States national security interests and that far too many such disclosures occur. I have been particularly concerned about their potential effects on the sometimes irreplaceable intelligence sources and methods on which we rely to acquire accurate and timely information I need in order to make the most appropriate decisions on matters of national security. Unauthorized disclosures damage our intelligence relationships abroad, compromise intelligence gathering, jeopardize lives, and increase the threat of terrorism. As Justice Steward stated in the Pentagon Papers case, ''it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept . . . and the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely.'' Those who disclose classified information inappropriately thus commit a gross breach of the public trust and may recklessly put our national security at risk. To the extent that existing sanctions have proven insufficient to address and deter unauthorized disclosures, they should be strengthened. What is in dispute is not the gravity of the problem, but the best way to respond to it.

In addressing this issue, we must never forget that the free flow of information is essential to a democratic society. Justice Stewart also wrote in the Pentagon Papers case that ''the only effective restraint upon executive policy in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government.''

Justice Brandeis reminded us that ''those who won our independence believed . . . that public discussion is a political duty; and that this should be a fundamental principle of the American government,'' His words caution that we must always tread carefully when considering measures that may limit public discussion—even when those measures are intended to achieve laudable, indeed necessary, goals.

As President, therefore, it is my obligation to protect not only our Government's vital information from improper disclosure, but also to protect the rights of citizens to receive the information necessary for democracy to work. Furthering these two goals requires a careful balancing, which must be assessed in light of our system of classifying information over a range of categories. This legislation does not achieve the proper balance. For example, there is a serious risk that this legislation would tend to have a chilling effect on those who engage in legitimate activities. A desire to avoid the risk that their good faith choice of words—their exercise of judgment—could become the subject of a criminal referral for prosecution might discourage Government officials from engaging even in appropriate public discussion, press briefings, or other legitimate official activities. Similarly, the legislation may unduly restrain the ability of former Government officials to teach, write, or engage in any activity aimed at building public understanding of complex issues. Incurring such risks is unnecessary and inappropriate in a society built on freedom of expression and the consent of the governed and is particularly inadvisable in a context in which the range of classified materials is so extensive. In such circumstances, this criminal provision would, in my view, create an undue chilling effect.

The problem is compounded because this provision was passed without benefit of public hearings—a particular concern given that is is the public that this law seeks ultimately to protect. The Administration shares the process burden since its deliberations lacked the thoroughness this provision warranted, which in turn led to a failure to apprise the Congress of the concerns I am expressing today.

I deeply appreciate the sincere efforts of Members of Congress to address

the problem of unauthorized disclosures and I fully share their commitment. When the Congress returns, I encourage it to send me this bill with this provision deleted and I encourage the Congress as soon as possible to pursue a more narrowly drawn provision tested in public hearings so that those they represent can also be heard on this important issue.

Since the adjournment of the congress has prevented my return of H.R. 4392 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to ''pocket veto'' bills during an adjournment of the Congress, to avoid litigation, I am also sending H.R. 4392 to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 4, 2000.*

□ 1845

The SPEAKER pro tempore (Mr. PEASE). The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

On September 19, 2000, the Speaker inserted in the Extensions of Remarks portion of the RECORD a copy of a letter dated September 7, 2000, signed jointly by him and the Democratic leader and addressed to the President of the United States, expressing their views on the limits of the ''pocket-veto'' power and including a similar letter from Speaker Foley and Republican leader Michel sent to President Bush on November 21, 1989. Without objection, that correspondence is reinserted at this point in the RECORD, since no response has been received to the September 7, 2000, letter and the same assertion by the President of ''pocket-veto'' power during an intrasession adjournment of Congress to a day certain is contained in the veto message just read to the House.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to ''pocket veto'' bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that ''[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.'' It also states our belief that it is not ''constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation.'' The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of ''pocket veto'' authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the ''pocket veto'' is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
Speaker.

RICHARD A. GEPHARDT,
Democratic Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would ''prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it.'' You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a ''hand enrollment'' of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that ''pocket veto'' is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
Speaker.

ROBERT H. MICHEL,
Republican Leader.

There was no objection.

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Permanent Select Committee on Intelligence.

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

There was no objection.

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the House discharge the Permanent Select Committee on Intelligence from further consideration of, and hereby pass, H.R. 5630.

The Clerk read the title of the bill.

The text of H.R. 5630 is as follows:

H.R. 5630

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 ''Intelligence Authorization Act for Fiscal Year 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community management account.
Sec. 105. Transfer authority of the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of the Congress on intelligence community contracting.
Sec. 304. National Security Agency voluntary separation.
Sec. 305. Authorization for travel on any common carrier for certain intelligence collection personnel.
Sec. 306. Update of report on effects of foreign espionage on United States trade secrets.
Sec. 307. POW/MIA analytic capability within the intelligence community.
Sec. 308. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 309. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 310. Designation of Daniel Patrick Moynihan Place.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

Sec. 321. Reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 322. Personnel.
Sec. 323. Diplomatic Telecommunications Service Oversight Board.
Sec. 324. General provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Modifications to Central Intelligence Agency's central services program.
Sec. 402. Technical corrections.
Sec. 403. Expansion of Inspector General actions requiring a report to Congress.
Sec. 404. Detail of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Contracting authority for the National Reconnaissance Office.
Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
Sec. 503. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

Sec. 601. Short title.
Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
Sec. 606. Enhancing protection of national security at the Department of Justice.
Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
Sec. 608. Severability.

TITLE VII—DECLASSIFICATION OF INFORMATION

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Public Interest Declassification Board.
Sec. 704. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
Sec. 705. Protection of national security information and other information.
Sec. 706. Standards and procedures.
Sec. 707. Judicial review.
Sec. 708. Funding.
Sec. 709. Definitions.
Sec. 710. Sunset.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

Sec. 801. Short title.
Sec. 802. Designation.
Sec. 803. Requirement of disclosure of records.
Sec. 804. Expedited processing of requests for Japanese Imperial Government records.
Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4392 of the One Hundred Sixth Congress (House Report 106–969).

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $163,231,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 313 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2002.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30,

2001, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than 1 year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $34,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) LIMITATION ON DELEGATION OF AUTHORITY OF DEPARTMENTS TO OBJECT TO TRANSFERS.—Section 104(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(3) in clause (v), as so redesignated, by striking ''the Secretary or head'' and inserting ''subject to subparagraph (B), the Secretary or head''; and

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

''(B)(i) Except as provided in clause (ii), the authority to object to a transfer under subparagraph (A)(v) may not be delegated by the Secretary or head of the department involved.

''(ii) With respect to the Department of Defense, the authority to object to such a transfer may be delegated by the Secretary of Defense, but only to the Deputy Secretary of Defense.

''(iii) An objection to a transfer under subparagraph (A)(v) shall have no effect unless submitted to the Director of Central Intelligence in writing.''.

(b) LIMITATION ON DELEGATION OF DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1) of such Act (50 U.S.C. 403–4(d)(1)) is amended—

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

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

''(B) The Director may only delegate any duty or authority given the Director under this subsection to the Deputy Director of Central Intelligence for Community Management.''.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 304. NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION ACT.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 405 et seq.) is amended by inserting at the beginning the following new section 301:

''NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION

''SEC. 301. (a) SHORT TITLE.—This section may be cited as the 'National Security Agency Voluntary Separation Act'.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'Director' means the Director of the National Security Agency; and

''(2) the term 'employee' means an employee of the National Security Agency, serving under an appointment without time limitation, who has been currently employed by the National Security Agency for a continuous period of at least 12 months prior to the effective date of the program established under subsection (c), except that such term does not include—

''(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

''(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

''(c) ESTABLISHMENT OF PROGRAM.—Notwithstanding any other provision of law, the Director, in his sole discretion, may establish a program under which employees may, after October 1, 2000, be eligible for early retirement, offered separation pay to separate from service voluntarily, or both.

''(d) EARLY RETIREMENT.—An employee who—

''(1) is at least 50 years of age and has completed 20 years of service; or

''(2) has at least 25 years of service,

may, pursuant to regulations promulgated under this section, apply and be retired from the National Security Agency and receive benefits in accordance with chapter 83 or 84 of title 5, United States Code, if the employee has not less than 10 years of service with the National Security Agency.

''(e) AMOUNT OF SEPARATION PAY AND TREATMENT FOR OTHER PURPOSES.—

''(1) AMOUNT.—Separation pay shall be paid in a lump sum and shall be equal to the lesser of—

''(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

''(B) $25,000.

''(2) TREATMENT.—Separation pay shall not—

''(A) be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

''(B) be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

''(f) REEMPLOYMENT RESTRICTIONS.—An employee who receives separation pay under such program may not be reemployed by the National Security Agency for the 12-month period beginning on the effective date of the employee's separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–236; 108 Stat. 111) and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the National Security Agency. If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(g) BAR ON CERTAIN EMPLOYMENT.—

''(1) BAR.—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

''(A) act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the National Security Agency; or

''(B) participate in any manner in the award, modification, or extension of any contract for property or services with the National Security Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

''(2) PENALTY.—An employee who violates an agreement under this subsection shall be

liable to the United States in the amount of the separation pay paid to the employee pursuant to this section multiplied by the proportion of the 12-month period during which the employee was in violation of the agreement.

''(h) LIMITATIONS.—Under this program, early retirement and separation pay may be offered only—

''(1) with the prior approval of the Director;

''(2) for the period specified by the Director; and

''(3) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

''(i) REGULATIONS.—Before an employee may be eligible for early retirement, separation pay, or both, under this section, the Director shall prescribe such regulations as may be necessary to carry out this section.

''(j) REPORTING REQUIREMENTS.—

''(1) NOTIFICATION.—The Director may not make an offer of early retirement, separation pay, or both, pursuant to this section until 15 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (h), and includes the proposed regulations issued pursuant to subsection (i).

''(2) ANNUAL REPORT.—The Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an annual report on the effectiveness and costs of carrying out this section.

''(k) REMITTANCE OF FUNDS.—In addition to any other payment that is required to be made under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the National Security Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, an amount equal to 15 percent of the final basic pay of each employee to whom a voluntary separation payment has been or is to be paid under this section. The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).''.

(b) CLERICAL AMENDMENT.—The table of contents for title III of the National Security Act of 1947 is amended by inserting at the beginning the following new item:

''Sec. 301. National Security Agency voluntary separation.''.

SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

''SEC. 116. (a) IN GENERAL.—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

''(1) is consistent with intelligence community mission requirements, or

''(2) is required for cover purposes, operational needs, or other exceptional circumstances necessary for the successful performance of an intelligence community mission.

''(b) AUTHORIZED DELEGATION OF DUTY.—The Director may only delegate the authority granted by this section to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 115 the following new item:

''Sec. 116. Travel on any common carrier for certain intelligence collection personnel.''.

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

Not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates and revises, as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat. 1606).

SEC. 307. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

''POW/MIA ANALYTIC CAPABILITY

''SEC. 117. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to individuals who, after December 31, 1990, are unaccounted for United States personnel.

''(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

''(b) UNACCOUNTED FOR UNITED STATES PERSONNEL.—In this section, the term 'unaccounted for United States personnel' means the following:

''(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

''(2) Any United States national who was killed while engaged in activities on behalf of the United States and whose remains have not been repatriated to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947, as amended by section 305(b), is further amended by inserting after the item relating to section 116 the following new item:

''Sec. 117. POW/MIA analytic capability.''.

SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

''TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

''APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

''SEC. 1001. (a) IN GENERAL.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

''(b) AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting at the end the following new items:

''TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

''Sec. 1001. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.''.

SEC. 309. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified material unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term ''covered classified material'' means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term ''covered element of the Department of State'' means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term ''material'' means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term ''Sensitive Compartmented Information (SCI) level'', in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the ''Avenue'');

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the ''grand axis'' of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a ''solid phalanx of public and private office buildings which close down completely at night and on weekends,'' but that it be ''lively, friendly, and inviting, as well as dignified and impressive'';

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the ''Guiding Principles for Federal Architecture,'' that recommends a choice of designs that are ''efficient and economical'' and that provide ''visual testimony to the dignity, enterprise, vigor, and stability'' of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the ''development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.'';

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as ''Daniel Patrick Moynihan Place''.

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that extends west to the facade of the Ronald Reagan Building and International Trade Center, from the point where the west facade of the Ariel Rios Building intersects the north end of the west hemicycle of that building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

(e) MARKERS.—The Administrator of General Services shall erect appropriate gateways or other markers in Daniel Patrick Moynihan Place so denoting that place.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

SEC. 321. REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) REORGANIZATION.—Effective 60 days after the date of the enactment of this Act, the Diplomatic Telecommunications Service Program Office (DTS-PO) established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this subtitle.

(b) PURPOSE AND DUTIES OF DTS-PO.—The purpose and duties of DTS-PO shall be to carry out a program for the establishment and maintenance of a diplomatic telecommunications system and communications network (hereinafter in this subtitle referred to as ''DTS'') capable of providing multiple levels of service to meet the wide ranging needs of all United States Government agencies and departments at diplomatic facilities abroad, including national security needs for secure, reliable, and robust communications capabilities.

SEC. 322. PERSONNEL.

(a) ESTABLISHMENT OF POSITION OF CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Effective 60 days after the date of the enactment of this Act, there is established the position of Chief Executive Officer of the Diplomatic Telecommunications Service Program Office (hereinafter in this subtitle referred to as the ''CEO'').

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The CEO shall be an individual who—

(i) is a communications professional;

(ii) has served in the commercial telecommunications industry for at least 7 years;

(iii) has an extensive background in communications system design, maintenance, and support and a background in organizational management; and

(iv) submits to a background investigation and possesses the necessary qualifications to obtain a security clearance required to meet the highest United States Government security standards.

(B) LIMITATIONS.—The CEO may not be an individual who was an officer or employee of DTS-PO prior to the date of the enactment of this Act.

(3) APPOINTMENT AUTHORITY.—The CEO of DTS-PO shall be appointed by the Director of the Office of Management and Budget.

(4) FIRST APPOINTMENT.—

(i) DEADLINE.—The first appointment under this subsection shall be made not later than May 1, 2001.

(ii) LIMITATION ON USE OF FUNDS.—Of the funds available for DTS-PO on the date of the enactment of this Act, not more than 75 percent of such funds may be obligated or expended until a CEO is appointed under this subsection and assumes such position.

(iii) MAY NOT BE AN OFFICER OR EMPLOYEE OF FEDERAL GOVERNMENT.—The individual first appointed as CEO under this subtitle may not have been an officer or employee of the Federal government during the 1-year period immediately preceding such appointment.

(5) VACANCY.—In the event of a vacancy in the position of CEO or during the absence or disability of the CEO, the Director of the Office of Management and Budget may designate an officer or employee of DTS-PO to perform the duties of the position as the acting CEO.

(6) AUTHORITIES AND DUTIES.—

(A) IN GENERAL.—The CEO shall have responsibility for day-to-day management and operations of DTS, subject to the supervision of the Diplomatic Telecommunication Service Oversight Board established under this subtitle.

(B) SPECIFIC AUTHORITIES.—In carrying out the responsibility for day-to-day management and operations of DTS, the CEO shall, at a minimum, have—

(i) final decision-making authority for implementing DTS policy; and

(ii) final decision-making authority for managing all communications technology and security upgrades to satisfy DTS user requirements.

(C) CERTIFICATION REGARDING SECURITY.—The CEO shall certify to the appropriate congressional committees that the operational and communications security requirements and practices of DTS conform to the highest security requirements and practices required by any agency utilizing the DTS.

(D) REPORTS TO CONGRESS.—

(i) SEMIANNUAL REPORTS.—Beginning on August 1, 2001, and every 6 months thereafter, the CEO shall submit to the appropriate congressional committees of jurisdiction a report regarding the activities of DTS-PO during the preceding 6 months, the current capabilities of DTS-PO, and the priorities of DTS-PO for the subsequent 6-month period. Each report shall include a discussion about any administrative, budgetary, or management issues that hinder the ability of DTS-PO to fulfill its mandate.

(ii) OTHER REPORTS.—In addition to the report required by clause (i), the CEO shall keep the appropriate congressional committees of jurisdiction fully and currently informed with regard to DTS-PO activities, particularly with regard to any significant security infractions or major outages in the DTS.

(b) ESTABLISHMENT OF POSITIONS OF DEPUTY EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be two Deputy Executive Officers of the Diplomatic Telecommunications Service Program Office, each to be appointed by the President.

(2) DUTIES.—The Deputy Executive Officers shall perform such duties as the CEO may require.

(c) TERMINATION OF POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR.—Effective upon the first appointment of a CEO pursuant to subsection (a), the positions of Director and Deputy Director of DTS-PO shall terminate.

(d) EMPLOYEES OF DTS-PO.—

(1) IN GENERAL.—DTS-PO is authorized to have the following employees: a CEO established under subsection (a), two Deputy Executive Officers established under subsection (b), and not more than four other employees.

(2) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The CEO and other officers and employees of DTS-PO may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) AUTHORITY OF DIRECTOR OF OMB TO PRESCRIBE PAY OF EMPLOYEES.—The Director of the Office of Management and Budget shall prescribe the rates of basic pay for positions to which employees are appointed under this section on the basis of their unique qualifications.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the CEO, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to DTS-PO to assist it in carrying out its duties under this subtitle.

(2) CONTINUATION OF SERVICE.—An employee of a Federal department or agency who was performing services on behalf of DTS-PO prior to the effective date of the reorganization under this subtitle shall continue to be detailed to DTS-PO after that date, upon request.

SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE OVERSIGHT BOARD.

(a) OVERSIGHT BOARD ESTABLISHED.—

(1) IN GENERAL.—There is hereby established the Diplomatic Telecommunications Service Oversight Board (hereinafter in this subtitle referred to as the ''Board'') as an instrumentality of the United States with the powers and authorities herein provided.

(2) STATUS.—The Board shall oversee and monitor the operations of DTS-PO and shall be accountable for the duties assigned to DTS-PO under this subtitle.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Board shall consist of three members as follows:

(i) The Deputy Director of the Office of Management and Budget.

(ii) Two members to be appointed by the President.

(B) CHAIRPERSON.—The chairperson of the Board shall be the Deputy Director of the Office of Management and Budget.

(C) TERMS.—Members of the Board appointed by the President shall serve at the pleasure of the President.

(D) QUORUM REQUIRED.—A quorum shall consist of all members of the Board and all decisions of the Board shall require a majority vote.

(4) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(5) DUTIES AND AUTHORITIES.—The Board shall have the following duties and authorities with respect to DTS-PO:

(A) To review and approve overall strategies, policies, and goals established by DTS-PO for its activities.

(B) To review and approve financial plans, budgets, and periodic financing requests developed by DTS-PO.

(C) To review the overall performance of DTS-PO on a periodic basis, including its work, management activities, and internal controls, and the performance of DTS-PO relative to approved budget plans.

(D) To require from DTS-PO any reports, documents, and records the Board considers necessary to carry out its oversight responsibilities.

(E) To evaluate audits of DTS-PO.

(6) LIMITATION ON AUTHORITY.—The CEO shall have the authority, without any prior review or approval by the Board, to make such determinations as the CEO considers appropriate and take such actions as the CEO considers appropriate with respect to the day-to-day management and operation of DTS-PO and to carry out the reforms of DTS-PO authorized by section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 305 of appendix G of Public Law 106–113).

SEC. 324. GENERAL PROVISIONS.

(a) REPORT TO CONGRESS.—Not later than March 1, 2001, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees of jurisdiction a report which includes the following elements with respect to DTS-PO:

(1) Clarification of the process for the CEO to report to the Board.

(2) Details of the CEO's duties and responsibilities.

(3) Details of the compensation package for the CEO and other employees of DTS-PO.

(4) Recommendations to the Overseas Security Policy Board (OSPB) for updates.

(5) Security standards for information technology.

(6) The upgrade precedence plan for overseas posts with national security interests.

(7) A spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

(b) NOTIFICATION REQUIREMENTS.—The notification requirements of sections 502 and 505 of the National Security Act of 1947 shall apply to DTS-PO and the Board.

(c) PROCUREMENT AUTHORITY OF DTS-PO.—The procurement authorities of any of the users of DTS shall be available to the DTS-PO.

(d) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES OF JURISDICTION.—As used in this subtitle, the term ''appropriate congressional committees of jurisdiction'' means the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) STATUTORY CONSTRUCTION.—Nothing in this subtitle shall be construed to negate or to reduce the statutory obligations of any United States department or agency head.

(f) AUTHORIZATION OF APPROPRIATIONS FOR DTS-PO.—For each of the fiscal years 2002 through 2006, there are authorized to be appropriated directly to DTS-PO such sums as may be necessary to carry out the management, oversight, and security requirements of this subtitle.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICES PROGRAM.

(a) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

''(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

''(G) Receipts from individuals for the rental of property and equipment under the program.''.

(b) CLARIFICATION OF COSTS RECOVERABLE UNDER PROGRAM.—Subsection (e)(1) of that section is amended in the second sentence by inserting ''other than structures owned by the Agency'' after ''depreciation of plant and equipment''.

(c) FINANCIAL STATEMENTS OF PROGRAM.—Subsection (g)(2) of that section is amended in the first sentence by striking ''annual audits under paragraph (1)'' and inserting the following: ''financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).''.

SEC. 402. TECHNICAL CORRECTIONS.

(a) CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

''(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and''; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) TERMINOLOGY WITH RESPECT TO GOVERNMENT AGENCIES.—Section 17(e)(8) of such Act (50 U.S.C. 403q(e)(8)) is amended by striking ''Federal'' each place it appears and inserting ''Government''.

SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

''(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

''(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

''(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

''(I) Executive Director;

''(II) Deputy Director for Operations;

''(III) Deputy Director for Intelligence;

''(IV) Deputy Director for Administration; or

''(V) Deputy Director for Science and Technology;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.''.

SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''DETAIL OF EMPLOYEES

''SEC. 22. The Director may—

''(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel; and

''(2) hire personnel for the purpose of any detail under paragraph (1).''.

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by adding at the end the following new subsection:

''(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

''(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).''.

(b) CONFORMING STYLISTIC AMENDMENTS.—That section is further amended—

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

(2) in subsection (b), by inserting ''SCOPE OF AUTHORITY FOR EXPENDITURE.—'' after ''(b)''.

(c) APPLICABILITY.—Subsection (c) of section 5 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of title VI, section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—The National Reconnaissance Office (''NRO'') shall negotiate, write, execute, and manage contracts for launch vehicle acquisition or launch that affect or bind the NRO and to which the United States is a party.

(b) EFFECTIVE DATE.—This section shall apply to any contract described in subsection (a) that is entered into after the date of the enactment of this Act.

(c) RETROACTIVITY.—This section shall not apply to any contract described in subsection (a) in effect as of the date of the enactment of this Act.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Counterintelligence Reform Act of 2000''.

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

''(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts

and circumstances relating to current or future activities of the target.''; and

(3) in subsection (d), as redesignated by paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)''.

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

''(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.''.

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) Each report under the first sentence of paragraph (1) shall include a description of—

''(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

''(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.''.

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking ''paragraph (3)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

''(B) The head of the department or agency concerned shall—

''(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

''(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

''(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.''; and

(4) in paragraph (5), as so redesignated, by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''.

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting ''in a timely manner'' after ''through appropriate channels''; and

(2) by inserting ''in a timely manner'' after ''are consulted''.

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

''(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

''(B) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.''.

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review for fiscal years 2002 and 2003 may be obligated or expended until the date on which the Attorney General submits the report required by paragraph (2) for the year involved.

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) an annual report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the

House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.—The Attorney General shall report to the committees of Congress specified in subsection (b)(2)(B) within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

''COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

''SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assistant Attorney General for the Criminal Division and the appropriate United States attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

''(b) TIMING OF BRIEFINGS.—Briefings under subsection (a) with respect to a case shall occur—

''(1) as soon as practicable after the Department of Justice and the United States attorney concerned determine that a prosecution or potential prosecution could result; and

''(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

''(c) SENIOR AGENCY OFFICIAL DEFINED.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.''.

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

TITLE VII—DECLASSIFICATION OF INFORMATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Public Interest Declassification Act of 2000''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 703. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) ESTABLISHMENT.—There is established within the executive branch of the United States a board to be known as the ''Public Interest Declassification Board'' (in this title referred to as the ''Board'').

(b) PURPOSES.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive orders regarding the classification and declassification of national security information.

(c) MEMBERSHIP.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the majority leader of the Senate;

(D) one shall be appointed by the minority leader of the Senate; and

(E) one shall be appointed by the minority leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board by the President—

(i) three shall be appointed for a term of 4 years;

(ii) one shall be appointed for a term of 3 years; and

(iii) one shall be appointed for a term of 2 years.

(B) The members initially appointed to the Board by the Speaker of the House of Representatives or by the majority leader of the Senate shall be appointed for a term of 3 years.

(C) The members initially appointed to the Board by the minority leader of the House of Representatives or the Senate shall be appointed for a term of 2 years.

(D) Any subsequent appointment to the Board shall be for a term of 3 years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be 2 years.

(C) A member serving as Chairperson of the Board may be redesignated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than 6 years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive orders and Presidential or agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use

any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 706(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES–1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 704. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next 2 fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments and the elements of the intelligence community, shall be provided on a consolidated basis.

(B) In this paragraph, the term ''elements of the intelligence community'' means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 703(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive order.

SEC. 705. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) IN GENERAL.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by that agency.

(b) SPECIAL ACCESS PROGRAMS.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)).

(d) EXEMPTIONS TO RELEASE OF INFORMATION.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under subsection (b) of section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), or section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'').

(e) WITHHOLDING INFORMATION FROM CONGRESS.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 706. STANDARDS AND PROCEDURES.

(a) LIAISON.—(1) The head of each agency with the authority under an Executive order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) LIMITATIONS ON ACCESS.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) DISCRETION TO DISCLOSE.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release

such records or materials in accordance with the provisions of Executive Order No. 12958 or any successor order to such Executive order.

(d) DISCRETION TO PROTECT.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweighs the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order No. 12958 or any successor order to such Executive order.

(e) REPORTS.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials to the Board by the head of an agency or the head of a Federal Presidential library of access to records or materials under this title.

(B) In this paragraph, the term ''appropriate congressional committees'' means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 707. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 708. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) FUNDING REQUESTS.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 709. DEFINITIONS.

In this title:

(1) AGENCY.—(A) Except as provided in subparagraph (B), the term ''agency'' means the following:

(i) An Executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) CLASSIFIED MATERIAL OR RECORD.—The terms ''classified material'' and ''classified record'' include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) DECLASSIFICATION.—The term ''declassification'' means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) DONATED HISTORICAL MATERIAL.—The term ''donated historical material'' means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) FEDERAL PRESIDENTIAL LIBRARY.—The term ''Federal Presidential library'' means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of the Federal Records Act of 1950.

(6) NATIONAL SECURITY.—The term ''national security'' means the national defense or foreign relations of the United States.

(7) RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.—The term ''records or materials of extraordinary public interest'' means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive order.

(8) RECORDS OF ARCHIVAL VALUE.—The term ''records of archival value'' means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 710. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—This title shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this title shall expire 4 years after the date of the enactment of this Act, unless reauthorized by statute.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Japanese Imperial Government Disclosure Act of 2000''.

SEC. 802. DESIGNATION.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term ''Interagency Group'' means the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL GOVERNMENT RECORDS.—The term ''Japanese Imperial Government records'' means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation on, and persecution of, any person because of race, religion, national origin, or political opinion, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Government;

(B) any government in any area occupied by the military forces of the Japanese Imperial Government;

(C) any government established with the assistance or cooperation of the Japanese Imperial Government; or

(D) any government which was an ally of the Japanese Imperial Government.

(4) RECORD.—The term ''record'' means a Japanese Imperial Government record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall designate the Working Group established under the Nazi War Crimes Disclosure Act (Public Law 105–246; 5 U.S.C. 552 note) to also carry out the purposes of this title with respect to Japanese Imperial Government records, and that Working Group shall remain in existence for 3 years after the date on which this title takes effect. Such Working Group is redesignated as the ''Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group''.

(2) MEMBERSHIP.—Section 2(b)(2) of such Act is amended by striking ''3 other persons'' and inserting ''4 other persons who shall be members of the public, of whom 3 shall be persons appointed under the provisions of this Act in effect on October 8, 1998.''.

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 803—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Government records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and

the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 803. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Government Records Interagency Working Group shall release in their entirety Japanese Imperial Government records.

(b) EXEMPTIONS.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute an unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about an intelligence source or method when the unauthorized disclosure of that source or method would damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal United States military war plans that remain in effect;

(7) reveal information that would impair relations between the United States and a foreign government, or undermine ongoing diplomatic activities of the United States;

(8) reveal information that would impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Government. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) RECORDS RELATED TO INVESTIGATIONS OR PROSECUTIONS.—This section shall not apply to records—

(1) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(2) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 804. EXPEDITED PROCESSING OF REQUESTS FOR JAPANESE IMPERIAL GOVERNMENT RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 802(a)(3) and who requests a Japanese Imperial Government record shall be deemed to have a compelling need for such record.

SEC. 805. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

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

Mr. DIXON. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from Florida so that he might explain more fully what he is requesting of the House.

Mr. GOSS. Mr. Speaker, I thank my friend, the ranking member, for yielding; and I would be happy to explain the request.

As Members have just heard, the President vetoed the intelligence authorization bill, H.R. 4392. In doing so, the President cited a single provision, the prohibition on unauthorized disclosure of classified information, which we have just heard in the reading, as well intentioned but unacceptable in its current form. It is worth noting that the President accepted a share of the blame for the administration's, and I quote, ''failure to apprise the Congress of the concerns'' he expressed in his veto message as the bill was making its way through the legislative process.

But the veto message concludes by encouraging Congress to, and again I quote, ''send me this bill with this provision deleted.''

So at this late date, it is my belief that the best course of action is to do just that, to remove the one provision and send the authorization back to the President for his signature. The bill before us, H.R. 5630, is identical to the version of H.R. 4392 that passed the House and the Senate on October 12 of this year with one major exception. The language, formerly section 304, prohibiting the unauthorized disclosure of classified information has been removed in its entirety.

All the other provisions remain the same. I would stress that it is my intent that the provisions in H.R. 5630 be implemented in accordance with the recommendations contained in the conference report that accompanied H.R. 4392.

Passage of H.R. 5630 by the House today would send the revised version of the fiscal year 2001 Intelligence Authorization Act to the Senate for what I hope will be a speedy consideration and passage in that body.

I want to thank the gentleman from California (Mr. DIXON), the ranking member, along with the gentleman from California (Mr. LEWIS), the vice chairman, our appropriator, for cosponsoring H.R. 5630. I believe that all we want is to get this important bill back to the President for his signature.

Mr. DIXON. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. NADLER) for a colloquy with the chairman of the committee.

Mr. NADLER. Mr. Speaker, one provision in this bill purports to expand the Nazi War Criminal Records Disclosure Act to include war crimes committed by the Imperial Japanese during World War II. The problem with this, as I see it, is that under title VIII of the bill, the CIA is given the power to exempt automatically all its operational files on Japanese war criminals from declassification. So it seems that the bill, or the conference report, sets up a double standard. CIA operational files relating to Nazi war crimes must be disclosed, but CIA operational files relating to Japanese war crimes may be absolutely shielded from disclosure.

In addition to that, some people read title VIII as shielding Nazi war crimes operational files from disclosure as well since title VIII explicitly covers allies of Imperial Japan, and Nazi Germany obviously was an ally of Imperial Japan.

Now, I know that the intent of the sponsors of the bill and the intent of the bill is to expand the Nazi War Crimes Disclosure Act to cover Japanese war crimes. I am somewhat concerned that inadvertently it may be shielding operational files of the CIA with respect to Japanese war crimes and maybe even going so far as to shield that with respect to Nazi war crimes. I would ask the gentleman what he can tell me to assure me that obviously it is not the intent or that this is not the effect.

Mr. GOSS. Mr. Speaker, if the gentleman from California will yield, I am very happy to confirm exactly that point. That is not the intent, to create a double standard. The intent was to create a uniformity of protection for classified information. We think we got it right. If it turns out that is wrong and there is something demonstrable, obviously we are prepared to go back and reaffirm our intent and make sure that that intent happens. There is no double standard. I think we discussed this not only in committee but in the discussion on the floor when we passed the bill. I think my comments are consistent, and, I hope, helpful.

Mr. NADLER. I thank the gentleman. I trust he will look into this because I am reflecting the concerns of one of the authors of the original Nazi War Crimes Disclosure Act, a former Member of this body, Liz Holtzman, who sent me a memo on this and called my office about it. It does seem to give a shield to operational details of the CIA with respect to Japanese war crimes. I can think of no reason. I cannot imagine that an American spy against

Japan in World War II needs protection from disclosure at this point. If that were disclosed, he would probably be a hero. The Imperial Japanese are not looking for him at this point. So I hope that this will be looked into in conference and corrected if need be.

Mr. GOSS. If the gentleman will continue to yield, I want to assure the gentleman that I believe this is a nonproblem. If it turns out I am wrong, and I do not think I will be, I will be certainly a part of the solution.

Mr. NADLER. I thank the gentleman.

Mr. DIXON. Mr. Speaker, further reserving the right to object, I believe it is important to underscore the point the gentleman from Florida (Mr. GOSS) has made. It is certainly my expectation that the recommendations contained in the Statement of Managers which accompanied the conference report on H.R. 4392 will be accorded the same weight by the executive branch interpreting H.R. 5630 as would have been the case had H.R. 4392 been enacted. The Statement of Managers reflects the intent of Congress on how intelligence programs and activities authorized for fiscal year 2001 are to be conducted.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5630, the bill just considered and passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5630, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5630, the Clerk be authorized to make such technical and conforming changes as may be necessary.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

DIRECTING TREATMENT OF BOUNDARIES OF LAWRENCE COUNTY AIRPORT, COURTLAND, ALABAMA

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5111) to direct the Administrator of the Federal Aviation Administration to treat certain property boundaries as the boundaries of the Lawrence County Airport Courtland, Alabama, and for other purposes.

The Clerk read as follows:

H.R. 5111

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

SECTION 1. LAWRENCE COUNTY AIRPORT, COURTLAND, ALABAMA.

(a) IN GENERAL.—With respect to the airport located at Courtland, Lawrence County, Alabama (formerly known as the George C. Wallace Airport), the Administrator of the Federal Aviation Administration shall treat as the boundaries of the airport property those boundaries shown on the airport layout drawing produced by Garver, Inc., dated March 8, 1999, and approved by the Jackson Airport District Office of the Administration.

(b) TREATMENT OF NONAIRPORT PROPERTY.—The Administrator may not treat as airport property any real property not designated as airport property in the drawing referred to in subsection (a) regardless of whether such real property was designated as airport property at any time prior to March 8, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. I will be very brief. This bill would declare that the boundaries of the airport in Lawrence County, Alabama, are the boundaries set forth in the airport layout plan of March 8, 1999.

The effect of this bill is to remove Federal use restrictions on about 200 acres and let Lawrence County use the land to meet local needs.

Originally, this property was part of a military air base. It was transferred to Alabama at the end of World War II. Alabama's aeronautics commission ran the airport until 1980 when it sold it to TVA. The TVA, the Tennessee Valley Authority, sold it to Lawrence County in 1985.

Lawrence County applied for and received an Airport Improvement Program grant from the FAA in the late 1980s. At that time it submitted an airport layout plan showing the boundaries of the airport as containing about 600 acres.

On March 8, 1999, the airport revised its airport layout plan. The revised plan showed the airport as containing only 414 acres.

The FAA believes the 1980s airport layout plan, with 600 acres, controls. That is when the airport received its AIP grant from the FAA and promised to use its land only for airport purposes.

Generally, the Committee on Transportation and Infrastructure vigorously defends the need to preserve airport land. Last year, the Subcommittee on Aviation held a hearing on this subject. And AIR 21 contains several procedural protections to help preserve our Nation's airports.

However, in this case the gentleman from Alabama (Mr. ADERHOLT) has made a strong case for the need for this change. He has shown that the airport really only requires 414 acres to handle the aviation needs of the community. Also, it is my understanding that the FAA now supports reducing the size of the airport to 414 acres, but it does not feel it can do so without this legislation. Moreover, the FAA had previously given the airport a release from the deed restrictions on this land.

Therefore, for all these reasons, I support this bill and urge its passage.

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

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

Mr. Speaker, I rise in support of the bill sponsored by the gentleman from Alabama (Mr. ADERHOLT), which directs the FAA to use a revised March 8, 1999, airport layout plan to determine the boundaries of the Lawrence County Airport, located in Courtland, Alabama. However, this bill is based on a unique set of circumstances and should not be viewed as a precedent for diverting revenues from the sale of airport property.

In the late 1980s, a master plan for Lawrence County Airport prepared by the Industrial Development Board of Lawrence County included more airport property than was needed for the current and foreseeable requirements of the airport. Although the excess property was included in exhibits to Federal grant agreements as airport property, it was not material to any FAA decision to award Airport Improvement Program funds for the development of the airport. In addition, the excess property was not included in the airport layout plan recently approved by the FAA.

Mr. Speaker, this bill would confirm the boundaries of the airport shown on the airport layout plan approved by the FAA on March 8, 1999, and release the sponsor from the obligation to put the proceeds of sale for property not within the agreed boundaries of the airport into the airport account.

Based on these unique circumstances, I urge my colleagues to support this legislation.

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

Mr. DUNCAN. Mr. Speaker, I am pleased to yield such time as he may

consume to the gentleman from Alabama (Mr. ADERHOLT), the sponsor of this legislation.

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Mr. ADERHOLT. Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Chairman SHUSTER); the ranking member, the gentleman from Minnesota Mr. OBERSTAR); and the gentleman from Tennessee (Chairman DUNCAN) for working with me to bring this bill for making a technical correction to the boundaries of the Lawrence County Airport to the floor this evening.

Back in 1999, as it has been stated before, the FAA approved a revised layout plan for the Lawrence County Airport in Courtland, Alabama, which states that the ownership and the management of the airport consists of approximately 414 acres. This plan has been approved by the FAA and the local industrial development board in Lawrence County, Alabama.

The FAA subsequently uncovered a map submitted in 1989 with a grant application for runway improvements showing the airport as consisting of approximately 600 acres. The additional acreage was incorporated into the grant application to accommodate an extension of the existing 5,000 foot runway to 7,000 feet each over a period of 20 years. There is no need for aircraft which require a 7,000 foot in the area, and this plan has not proceeded.

Due to the discrepancy between the old grant application and the FAA's revised layout plan, Lawrence County is not able to use the property. H.R. 5111 makes technical and conforming changes that clarify that the 414 acre layout plan is in effect.

Again, I would like it thank the chairman and the other members of the committee for their support, and ask my colleagues to support H.R. 5111.

Mr. OBERSTAR. Mr. Speaker, I do not intend to object to the bill sponsored by the Gentleman from Alabama, Mr. ADERHOLT, which directs the Federal Aviation Administration (FAA) to use a revised March 8, 1999 airport layout plan to determine the boundaries of the Lawrence County Airport, located in Courtland, Alabama. However, I want to make it clear that this bill should not be viewed as a precedent for diverting revenues from the sale of airport property.

Since 1982, and in subsequent reauthorization legislation, Congress has placed very strict conditions on the use of airport revenues to ensure that the revenues would be used primarily for airport purposes. In 1999, FAA issued its final revenue use policy, which states that any revenue from the sale of airport real property not acquired with Federal assistance will be considered airport revenue. Accordingly, the policy requires that the airport operator deposit the fair market value from the sale of the property into the airport account.

In the situation at hand, a master plan for Lawrence County Airport prepared by the Industrial Development Board of Lawrence County in the late 1980's showed more airport property that was needed for the current and foreseeable requirements of the airport. The excess property was included in exhibits to Federal grant agreements as airport property, but was not material to any FAA decision to award Airport Improvement Program funds for the development of the airport. However, the FAA recently approved an airport layout plan allowing for limited commercial development on approximately 200 acres of land surrounding the Lawrence County Airport.

This bill would confirm the boundaries of the airport shown on the airport layout plan approved by the FAA on March 12, 1999, and release the sponsor from the obligation to put the proceeds of sale for property not within the agreed boundaries of the airport into the airport account.

This narrow legislation is based on a unique set of circumstances and should not be considered a precedent for a change in the clear policy on use of airport revenues. I am strongly supportive of requiring that proceeds from the sale or rental of airport property must be used for the capital and operating costs of the airport.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 5111.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on H.R. 5111.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ECONOMIC PROBLEMS AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the financial markets are now nervously watching the impasse now reached in the Presidential election. Many commentators have already claimed the most recent drop in the market is a consequence of the uncertainty about the outcome of the election. Although it would be a mistake to totally dismiss the influence of the election uncertainty as a factor in the economy, it must be made clear that the markets and the economy are driven by something much more basic. We know that the markets have been off significantly for the past several months, and this drop was not related in any way to the Presidential election.

Confidence is an important factor in the way markets work, and certainly the confusion in the Presidential election does not convey confidence to investors and to the rest of the world.

Mises, the great 20th century economist, predicted decades before the fall of the Soviet system that socialism was unworkable and would collapse upon itself. Although he did not live to see it, he would not have been surprised to witness the events of 1989 with the collapse of the entire Communist-Soviet system. Likewise, the interventionist-welfare system endorsed by the West, including the United States, is unworkable. Even without the current problems in the Presidential election, signs of an impasse within our system were evident.

Inevitably, a system that decides almost everything through pure democracy will sharply alienate two groups, the producers and the recipients of the goods distributed by the popularly elected congresses. Our system is not only unfairly designed to take care of those who do not work, it also rewards the powerful and influential who can gain control of the government apparatus. Control over government contracts, the military industrial complex and the use of our military to protect financial interests overseas is worth great sums of money to the special interests in power.

Even though it is argued that there are huge budget surpluses in Washington, instead of budget compromise, a stalemate results. Each side wants even a greater share of the loot being distributed by the politicians. Even with the windfall revenues, no serious suggestion is made in Washington for cuts in spending.

Instead of moving toward a market economy and less dependency on the Federal Government in the midst of this so-called ''prosperity,'' we continue to go in the other direction by internationalizing the interventionist-welfare system. Planning-by-government has gone international as the political power is delivered to organizations like the United Nations, the World Trade Organization, the International Monetary Fund and the World Bank. Although in the early stages of interventionism and government planning, especially when a great deal of wealth is available for redistribution, it seems to enhance prosperity while prolonging the financial bubble on which the economy is dependent. The monetary system, both our domestic system as well as the international fiat system, plays a key role in the artificial prosperity based on inflated currencies as well as debt and speculation.

The pretended goal of the economic planners has been economic fairness

through redistribution of wealth, politically correct social consciousness, and an all-intrusive government which becomes a responsibility for personal safety, health and education while personal responsibility is diminished.

The goal of liberty has long been forgotten. The concentrated effort has been to gain power through the control of wealth with a scheme that pretends to treat everybody fairly. An impasse was destined to come, and already signs are present in our system of welfarism. This election in many ways politically demonstrates this economic reality. The political stalemate reflects the stalemate that is developing in the economy. Both will eventually cause deep division and hardship. The real problem, the preserving of the free market and private property rights, if ignored, will only make things worse, because the only solution that will be offered in Washington will be more government intervention, increased spending, increase in monetary inflation, more debt, greater military activity throughout the world, and priming the economic pump with more expenditures for weapons we do not need.

We have already seen signs of economic troubles ahead. Although the Fed plans for only a slight slow down and a so-called ''soft landing,'' the correction from the monetary mischief of the last 10 years has already been determined. Although the dollar currently remains strong, because other currencies are so weak, there is a limitation on how long we can create new dollars without them being devalued. A weaker dollar will surely come in our not too distant future. Our huge current account deficit and trade imbalances warn us of that day.

Government statistics continue to tell us that price inflation is not a problem, and when an inflation statistic comes out it does not like, it drops out food and energy and claims the number is totally benign. Ask any housewife, and they will tell you that the cost of living is going up steadily and much more rapidly than the government will admit.

We in the Congress should be prepared for lower revenues in the future since the revenues received in the last couple of years were artificially created by a stock market that had skyrocketed due to the credit expansion by the Federal Reserve. These capital gains tax revenues will soon disappear.

The savings rates of the American people are now negative. Without savings, true capital investment cannot be maintained. Creation of credit out of thin air by the Fed was the original problem so it surely can't be the solution.

Even in the midst of our great imaginary budgetary surpluses, there has been no effort to cut. Once the economy tends to slow and more problems are apparent, expenditures are going to soar not only because of future problems but because of the new programs recently initiated.

A huge financial bubble has been created by the GSEs, such as Fannie Mae and Freddie Mac. The $33 billion of shareholder equities in these two organizations has been leveraged into $1.07 trillion worth of assets—a bubble waiting to be pricked.

The Congress has reacted to all these events irresponsibly by increasing spending, increasing spending, increasing tax revenues, doing nothing to reduce regulations and being totally apathetic toward the dollar and monetary policy. We in the Congress have a moral and constitutional obligation to protect the value of the dollar and to understand why it is so important to the economy that a central bank not be given the unbelievable power of inflating a currency at will and pretending that it knows how to find tune an economy through this counterfeit system of money.

Rising interest rates in the high yield bond market is giving us an indication that a serious problem is just around the bend. Commercial debt was but $50 billion in 1994 and is now ten times higher now at $551 billion. The money supply is now growing at greater than a 10% rate and the derivatives market, although difficult to calculate, probably exceeds $75 trillion. We also have consumer debt, which is at record highs and has not yet shown signs of slowing. The Dow Jones Industrial Average stocks are now 5 times book value, the highest in over a hundred years. There will come a day when most people come to realize the fraud associated with Social Security and the inability for it to continue as currently managed. Rising oil and natural gas prices, it is argued, are not inflationary, yet they are playing havoc with the pocketbooks of most Americans. The economies of Asia, and in particular Japan, will not offer any assistance in dealing with the approaching storm in this country. Our foreign policy, which continues to obligate our support around the world, shows no signs of changing and will contribute to the crisis and possibly our bankruptcy.

What must we do? We should develop more sensible priorities. We must restore confidence in freedom and recognize how free markets can solve our problems. We must have more respect for the Rule of Law and demand that Congress, the Courts, and the President live within the Rule of Law and stop arbitrarily flaunting the Constitution. If the Constitution is to be changed, it should be changed slowly and deliberately as is permitted, but never by fiat. We must eventually reconsider the notion of the original constitutional Republic as designed by our Founders. The monolithic centralized state was not the design nor is it supported by the Constitution. We were meant to have loose knit individual states with the states themselves managing their own affairs.

The political impasse we now see with the election process along with the divisions in the House and Senate is surely related to the economic and budgetary impasse that plagues Washington. Since interventionism (the planned welfare state) is unworkable and will fail, the surprising developments in this presidential election will accelerate its demise. The two are obviously related.

ENSURING FAIRNESS AND JUSTICE IN ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on November 7, 2000, some of the people were able to exercise their will. I believe that all of the people of this great Republic and great Nation should have that opportunity. Now we find ourselves, our eyes, the Nation's eyes, the world's eyes, on the great State of Florida.

First, let me thank my colleagues, the gentlewoman from Florida (Mrs. MEEK), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Florida (Ms. BROWN), the gentleman from Florida (Mr. WEXLER), and the gentleman from Florida (Mr. DEUTSCH) for their leadership, along with the gentlewoman from Florida (Mrs. FOWLER) in trying to explain to the American people what is happening in their great State.

I think the real key has to be that we must listen to the people of that State, the people of Florida, and, although so many of us would want to cast our opinions and our viewpoints, it is time now to let their will be heard. I think it is a very strong will; and, if we watch what is going on in Florida, we will see that the first order of recount was driven by the law of the State of Florida.

I was in Nashville, Tennessee, as the numbers began to crumble, and it was about 3 a.m. in the morning when the votes that were originally called for Governor Bush now deteriorated to just a difference of 569 votes between Vice President Gore and Governor Bush. So a recount was triggered, not by the Vice President or by the Governor, but by the laws of the State of Florida.

The recount was then further activated, if you will, by the laws of that State and the will of the people. They are asking that their recount be allowed to proceed. I believe it is extremely difficult to address the concerns of an accurate count without allowing an accurate count to take place. There were ballot deficiencies and irregularities. There was the butterfly ballot that confused many of the voters.

I have listened to the political pundits and media pundits. I am offended by insulting and making fun of those individuals who say that they had difficulty. In fact, I have heard and understand that many did ask, ''could I get another ballot,'' or try to determine whether that could happen, and, unfortunately, in the rush of activities, they were told not.

I believe in ''we, the people,'' and I think the focus should be on the people of Florida. I come from a county of about 1 million. 995,000 people voted in Harris County. We only discarded 6,000 votes in Harris County, Texas. But yet, in this county in Florida, 19,000 ballots were discarded. That is, of course, an exception, an aberration, that should be addressed.

I think it is unfair for the Secretary of State to demand that all be in by 5 o'clock on tomorrow. That is not responding to the will of the people. Let their voices be heard. It is evident by

the decision that was made by the Federal judge today that ruled against eliminating the recounting that the people of Florida want. The judge called the Republican argument serious, but turned them aside, saying it was a matter for the State, not Federal courts, to decide.

Vice President GORE today said something that I think should apply reasonably to all of our thought processes. He said, ''That is why I have believed from the start that, while time is important, it is even more important that every vote is counted and counted accurately.''

There is no constitutional crisis here. Let us stop raising the ante. Let us stop spinning it so that people are in fear. I know there is a bit of humor around the world, but I believe we live in the greatest nation, and I am still proud of America. So let the world laugh a little bit. They always laugh at people they envy. Let us show them that, in the calm of day and night, we can quietly recount the votes and determine who the next President of the United States will be.

I tell you for one, supporting Vice President GORE, that I am willing to support whoever the new President is, and I would simply ask that person to represent all of us.

It is a tragedy what is going on in the State of Florida with the arguing back and forth, making distinctions about the State of Illinois or the State of New Mexico. The key is that the State of Florida is in play. Those 25 votes will name the next President of the United States, so it is there in the State of Florida where we should be most accurate with the votes.

Frankly, those voters deserve the right to be heard; and they deserve the right to have the questions answered about irregularities in the balloting, of being turned away, of being stopped, as they will.

I would ask the Secretary of State of that particular great State that she should listen to the people of the State. Does Governor Bush want Republican counties to be counted? I have no problem with that. I believe in fairness and justice, and if those counties can be recounted, then so be it. Yes, there will be further tests when the votes come in from the absentee balloting, and I believe that will be an added addition.

Mr. Speaker, I would simply hope that we allow the will of the people to be heard in their totality.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

POINT OF ORDER

Mr. MICA. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MICA. Mr. Speaker, is it not appropriate under the rules of the House that those in the gallery not express their favor or disfavor to a statement on the floor by a Member?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MICA. Mr. Speaker, could the Chair remind those in the gallery that that is inappropriate; that they are represented in the House by their representative, and they should not express their opinion for or against statements made on the floor?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

□ 1915

IMMEDIATE PASSAGE OF D.C. APPROPRIATION BILL CRITICAL FOR DISTRICT OF COLUMBIA

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this evening to make an urgent request of this body. This body may be about to go out until December 5. If it does so without passing the D.C. appropriation, we are putting the capital of the United States in mortal danger.

The District appropriation was passed 3 weeks ago. It is being held up now as a vehicle for the Commerce-Justice bill. I appreciate the conversations I have had with Members and their staffs and the way in which the gentleman from Texas (Mr. DELAY) and the way in which apparently the Senate is willing to release the D.C. appropriation. We found a way for the D.C. appropriation to be freed, while leaving the status quo in place as if it continued to be a vehicle to carry over the Commerce-Justice bill. That is the only reason it is being held.

Mr. Speaker, the crisis we face now is not only that this is a living, breathing city that cannot start any new programs; there is a special crisis. We face the possible closing of our city hospital, D.C. General, and its public clinics. The reason is that although the District can move around money to form a new, smaller hospital, the money for the transition costs, including the costs of severance pursuant to layoffs mandated in the appropriation bill, cannot, in fact, take place until the appropriation bill is passed. If we wait until December 5, we will be approaching the date when the hospital must close because it has run out of money.

Mr. Speaker, I am asking this House, before we go home, to release the D.C. appropriation. Nothing would be lost in freeing the D.C. appropriation, because the D.C. appropriation could be passed as a CR by reference, and that would leave the D.C. appropriation as it is now, except, in effect, it would slide from under its present vehicle and be passed as a bill, while the present situation of a vetoable D.C.-Commerce-Justice bill would remain. I know that sounds like gobbledegook; but in fact that is the way it would occur. The status quo would remain; but in fact, the appropriation would pass, because the CR would remain there as if our appropriation had not passed.

I appreciate that there has been considerable movement by the gentleman from Texas (Mr. DELAY), by the gentleman from Illinois (Mr. DAVIS), and by Senator STEVENS to be helpful; and I have spoken with the gentleman from Illinois (Mr. HASTERT), and he appears to believe that the Commerce-Justice-D.C. bill could be passed or, indeed, signed by the President. I have spoken with Jack Lew. Jack Lew informs me that surely the House must know that that bill will be vetoed. I do not know what it is that makes the Speaker believe that this is a nonvetoable bill, because that is what he has told me, that it contains at least some of what the President wants; but I am informed by the White House that most of the reason that this bill was vetoed remains, and it will continue to be vetoed.

Mr. Speaker, I am asking that the District be extracted from this mess. I recognize that if, in extracting us, some change that the House wanted not to make would be a sacrifice; but in fact, no such change is required on our part, because we found a technical way out for the District of Columbia, while leaving the situation as if the same vetoable bill was there.

There is lots to lose here for the District. Not only do we have all new programs, but also imagine trying to run a city 6 weeks into the appropriation year without being able to do urgent things like hire 175 new police officers, 88 new fire officers, without being able to hire social workers necessary for children in foster care. We have had a child killed this year in foster care because there were not enough social workers. Imagine not being able to give money to five new charter schools, charter schools that the Congress has asked us to pass; and finally, imagine what will happen if the hospital closes and we have no way to move money around to keep it open or to pay even for the transport of sick people so that they can be cared for in another hospital.

Mr. Speaker, a way has to be found; and I ask that this House not go home tomorrow before that way is found.

THE FLORIDA FIASCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I am joined tonight in this 5-minute Special Order with the gentleman from Florida (Mr. MICA) who, of course, has been very involved with this Florida situation. I wanted to just start out the evening to ask him, what is the gentleman's home county?

Mr. MICA. Mr. Speaker, I represent Volusia County, Orange County, and Seminole County, just above Orlando, in central Florida.

Mr. KINGSTON. Mr. Speaker, I think we are all learning where all the counties in Florida are located. Let me ask the gentleman this: Does the gentleman use the butterfly ballot in his county?

Mr. MICA. No, we do not.

Mr. KINGSTON. Mr. Speaker, what kind does the gentleman use?

Mr. MICA. Mr. Speaker, we use a simple ballot in which you have an arrow with a space in-between and you connect the lines.

Mr. KINGSTON. Now, the purpose of the butterfly ballot is what?

Mr. MICA. Well, the purpose of the ballot is the same as the ballot that we have; but let me tell the gentleman from Georgia, I sat in on the review of the ballots in Seminole County, Florida; and I have never in my life seen more ways to check a ballot in my life. It seems like a simple process to connect the lines, but people circle them, they X them, they cross from one to the other, and that is part of the problem we get into with some of these ballots. There are mistakes, and people submit improper completion of ballots, whether they are in my area or in Palm Beach County.

Mr. KINGSTON. Mr. Speaker, we keep hearing about these 19,000 ballots that were thrown out. A point of clarification. Actually, those are only the number of ballots that were discarded, people who did do their ballot wrong to step out and say, I messed up, could you give me another one, that ballot gets thrown in this discarded bin and then they go back in there, and they could do that four or five times.

Mr. MICA. Mr. Speaker, the gentleman is correct. In fact, in Duval County, which is Jacksonville, they had over 20,000 ballots that were discarded, a higher number with a lower population and lower voting number.

Mr. KINGSTON. Okay. So Duval County, 26,000 were thrown out. Are the Gore people working Duval? I have not heard of the Reverend Jackson going down there.

Mr. MICA. No, but if we get into these court-ordered recounts, we can go on. We have 67 counties to choose from, and we can continue this for some time.

We see some of the problem, particularly this subjective evaluation of ballots after they have been counted several times.

Mr. KINGSTON. Mr. Speaker, I think it is important to point out that in Palm Beach County, in 1996, 15,000 ballots were in the same situation.

Mr. MICA. The gentleman is correct.

Mr. KINGSTON. In 1996, 15,000, and this year, 19,000. Duval County, which leads Republican, actually 26,000.

We have, Mr. Speaker, a copy of the actual ballot that was used in Palm Beach County, Florida, and here it is. I will tell my colleagues, I know people get confused. However, when we think about Veteran's Day just passing and all of the people who have sacrificed their lives and died and been injured for the freedom of our country, one would think that the American electorate would at least take their time to fill out their ballot right and not do a lot of whining if they made a mistake. Here we have an arrow, George Bush for President; arrow, Patrick Buchanan, an arrow; and I understand it is absolutely legal to have the names on the right hand and the left-hand side of the arrow. AL GORE, an arrow. David McReynolds, an arrow, 6, 7; Harry Brown, an arrow.

I am really confused, Mr. Speaker, as to why this is so hard for people to understand. But then again, I know we get rushed on Election Day and people are entitled to make a mistake; but that is why they simply just walk out, say I made an error, I filled out the wrong arrow, give me another ballot; and that is what has, in fact, happened. I would ask the gentleman if that is not right.

Mr. MICA. Mr. Speaker, that is, in fact, what happened, not only in Palm Beach County, but in all of the 67 counties across Florida, that there were large numbers of ballots thrown out. Under our laws in Florida, one cannot vote for two people. Under our laws in Florida, one must indicate who one's choice is on the appropriate ballot. We have many different formats of ballots throughout the State.

Mr. KINGSTON. Mr. Speaker, I understand, however, ironically, that Mr. GORE's political operative here, William Daley, whose father, Richard Daley was notorious for ballot fraud, that is the word for it, in Cook County, Illinois, for so many years, his son, and I am not saying it is like father, like son, although others have; but his son is down here on behalf of Mr. GORE as his point man; and yet this is the same type ballot that they have in Illinois; is that not true?

Mr. MICA. Mr. Speaker, that is correct.

MORE ON THE FLORIDA FIASCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON), and maybe he could remain.

I just want to go over a few points today. I would say to my colleagues that we do have an incredible process in our country. We all get to participate. Election day is an exciting day, and no American can be denied access to the ballot box under our laws. We want to make sure that everyone has equal access to the ballot.

There has been a great deal of confusion. Some of it has of course been in my State, even in my locale in central Florida. I have just returned from observing some of the process. In the Florida House of Representatives, I served on the ethics and elections committee and helped write some of the laws that we now work under, and some have been changed since I left there and came to Congress some years ago. But basically, under the laws of this State of Florida, and under the laws and the Constitution of the United States, there is one date set aside for the election of the President of the United States. Just look at article 2 of the Constitution and it is there, the method for electing the President. We all cast our ballots on that date.

In Florida, there was a vote taken, and the results of that vote are public record, and it is all submitted through the supervisor of elections to the State Secretary of State. In a close election, Florida law provides that where there is one-half of 1 percent difference, that there is an automatic recount. Neither side has to ask for a recount; a recount is ordered.

So in Florida we had under the Constitution and State laws a legal, valid election in which Governor Bush led. We had a recount. The Secretary of State gave them until Thursday at 5 p.m., last Thursday at 5 p.m., each county the right and obligation to submit a recount, and each one was to conduct that, and I believe the Secretary of State even gave some extra time. In my county, we stayed up until 4 a.m. in the morning, and we were the last, Seminole County, to report. All 67 counties in a recount reported under the laws of the State of Florida in proper order. Now we have gotten into recounts of the general election, recounts of the recount, and we are into this sort of fuzzy area.

Mr. Speaker, the law, and it has changed since I was in the legislature, allows for manual counts; but unfortunately, there are no guidelines for this. So what I saw over the weekend in these manual counts, even in Volusia County, is sort of disorganized; I do not want to say chaos, but it is sort of recounting the second time by the seat of your pants.

□ 1930

And it is somewhat subjective. That is what we do not want in this case. We have two valid counts, and that is what we need to take.

The gentleman from Georgia (Mr. KINGSTON) pointed out that in Palm Beach County there were some 16,000 invalid ballots. We have also documented throughout the State, almost in every county we had invalid counts.

So we have two counts. Tomorrow the Secretary of State, Katherine Harris, has very appropriately said she is going to abide by the law of the State of Florida. That is, by 5 p.m. they will certify a count. The three members of our State Canvassing Board, the Secretary of State, now the Commissioner of Agriculture since the Governor recused himself, and one other elections official will serve as the canvassing board, and at 5 p.m. those will be the votes that are counted.

Courts can extend this. They may very well do this. But the ultimate decision is up to those three individuals who will be the State certifiers.

Finally, let me just make one other point. The only other ballots that will be counted when all this is said and done, according, also, to law, and we must adhere to law, are the overseas ballots, which must be in by Friday at close of business.

All the rest of this, dragging people in from Chicago, Reverend Jackson from wherever he comes from, and all these other folks, is just in fact a sham, and it sort of insults the process. I am sorry to see that so many people have ganged in here. We need to follow the law and the procedures, and we will elect a president.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 37 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) to finish off his comments.

VOTE COUNTING PROCEDURES IN FLORIDA IN THE PRESIDENTIAL ELECTION

Mr. KINGSTON. Mr. Speaker, I wanted to ask the gentleman from Florida (Mr. MICA), through the gentleman from Michigan (Mr. SMITH), I wanted to ask, the Governor has recused himself. Jeb Bush, Governor of Florida, since he is George Bush's brother, the President-elect, almost, he has taken himself out of this.

I know there are a number of judges who have donated to the Gore campaign. Now, I think it is obvious everybody involved probably has voted for one candidate or the other. A few may have voted for the third-party candidates, but generally speaking, most people in all of these rooms will have voted for Bush or GORE, so that is a given.

But I noticed there was a judge named I think LePore, another one named Kroll, all had given generously to the Gore campaign. Have they also taken themselves out or recused themselves?

Mr. MICA. I would tell the gentleman, Mr. Speaker, I do not know if they have. Unfortunately, this adds more questions to this whole process going on in Florida.

People want a fair count. They want all the votes counted. As I said, we had on election night a ballot that was valid, at least under the requirements of the congressional and constitutional law and, again, the State of Florida law. We had a recount as ordered by the State of Florida in a close election. That is an official recount. Each county had to certify those votes.

We are now getting into a very murky area with, again, these recounts. Some of them I think to date have shown in favor of Governor Bush, and some are yet to be tallied. That is not the question.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Speaker, it is interesting that I was getting my plane ticket to come back to Washington, and to get the plane ticket, I gave my ID at the counter. She saw I was a Congressman. She asked if I was a Republican or Democrat. The young lady said, ''These Democrats are crybabies.''

But it is more than that. I think it is a serious situation, as we start questioning the electoral process. We are now on the third count of these ballots. With these ballots, my County Clerk said if we handle them, run them through the voting machine so many times, they start falling out in those little keypunch holes. They are almost indiscernible and impossible to read.

When we saw on the television cameras people holding them up to the light, trying to discern what was the intent of the voter, I think if we do this in one locality not only is it unfair to the rest of the counties in the State of Florida, but certainly it is unfair to all of the voters in the United States. Some people were kept from the voting booth because of weather. Should they have another opportunity?

I guess I am concerned that this does not become a sore loser situation that is going to continue to take their contest to the courts. Once we get the courts involved, it is going to be very difficult.

I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my colleague for yielding, Mr. Speaker.

The point I just wanted to make, and I think it is probably clear from this conversation, if we are going to recount in a Democrat county and the Democrats by a two-to-one margin decided they wanted to do a third recount, then what about a recount in all the other 67 counties, as my colleague, the gentleman from Florida (Mr. MICA), has indicated?

I think that was pointed out in the editorial this morning in the Washington Post, that basically that is not fair just to go into Democrat counties, and these are very heavily Democratic districts, counties, and recount these votes, and not go into all the other ones, particularly the Republicans, as we have mentioned.

Mr. SMITH of Michigan. Four Democrat counties, mostly Democratic officials supervising these elections.

Mr. STEARNS. All Democrats supervising elections, and then we go to a Democratic-appointed judge to verify it.

I represent Duval County, which went two-to-one for Governor Bush, and in that county they have a lot of the same questions.

We have to, in the end, question this recount as a delaying tactic. We have already recounted twice in Florida. I do not think we should do it again. I thank the gentleman for yielding.

Mr. MICA. If the gentleman will yield further, one of the things that concerns me about getting into this subjective third and in some instances fourth count is they are taking a ballot, holding the ballot up, and it may be marked for all Democrat members of different offices or officeholders on the Democrat side, and subjectively saying that since they voted for all and they did not vote for President, this must be a mistake, and count that in the Democrat column.

Now, that is not fair if they are doing it for a Republican or for a Democrat.

The other thing, too, I am concerned about is the judge-shopping. They are going out to find judges to come up with a decision that they like, but at some point this must stop. Florida law requires that at 5 p.m. tomorrow, and I am glad to see that our Secretary of State Harris is enforcing that law, that that ends the process.

We have had a period for a general election, as required by law; a recount, which was done in every one of the 67 counties; and some additional recounts which have already been done and also submitted. But to drag this on and on, tampering with the ballots, coming up with a subjective interpretation, or standing out on the street yelling ''My vote wasn't counted'' or ''My vote should have been counted.''

Mr. SMITH of Michigan. To define the word ''subjective'', it originally started to figure out what was the intent of the voter.

The good news, I think, is that we are going to end up with the whole country reviewing their election system. We are going to end up with consideration and reviews and hearings here in Congress of how can we assure that when individuals vote, that they are going to have their vote counted.

Also, there is a law in Florida, like most States, that says there is a responsibility on the part of the voter: that that voter has to consider the solemnity of the occasion in deciding how careful they are in that vote.

We cannot help but wonder, as we view some of the demonstrators out there, when did they decide that they voted wrong? If they decided when they were still in the booth, they had a chance to redo that vote. So in many occasions, it did not seem like the demonstrators started coming out and they were organized until after it was identified as a close election.

Mr. MICA. Mr. Speaker, I have received information that these demonstrators were paid, a PR firm was

paid to make calls to get them out to start stirring this up. It is unfortunate it is being done in this manner. It is unfortunate because a lot of people voted with great sincerity, with great devotion to candidates on both sides.

It is also unfortunate because it will further divide this country, and more than anything, this country needs to be unified. We should not be pitting the young against the old, the rich against the poor, one social class or ethnic class against another, we should be bringing people together.

There will be, no matter how this is resolved, 50 percent, because this is a close election, of the people who will be disappointed. But we must have a process that adheres to the law, the law of the State of Florida and under the Constitution of the United States. We cannot make a mockery out of the process. Otherwise, not only will we have disappointment, we will have disillusionment with the system. That is what we do not want.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Florida if the gentleman wanted to make a final comment.

Mr. STEARNS. I thank my colleague. My only point is that we still have the overseas ballots for Florida. They will be in and counted by the 17th, this Friday, I believe.

With that in mind, I think all we should do now is let us wait for the final count on the overseas ballots. That will determine Florida's 25 electoral votes. Then we will be fully appraised of who the winner is of this presidential election.

I think we should move forward with dispatch and, as the gentleman from Florida (Mr. MICA) and the gentleman have pointed out, we could have endless legal battles. That is not in the best interest of this country.

Mr. SMITH of Michigan. I thank the gentleman for his comments.

Mr. Speaker, I am going to spend a few minutes talking about social security. I was concerned during the presidential campaign that there was a lot of misinformation that went out. I am particularly concerned at some of what I would call demagoguing, as there were scare tactics frightening seniors that the other candidate might be ruining social security and disrupting its future, not only for the kind of benefits they might get, but for what kind of consequences might evolve to current workers in this country.

It seemed appropriate to do a brief review of what social security is, how it works, what the problems are, the insolvency situation, and some of the ways that we can keep social security solvent over the long run.

This first chart shows the future deficits after the year 2015. The little blue in the top left-hand corner shows the increased social security revenue, because taxes were increased in the 1993, the 1983 decision, and taxes were increased so high that it is bringing in more social security revenues than is needed to pay for current benefits.

I think it is good to remind ourselves that social security is a pay-as-you-go program. Workers in America pay their taxes in. By the end of the week, those taxes are sent out in benefits to current retirees. So it is sort of like a Ponzi game.

But the consequences of the future without doing this, if we put off this decision, if we do not make decisions, then we are faced with future deficits that, in the words of Alan Greenspan, equal an unfunded liability of $9 trillion. That compares to our current budget of $1.8 trillion a year.

If we were to come up with that $9 trillion, it would have to be invested in a savings account having a real return of at least 6.7 percent interest, a real return over inflation of 6.7 percent interest, to accommodate this red portion.

The red portion represents how much additional money will be needed in addition to the social security taxes coming in for those particular years.

I think it is important that we dwell on the fact that payroll taxes have just kept rising over the past. In the year 2000, we had a 15.3 payroll tax. As we see, in 1950, we started around 3½ percent. The consequences of not doing anything are either going to mean a tax increase or benefit cuts or substantial increase in borrowing.

The leading economists suggest that to borrow that $9 trillion today is going to represent, listen to this, $120 trillion in tomorrow's dollars that we are going to need to come up with in addition to social security tax revenues. So let us not put this load on our kids and our grandkids, or even on young workers today.

Social security began in 1935, and when Franklin Delano Roosevelt created the social security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social security, in all of the literature, as I have researched the archives, it was to be one leg of a three-legged stool, so that you would also have personal savings accounts and private pension plans to go along with the social security benefits.

It is interesting, going into the archives, Mr. Speaker, that when these decisions were made in 1935, the Senate, on two votes, voted that an option should be there to allow individuals to have their own private investments that could be invested by them, could only be used for retirement, like as a substitute for a government-run program. But in conference committee, the decision was made to make it totally a pay-as-you-go government program.

□ 1945

Because of some of the problems we are running into in terms of fewer workers trying to pay their tax in to accommodate more and more retirees, Social Security has been deemed insolvent, and there will not be enough money there to keep Social Security going in the future without some changes, unless we do something. It is a system that is stretched to its limit.

Mr. Speaker, 78 million baby boomers begin retiring in 2008. The baby boomers are that gang of youngsters born right after World War II. Social Security spending exceeds tax revenues starting in 2015. So we run out of this huge tax increase that we put on American workers in 1983. And starting in 2015, we are going to have to come up with more money from someplace; and that is the real crux of the problem. Where do we get that money?

That is the problem of Social Security. How do you come up with that additional money? Social Security trust funds technically go broke in 2037, but the trust funds are a ledger. They are a bunch of IOUs that says Government owes Social Security this $800 billion, that is what the IOU amounts to today.

But the question still is, where do we come up with that money once there is less tax revenues coming. You have three choices. The three choices to come up with that money, and it makes no difference whether there is a trust fund or whether this Congress simply keeps its commitment to keep Social Security going. Number one, and the one that is very dangerous in terms of its impact on the economy and workers, is yet again, we increase taxes on the workers. Number two, we reduce benefits or other government spending. Number three, is you borrow that $120 trillion from the public.

So our debt of this country goes up substantially. And according to the economist, that kind of borrowing would be so disruptive to this economy that it would seriously be a negative impact on the kind of wage that Americans earn.

I think it is important to point out that insolvency is certain. It is not some guys with green eye shades out there making rough estimates. We know how many Americans there are, and we know when they are going to retire. We know that people will live longer in retirement. We know how much they are going to pay in, and we know how much they will take out.

Payroll taxes will not cover benefits starting in 2015 and the shortfalls will add up to $120 trillion between 2015 and 2075. I might say Barry is helping me. Barry Pump is helping me from the State of Iowa.

The coming Social Security crisis or pay-as-you-go retirement system will not meet the challenge of the democratic change. I talked a little bit about the reduced number of workers. This sort of depicts where we are going in terms of the number of workers that are asked to reach into their pockets and pay out their Social Security tax to accommodate every single retiree.

Back in 1940, we had 38 workers that we could divide the costs up between and among; and those 38 workers, back in 1940, paid in their taxes to accommodate each one retiree. Today, it is down to three workers. Within the next 25

years, the estimate is that it will be down to two workers paying in their Social Security tax for every one retiree. That means yet again, without some modifications to the program, we are going to end up substantially increasing taxes or cutting other spending or substantially increasing borrowing; and that is why I think it is so important that one aspect of the changes that need to be made is to get a better return on the money that is being sent in by workers and taxpayers today.

The average retiree gets 1.9 percent back on the money in taxes that they and their employer send in; 1.9 percent real return they can get. And we can do better than that on a CD account. The question then becomes how do you make the transition? There is no Social Security account with your name on it.

As I have made speeches around the country and in Michigan, there are a lot of people that think somehow there is an entitlement, somehow there is an account with their name on it, and it is adding up benefits and there is some kind of investment where they are assured of a return.

This is a quotation from the Office of Management and Budget, the President's own Office of Management and Budget, and I quote them, ''these trust fund balances are available to finance future benefit payments and other trust fund expenditures, but, but only in a bookkeeping sense their claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public or reducing benefits or other expenditures.''

It is interesting also, and I might comment that the Supreme Court now on two decisions has said that there is no entitlement to Social Security benefits. That the taxes you pay in are not related to in any way to some kind of a guarantee that you will receive benefits.

Taxes are simply a tax that the United States Congress and the President have decided to tax workers. Benefits are simply a benefit for retirees that Congress and the President have decided to give senior citizens.

There is another misconception that economic growth is somehow going to help Social Security. Not so. Social Security benefits are indexed to wage growth. Wage growth goes up faster than inflation, so benefits for retirees are going up faster than inflation.

I have introduced three Social Security bills now that have been scored by the Social Security Administration to keep Social Security solvent. I was named chairman of a bipartisan task force on Social Security. And so for the last 3 years, we have been looking into and studying what needs to be done with Social Security. What are the problems? What are the consequences? And how do we correct it?

In my bill, one way to slow down the increase for higher income retirees is do away with wage inflation and change it to simple inflation based on economic inflation. When the economy grows, workers pay more in taxes but will also earn more in benefits when they retire, because what you pay in taxes, what your earnings are directly related to what you are going to get in benefits.

You add to that wage inflation instead of traditional inflation, and we see benefits going up more than what is going to be paid in in the short run simply because of more people having a job and more people having higher incomes. So in the long run, a stronger economy does not solve the Social Security problem. You end up with a hole later on, and that is what this says.

Growth makes the numbers look better now, but leaves a larger hole to fill later. The administration has used these short-term advantages, an excuse to do nothing. Obviously, everybody that has looked at this last campaign between Governor Bush and Vice President GORE understands that there was a huge scare factor with seniors, that seniors can be frightened, and the reason is because a large number of those seniors depend on Social Security for most of their income.

When anybody starts talking about any changes, they do get nervous. I just hope that the demagoguing in this campaign has not done away or dramatically reduced the chance of this Congress next year and the President next year, whoever it is, to move ahead with Social Security reform; because the longer we put it off, the more drastic the solutions. The longer we put this off the more drastic solutions.

Let me just tell you the first bill I introduced when I came to Congress in 1993 was with very modest changes to make sure that we started getting some better return on the tax money sent in. Of course, you remember the chart of current surpluses, we have had all of these surpluses. Those surpluses have been squandered for the last 40 years because this body and the past Presidents have decided to use the extra money coming in from Social Security to spend on other programs. We have stopped that, by the way.

It is a little gimmicky, but the Republicans came up with this idea that they called a Social Security lockbox. It was good because the public liked the idea of us stopping spending the extra tax money coming in from Social Security. Now, until we find a way to best use that money to keep Social Security solvent, it is being used to pay down that part of the debt held by the public, and so the total debt of this country is not going down; what we are doing is using the Social Security surplus, sort of like using one credit card to pay off another credit card.

We are using the Social Security surplus to pay down that part of the Federal debt held by the public. It should be made very clear, because there were a lot of comments on this during this recent election by a lot of people that led the American people to believe that we were paying down the debt of the United States Congress. The total debt subject to the debt limit is not going down because of the fact that we are using the surplus from Social Security and the other trust funds to pay down the debt held by the public.

Public debt versus the Social Security shortfall. Vice President GORE suggested that we pay down the debt held by the public. The total debt held by the public is a little over $5.6 trillion, that part that is held by Wall Street, what Treasury bills, Treasury bonds, the debt held by the public is $3.4 trillion.

The Vice President suggested if we pay down this debt, we can use the savings on interest to accommodate the demands of Social Security over the next 54 years. This is the amount of money that is going to be the shortfall over the next 54 years in Social Security, $46.6 trillion, and so to pay down this debt of $3.4 trillion, the accommodation of that $260 billion that we save in interest every year is not going to accommodate that kind of shortfall.

Let us do it. It is a good start. Let us get the public debt paid down. Let us start paying down the total debt of this country. This is another way to depict what was just talked about.

Over the next 10 years, there is going to be $7.8 trillion coming into Social Security; $5.4 trillion are going to be used up in paying benefits. And that leaves a surplus of $2.4 trillion. And so what Governor Bush has suggested, what I am suggesting is that we take some of this surplus to start the personal retirement savings account.

I would stress these are the kinds of accounts that are limited. You can only invest the money in certain safe investments, and you can only use it for retirement. It is not like it has been suggested that everybody is going to have the chance to be, if you will, convinced by the snake oil salesman from someplace to invest their money because it has high returns.

Your investments are going to be limited, such as the thrift savings account for the Federal Government employees to some extent like the 401(k)s that a lot of our citizens have. But, again, now is the time that we need to start a transition to get a real return.

I am sure we can work with Democrats and Republicans if the decision is made not to demagogue this in the next election. Which brings me down to my conclusion, that the best time, the most opportune time to solve Social Security is going to be next year, the first year of a 4-year Presidential incumbency and the first year of a 2-year term for every Member of this particular House.

As you see on this chart, we end up with a savings. If we were to pay down the debt held by the public, we end up with a savings of $260 billion a year. If we keep that $260 billion and instead of using it to pay interest on the debt held by the public, we apply it to Social Security.

This bottom blue represents how much of the total Social Security benefits will be accommodated by that interest savings. You still end up with a shortfall of $35 trillion. The biggest risk, I am convinced, is doing nothing at all. Social Security has a total funded liability of over $9 trillion that I mentioned; that $9 trillion of unfunded liability today can be expressed in terms of $120 trillion in tomorrow's dollars. In the next 75 years' dollars, that is going to be—that amount is going to be short of what is needed to pay benefits over and above what comes in in Social Security taxes.

The Social Security trust funds contain nothing but IOUs to keep paying promised Social Security benefits. The payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent. Neither of those options is acceptable. Certainly a tax increase should not be acceptable.

But let me briefly review, Mr. Speaker, what we have done on increasing the Social Security taxes over the last 60 years.

□ 2000

In 1940, the Social Security tax was 2 percent; 1 percent for the employee, 1 percent for the employer. It was on the first $3,000 of income, maximum tax. Employee and employer combined was $60. In 1960, we increased the tax to 6 percent, increased the base to $4,800. Again $288 a year was the total of employee-employer taxes on Social Security. 1980, it went up to 10.16 percent on $25,900. Today after the 1993 changes, it has now developed into a 12.4 percent tax on the first $76,200 of payroll. What do we do? That brings it to almost $9,500 per year. If we let this go, then we are asking so much of young workers, of our kids and our grandkids, to pay this exceptional tax.

I am a farmer from Michigan. I grew up with the idea that one tries to pay off the farm mortgage to leave one's kids a little better chance. But this body, this body and this Congress gets so, I think, wrapped up in the importance of spending today that we think taking money from them and leaving them an extra high mortgage justifies the kind of standard of living that we want and the kind of things that this body and the body down at the other end of the Capitol, the Senate, and the President want to spend money on. That is what we are arguing about now on finishing off this year's budget, can we reduce the increase in spending.

Personal retirement accounts, let me talk about what would one do if one had some individual investments. What is compound interest? Compound interest means that, if one can invest one's money, one gets extra interest on it. It makes that fund larger. Then the interest on that extra amount of money that can grow, it can make an average worker a rich retiree.

If John Doe makes an average of $36,000 a year, and they are allowed to invest 4 percent of their Social Security tax in a private account, then instead of getting the $1,280 a year from Social Security, they would be receiving $6,514 a month from that kind of a personal retirement account.

When they passed the Social Security law in 1934, they said it is an option whether counties and States want to opt into the Social Security system or have their own retirement program. Galveston County, Texas opted to have their own personal investment. Let just take a look at what is happening there.

Death benefits under Social Security, $253; in Galveston, $75,000. Disability benefits, $1,280 under Social Security; the Galveston plan, $2,749. The retirement benefits, Social Security, $1,280, same as disability. The Galveston plan for retirement is $4,790 a month. Private investments and the magic of compound interest have to be part of what is going to keep this system solvent.

Personal retirement accounts, they do not come out of social security, they become part of one's Social Security retirement benefits. A worker will own his or her retirement account. It is limited to safe investments. It certainly can earn more than the 1.9 percent interest that an average retiree today is getting from Social Security. That is going to be much lower in the future.

San Diego is another area that has opted out of Social Security into a personal retirement account system. A 30-year-old employee there who earns a salary of $30,000 for 35 years and contributes 6 percent into his PRA would receive $3,000 per month in retirement; and, under the current system, he would contribute twice as much, but receive only $1,077 from Social Security.

Let me conclude by quickly running through these and making a comment. The U.S. trails other countries in saving its retirement system. Other socialized countries are moving into the private personal retirement accounts faster than the United States.

I represented the United States at a worldwide meeting on Social Security over in London 3 years ago. I was so surprised to see so many of the other countries that were so far ahead of us in getting such a much larger return and having success in keeping their public retirement pension solvent.

In the 18 years since Chile offered the PRAs, 95 percent of Chilean workers have received accounts. Their average rate of return has been 11.3 percent per year. Other countries, Australia, Britain, Switzerland all offer workers their own personal retirement accounts.

The British workers chose PRAs overwhelmingly for their top tier. So even from England, the socialized country, they moved into their own personal retirement accounts.

There are several ways we can do this. Some of the Democrats have expressed concern that the stock market is too risky. But one can decide what the balance is, whether it is 30 or 40 percent into bonds and 60 or 70 percent into equities. One can limit the equities to indexed stocks, indexed global funds, an index that is going to be across the board.

Over the years, the average for any 30-year period, if one starts working at age 20 and finished working at age 50, for a 30-year period, for the last 100 years, the average return on equity investments is 6.7 percent.

This is just sort of repeating myself a little bit. But based on a family income of $58,400 some, the return on a PRA is even better. If one invests 2 percent, as the blue; if one invests 6 percent, as the pink; and the purple is if one had invested 10 percent of one's income. But over 30 years, one would end up with almost $1 million. But over 40 years, it would be $1,000,389 if one worked for 40 years paying in 10 percent, being allowed to take 10 percent into one's private investments.

If I have one final message, certainly it would be that everybody has to make a greater effort, savings and investing; that Social Security cannot be one's total retirement account.

In our Social Security tax force, we had testimony that, within the next 25 years, people would have the option of living to be 100 years old if they wanted to. That not only offers a tremendous challenge to government run programs and their future solvency, but it emphasizes the need to move out of a fixed benefit program, at least partially, at least to some extent, and have a fixed contribution. But it also says that every individual today needs to make a more aggressive effort to save and invest. That is why this Chamber has decided to encourage savings and investment.

PRESIDENTIAL ELECTION

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 37 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, suddenly 37 minutes became available, and I thought I would come to this floor and address the issue that is on the minds of everyone in this country. I invite those of my colleagues who have a like mind to come down and share this 37 minutes with me. I have been joined by one of our colleagues from the Committee on the Judiciary, the gentlewoman from California (Ms. LOFGREN), who I will yield to after I deal with the first and second points.

The first point I want to make is that Vice President GORE did win the popular vote by well over 200,000 votes. Now, I know the point is often made that there are several hundred thousand votes still waiting to be counted in California. Well, I am from California as well as the gentlewoman from California (Ms. LOFGREN). California

was won overwhelmingly by the Gore candidacy, and we know from our experience that that means that, if anything, the late absentee ballots, those counted because they were received virtually on election day, will, if anything, bolster this 216,000 vote lead.

Likewise, there are some uncounted votes in the State of Washington, mostly from the Puget Sound region, which Vice President GORE won overwhelmingly. So when the votes are cast, it will be clear what the popular vote is in America.

The American voters voted for AL GORE and JOE LIEBERMAN by a plurality of roughly a quarter million. But what is before us is the electoral college. The electoral college requires us, as a matter of law, to put aside that quarter million vote majority for AL GORE and, instead, focus on this on a State-by-State basis.

Now, there has been an attempt by Governor Bush to try to use political insult, if not political intimidation, for those of us who respect the rule of law and want that rule of law to go forward, those who want the courts to act as referees just as we have referees in football. I know some would argue it would be a more exciting game of football if we took the referees off the field, but if one believes in the rules, one has got to believe in the refs.

Now, Florida seems to turn first and foremost on the vote in Palm Beach County. If we are to have an accurate electoral college vote, we need to focus on the ballots in Palm Beach County. We will see that there is a very strong argument for a revote in that county.

The ballot which I am about to show my colleagues is acknowledged by virtually everyone to be very confusing. It did, in fact, confuse tens of thousands of voters in Palm Beach County. There were some 19,000 voters in that county who double punched, voted for two presidential candidates.

The Bush campaign has argued that is roughly analogous to a somewhat lower number, perhaps 14,000, who they say double punched in 1996. The only problem is that is a false number. It is not fuzzy math, it is false math. The figure that they use in 1996 is the sum of those who just skipped the Presidential race, did not want to vote for any of the Presidential candidates, and those in Palm Beach County in 1996 who mistakenly punched two holes.

In fact, the number of who punched two holes this time was roughly double the number who punched two holes in the prior election. That is because of the famous butterfly ballot which confused voters. Not only were they confused into voting twice, but they were confused into voting for Pat Buchanan. Pat Buchanan has admitted that many of the votes he received in Palm Beach County were not voters who wanted to vote for Pat Buchanan. If Pat Buchanan can admit that, why cannot Governor Bush?

But it is not enough that the ballot is confusing. The ballot is also in violation of Florida law in two important respects, both of which contributed to voters not being allowed to vote.

First, Florida law requires that the names be on the left and the holes be to the right of the name. If this ballot had been done legally, prepared legally, prepared according to Florida State statutes, we would not have this problem. These folks would be listed below the other folks. There would be one hole next to each name, and people would punch. That is not what happened. It was a ballot designed in violation of Florida law.

Second, the ballot laws of Florida require that the candidate be in a certain order. The party that won the governorship in Florida, the Republican Party, is entitled to go first. The party that came in second for the governorship, the Democratic Party, is entitled to go second. But if one pushes the second hole, one's vote is not counted for the Democratic Party. The second hole does not belong to the Democratic Party. The second hole belongs to the Reform Party. So one has a situation where the order of the holes is not as specified by Florida law. Those two problems, two violations of law led to the confusion.

Now, Florida law on this was announced just 2 years ago. In the 1990 Supreme Court case, in the Supreme Court of California, Bextrum versus Volusia County Canvassing Board in which the court finds substantial noncompliance with statutory election procedures. If the court makes a factual determination that reasonable doubt exists as to whether a certified election expressed the will of the voters, then the court is to void the contested election, even in the absence of fraud or intentional wrongdoing.

□ 2015

The court, the Supreme Court of Florida, has spoken to this very situation. We certainly have a situation where doubt exists as to what is the right outcome; there are more people gathered in our cloakroom some of the times than the total number of votes separating the two candidates in Florida; and substantial noncompliance with statutory election procedures was operative. So clearly, under Florida law, the court, in the standards it adopted in 1998, should order a revote in Palm Beach County.

I want to point out that it is premature for us to call for that here and now. No candidate for President has yet called for a revote in Palm Beach County. I think, however, the argument presented here would be a strong one to result in such a revote.

I should point out that there are other elements of this confusion. The first is reported in The Washington Post of this past Saturday where they reported that confused voters were besieging the county commissioners by telephone in the morning. By the afternoon, they were calling local radio shows. Then there was a hastily written memo from a county supervisor of elections distributed at the end, when most people had already voted, trying to explain the inexplicable. And, in fact, one senior leader, the president of the Century Village Retirement Community, said people were crying. They were coming to us to ask questions; the ballot was lousy; they did not know who they voted for.

I can go on and on with the discussion of the confusion and the sorrow, the anger and the frustration of the people of Palm Beach County as they were denied their right to vote by a ballot that violated the statutes of the State of Florida. But at this point, I know that I have two very patient colleagues, the first one serving on the Committee on the Judiciary, the gentlewoman from California (Ms. LOFGREN), who I know also wants to address these issues.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman for yielding to me, and I just want to speak briefly on the issue of the recount.

It is true that I am a member of the Committee on the Judiciary and formerly taught at a law school and practiced law and the like, but I would like to speak this evening more as just a neighbor and a person who has just come to the Nation's capital from California fresh with the insights from the people who are in my neighborhood who say this: we are not in a crisis. We all wish this were over. We want it to be done. But we also know that we can be patient and get an accurate count.

I think it is time for all of us in America to ask everyone in the leadership of both parties to put patriotism ahead of partisanship. Now, it is true all of us had a favorite candidate. I hoped that AL GORE would be elected President, and some of my neighbors hoped that George Bush would be elected President. The truth is we do not know which of them will be elected. But we need to put our desire for our candidate to win to one side in favor of democratic processes. We need to make sure that the vote is counted accurately and that whatever happens reflects the will of the American people.

Now, I heard some rhetoric this evening that I found disturbing, in all honesty. It seemed to indicate or to infer that somehow because there was a hand count that there was something unsavory; that there would be something wrong or backhanded about this. But we know that these recounts are going on in a fish bowl. We have hundreds of people watching every single ballot; designated people from both parties. We have CNN, CBS, NBC, ABC, and the Fox News channel. It is a veritable convention looking at each ballot. It is very clear that there is nothing sneaky that is going to go on in these recounts. In fact, we will have the most accurate count possible.

Before I was in Congress, I was in local government for 14 years. I was on the board of supervisors, and we were in charge of elections. Elections are

never perfect. Poll workers show up late, ballots get shredded, problems can occur. We know that that is true. But when elections are this close, recounts always occur. And we always, when I was in local government, we always respected that those recounts needed to occur so that the people's will could, in the end, rule the day.

When the recount will decide who will be the leader of the free world, of course we need, as the American people, to exhibit patience, and we have time for that patience to play out. We have a President. He will be President until January 20. So we certainly have time to make sure that all the votes get counted.

America has confidence that the current President of the United States, whether we support him or do not support him, was elected in a way that reflected the Constitution and the rules; and we need to make sure that the next President, whoever he is, has that same confidence on the part of the American people. That is why it is important for the partisans in this discussion to just back off, just back off and let the vote and the counting of the vote take place. If it is necessary, hand recount all of the votes in Florida. That would be fine.

Let us make sure that the people's will is reflected in the electoral college; and then all of us can live with the result, whatever it is. However disappointed we might be, whether it is our candidate or the other side, the American tradition is to allow the transition of power to proceed smoothly and to celebrate the fact that we are a violence-free democracy that understands that our institutions are more important than any election. So, please, let us, all of us, back off and put our patriotism ahead of our partisanship.

I thank the gentleman from California for yielding for these few comments.

Mr. SHERMAN. I thank the gentlewoman from California for her comments. I yield now to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my two colleagues from California. I do not intend to use a lot of time, but I just wanted to say that I totally agree with what the gentlewoman has said.

It disturbed me a great deal, to be honest, when I heard some of our colleagues from the other side of the aisle come here earlier this evening and sort of deride the process. I think at one point one of our colleagues from the Republican side suggested that the campaign manager for the Democrats was involved in fraud or that his father was involved in fraud. These kinds of comments are totally inappropriate. I do not even know if they are allowed under the rules of the House.

As the gentlewoman said, let us not get into this partisan argument and start calling names tonight. All the gentleman from California is saying, from what I understand, and I respect the gentleman a great deal for it, is that he just wants the will of the people to be heard. The gentleman just wants to make sure that if somebody voted, or intended to vote a certain way, that they be counted; that their sacred right to vote, which we cherish under our form of government, not be taken from them.

I just want to make two comments in that regard. One is that, again, it upset me today to think that the Republicans had gone into court to stop the recount. We know that these manual recounts occur from time to time and are necessary from time to time. I was actually involved with one myself going back almost 20 years, I think it was in 1981, when we had a very close gubernatorial race. I had to sit in a room and watch and see whether those, we called them chits in New Jersey, I guess they call them chads in Florida, to see whether they were actually punctured and the votes were counted. Ultimately it did not make that much of a difference in terms of the total vote count; but at least people were assured that someone was looking carefully, and in this case a number of people looking carefully, to make sure that their vote counted and their intention to vote a certain way was carried forth.

I feel the same way about this whole manual recount, and the gentleman's suggestion there about how this ballot was set up. I do not know whether this will end up in court or not; but it really pains me to think that anyone, whether they be Republican, as some of them earlier, a Democrat or anybody, would suggest that the will of the people should not be carried forth.

I think there is a real philosophical difference here. I heard some of my colleagues from the other side of the aisle saying, well, people have to be very careful when they go into vote; treat it as a solemn occasion and do not get it wrong. It is as if someone gets it wrong, that is their own problem; that is their fault; they have to carry the personal responsibility of having gotten it wrong. Well, the bottom line is that if the ballot is set up in a way to confuse and it is obvious the intent was to vote for a certain candidate and the vote was discarded, it seems to me it is incumbent upon us to make sure that that vote counts; whether there is a manual recount to check to see whether the chit was punctured or whether a new vote has to occur to make sure the people whose ballots were thrown out get an opportunity to vote. It just seems to me that what we want is for the people to be able to exercise their right to vote.

Mr. SHERMAN. If I can interject at this point.

Mr. PALLONE. Certainly. I would certainly yield back to the gentleman.

Mr. SHERMAN. Even those who say it is up to the voter to know the law, and if the voter gets it wrong, we will discard the voter's vote even if it is apparent how that voter voted, even those folks have got to admit the ballot was designed in violation of law. And if we are going to tell voters they are responsible for knowing the law, they have a right to a ballot designed in accordance with the law.

The law in Florida states if someone punches the second hole that they are voting for the party that came in second in the last gubernatorial election. Only on that ballot it is not designed that way. So it is simply wrong to be tough on the voters while forcing the voter not to be able to rely on the statutes of the State in which they reside.

Mr. PALLONE. I agree. And if the gentleman would just yield to me once more, very briefly, I strongly believe that we have to do whatever we can to make sure that a person's vote counts. If we do not, then what is going to happen is people are going to say why should I bother to vote.

The bottom line is that last Tuesday was a great day because so many people came out to vote. I know in my own district, in my own State of New Jersey, there was an overwhelming turnout. It was grand to see so many people come out because they thought it was going to be a close election, and it was, and they knew their vote would count. So let us not let them down by saying that their vote does not count, or something is done to make sure that their vote does not count. Because that will certainly discourage people from voting in the future, and I certainly do not want that to happen.

And, lastly, I would say this. Let us not make this a partisan process. I have to say that I am very partisan, as the gentleman knows, when I come to the floor of the House and I talk about issues. But this is not a question of an issue or a bill; this is a question of our democracy and upholding the Constitution. I would just expect that both sides of the aisle would simply not make this into a partisan battle. One may feel the votes should count or not count, or they may feel strongly about how people should exercise their right to vote; but let us not start the name calling, the way I heard before, against the candidates or against the parties or against the representatives. I do not really believe anybody wants that, and we should refrain from that. I yield back to the gentleman.

Mr. SHERMAN. I thank the gentleman from New Jersey for the tenor of his remarks, and I would join him in saying that perhaps the lowest point of the television debates and back and forths have been when there has been an attack made on the campaign chairman for the Gore campaign because of his father. I have never seen my father's integrity attacked on this floor; I have never seen the integrity of the father of the gentleman from New Jersey attacked on this floor; and I have certainly never heard of an attack on a Member's integrity for the purpose of discrediting his arguments on a bill. That behavior is certainly lower than

this House has ever gone and, hopefully, the Bush campaign will not descend to those levels again.

□ 2030

Mr. Speaker, I would like to continue to talk about how people reacted to that confusing and illegal ballot in Palm Beach, Florida. One elderly voter did the right thing. That voter asked for a second ballot, having ruined his first ballot. Bernard Holtzer, a retired community inhabitant, said he had unintentionally voted for Pat Buchanan on the first ballot and the clerk refused his request for a second ballot. Holtzer said, ''I told the clerk I made a boo-boo and that I wanted a new ballot. And she told me there was nothing she could do about it.''

That is the New York Times, this Saturday, reporting that not only was the ballot confusing and illegal but that the county workers did not in any way allow for the appropriate legal remedy. In fact, that same New York Times article points out that poll workers were under strict instructions to turn away voters who came to them with questions. Quoting one poll worker named Louise Austin, Ms. Austin said, ''I had to follow the directive, 'Don't help anyone. Don't talk to anyone.'.'' Again, the New York Times reports that.

So there were as reported in both the New York Times and the Washington Post precinct workers who received instructions very late in the day telling them how to help confused voters. Of course that begs the question, what about the well over 75 percent of the voters who voted before those instructions went out to the poll workers?

So we have reason to believe that the only way that the people of Palm Beach County will be allowed to vote in this election, will have their franchise protected, is if there is a revote in Palm Beach County. Now, I know that is controversial and that is even a conclusion that I am not ready to fully embrace here tonight, because it is a premature conclusion. Because there is something that we all agree on, and, that is, the first step is a proper count of all the ballots that were cast. And a proper count is the best possible count. A manual recount is the best possible count.

First, it is argued we should not have a manual recount because somehow that is the second recount. You cannot recount after a recount. Well, let us straighten that out. This manual recount is the first recount requested by the Gore campaign. Because the election was so close, there was an automatic recount by machine in every county. But that was not at the request of the Gore campaign because the Gore campaign appears to want the most accurate possible recount. And so the Gore campaign has made only one recount request, and that is for a manual recount to be conducted in four counties. The Gore campaign never asked for a machine recount. And to say that the most accurate recount should be ignored because there was a worse system employed not at the request of any candidate is absurd.

Now, why is it that I say that a manual recount is the better recount? Well, we are told by James Baker that he prefers a recount using precision machines. These precision machines, 1950s technology, machines that cannot read a bent card, machines that jam up when you put a bent card in them, machines that cannot tell you what their standards are. Where there has been argument about whether a particular punch card should be counted, a swinging door chad, a partially detached chad, what are the machine's standards? We do not know. The engineers of the machines do not know. Sometimes the machine will count a bent ballot. Sometimes it will not. Sometimes if it is partially punched, the machine counts it. Sometimes it will not. The machine is not talking to anybody and nobody can look inside it while it is counting. It is not the same as having three citizens in full view, viewed by Republican and Democratic experts behind them, on cable television, counting the ballots one at a time.

Those who refer to precision machines are wrong, because the invention of man is indeed imperfect, far more imperfect than the creation of God. A human being watched and consulting other human beings, in full public, can look at a bent card, can look at a partially attached chad, can apply specific standards and can reach the correct conclusion. That is why in Seminole County, Florida, last week, they did a manual count, much to the glee of the Bush campaign which got 100 extra votes as a result of the manual count done after the machine count, the machine recount. Bush husbands and enjoys that 100 votes. In fact, it is a third of the lead he claims today. And it is all because in a Republican county they completed a manual recount.

To be detailed, what happened was if a card would not go through the machine, they would look at it, determine the vote of the voter, create a new ballot reflecting that intent, and run it through the Seminole County machine. That is a manual recount in Seminole County. Yet no one in the Bush campaign has asked for those 100 extra votes to be subtracted from their column.

But we do not have to look just at what is happening in Florida. We know by looking at Texas. Here is the statute, signed into law by Governor Bush, scarcely 3 years ago: a manual recount shall be conducted in preference to an electronic recount. How dare James Baker insult the Governor of Texas when he says that these words are wrong. Now, Mr. Baker says they have standards in Texas. They have, of course, standards in Florida as well. In each county in Florida, the election board identifies swinging door chads, partially attached chads; and the training is going on right now and yesterday so that each poll worker follows those instructions. Machines, of course, have no standards at all; but the poll workers in Florida, county by county, do.

But if James Baker and the Bush campaign think the problem is standards, why do they go to court to try to prevent an accurate recount? They should be coming to the election officials in Florida and suggesting standards. If there are wonderful standards available, proven, used in Texas, why does the Governor of Texas not share them with the people of Florida? The fact of the matter is there are not really specific standards in Texas that are any better than those in Florida. The Florida standards are just fine. The Bush campaign is not looking for a manual vote based on uniform standards. They are looking for a quick victory that ignores the will of the Florida voters. They are looking to stop the manual vote, not improve it.

That is why they went to court today and they asked a Federal judge. They would be the first to insult judges and the first to seek a court injunction and the first to be turned down by the courts. And they tried to get a Federal judge to prevent what the Texas Governor in his own State and his own statutes recognized as the most accurate method of recount. They failed. But justice may still not prevail, because the Secretary of State of Florida, herself the cochair of the Bush campaign, has to come up with this idea that all the counting has to be done by 5 p.m. tomorrow.

Now, is this based on Florida statute? No. It is based on a misreading of Florida statute. She cites section 102.111 which sets a 5 p.m. deadline. But a more recent Florida statute is in clear conflict with 111 and that is section 102.112, passed more recently, under our laws entitled to greater weight when there is direct conflict. It says, if the election returns are not received by the department by the time specified, such returns may be ignored.

So the Secretary of State, the cochair of the Bush campaign, has merely the discretion, if she wants to, to disenfranchise entire counties in Florida because they want to do an accurate recount. No court should allow such discretion to be used arbitrarily and no campaign should want its candidate for President to win because of such arbitrary and wrongful action. Who could deny this country an accurate recount by the methods signed into law in his own State by the Governor of Texas?

But it goes beyond that. Here, on a smaller chart, I have listed four Republican congressional candidates, each of whom wanted a manual recount. Each of them got a manual recount. Whether it was John Ensign running for the Senate 2 years ago or the famous Bob Dornan case, or whether it was Peter Torkildsen in 1996 or Rick McIntyre in 1984. In 1984, Rick McIntyre demanded and got a manual recount. And Dick Cheney was on this floor saying he

would go to war over that request. The request was granted. I realize there were other controversies about that race. But Dick Cheney, when he was here, was here backing up Rick McIntyre's demand for a manual recount.

So of course there should be a manual recount. And of course attempts to say that it has to be done by 5 p.m. tomorrow are outrageous.

I will tell you how outrageous they are. Tonight, I hope, in several counties in Florida, people are going to be doing the manual recount all through the night. They are going to get tired. And James Baker is going to be on television saying, ''Oh, my God, it can't be accurate. They were tired. They must be ignored.'' Why are they tired? Why are they working through the night? Because the Bush campaign wants to impose a ridiculous 5 p.m. deadline. Now, is this 5 p.m. deadline there to assure that the election is decided more quickly? No. There can be no decision in Florida until 5 p.m. Friday when those overseas ballots have to have arrived in Florida to be counted. So why 5 p.m. Tuesday as a deadline for completing a manual recount? Only one reason, to frustrate the manual recount, to make people be tired during the manual recount, to ridicule the manual recount. A manual recount, which is the method of choice in the State of Texas, because Governor Bush signed the law that made it so because he was right.

We have seen that the creation of God does a better job in this case than the invention of man and that human beings can do better. So it would be nice if the Governor was trying to get the most accurate recount instead of trying to slam the door on the most accurate recount.

Let me deal with one other issue. The Bush campaign says that what is unfair is that the media at around 7:40 p.m. or 6:40 p.m., anyway, 20 minutes before the polls were going to close in the Florida panhandle, called the Florida race. What the media did was inaccurate. They gave voters in the Florida panhandle inaccurate information. But is that the only stupid and inaccurate information to appear on television in this electoral season? The voters have a right under Florida law, under the U.S. Constitution, to vote and to have their will at the polls expressed. That is very different from saying that you have a constitutional right not to get bad information in the press, because I assure you there is no such right to get only accurate information in the press. We get inaccurate information in the press all the time, and the press has called Florida four or five different times. Every time they have called it wrong.

Mr. Speaker, to summarize, the popular vote will go overwhelmingly for AL GORE, the Vice President, and JOE LIEBERMAN, the Senator from Connecticut.

□ 2045

The ballot in Palm Beach County was responsible for twisting these results, which clearly possibly affected the results and was an illegal as well as a confusing ballot, a ballot in violation of two different Florida statutes, well-designed statutes, that were not carried out; and the Florida courts have recognized that where there is confusion because of a violation of the Florida elections code, a revote is called for. But before we get to a revote, we need to do everything possible to get an accurate count of the vote cast on election night; and that vote can best be recounted, as George Bush's signature indicates when he signed this bill, can best be recounted by a manual recount, the only recount requested by the Gore campaign, the only method that is recognized by the Governor of Texas as the most accurate way to do the recount.

Now, there are criticisms of what the standards are that are being used in the manual recount. Those who criticize have an obligation to make suggestions. They do not have the right to say that because they do not find perfection in the best and preferred method, that because they do not find it perfect, that it should be ignored.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of an airplane cancellation.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HEFLEY (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and November 14.

Mr. KINGSTON, for 5 minutes, today and November 14.

Mr. MICA, for 5 minutes, today.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 31, 2000:

H.J. Res. 121. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On November 1, 2000:

H.R. 4864. To amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

H.R. 782. 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.

H.R. 2498. To amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4788. To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.

H.R. 4868. To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.J. Res. 122. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On November 2, 2000:

H.R. 4312. To direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 3621. To provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 3388. To promote environmental restoration around the Lake Tahoe basin.

H.R. 1444. To authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

H.R. 660. For the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. For the relief of Sepandan Farnia and Farbod Farnia.

H.R. 3184. For the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3414. For the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron,

Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 5239. To provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

H.R. 5266. For the relief of Saeed Rezai.

H.R. 1235. To authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 1550. To authorize appropriations for the United states Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.

H.R. 2462. To amend the Organic Act of Guam, and for other purposes.

H.R. 4846. To establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 5110. To designate the United States courthouse located at 3470 12th Street in Riverside, California, as the ''George E. Brown, Jr. United States Courthouse''.

H.R. 5302. To designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the ''William Kenzo Nakamura United States Courthouse''.

H.R. 5388. To designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the ''Herbert H. Batesman Education and Administrative Center''.

H.J. Res. 102. Recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

H.R. 5478. To authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

H.R. 5410. To establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.R. 4794. To require the Secretary of the interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 4646. To designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.

H.J. Res. 123. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On November 3, 2000:

H.J. Res. 124. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 84. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 14, 2000, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10902. A letter from the Secretary, Department of Agriculture, transmitting the Department's final rule—National Forest System Land and Resource Management Planning (RIN: 0596–AB20) received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10903. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances for Emergency Exemptions [OPP–301074; FRL–6751–7] (RIN: 2070–AB78) received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10904. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Extension of Tolerance for Emergency Exemptions [OPP–301077; FRL–6753–3] (RIN: 2070–AB78) received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10905. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Copper Sulfate Pentahydrate; Exemption from the Requirement of a Tolerance [OPP–301060; FRL–6747–3] (RIN: 2070–AB78) received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10906. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting Office of Management and Budget Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

10907. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Fire Protection Engineering Functional Area Qualification Standard; DOE Defense Nuclear Facilities Technical Personnel—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10908. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, Office of Defense Programs, transmitting the Department's final rule—Planning and Conduct of Operational Readiness Reviews (ORR)—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10909. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, Office of Defense Programs, transmitting the Department's final rule—Criteria for Packaging and Storing Uranium-233-Bearing Materials—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10910. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, Office of Environment, Safety, and Health, transmitting the Department's final rule—Industrial Hygiene Functional Area Qualification Standard; DOE Defense Nuclear Facilities Technical Personnel—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10911. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule—Interpretive Clarification; Technical Correction [FRL–6898–8] received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10912. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; New Hampshire—Nitrogen Oxides Budget and Allowance Trading Program [NH–042–7169a; A–1–FRL–6871–2] received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10913. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 ''Announcement of Proposal Deadline for the Competition for Fiscal Year 2001 Supplemental Assistance to the National Brownfields Assessment Demonstration Pilots'' [FRL–6901–6] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10914. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Landfill Emissions From Municipal Solid Waste Landfills; State of Missouri [MO 117–1117a; FRL–6900–8] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10915. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program [MA–014–7195D; A–1–FRL–6882–5] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10916. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Massachusetts: Interim Authorization of State Hazardous Waste Management Program Revision [FRL–6900–5] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10917. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund Section 104; ''Announcement of Proposal Deadline for the Competition for the 2001 National Brownfields Assessment Demonstration Pilots'' [FRL–6901–5] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10918. A letter from the Assistant Bureau Chief, Management, International Bureau Satellite and Radiocommunications Division, Federal Communications Commission, transmitting the Commission's final rule—Availability of INTELSAT Space Segment Capacity to Users and Service Providers Seeking to Access INTELSAT Directly [IB Docket No. 00–91] received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10919. A letter from the Chairman, Securities and Exchange Commission, transmitting a Report on State Reciprocal Subpoena Enforcement Laws pursuant to the requirements of Section 102 of the Securities Litigation Uniform Standards Act of 1998; to the Committee on Commerce.

10920. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus question, covering the period August 1 to September 30, 2000, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

10921. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the Commission's Consolidated Report for FY 2000, pursuant to 16 U.S.C. 469j(h); to the Committee on Government Reform.

10922. A letter from the Staff Director, Commission on Civil Rights, transmitting Second Annual Commercial Activities Inventory Report for the Commission on Civil Rights; to the Committee on Government Reform.

10923. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10924. A letter from the Administrator, Office of Independent Counsel, transmitting the annual report on Audit and Investigative Activities in accordance with the Inspector General of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10925. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a modification report on the Horsetooth, Soldier Canyon, Dixon Canyon, and Spring Canyon Dams, Colorado-Big Thompson Project, Colorado, Safety of Dams Program; and the Final Environmental Assessment and Finding of No Significant Impacts on Horsetooth Reservoir, Safety of Dams Activities, pursuant to 43 U.S.C. 509; to the Committee on Resources.

10926. A letter from the Acting Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule—Maryland Regulatory Program—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10927. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727–100 and –200 Series Airplanes Equipped With an Engine Nose Cowl for Engine Numbers 1 and 3, Installed in Accordance With Supplemental Type Certificate (STC) SA4363NM [Docket No. 2000–NM–249–AD; Amendment 39–11839, AD 95–19–08 R1] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10928. A letter from the Deputy Chief Counsel, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, transmitting the Department's final rule—Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or more miles of pipeline) [Docket No. RSPA–99–6355; Amendment 195–70] (RIN: 2137–AD45) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule to Amend the Final Water Quality Guidance for the Great Lakes System to Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern [FRL–6898–7] (RIN: 2040–AD32) received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10930. A letter from the the Executive Secretary, the Disabled American Veterans, transmitting the 2000 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 106–308); to the Committee on Veterans' Affairs and ordered to be printed.

10931. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, Veterans Benefits Administration, transmitting the Department's final rule—Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues (RIN: 2900–AJ90) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10932. A letter from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting the Department's final rule—United States-Caribbean Basin Trade Partnership Act and Caribbean Basin Initiative (RIN: 1515–AC76) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10933. A letter from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting the Department's final rule—African Growth and Opportunity Act and Generalized System of Preferences (RIN: 1515–AC72) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on November 4, 2000]

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 14, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 14, 2000.

H.R. 1882 Referral to the committee on Ways and Means extended for a period ending not later than November 14, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 14, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 14, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 14, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 14, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than November 14, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 14, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 14, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOSS (for himself, Mr. DIXON, and Mr. LEWIS of California):

H.R. 5630. A bill 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, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. YOUNG of Florida:

H.J. Res. 125. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; considered and agreed to.

By Mr. RILEY:

H. Con. Res. 441. Concurrent resolution expressing the sense of Congress concerning the investigation into the terrorist attack on the U.S.S. *Cole* on October 12, 2000; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 655: Mr. COYNE.

H.R. 3650: Mr. LARSON and Mr. OWENS.

H.R. 4434: Mr. OXLEY.

H.R. 4606: Mr. SANDERS and Mr. WEXLER.

H.R. 4874: Ms. SCHAKOWSKY.

H.R. 5151: Mr. HUTCHINSON.

H.R. 5271: Mr. OBERSTAR.

H.R. 5500: Mr. LAZIO.

H.R. 5585: Mr. CARDIN, Mr. PASCRELL, Mr. THOMPSON of California, and Ms. MILLENDER-MCDONALD.

H.R. 5612: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. HINOJOSA, Mr. WEINER, Mr. ROMERO-BARCELO, Mr. OWENS, Mr. UNDERWOOD, Mr. GUTIERREZ, Mr. BLUMENAUER, Mr. MENENDEZ, Mr. PASCRELL, and Mr. ETHERIDGE.

H.R. 5613: Mr. BURTON of Indiana, Mr. SMITH of Michigan, Mr. NETHERCUTT, Mr. SHADEGG, Mr. LEWIS of Kentucky, Mr. SCHAFFER, Mr. SANFORD, and Mr. TOOMEY.

H.J. Res. 48: Ms. SLAUGHTER.

H.J. Res. 56: Mr. MCGOVERN.

H.J. Res. 107: Mr. STRICKLAND.

H. Con. Res. 401: Mr. CARDIN.

H. Con. Res. 420: Mr. REYES.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

119. The SPEAKER presented a petition of a Citizen of Austin, Texas, relative to petitioning the United States Congress To Propose For Ratification An Amendment To The United States Constitution That Would Abolish The Electoral College And Provide That The President And Vice-President, As A Ticket, Be Directly Elected By The Voters Of The United States; Further Providing for A Run-Off During The Month After The General Election If No Ticket Receives At Least 45% Of The Total Votes Cast Nationwide During The General Election; to the Committee on the Judiciary.

120. Also, a petition of a Citizen of Austin, Texas, relative to a petition to the United States Congress to support H.R. 2355 the ''Employment Non-Discrimination Act''; jointly to the Committees on Education and the Workforce, House Administration, Government Reform, and the Judiciary.