SENATE—*Wednesday, September 22, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Craig Barnes, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Craig Barnes, senior pastor, National Presbyterian Church, Washington, DC, offered the following prayer:

Let us pray.

Almighty God, before any more work is done this day, before anyone stands up in leadership over the Nation, we bow our heads in humble confession that we are completely dependent upon You.

Even the greatest among us is but flesh, and lighter than a breath in Your holy presence. So use our leaders this day, not because they are necessary, but because in Your hands they can become instruments for building Your holy kingdom on Earth.

When our leaders are tempted to despair, give them Your hope. When they are hurt, give them Your protecting angels. And when they are discouraged, give them great visions and dreams of that coming day when, throughout the land, we shall all do justice, love kindness, and walk humbly with You, our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL FRIST, a Senator from the State of Tennessee, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator is recognized.

SCHEDULE

Mr. WARNER. Mr. President, today the Senate will immediately begin debate on the Department of Defense authorization conference report with the vote on adoption ordered to take place at approximately 9:45 a.m.

Following the vote, the Senate will begin consideration of the VA–HUD appropriations bill. It is hoped that Senators who have amendments to the bill will work with the chairman and ranking member so that they may offer those amendments in a timely fashion. Senators can expect votes throughout the day in an effort to make significant progress on this legislation.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—S. 1606

Mr. WARNER. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. FRIST). The clerk will read the bill for the second time.

The bill clerk read as follows:

A bill (S. 1606) to reenact chapter 12 of title 11, United States Code, and for other purposes.

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar under rule XIV.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying S. 1059, which the clerk will report.

The bill clerk read as follows:

Conference report to accompany S. 1059 to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes for debate equally divided in the usual form prior to the vote on the conference report.

Mr. WARNER. Mr. President, the Senate worked well into the evening last night, and we had about an hour and a half of deliberations regarding this bill. We are prepared this morning, the distinguished ranking member and myself, to conclude that debate.

Once again, I pay my heartfelt tribute to my distinguished ranking member and the staff of the committee for a job well done. We have produced a work product in which I believe this institution can take great pride.

Mr. President, the Senate is a constant learning experience, and although I have been privileged to have represented the Commonwealth of Virginia for some 21 years in the Senate, I experienced last night an event which I shall always remember. We had concluded our debate, and I was proceeding to do the wrapup on behalf of the majority leader, and when the Senate concluded its work, I was suddenly surrounded by the pages, shaking hands, and expressing their great appreciation. It then took me a minute to realize that we had concluded debate beyond the hour of 9 p.m., thereby foreclosing any requirement that they perform their homework. That was a tribute that I shall long remember.

The other experience last night was my distinguished good friend and ranking member, the senior Senator from Michigan, announcing that he would support this bill. I recognize it has been a serious struggle for him and others occasioned by the amendment on the bill regarding the reorganization of the Department of Energy.

I feel very strongly that the Senate did its duty on behalf of the country and put on that bill legislation in the course of the conference that is badly needed to reorganize that Department. I am confident the current Secretary has the ability within this statute to lead that Department, restructuring it in a manner that it can continue to serve the United States and at the same time protect the vital security matters that come before that Department.

The bill before us now marks a necessary turning point in reversing the dangerous trends that we have witnessed in our military after 15 years of declining defense spending. While the world has changed in many ways since the end of the cold war, what has not changed is that America's Armed Forces are bearing our commitments as they have always done. There are, however, limits to that commitment by the men and women who proudly serve in uniform. Our forces are clearly overstressed in commitments throughout the world, the most recent being East Timor, where there was clear justification for U.S. participation.

Over the past decade, our military manpower has been reduced by one-third, from 2.2 million to 1.4 million, and during this same period our troops have been involved in 50 military operations worldwide. As the force levels have been brought down, as the defense spending in that same period was brought down, up went the number of times that President Clinton and, indeed, President Bush sent our troops beyond our shores—50 times. Compare

that period of 10 years to the end of the Vietnam war, in 1975, when we had a bipolar world—the Soviet Union and the United States. In that period from 1975 until roughly 1990, a 15-year period, U.S. military forces were engaged in only 20 deployments beyond our shores. Therein is the reason why our committee, with the strong support of the leadership—certainly Senator LOTT initiated the correspondence that began to bring to the attention of the President, and indeed this body, the need for increased defense spending. Eventually the President did recognize that need and indicated a willingness to increase that spending.

Our committee, I am very proud to say, even went beyond the President's number for defense spending. We did so with the very able help and assistance of the members of the Joint Chiefs of Staff. On two occasions they came before our committee and clearly told us their own personal views regarding the need for additional pay for the men and women in the Armed Forces, additional money for research and development and procurement, and, indeed, it was their testimony that laid the solid foundation on which we come before the Senate today, proudly, with a bill, for the first time in 15 years, increasing defense spending.

I yield the floor at this time to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, let me thank again the very able, very distinguished chairman of our committee for the bipartisan approach with which he leads our committee. It has been a consistent pattern for him since he has been in the Senate. We came here together, so we have a lot of knowledge and awareness of each other. He has really made an extraordinary contribution to this body and to the well-being of the Nation. I commend him for it.

This bill is an important bill. It is really two bills. It is the Department of Defense bill, an authorization bill, but it is also a Department of Energy reorganization bill. It is the second bill that is the troubling one. I have resolved to vote for this bill because I believe, on balance, it is at least possible that the reorganization can be workable and that the Secretary of the Department of Energy will be able to manage the Department and we will be able to hold him accountable. I am going to go into that a little more in a few moments, but before I do, I want to talk a bit about the Department of Defense part of this bill because, as the chairman says, this is a very important contribution to the security of this Nation.

By increasing pay, by improving retirement, by enhancing retention, we are making, we hope, a significant contribution to the security of this Nation. The morale of our troops will be given a boost when they see a bigger pay raise than they expected. The morale of our troops will be boosted when they see a better retirement package than they previously had. The morale of our troops, and indeed of all of our citizens, should be boosted when they see that the readiness of our forces is given a boost from this bill. So the defense part of this bill, I believe, makes a significant contribution to the well-being of the men and women in the military and to the security of this Nation.

The problem we had on this bill came from the DOE reorganization because the conference report is significantly different from what passed the Senate. What passed the Senate, after a great deal of debate, was a reorganization of the Department of Energy which reflected the recommendation of the Rudman panel that there be a semi-autonomous Department of Energy. I think most of us favored that. I surely do. But in a number of respects, this conference report goes beyond what the Senate passed by an overwhelming vote. And when we referred the language in the conference report to the Congressional Research Service and asked them to do an analysis for us, to tell us what the differences were and whether or not they really were relevant, whether or not they really were significant, whether or not they really limited the ability of the Secretary of Energy to run his Department, the CRS gave us their objective view of the conference report language. There are some parts of that CRS review which should make us all pause, and which made me pause.

The Congressional Research Service concluded, for instance, that the Secretary's authority over this new nuclear security administration, ''may be problematic, in view of the overall scheme of the proposed legislation.''

The CRS said the language in the conference report raises questions about ''whether it is possible, or desirable in practice, to split policy and operations in organizational terms.'' And the CRS report asks whether the practice of insulating the staff offices of this new entity from the departmental staff offices ''effectively vitiate[s] the meaning of the earlier provisions assigning the Secretary full authority and control over any function of the Administration and its personnel.''

Those are significant questions and potentially significant problems. On the other hand, there is language in this conference report which says that this new entity is established ''within the Department of Energy,'' and therefore it is subject, obviously, to the direction and control of the Secretary. The conference report says that the Secretary of Energy—not the new head of this entity, an Under Secretary, but the Secretary himself—is responsible for ''developing the security, counterintelligence, and intelligence policies of the Department.''

The conference report says that the Secretary of Energy—not the new head of the entity, who is an Under Secretary, but the Secretary—is given continuing responsibility for the security and counterintelligence problems within the Department's nuclear energy defense programs. And there are a number of other provisions similar to that.

So it seems to me one can at least fairly argue that, given that authority to establish policies, one will then have the authority to ensure that policies are carried out. So we are going to have to monitor very carefully this new entity as it is implemented, assuming the President, of course, does not veto it. If the President does veto it, there is no certainty by any stretch of the imagination that the veto would be sustained. I am voting for this bill. I am always open to the argument of a President, if he decided to veto it, as to why the veto, in fact, was dealt.

But based on what is before us, it seems to me there is at least a reasonable prospect that the Secretary of Energy will be able to manage this Department. We intend to create a semi-autonomous entity—not a semi-accountable entity but a semi-autonomous entity. We intend to create here a semiautonomous entity, not a semiaccountable Secretary of Energy. We want that Secretary to be fully accountable, which means he must be able to manage, control, and direct his Department, the policies in that Department, and the implementation of those policies.

So I close by thanking our staff. I will not thank the pages since they apparently owe us one, since we kept them here late enough last night so they were relieved from some other duties. But I thank our staff for their great work in making this bill a reality.

I shall vote for this bill. I, again, thank the chairman for his reaching out to all members of the committee for contributions.

I yield the floor.

Mr. WARNER. Mr. President, I thank my distinguished colleague. This is a committee that works together as a team under our joint leadership.

The House of Representatives sent a strong signal which I hope, within the next 30 minutes, will likewise be sent by the Senate. That signal went worldwide to the men and women of the Armed Forces, many of whom are serving in harm's way to defend the very flag to which we pledged our allegiance today. That vote was 375 to 45. I urge all Senators to give, likewise, support to this bill.

As I close my remarks and say that this bill is for those men and women of the Armed Forces, I take note of the presence on the floor of our distinguished former chairman, Senator

THURMOND. There is no braver soldier who ever served in the Senate than our distinguished chairman.

Mr. THURMOND. Thank you very much.

Mr. WARNER. He will, I assume, be casting one of the very first votes for this bill.

I yield the floor.

Mr. BINGAMAN. Mr. President, I rise to offer my views on this year's Defense authorization conference report. I plan to vote for the conference report. It is a bill that, like other defense bills of the past, contains a great many excellent provisions that enhance our military capability and the quality of life for our service personnel and their families. My normal enthusiasm for the Defense bill this year is tempered, though, by a number of provisions that, in my view, do not serve the interest of national security well. I would like to review the positive aspects of the conference report first, though, before discussing its troubling aspects.

As a member of the Armed Services Committee, I have worked very hard to see that issues and programs that I care about were addressed in this conference report. I am pleased to say that many of the concerns that I raised in subcommittee, full committee, the floor, and finally, in conference have been met.

A few examples are worth emphasizing:

This conference report does a lot of very good things for the men and women in the military and their families. The services reported difficulties in recruiting and retaining key personnel during the past year—raising concerns that this might grow more serious in years to come.

In response, the conference report includes a 4.8 percent pay raise for military personnel, and raises the annual increase for service people by a half a percentage point above increases in the cost of living over the next five years. That's good news.

The conference report extends, and, in some important instances, increases special pay and bonuses for key skill categories that were due to expire at the end of this year.

Of particular interest to many New Mexico families at our Air Force bases at Holloman, Kirtland, and Cannon, junior and mid-career Air Force aviation officers could qualify for additional bonuses of $25,000 for each year they promise to extend active duty service. That is good news in our State and for the Nation.

The conference report also increases authority for re-enlistment bonuses from $45,000 to $60,000.

For retirees and folks in the military contemplating retirement, the conference report fixes the inequity that penalized those who came under the Redux system after 1986. Those military personnel may now elect to transfer to the old system, or to accept a $30,000 bonus while remaining under the Redux program. Recent retirees and those soon to retire in New Mexico enthusiastically welcome this provision.

Veterans and their families will also benefit from a very important measure in this year's conference report—a change that have been advocating for the last couple of years. Any veteran's family seeking an honor guard at the funeral of one of our veterans is now guaranteed to have one. Uniformed personnel, the presentation of an American flag, and the playing taps will be provided in recognition for service to the nation whenever requested. That is good news for our veterans community.

There is another initiative for veterans that I strongly support in this conference report. It could lead to authorization for veterans to use National Guard armories to receive services and counseling regarding a wide spectrum of veterans' benefit programs. This measure could go a long way toward making it easier for our veterans to receive the benefits that they are due.

That is a bit about the ''people part'' of the conference report—an area where I think it has quite a bit to offer.

The conference report also makes some important contributions on key policy matters—for example, programs that have to do with preventing the proliferation of weapons of mass destruction, particularly through cooperative programs with Russia and other countries of the Newly Independent States.

The conference report includes, for example, $475 million for the Cooperative Threat Reduction Program to accelerate the disarmament of Russian strategic weapons, assist in chemical weapons destruction, and support efforts to increase security for Russian nuclear materials in order to prevent them from being smuggled aboard. I urge the Congress to fully support this program through authorization and appropriation of the necessary funds. It remains fully in our own security interests to do so.

There is also funding for programs to prevent Russian weapons scientists from selling their skills to the higher bidder. The Initiatives for Proliferation Prevention and the Nuclear Cities Initiative will help us to keep that from happening, while at the same time building important people to people relationships that we hope will sustain improved relations between our nations during coming decades.

Again, although I believe these programs are worthy of more funding than they received, I am pleased that funding has been authorized and I urge the Congress to appropriate those funds as well.

This conference report also authorizes funds for another important cooperative program that will serve our security interest well—the Russian-American Observation Satellite program (RAMOS). RAMOS is being designed to take the uncertainty out of early warning of missile attacks. It is meant to ensure that in case a missile firing is detected, a military order to respond with nuclear missiles is not made in error. Fully funding a robust RAMOS program will greatly serve our nation's nuclear security. I urge the defense appropriators to ensure that those funds are available.

Looking toward the future of the Nation's military capability, this conference report includes funding for basic science and technology research in accordance with my hopes and intentions to increase that level of funding by 2 percent in real terms. That level of funding was not won without a fight, however, and I remain concerned that future defense budgets may fall short in this area. If that happens, the technological advantages that we have witnessed in the Persian Gulf and in the Balkans will erode quickly, and international military challenges could result in significant casualties and losses of expensive military equipment.

As you know, the conference report also authorizes funding for defense programs within the Department of Energy (DOE). This bill authorizes $4.5 billion for DOE weapons programs including the science-based stockpile stewardship that enables the Department to certify the safety and reliability of our nuclear weapons without having to test them.

Stockpile Stewardship is providing challenging science to a new generation of scientists employed at the labs that will not only certify the stockpile, but assure the nation that the best scientific talent available continues to support science programs at our national laboratories such as those in my State, Sandia and Los Alamos.

These aspects of the Defense conference report are all very favorable, and normally I would vote for such a report with the greatest enthusiasm. My enthusiasm, though, is diminished by the provisions of the conference report dealing with the management of the Department of Energy. These provisions cause me deep concern, as I believe they will be damaging to our national security in the long term.

These troublesome provisions are largely found in Title 32 of the conference report. This is a wholly new Title that was inserted in conference. It was not part of the original Defense bill passed by the Senate or by the House. It differs substantially, in a few crucial respects, from the DOE reorganization proposals considered and agreed to by the Senate in the intelligence authorization bill.

Title 32 contains the most sweeping revisions in DOE organization since the founding of the agency in 1977. Yet,

there was not a single Members' meeting throughout the entire conference to discuss its provisions. When you consider the importance of our nuclear arsenal, the lack of a role for Members in fixing the terms of its reorganization is striking and very hard to justify.

The result is a statute that, in my view, will be exceptionally difficult to implement. Coping with the ambiguities and internal contradictions of Title 32 will needlessly distract the new administration and the Department of Energy from the mission of maintaining the safety and reliability of the nuclear stockpile. This is not just my personal view. The ranking member of the Senate Armed Services Committee commissioned a study of title 32 from the experts in law and government organization at the Congressional Research Service (CRS), after the conference report was filed. The CRS produced a sobering assessment of this new title, highlights of which my colleague has shared with us. I have also received an expression of deep concern from 43 State attorneys general about the impact of the changes that were made in Title 32 on the applicability of the Federal Facilities Compliance Act to the new administration. Their concern merits our attention, and I hope that the Armed Services Committee arranges for hearings at which they can present their views directly for our consideration.

In addition to these issues, the new title 32 creates what looks to me to be a complete muddle in the area of counterintelligence and responsibilities and authorities. The problems that the conference report create for DOE counterintelligence programs can best be described by looking at before-and-after organizational charts of counterintelligence responsibilities related to one of DOE's facilities, the Los Alamos National Laboratory.

Chart 1 shows the current flow of responsibility and authority for counterintelligence at DOE and Los Alamos. It is very simple, and Secretary Richardson is to be commended for putting it in place. The DOE Chief of Counterintelligence, Ed Curran, is in charge. He has hire-and-fire authority over the Chief of Counterintelligence at DOE facilities like Los Alamos. If we discover a loss of classified information at Los Alamos tomorrow, we know where to look for answers.

Chart 2 depicts the lines of authority that will exist under title 32. Secretary Richardson's reforms will be completely reversed. Under title 32, DOE will have two competing centers of control over counterintelligence in the nuclear weapons complex. Which of these individuals is in charge of counterintelligence? If you define ''being in charge'' as being able to issue direct commands to the labs, where the counterintelligence threat exists, it would appear that neither person is in charge.

The Director of DOE-wide Counterintelligence is statutorily forbidden from exercising any direct control over the laboratories. He can issue policy pronouncements, and has to go up through the Secretary of Energy and then down through 4 layers of bureaucracy to get in touch with a lab like Los Alamos.

And the Chief of Defense Nuclear Counterintelligence is not in a much better position, either. He also has to go up through his boss and down through a lateral chain of command to impose his will on anyone at the laboratories. He can talk to everyone, hence the dotted lines, but he cannot tell anyone anything definitive on his own authority.

The lack of clarity for counterintelligence responsibility in title 32 is perhaps the most ironic and distressing aspect of the whole DOE reorganization scheme. Right now, these responsibilities in the Department are clear, thanks to Secretary Richardson's reforms. When we started debating changes to DOE organization, the one change that everyone seemed to agree on was the need to have clarity on matters of counterintelligence. Yet, after this Defense bill is enacted, we will be back to the days of diffuse responsibility for counterintelligence.

I have no illusions that we are going to vote down this conference report because of the defects in title 32. There are too many other important things that got done right in this bill. But we have created a real muddle at the Department of Energy in the area of nuclear weapons and their management. We will have to come back in next year's Defense bill to fix it.

There is one other issue that we will have to address next year. That is the issue of polygraphs. The section on counterintelligence polygraphs in the conference report is a slight improvement over the corresponding provision in the Senate-passed Defense bill. But there are still fundamental problems with what we are asking DOE to do. We are asking DOE to use polygraphs as a screening tool—the one application where the scientific validity of polygraphs is most suspect. I don't have a big problem with using some forms of polygraphs in the context of an investigation, where there is already evidence of wrongdoing. There is scientific support for that sort of polygraph test. But polygraphs as a screening tool have little or no track record in the scientific literature. We shouldn't be using them in the nuclear weapons complex. And the way that DOE has proposed to use polygraphs in its recent Federal Register notice goes beyond what we actually call for in this bill. I have taken a public position in opposition to this proposed DOE rule on polygraphs, because it is not based on sound science and does not represent reasoned decision making, in my view.

I hope that DOE will rethink its proposed rule. This conference report, although it encourages the use of screening polygraphs, also gives DOE the flexibility to study the matter further. I hope that DOE will seek review from the National Academy of Sciences on the reliability of the types of polygraph screening it plans to implement. I also recommend that the DOE reconstitute and reconvene the Chiles Commission to study the rule's likely impact on the critical human resources needed to ensure the safety and reliability of the nuclear weapons stockpile. The Senate could, in my view, profit from such studies in revisiting this issue in next year's Defense bill.

In the end, then this year's conference report is more of a mixed bag than in most years. What we have done through the normal committee and conference process, on a bipartisan basis, has been done well, and we can be justly proud of it. What was done in a rushed and less cooperative fashion is much less satisfactory. I support the conference report overall, and I expect that the problems that have been needlessly created will manifest themselves for corrective action in fairly short order. I hope that when they do arise, we are able to address them in a more bipartisan and thoughtful way.

Mrs. MURRAY. Mr. President, I am very concerned about the provisions in this bill reorganizing the Department of Energy. In particular, I fear we are returning to the days of DOE ''self regulation'', which has historically translated into ''no regulation'' for environment, health and safety laws.

Senator WARNER and I will enter into a colloquy later that I hope will clarify the intent of this legislation regarding provisions critical to the safety of our workers and communities. We are particularly concerned about the autonomy of the newly-created, largely independent ''National Nuclear Security Administration.'' We fear the creation of NNSA will recreate the institutional conditions that resulted in 50 years of environmental, safety, and health mismanagement at DOE facilities—estimated to cost up to $200 billion to clean up. Hanford alone now receives appropriations of about $1 billion/year to clean up the legacy left from decades of the Atomic Energy Commission and/or Department of Energy self-regulation.

I am heartened by Senator DOMENICI's statements in the press that we have little to fear in this regard. He is quoted in USA Today (9/16/99) as saying: ''Nowhere does the legislation waive the application of environment or safety laws. What this legislation changes is not the statutory requirements, just the management structure responsible for complying with them.'' I will take him at his word that that is the intent. I ask unanimous consent to have the USA Today article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Sept. 16, 1999]

NUCLEAR SECURITY SCARE COULD PUT SAFETY SECOND—DRIVEN BY SPY SCANDAL, LEGISLATION WOULD TAKE WEAPONS SITES OUT OF THE HANDS OF REGULATORS

[By Peter Eisler]

WASHINGTON.—U.S. nuclear weapons plants and labs, notorious as toxic and radioactive polluters, could be left outside the reach of environmental, health and safety regulators under management changes Congress is pushing to deal with security concerns.

Spurred by a spy scandal at the Los Alamos (N.M.) National Laboratory that highlighted security problems at weapons facilities nationwide, the House passed legislation Wednesday to put eight of the Energy Department's plants and labs under a new, semi-autonomous National Nuclear Security Administration (NNSA). Senate approval is expected soon.

The plan aims to free the sites from a mammoth Energy Department bureaucracy criticized for diluting protections against spies, thieves and saboteurs.

But it also leaves the NNSA largely on its own to make sure plants and labs meet environmental, health and worker safety laws. Federal oversight programs set up in the late '80s to address longtime contamination problems would lose virtually all jurisdiction over the facilities. And the states, which also have gained regulatory power over the weapons sites in recent years, complain that they, too, could lose authority.

The plan is reviving debates that have burned since the first atomic bombs rolled out of Los Alamos in 1945.

On one hand, recent reports that Chinese spies penetrated key facilities to steal an array of U.S. nuclear secrets highlight the program's need for secrecy and insularity. On the other, the program has a record of poisoning workers and communities with toxic and radioactive material when left on its own.

''For over four decades, (the nuclear weapons program) operated with no external and little internal oversight of environment, safety and health . . . (with) disastrous consequences,'' says a recent letter to lawmakers from the attorneys general of 45 states. ''We should not return to (that) era.''

The National Governors' Association and former Energy officials from the Clinton and Bush administrations also oppose the reorganization plan. And Energy Secretary Bill Richardson says he probably will urge a presidential veto.

But a veto would be politically and practically difficult, in large part because the plan is folded into a bill authorizing unrelated but popular defense programs, including a military pay raise. President Clinton would have to reject the entire bill, and aides concede that would be a tough call.

''The bottom line is we have a 20-year-old problem'' with security at weapons plants and labs, says Rep. Mac Thornberry, R–Texas, a chief backer of the reorganization plan. Those problems, he says, lie in Energy Department management that is ''cluttered up worrying about refrigerator coolant standards'' and other missions—not about weapons production and safeguarding secrets.

''I don't think the Congress or the administration wants to end this year without making some reforms,'' Thornberry says.

CHANGING MISSIONS

In the scramble to win the Cold War arms race, the U.S. nuclear weapons program operated largely in secret, churning out warheads with a doggedness that left little room for environmental, health and safety concerns. With almost no outside supervision, weapons facilities put workers in harm's way without telling them and illegally dumped millions of tons of toxic and radioactive waste on and around their sites.

In communities from Richland, Wash., to Oak Ridge, Tenn., soil and groundwater contamination is widespread. Several communities have sued the Energy Department, claiming health problems.

Since the United States halted nuclear arms production in 1989, the focus at many sites has shifted to environmental restoration. Even those facilities still doing weapons work—refining the current nuclear arsenal and disassembling weapons eliminated by global treaties—spend up to half their money on cleanup. The work is expected to take decades and cost up to $200 billion.

Beginning in the late '80s, environmental, health and safety officials who oversee that work gained far more sway over the plants and the labs. States, in particular, picked up vast new powers in 1992, when Congress stripped weapons sites' immunity from local regulation.

Now, the spy scandal that erupted this spring at Los Alamos raises questions about whether weapons sites lost track of security concerns amid their changing missions.

A congressional report in May suggested that China stole information throughout the 1980s and perhaps into the early '90s on every U.S. warhead. Los Alamos scientist Wen Ho Lee was pegged as a suspect and fired for alleged security violations, though no criminal charges have been filed and he denies wrongdoing.

The episode drew attention to security problems at weapons facilities nationwide, leading to a damning investigation by a presidential board.

''Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information related to nuclear weapons,'' the President's Foreign Intelligence Advisory Board reported.

Throughout the '90s, senior management at the Energy Department failed repeatedly to act on security officials' reports that budget cuts and institutional inattention were weakening safeguards at weapons sites.

Supporters of Congress' restructuring plan say the problem is a lack of clear responsibility for facilities' security and argue that the weapons sites must be put on their own, for everything from security to environmental restoration, so they're clearly accountable for all aspects of their operation.

The plan puts the new weapons agency on its own with the Energy Department, giving it autonomy in key areas:

All policy matters, including personnel, legal affairs and budget decisions; security, intelligence and counterintelligence operations; and environmental, health and safety programs.

''Nowhere does the legislation waive the application of environment or safety laws,'' says Sen. Pete Domenici, R–NM., a chief sponsor. ''What this legislation changes is not the statutory requirements, just the management structure responsible for complying'' with them.

BAD OMENS

Opponents of the congressional plan note that weapons plants and labs have been on their own before, and their environmental, health and safety records were abysmal.

''Production of nuclear weapons has always been their whole role in life; everything else is secondary,'' says Leo Duffy, assistant Energy secretary in the Bush administration.

''All the environmental damage, the jeopardy to employees' safety and health, almost none of this was identified until 1988,'' when outside regulators went in, says Duffy, who ran those early oversight programs.

Duffy and other critics of Congress' plan suggest the answer is to set up clearer responsibility for security within the Energy Department. But they say oversight on environmental, safety and health matters should remain outside the purview of those running weapons programs. They also want the legislation's language to more clearly retain states' jurisdiction over the sites.

Proponents dismiss such concerns as unfounded. And they note that many of the plants and labs with the worst records on pollution and worker safety no longer do much weapons work, so Congress' plans wouldn't necessarily change their oversight.

Among them: the Hanford nuclear reservation in western Washington, where poorly stored waste has fouled water supplies; the Rocky Flats plant outside Denver, where large tracts of land suffer from radioactive contamination; and uranium processing plants in Cincinnati and Paducah, Ky., where workers were unknowingly exposed to radioactivity.

But sites that would come under new management also have their share of problems.

Just this month, for example, the Department of Energy's office of environment, safety and health cited the Los Alamos lab for two incidents in which workers were exposed to radioactive material that wasn't stored or handled properly. In 1998, the Lawrence Livermore lab was forced to shut down a plutonium storage facility after repeated failures to follow procedures meant to prevent an uncontrolled nuclear reaction.

Congress' plan to have those sites regulated by an agency primarily devoted to weapons work ''would undermine over a decade of progress to improve environment and safety standards,'' Richardson says.

The reorganization would leave the Energy secretary with power to fire the head of the weapons agency, but neither he nor any other Energy officials would have direct control over operations.

If the secretary suspected wrongdoing at a facility, he could assign outside inspectors and order the agency director to implement their recommendations. But if the director refused, the secretary's only recourse would be to replace him, a proposition that would require congressional consent and could take months.

The Congressional Research Service, Congress' nonpartisan research arm, reported last week that such an arrangement ''may be problematic'' because it ''tends to make secretarial authority less direct.''

Sen. Carl Levin, D–Mich., who requested the study, wants Congress to rework the plan.

Officials in the states also want changes, arguing that the legislation's language could return weapons plants and labs to the pre-1992 era when they were immune from state environmental and safety laws.

The bill's proponents say it does no such thing, suggesting that foes are nitpicking the plan simply because they don't want to oppose it outright.

''This is a chance to fix a serious (security) problem,'' says Thornberry, ''and I don't think turf disputes or jurisdictional disputes should get in the way.''

Mrs. MURRAY. Unfortunately, 46 State Attorneys General have written voicing their ''serious concerns'' with many of this bill's provisions. They fear title XXXII of the bill would ''weaken the existing internal and external oversight structure for DOE's environmental, safety and health operations.''

I am very concerned about the DOE restricting provisions of this bill and so am tempted to vote against it. However, there are many provisions in the DOD authorization bill that will strengthen our country, our national defense, and our cleanup programs at DOE sites. I am particularly proud to support our belated efforts to increase the pay of our military personnel.

In addition, I very much appreciate Chairman WARNER's agreement to enter into the colloquy that follows. Therefore, I will support this bill in the hopes that this colloquy and the public comments made by drafters of title XXXII will ensure continuing compliance with environment, safety, and health laws and orders by the NNSA.

I hope we can go back to the drawing board on the DOE restructuring provisions either through a veto of the bill this year or a new attempt to craft a better solution next year.

Thank you, again, Chairman WARNER for your work on the overall bill and your colloquy with me on the important subject of protecting our communities and environment at DOE facilities.

TITLE XXXII

Mrs. MURRAY. Mr. President, I would like to enter into a colloquy regarding Title XXXII of the bill regarding Department of Energy restructuring. I understand the intent of this title was to improve security at Department facilities. Unfortunately, I am concerned that some of the language might cause confusion with regard to the obligation of the National Nuclear Security Administration to comply with environmental laws. From remarks I have seen in the popular press, I understand this was not the author's intent and I would like to clarify several provisions.

Mr. WARNER. I thank the Senator for her interest in helping clarify these important provisions. I agree we must continue to protect the environment, safety and health at DOE facilities.

Mrs. MURRAY. First, Title XXXII of the Defense Authorization bill has not been drafted to impair state regulatory authority or to eliminate DOE's internal oversight of environment, safety and health. Correct?

Mr. WARNER. That is correct. Section 3261 provides: ''COMPLIANCE REQUIRED.—The Administrator [of the National Nuclear Security Administration] shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements. PROCEDURES REQUIRED.—The Administrator shall develop procedures for meeting such requirements. RULE OF CONSTRUCTION.—Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.'' Section 3261 was included to make clear NNSA's obligation to continue to comply with environmental laws and DOE environmental orders.

Mrs. MURRAY. It is clear then that this provision does not affect the obligation of the Administrator of the NNSA and the Secretary of Energy, to comply with existing environmental laws and DOE environmental orders. Indeed, it makes explicit NNSA's legal obligation to comply with all applicable environmental laws and regulations, and provides that the Administrator of the NNSA has primary responsibility and accountability for environmental compliance programs at NNSA facilities. Furthermore, Section 3261 does not affect or abrogate existing waivers of sovereign immunity in environmental laws. Finally, Section 3261 retains the Secretary of Energy's existing authority over environmental compliance issues at the nine sites that will be incorporated into the NNSA. If compliance problems arise, the Secretary may investigate them, which can include requesting the assistance of staff from DOE's Environmental Management or Environmental, Health & Safety programs, and impose corrective actions when the Secretary identifies deficiencies. Is this a correct interpretation?

Mr. WARNER. This is the correct interpretation of Section 3261. Retaining Secretarial authorities over environmental compliance is an essential element of Title XXXII.

Mr. DOMENICI. Mr. President, I rise in support of the National Defense Authorization Act for Fiscal Year 2000 Conference Report before us today. Chairman WARNER and his Committee have done an excellent job in prioritizing available funds to provide for our national defense.

Any deficiencies in this authorization bill are a result of overall budget constraints and expanded commitments rather than inattention to our nation's vital security needs. I appreciate the Committees efforts to bring direct spending under control in this bill and conform to the Budget Act limitations.

As Chairman of the Budget Committee and a member of the Defense Appropriations Subcommittee I know how difficult the exercise of prioritizing funds is. Every year all of the Congressional Defense Committees face tough choices as to how to best allocate funding so as to meet our immediate defense needs without sacrificing our future. As budgets shrink and global commitments swell, this task becomes increasingly difficult.

Mr. President, I would like to underscore the problems Congress currently faces. Here my message is two-fold: first, we do not live in a peaceful world; and, secondly, we cannot defend our national interests if we are not committed to a strong military.

I, and many of my colleagues, believe that U.S. prosperity rests on a strong, dedicated military. Everyone has heard the phrase ''peace through strength.'' Perhaps some believe that having been coined during the Cold War, this adage is anachronistic. I strongly disagree.

Continued economic growth and the absence of a tangible, imminent threat to our security breed complacency. Complacency characterizes the current attitude toward our national security.

As victors of the Cold War we appear to have a false sense of security about this new era. Thus far, the results of U.S. military intervention have not offered evidence that we should worry.

However, our current military superiority is a product of the massive investments made during the Cold War. This Administration has not sustained the necessary investments. At the same time, they've increased U.S. military commitments overseas—often without clearly defining the strategic objective of those deployments.

Complacency regarding our nation's strategic interests sends a message that ripples through every level of our national security apparatus—from our current inability to recruit the requisite talent to the trained pilots, technicians, and mid-career military professionals leaving for private sector jobs.

Although diffuse and more difficult to discern, threats to our national security do exist.

Instability in numerous regions throughout the world create security risks with adverse economic, and potentially strategic, impact. Proliferation of weapons of mass destruction also presents a grave threat. NATO intervention in Kosovo further aggravated potential threats to our national security—specifically, damage to our relations with Russia and China. In addition, Kosovo deployments will stretch an already overextended military to its limits—not to mention a limited, but not insignificant, contribution to peacekeeping efforts in East Timor.

Peace through strength is still an appropriate theme. Complacency erodes our potential. If we demonstrate a strong commitment to the men and women in uniform, they will have a good reason to join and to stay.

Mr. President, with those thoughts in mind, I would like to briefly discuss the work of Senator WARNER's Committee on the Conference Report before us today.

First, a critical initial step in meeting our commitment to the men and women in uniform is found in the pay

raises, incentive pay, and pension reforms found in this bill. As of January 1 next year, all members of the uniformed services will receive a 4.8% increase in their monthly pay. Furthermore, pay increases beyond that date will be one half a percent above inflation.

The Conference Report outlines special incentive pay and enlistment bonuses to a variety of needed specialists or highly-trained personnel in our armed forces.

Lastly, improvements to military retirement pay and eligibility in the Thrift Savings Plan will provide additional reasons to join and continue serving in our military services.

According to a GAO study requested by myself and Senator STEVENS military pay and retirement packages are not the core reasons for our retention problems. However, these improvements offer an important first step toward addressing quality of life shortfalls in the lives of our military men and women.

The Committee also increased readiness funding beyond the Administration's request. In addition to the $2.25 billion of emergency money, this conference report adds about $1.6 billion in readiness-related accounts.

The President's budget only included $5.4 billion in military construction to fund $8.5 billion worth of projects. This ''split funding'' approach was to be a one-time accounting gimmick to create room for other spending and still remain under the budget caps. I applaud the Authorization Committees' decision not to use this approach for military construction.

The pay and pension reforms as well as additional funding for military readiness and military construction will alleviate some of the problems in the immediate term.

Necessary still is to address the foreign policy decisions that have led to the high operational tempo. More money cannot resolve questions regarding overseas operations or the organizational ability of any one military branch to respond to post-Cold War deployments.

These are systemic problems borne of both domestic and foreign policy decisions. Unless and until we clarify the U.S. position and responsibilities in this new era, we will not know the rules for engagement or intervention. This dilemma has profound implications for the size, structure, and capabilities of our military.

There are several items of significant impact on the state of New Mexico included in this authorization bill. I would like to briefly discuss a few of them.

Although foremost a matter of national security, the provisions on the Department of Energy restructuring also will have a substantial impact on thousands of workers in New Mexico. These provisions ensure that brilliant science and tight security are compatible within our nuclear weapons infrastructure.

Mr. President, I remind my colleagues that the President's Foreign Intelligence Advisory Board (PFIAB) Report demanded legislative changes. It clearly stated, ''The Department of Energy is a dysfunctional bureaucracy that has proven incapable of reforming itself.'' The PFIAB Report's specific recommendations included:

Creation of a new, semi-autonomous Agency for Nuclear Stewardship.

Streamline the Nuclear Stewardship management structure.

Ensure effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

I and my colleagues, Senator KYL and Senator MURKOWSKI, followed these recommendations closely in drafting the legislation for DOE restructuring. The creation of a semi-autonomous agency for our nuclear weapons work will implement a true ''Chain of Command'' approach, with all the discipline this entails. I truly believe that this approach, if it had been used in the past, may have avoided some of these security problems and will help us avoid them in the future.

These changes are desperately needed at the Department of Energy, and they must be made now.

Another national defense issue that has substantial implications for New Mexico is the McGregor Range withdrawal.

McGregor Range is one of six military parcels withdrawn from public domain in 1986. These parcels comprise nearly 30 percent of the Department of Defense's 25 million acres. McGregor Range comprises nearly 700,000 of Fort Bliss's 1.12 million acres. The Fort Bliss garrison is adjacent to El Paso, Texas, but McGregor Range is located entirely in New Mexico.

McGregor range is vital to military training and readiness. Fort Bliss has a critical role as a national center for air defense, and McGregor Range is essential for fulfilling that role. McGregor Range is the only range in the United States capable of training America's air and missile defense forces. Because all CONUS Patriot forces are stationed at Fort Bliss they depend on McGregor for the training needed to ensure their full readiness prior to deployment.

There is strong regional support for this renewal. 176 public comments expressed support for the Army's preferred alternative. An additional 26 expressed support for one of the other alternatives. The provisions in this bill will continue historic non-military uses of the range which include livestock grazing and hunting for 25 years.

Military training and testing requirements for McGregor Range are foreseen for at least the next 50-years based on weapons systems that are either currently fielded or are planned for fielding in the near future. For this reason, the Army's Environmental Impact Statement preferred a 50-year withdrawal.

My amendment to the Senate Defense Appropriations bill includes a 50-year withdrawal. I am pleased with the work of the Authorization Committee, but I still firmly believe that 25 years is not an adequate period of time for withdrawal of the McGregor Range.

Many important programs for the Air Force Research Laboratory at Kirtland were authorized by the conferees. Aerospace propulsion programs at Phillips were increased by $6 million. An increase of $28.6 million above the $115.3 million budget request was authorized for Phillips' Exploratory Development programs. Advanced Spacecraft Technology programs received an additional $19.5 million authorization, including $5 million for the Scorpius Low-Cost Launch program.

Directed energy programs comprise a substantial proportion of New Mexico's defense related research, development, and testing initiatives. Different services are working on a variety of laser weapons to achieve better and cheaper cost-per-kill defenses against missiles. Chemical lasers development for the Airborne and Space Based Laser programs are authorized at almost $500 million annually. The pioneering work and ongoing basic research for these systems is at Phillips in Albuquerque.

With a view toward the future of laser weapons, this conference report requires the Secretary of Defense to develop a unified DoD laser master plan. The objective is to maximize the return on our investment in these important technologies by coordinating these efforts across the services and provide a roadmap for future development. I strongly support this effort.

The conferees also provided an additional $20 million authorization for solid state laser development and $10 million for the Tactical High Energy Laser (THEL), programs which are tested at the High Energy Laser Test Facility (HELSTF) at White Sands Missile Range. HELSTF is also designated as the Army's Center of Excellence for all Army test and evaluation activities.

An additional $4 million is authorized for the Counterterror Technical Support program. This funding will support the cutting-edge research in blast mitigation materials and structures at New Mexico Tech.

Although the President's request included no funding for military construction at New Mexico's defense installations, the conferees added $9.8 million to renovate 76 units of housing at Holloman Air Force base and $14

million to replace cracked and deteriorating airfield ramps at Kirtland. Another $8.1 million is authorized to repair one of the main runways at Cannon Air Force base. In addition, the New Mexico Air National Guard's Composite Support Complex at Kirtland is authorized at $9.7 million. All of these projects address quality of life or operational needs of the utmost importance to personnel at these installations.

Mr. President, again, I would like to thank Senator WARNER and the members of his Committee for their diligent work in allocating tight resources in the best feasible manner.

At the same time, I would like to reiterate my view that many of the problems we currently face in our Defense Committees result from inadequate definition of U.S. interests.

The systemic problems—retention, readiness, operational tempo—are a product of domestic and foreign policy decisions. We have neither clarified the U.S. position in the current international environment nor have we established relevant rules for U.S. engagement. Instead, we rely more and more on our military to compensate for failed diplomacy. Or we ask our soldiers to play referee in regions of the world teeming with ethnic conflict and territorial disputes.

Without first defining our national interest in this new era, we cannot pretend to downsize, right-size, or structure our military to adequately defend U.S. interests throughout the world. More importantly, without a clear picture of the appropriate military structure and necessary force capabilities we cannot answer the $280 billion question: How much is enough?

Mr. KENNEDY. Mr. President, I support the Department of Defense authorization conference report for fiscal year 2000, and I congratulate our new chairman, Senator JOHN WARNER, on completing this first conference report as chairman. While I am disappointed that some provisions in the Senate version of the bill were dropped, on the whole it is an excellent piece of legislation and I am pleased to support it.

My most important concern is over the changes made in Title 32, which establishes the National Nuclear Security Administration and reorganizes the Department of Energy's nuclear laboratories. When we first considered this issue on the intelligence authorization bill in July, the Senate passed the Kyl amendment, which reorganized these nuclear labs by a vote of 96–1. Unfortunately, during conference deliberations, these provisions were substantially rewritten. Secretary Richrdson has expressed his strong objections to these provisions, and states that they will make it more difficult for the Secretary of energy to oversee the labs. I hope that the Armed Services Committee will work with Secretary Richardson to address his concerns in the fiscal year 2001 Defense authorization bill.

America has faced many global challenges this year that have re-emphasized the need for our Nation to maintain a well-trained and well-equipped military. This year's crisis in Kosovo was particularly challenging and required the Nation's Armed Forces to perform a wide variety of duties, including peacekeeping and humanitarian activities, in addition to sustained combat operations. Our service men and women performed superbly in all that was asked of them, and I commend them on their dedication, professionalism, and unwavering devotion to duty. Without their skill, we would not be as close to peace in the Balkans as we are today.

It is the duty of Congress to ensure that we provide our military with what is needs to meet the international challenges common in the post-cold-war era. America must be ready, when necessary, to protect its vital interests and encourage global stability. The fiscal year 2000 Defense conference report is a positive step toward ensuring that the Nation's military is prepared to meet the challenges of the years ahead.

The cornerstone of the military's preeminence rests on its most critical component, its people. Without adequate number of men and women willing to serve in the military, the Nation would not be able to respond to crises around the globe. We need cutting-edge weapon systems, but we also need dedicated men and women to operate these systems. The conference report contains many new initiatives and constructive changes in personnel policies that will help to ensure that we adequately provide for our servicemen and women and their families.

Specifically, the conference report provides a fully-funded and well-deserved 4.8 percent pay raise for military personnel, as well as expanded authority to offer additional pay and other incentives to retain service members in critical military specialties. The conference report also improves retirement benefits by addressing service members' concerns with the current system and approving their participation in the Thrift Savings Plan.

I am very disappointed, however, that Senator CLELAND's amendment to improve and expand GI bill benefits for servicemen and women was not included in the conference report. The Montgomery GI bill has been a very successful and important program for the military. But, in order for the GI bill to continue to be a valuable program, it must evolve as our military forces evolve. Access to higher education is an increasingly important issue for our servicemen and women in today's all-volunteer, professional military. Senator CLELAND's GI bill provisions, included in the Senate version of the bill, made needed improvements in the GI bill that would have enhanced the program's value and benefit to our troops, and would have improved its effectiveness as a recruiting tool. I commend Senator CLELAND on his leadership on these provisions and I urge my colleagues to reconsider these innovative ideas next year.

The DOD authorization conference report also reauthorizes and enhances the very successful Troops-to-Teachers program. Over the next ten years, the Nation's schools will need to hire two million new teachers to fill their classrooms. Troops-to-Teachers is helping to meet that challenge by recruiting and training servicemen and women to become teachers in public schools. This program was established by Congress in 1993 and has already placed over 3,000 servicemen and women in elementary and secondary schools in 48 states. The conference report also provides for the transfer of this program to the Department of Education, so that it will be coordinated with other federal education programs that are helping communities to improve their public schools.

Concern for our military personnel doesn't end with the active duty servicemember, but with the whole military family. Well over half of the members of today's military are married, and in many cases both parents are employed. The military also contains many single mothers and fathers. All of these individuals have unique characteristics and needs that must be recognized so that we can encourage their continued service and careers in the armed forces.

The conference report contains a provision, which I strongly supported, authorizing the Secretary of Defense to provide financial assistance for child care services and youth programs for members of the Armed Forces and their families. These expanded child care provisions will ensure that many more military families have access to quality childcare and after-school care for their children.

Also, military families are not immune to the epidemic of domestic violence that confronts the rest of America. We have a responsibility to military families to help prevent domestic violence, and to protect the victims when abuse occurs.

An important provision in this year's conference report requires the Secretary of Defense to appoint a military-civilian task force to review military policies on domestic violence. This task force, comprised of military, DOD, law enforcement personnel, and civilian advocates for battered women and children, will work with the Secretary of Defense to establish Department-wide standards for combating domestic violence.

These initiatives will include standard formats for memorandums of understanding between the armed services and local law enforcement authorities for responding to domestic violence; a requirement that commanding officers must provide a written copy of any no-contact or restraining order to victims of abuse; standard guidance for commanding officers on considering criminal charges in cases of domestic violence; and a standard training program for all commanding officers on domestic violence.

This provision also requires the Department to establish a database, the contents of which will be annually reported to Congress. The information will include each domestic violence incident reported to military authorities and how that incident was resolved. This provision also requires the military-civilian task force to report to Congress annually about the progress made in combating domestic violence in the military.

The conference report also takes a number of worthwhile steps to address equipment modernization requirements that have been deferred for too long. The chairwoman of the Seapower Subcommittee, Senator SNOWE, took the lead this year in advocating a strong shipbuilding budget, as well as a strong research and development budget, for the Navy and Marine Corps. It was a privilege to work with her this year, and, I am pleased that this conference report takes these important steps to ensure that the Navy has the ships, submarines, and other equipment needed to sustain its operations throughout the world.

The conference report authorizes the extension of the DDG–51 Destroyer multi-year procurement into fiscal years 2002 and 2003 and increases the number of ships to be built from 12 to 18 ships. The conference report also authorizes the Navy to enter into a five-year multi-year procurement contract for the F/A–18E/F Super Hornet, and increases the number of Marine Corps MV–22 Osprey tilt-rotor aircraft from 10 to 12. These are all strong steps in strengthening the readiness of the Nation's Navy-Marine Corps team.

Procurement isn't the only area where we need to strengthen our investment. We also need to strengthen investment in science and technology. Last year, the Defense authorization bill called for a 2 percent annual increase, above inflation, in military spending on science and technology from 2000 to 2008. Unfortunately, the Department's proposed fiscal year 2000 budget reduced spending on science and technology programs. The Air Force alone was slated for $95 million in cuts in science and technology funding. Such a decline would have been detrimental to national defense, particularly when the battlefield environment is becoming more and more reliant on high technology.

Fortunately, thanks in great part to the chairman of the Emerging Threats and Technology Subcommittee, Senator ROBERTS, and his ranking member, Senator BINGAMAN, Congress restored much of this Air Force science and technology funding. This restoration will help to ensure that high quality scientists and engineers are available to conduct research to address the Department's technology needs for the future. Congress has taken a clear position in support of maintaining sound investments in Defense science and technology programs. I urge the Department to request a strong science and technology budget next year, one that will ensure the future of these important programs.

One of the most significant of these science and technology fields is cybersecurity. The growing frequency and sophistication of attacks on the Department of Defense's computer systems are cause for concern, and they highlight the need for improved protection of the nation's critical defense networks. This conference report includes a substantial increase in research and development for defenses against cyber attacks, and this increase will greatly improve the Department's focus on this emerging threat.

Existing threats from the cold war are also addressed in this legislation. Financial assistance to the nations of the former Soviet Union for nonproliferation activities such as the Nunn-Lugar Comprehensive Threat Reduction programs is essential for our national security. I commend the administration's plans to continue funding these valuable initiatives, and I commend a Congress' support for them.

One of the most serious threats to our national security is the danger of terrorism, particularly using biological, chemical or nuclear weapons of mass destruction. We must do all we can to prevent our enemies from acquiring these devastating weapons, and do all we can to keep terrorists from being able to conduct an attack on our nation. Significant progress has been made to strengthen the nation's response to such attacks, but more must be done. The conference report strengthens counter-terrorism activities and increases support for the National Guard teams that are part of this important effort.

Again, I commend my colleagues on the Armed Services Committee for their leadership on these important national security issues. This conference report is essential for our national security in the years ahead, and I urge the Senate to approve it.

Mr. DEWINE. Mr. President, I rise today to discuss a very important issue concerning the Department of Energy and its ability to secure nuclear information. Nuclear security is imperative to this nation, and after the scandals in the last year, Americans have questioned the ability of the Department of Energy to keep nuclear information secure. As a result, Senator WARNER, Chairman of the Armed Services Committee and Ranking Member LEVIN included legislation in the Defense Authorization Conference Report that creates a new division within the Department to restore nuclear security. I applaud their efforts.

However, Mr. President, I am concerned about the potential for unintended consequences as a result of the Department of Energy reorganization. Specifically, the attorneys general of 46 states, including the State of Ohio, wrote to Congress stating that the 1992 Department of Energy reforms which clarify that states have regulatory authority of the Department of Energy's hazardous waste management and cleanup could be undermined by this legislation. The attorneys general believe that this legislation could allow the Federal Government to abandon its commitment to ''environmental, health and safety requirements'' at Energy Department facilities nationwide. This is troubling for the State of Ohio, which has three former Department of Energy nuclear facilities—the Portsmouth Gaseous Diffusion Plant, Fernald, and the Mound Nuclear Facility. Each facility is at a different stage of cleanup, and recent revelations of plutonium contamination at the Portsmouth facility only emphasize the need for strong environmental, health, and safety requirements at these DOE facilities.

While I have heard the concerns of the attorneys general, I am assured by the Armed Services Committee that the intent of this legislation is not to exempt nuclear facilities from state environmental regulations and requirements or worker safety and health regulations. I am further assured that if there are any unintended consequences, Congress will rectify these problems.

Mr. ROBB. Mr. President, the Conference Report on the National Defense Authorization Act before us today makes a healthy increase of over $8 billion to the President's request. This reflects concerns by the Congress that readiness has eroded to a point where our military is having to take significant risks in its day-to-day operations.

Many of our colleagues are aware that we have sized our armed forces to engage not only in two major theater wars that break out nearly simultaneously, but also to handle the Bosnias, Kosovos and other smaller-scale contingencies that challenge our interests overseas. For the first time since we adopted our 2-war strategy not long after the end of the Cold War, the commanders in charge of our warfighting forces are warning the Congress—again for the first time in the post Cold War era—that the risks in our ability to fight in that second theater have gone from moderate to high.

This risk is not merely some esoteric metric that only some military strategist can comprehend. Rather, the dangers are that we will lose an unacceptable number of men and women in battle, that we will lose excessive territory in the initial phases of battle, and that battles will last much longer than they would with a more capable force.

This is a serious warning—not one we should take lightly. The military challenges to the U.S. in the decades ahead are ill-defined and very difficult to predict. While the Chairman of the Joint Chiefs has signaled a significant drawdown in Bosnia in the near future, while our commitment of troops to Kosovo is relatively small compared to those of our European allies, and while signs of progress on the Korean peninsula are making news this week, we also see the tragedy in East Timor, renewed Chinese threats against Taiwan, and rebel action in Russia, all of which remind us of the extraordinary instabilities that we will face in the next century.

Whether we will see more or less conflict is unclear, but the growing competition for fixed resources in impoverished regions where populations grow unabated suggests that civil and interstate strife will only worsen. These strains will also spawn terrorists—including those embittered by their harsh circumstances and in particular those who feel they have nothing to lose.

Decisive action, as we saw by the U.S. and others in Bosnia and Kosovo, will, we hope, deter future conflicts and gross human rights violations. But the speed with which the tragedy in East Timor developed on the heels of NATO's victory in Kosovo tempers such optimism. Ultimately, a combination of resolute determination to defeat aggression, strong support for democracies, and effective means for improving the quality of life for all is the best path to ensure we don't have to send our young men and women into harm's way repeatedly in the twenty first century.

This conference report goes a long way toward ensuring we will be ready in the years to come. It invests in new weapons to the tune of three billion dollars over the FY 2000 Administration's request, and looks to the distant future with an increase for research and development of almost two billion dollars over the request. Readiness is increased by about 1.5 billion dollars. More importantly, this bill focusses on our greatest asset—our soldiers, sailors, airmen and marines—that ultimately make the defining difference between victory and defeat. With a significant pay raise and retirement reforms, the bill meets head on a continuing crisis in recruiting and retention. I was particularly pleased that the Senate and conferees agreed to provisions I had included in an earlier bill, S. 4, to focus pay increases on specialties—such as aviators—where retention and recruiting problems are particularly severe.

At a time when we are watching every defense dollar so closely, I am disappointed that we did not do much more in this bill to rid the Department of Defense of so many wasteful expenditures. Across the nation, we are now obligating in excess of 3 billion dollars a year to pay for utilities, to maintain buildings and roadways, and to operate equipment on bases that are unneeded by our military. We are likewise spending billions on weapons and research programs that the Department of Defense did not request but was forced to pursue by the Congress. We watch the Department waste hundreds of millions of dollars due to misguided acquisition policies, poor oversight of inventories, and service duplication of effort. These are difficult problems to fix—due either to political inertia or sheer organizational complexity, but nonetheless we should and can do much more.

Finally, Mr. President, I want to comment briefly on this bill's attempt to reorganize the entire Department of Energy. While PRC espionage has severely damaging consequences for long-term U.S. security, rushing to restructure a department with such vital responsibilities is not, in my view, prudent oversight on our part. In short, had the changes included here been instituted two decades ago, it is unclear that these changes would have had any impact on the PRC's ability to garner intelligence on our nuclear weapons. Indeed, one might even make the case that the bill will worsen this situation. I intend to track this matter closely in the years ahead and to support necessary modications of this language as the reorganization proceeds.

Mr. President, on balance, this is a very good bill that does much to fix military readiness and other problems. I support its passage and urge my colleagues to support it as well.

Mr. McCAIN. Mr. President, I would like to take this opportunity to offer some comments in support of the National Defense Authorization Act for Fiscal Year 2000. Since Operation Desert Storm in 1991, I have been extremely concerned with the drastic decline in funding for our Armed Services. We have all watched as the military lost more and more of its highly trained warriors, as the equipment aged year after year with few spare parts and no replacements, and as the infrastructure at our military bases fell into disrepair. Today, I am cautiously optimistic that we have finally, if belatedly, recognized serious readiness shortfalls and are taking steps to correct them. That this bill represents a 4.4 percent increase over the current fiscal year's level is a step in the right direction.

I am most heartened by the package of personnel benefits that are incorporated in this bill. Several identified shortcomings in pay and retirement benefits have been addressed. Pay table reform brings the focus of the pay raises to the middle leadership in both the officer and enlisted ranks. Repealing REDUX brings equity across the military for retirement benefits. Securing higher annual pay raises takes the first step to closing the pay gap between military personnel and their civilian counterparts. Implementing a Thrift Savings Plan for military personnel will help retain our dedicated soldiers, sailors, airmen, and marines.

Two critical areas of our military that begin to be addressed in this bill are the shortage of spare parts and the lack of replacement equipment. In every branch of the service, examples abound of equipment being utilized far in excess of its intended service life. In many cases the equipment is older than the operator and costs more and more each year to maintain. This bill funds spare parts programs to allow our equipment to be fully combat ready, and funds many follow-on systems that will directly benefit the war fighter.

This trend must continue in the years to come. Maintaining a viable military is a commitment, not a once-a-decade afterthought.

While I applaud the effort to bolster some of the areas of our military that have been under funded for the last 10 years, I am disheartened that, yet again, Congress has failed to take two of the most meaningful steps to free more dollars for our defense budget. The first of these is the continued and reprehensible practice of spending billions of dollars on programs that the armed services did not ask for and, in many cases, do not need. Allocating funding from an already tight budget for programs added primarily for parochial reasons continues to undermine honest efforts to adequately provide for the national defense.

I applaud the Committee chairman's effort to minimize the number of member adds not reflected on service Unfunded Priority Lists. Committee staff should be commended for their great efforts in carefully drafting legislation and checking amendments with the Service's Unfunded Priority Lists and the Future Years Defense Plan—ensuring that, in most cases, the Services' priorities were funded. There is no question, however, that enormous sums continue to be earmarked as much for political as for operational reasons. In fact, my concern about the continued viability of the Unfunded Priority Lists has grown in the face of questionable inclusions on those lists, such as executive and tactical airlift aircraft that clearly expand on existing inventory surpluses, and programs from the Future Years Defense Plans that are moved ahead more to accommodate powerful members of Congress than to

address pressing funding shortfalls. That there is more than $3 billion in questionable spending added by members for parochial reasons illustrates that the scale of the problem remains unacceptably high.

I also continue to find incomprehensible Congress's unwillingness to permit the military to divest itself of excess infrastructure. Literally billions of dollars can be saved over the course of a FYDP if the services are authorized to close unneeded installations and facilities. And let there be no mistake: Congressional opposition to another round of base closures is not predicated upon specious arguments about the supposed lack of cost savings and operational requirements that defy simple economics and common sense; this opposition grows solely out of the desire on the part of members of this body to avoid the politically painful process of defending hometown installations.

As one who saw a major installation in my state closed during the 1991 BRAC round, I can sympathize with that reluctance to undertake an unpleasant task. As one who also saw the rejuvenation of a community previously dependent upon that military installation after it was turned over to local authorities, and as one more than a little concerned about our inability to fully address vital readiness and modernization problems, I must respectfully disagree with those who oppose another round of base closures.

The elimination of excess infrastructure is vital to allow the Department of Defense to focus resources on necessary support facilities rather than base structure from the Cold War era. Savings from previous BRAC rounds have been validated in the billions of dollars by every conceivable research foundation. There is just no excuse for continuing to require taxpayers to pay for infrastructure we do not need.

I am also distressed that the bill does not address a personnel issue I find an embarrassment and a tragedy. With over 12,000 military families on food stamps, and the potential of more than double that number eligible for the program, I cannot reconcile the lack of attention to this issue in this bill. I have been open to all suggestions for solutions to this problem. I have hoped for and worked toward a bipartisan response that would satisfy the Administration, Congress, and the Department of Defense. Although the Senate approved my legislation, I was greatly disappointed when this measure was rejected by conferees from the House of Representatives despite the strong support of Admiral Jay Johnson, the Chief of Naval Operations, and General Jim Jones, the Marine Corps Commandant.

I find it an outrage that enlisted families line up for free food and furniture while we pour hundreds of millions of dollars into C–130J, automatic grenade launcher, anti-ship decoy, hyperspectral research, and free electron laser programs. The insertion into the budget of hundreds of millions of dollars for an amphibious assault ship that the Navy does not want and that the Secretary of Defense specified diverts dollars from higher priority programs is difficult to reconcile with our professed concern for the welfare of military families.

What we have here is a situation in which certain members of the House are apparently unconcerned about having tens of thousands of military families eligible for food stamps. Yet, they raise no opposition to funding a gymnasium at the Naval Post-Graduate School or a $15 million Reserve Center in Oregon that were not in the department's budget request. In fact, a vast majority of unrequested items costing many millions of dollars were added to the bill by the same body that opposed the food stamp provision. Sadly, politics, not military necessity, remains the rule, not the exception.

Although my legislative proposal would have been funded for the Department of Defense at approximately $6 million annually, the Congressional Budget Office found that it actually would have represented a savings to taxpayers, since it would save more in the Agriculture Department by removing service members from the food stamp rolls. I am at a loss to understand or explain how such a straightforward measure could be so easily rejected by the House of Representatives, particularly in a year when Congress voted to increase its own pay and also included a 15% annual pay raise for generals and admirals.

I will continue to press forward to resolve this tragic problem, and I believe that most Americans will support my effort. I will not stand by and watch as our military is permitted to erode to the breaking point by the President's lack of foresight and the Congress' lack of compassion. These military men and women—our soldiers, sailors, airmen, and Marines—are the very same Americans that the President and Congress have sent into harm's way in recent years in Somalia, Bosnia, Haiti, Kosovo, and currently East Timor. Our service members deserve better. They deserve our continuing respect, our unwavering support, and a living wage.

On another matter, I am very pleased that the bill contains provisions for the renewal of the withdrawal of the Goldwater Range.

The Goldwater Range is one of the most important military training ranges in the country, supporting activities of all services. It currently comprises approximately 2.7 million acres of desert land in southwest Arizona, with climate and weather conditions that allow flight and other training over 360 days a year. This range is vital to the continued military readiness of our Armed Forces.

It is also located in the heart of the Sonoran desert and contains one of the most undisturbed desert ecosystems in North America. The Sonoran desert ecosystem on the Goldwater Range is one of the few places in the nation that contains virtually all of the plant and animal species that were present before the continent was discovered by Europeans. The dozen mountain ranges and arid bajadas of the range are home to the desert bighorn sheep, the critically endangered Sonoran pronghorn antelope, and dozens of plant species found almost nowhere else in the U.S.

The challenge is to provide for necessary national defense training while protecting this natural treasure. In 1986, the Congress passed the Military Lands Withdrawal Act which formally authorized the Barry M. Goldwater Range. Included within the range was more than 860,000 acres of the Cabeza Prieta National Wildlife Refuge managed by the U.S. Fish and Wildlife Service and more than 1.8 million acres of lands administered by the Bureau of Land Management. The withdrawals established under the 1986 Act were for 15 years and were due to expire unless extended in 2001.

While the approach to the withdrawal of the Goldwater Range in this bill is different from what we did in 1986, the provisions will ensure the continued availability of this range for vital military training, while protecting and preserving the unique cultural and natural resources of this part of Arizona.

The withdrawal provisions included in the conference report are based on the Administration's proposal. Because of the environmental protections included in the Administration's proposal and additional provisions added in the conference agreement, I am comfortable with the plan to transfer management of the natural and cultural resources within the range to the Air Force and the Navy, a decision which is fully supported by both the Interior Department and the President's Council on Environmental Quality. In practical effect, the Air Force and Marine Corps have been performing the management functions at the Goldwater Range for many years, and doing a superb job of it, according to most observers, while the efforts of the Bureau of Land Management and Interior Department have been widely criticized. In fact, the Department of Defense already dedicates significant resources to land and resource management of the Range. The decision to formally transfer management recognizes the superior fiscal and manpower resources available to the military Services, who also have the most compelling interest in maintaining future training access to the range, which can only be accomplished by effectively addressing environmental concerns regarding its use.

The Cabeza Prieta will no longer be included in the military lands withdrawal, and it will continue to be protected and managed by the Interior Department and the Fish and Wildlife Service as one of our Nation's crown jewels of wilderness areas.

President Franklin D. Roosevelt established the Cabeza Prieta refuge in 1939 in recognition of the tremendous natural resources of the area. Congress—with my strong support—designated about 803,000 acres of the 860,000-acre Refuge as wilderness in the Arizona Desert Wilderness Act of 1990, making it the largest and one of the most pristine wilderness areas managed by the U.S. Fish and Wildlife Service in the lower 48 states. I am very proud to have been a part of the effort to protect this unique wilderness area. The management of Cabeza Prieta should set the highest standard for the protection of wilderness and wildlife values.

This bill ensures that military aviation training can continue over the refuge pursuant to the Memorandum of Understanding in place between the Fish and Wildlife Service and the Air Force but ensures that the wildlife and wilderness conservation purposes of the refuge remain unaltered. The bill does not seek to add new purposes to the Refuge's management mandate.

Under the 1990 wilderness act, the Air Force was allowed to maintain a small number of ground instruments on the refuge within the Cabeza Prieta Wilderness. Man-made structures are not generally allowed within wilderness areas. The bill before us allows the Air Force to upgrade, replace, or relocate the structures but only if doing so will have a similar or less impact on the wilderness and the environment than the existing structures.

The legislation also requires the Defense and Interior Departments to jointly develop a comprehensive integrated natural and cultural resources management plan for the Range, and to conduct a full environmental review, with public comment, every five years, including submission of a report to Congress. The Secretary of the Interior is given unilateral authority to take back the responsibility to manage the Range lands if the Secretary determines that the military is failing to adequately protect them. If at any time this authority is exercised, or if any of the five-year reports indicate degradation of the natural and cultural resources on the range, the Congress could and should take prompt action to redress those problems. I would certainly support such action.

The conference agreement also directs the Department of the Interior to work with all affected parties, including state, local, and tribal governments, to determine how best to manage and protect the natural and cultural resources of the four parcels of land, totaling 112,179 acres, that will no longer be withdrawn from public use for military utilization. The study will examine whether such lands can be better managed by the Federal Government or through conveyance of such lands to another appropriate entity. The prompt completion of this study will give the Department of the Interior an opportunity to plan for the most appropriate management strategies for these lands, which, because of the withdrawal, have not been subject to mining, livestock grazing, or heavy recreation use for a half-century. These lands include the spectacular, 83,554-acre Sand Tank Mountains area. I expect that the Department of the Interior will explore a number of management options for management of the Sand Tank Mountains (and the other parcels) including transfer to Native American peoples, as well as the potential to protect the important natural values of the area through the designation of qualifying lands as wilderness, or through the limiting of livestock grazing and mining. This area is home to the highly endangered Sonoran pronghorn antelope and I expect that the study will include provisions for this and other threatened and endangered species. The study is to be completed within one year from the date of enactment of this bill.

Finally, the bill establishes an Intergovernmental Executive Committee of federal, state, and tribal representatives for the purpose of exchanging information, views, and advice relating to the management of the natural and cultural resources of the range. I fully expect that this body will conduct its meetings in public, and will provide ample opportunity for the public to participate in meetings and to review and comment on any proposals for the administration of the area that may be discussed by the committee.

I am very disappointed that the conferees did not include language for a comprehensive study of alternative management plans for the Goldwater Range. A proposal was made earlier this year to designate the range as a park or preserve, managed by the National Park Service, while permitting continued military training. In addition, several environmental groups registered concerns about the Administration's proposal for DOD management of the range and expressed concern that the military would be an ineffective manager of the natural resources at issue.

In response, I worked with the concerned individuals and groups to develop language directing the Department of the Interior to make recommendations on management of the range, including possible designation as a park, a preserve, a wilderness area, a nature conservation area, or other similar protected status. Simply studying alternative management schemes would not interfere with military training activities for which the range is essential. Rather, a comprehensive study would provide information to guide the Administration and the Congress in taking appropriate action to ensure that the cultural and natural resources on the range are preserved and protected.

It is incomprehensible that anyone could object to a study, but, unfortunately, significant opposition was raised by outside conferees on the House side. I will continue to pursue other avenues in this matter, because I am uncomfortable with the idea of locking in the Administration's proposal without ensuring that we could revisit that decision if the experts determined after studying alternative suggestions that some other form of management would be more appropriate.

In July, I wrote to the Secretaries of Interior and Defense, requesting that they independently undertake an assessment of alternative management plans for the Goldwater Range. They have the authority to do so, and I have urged them to begin a study immediately. In addition, I proposed an amendment to the FY 2000 Interior Appropriations bill to require such a study, and I am working to ensure such a study is included in legislation pending before the Energy and Natural Resources Committee to authorize new park areas. Once an alternative management study is completed, I will ensure that any recommendations for improved management of the Goldwater Range are considered and acted on, as necessary, by the Congress.

Despite shortfalls in the conference report before us today, I urge my colleagues to support its passage. On the whole, it is a step in the right direction toward resuscitating an armed force suffering from the diverging pattern of expanding commitments and contracting resources. It includes tangible incentives for the men and women who defend our nation day and night, 365 days a year, at home and overseas. It paves the way for better equipment and higher equipment availability rates. It is imperfect, as, I suppose, a bill of this magnitude is destined to be, but our armed forces deserve the good that is included in it, even if they must also suffer the bad.

Mr. President, the full list of unquested adds will be available on my website.

Mr. TORRICELLI. Mr. President, I rise today in strong support of the FY 2000 Defense authorization bill. This legislation demonstrates a strong commitment to America's defense and to our ability to meet future military challenges.

I am particularly pleased by the committee's inclusion of $176.1 million to purchase 17 UH–60L Blackhawk helicopters. A coalition of eight companies

in my state manufacture critical components for the Black Hawk, which is the Army's premier tactical transport helicopter. First produced in 1977, it is used for combat assault, combat resupply, battlefield command and control, electronic warfare and medical evacuation. This year, the Black hawk provided critical support functions for our armed services in the Kosovo. This funding will ensure that our military has the ability to continue its current operations and sustain readiness for future dangers.

I am also pleased by the committee's support for high school ROTC programs. The additional $32 million for high school ROTC program will make a particular impact in my State where many programs have been approved for participation in ROTC but remain unfunded. Clark High School is an example of one such program which has remained on a waiting list of approved ROTC program but has been unable to participate because funding has not been available. I am hopeful that this funding will be appropriated, allowing the Department of Defense to immediately utilize this funding so that unfunded programs, like Clark High School, can begin operating as soon as possible.

Additionally, the additional benefits for all members of the military included in this bill deals with serious concerns I have had regarding quality of life and morale of our soldiers. The pay raise of almost five percent addresses serious inequities between military pay and civilian wages. In addition, the legislation creates a civilian-style 401(k) by allowing military personnel to contribute up to 5 percent of their pre-tax to a tax-shelter investment fund. These benefits will go a long way toward reaching our goals of recruiting and retaining highly trained personnel. Most importantly, it will give our soldiers and their families the quality of life they deserve.

I am also pleased by the $10 million in procurement funding for secure terminal equipment for the military services and defense agencies. This versatile equipments is the cornerstone of our multi-media secure digital communication. The new generation of secure terminal equipment, produced by a defense company in my State, is more effective technology and generates significant operations and maintenance cost savings.

Finally, I am extremely pleased by the committee's inclusion of a provision regarding the Economic development conveyance of base closure property. When an installation is recommended for closure, it is imperative that the transfer of property benefit the local community. This provision will accomplish this goal by allowing a more efficient transfer of property to the local re-development authority for job creation and economic development.

I again thank Chairman WARNER, Ranking Member LEVIN and Ranking Member INOUYE for their commitment and attention to these important issues.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. GORTON (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 93, nays 5, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—93

Abraham	Edwards	Lugar
Akaka	Enzi	Mack
Allard	Feinstein	McConnell
Ashcroft	Fitzgerald	Mikulski
Baucus	Frist	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wyden

NAYS—5

Boxer	Harkin	Wellstone
Feingold	Kohl	

ANSWERED ''PRESENT''—1

Gorton

NOT VOTING—1

McCain

The conference report was agreed to.

(Mr. VOINOVICH assumed the chair.)

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, as the RECORD shows, I voted present during the rollcall vote on passage of the FY2000 Defense Authorization Conference Report. My decision to cast this vote was prompted by Section 651 of the Conference Report, which would repeal the reduction in retired pay for U.S. military retirees who are employed by the federal government or hold federal office. As a retired U.S. Air Force Reserve officer, I stand to be benefitted by this provision when it is signed into law by the President. It is for this reason I voted present.

Mr. BOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair is anticipating a unanimous consent agreement to move forward with the VA–HUD appropriations.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. BOND. Mr. President, I ask unanimous consent H.R. 2684 be discharged from the Appropriations Committee and the Senate proceed to its consideration. I further ask that all after page 2, line 9, over to and including line 3 on page 95 be stricken, and the text of S. 1596 be inserted in lieu thereof, that the amendment be considered as original text for the purpose of further amendments, that no points of order be waived, and that any legislative provision added thereby be subject to a point of order under rule XVI.

Again, the Senate is now on the HUD–VA appropriations bill. No call for the regular order with respect to the bankruptcy bill is in order. It is my hope substantial progress can be made, that the leadership can agree to an arrangement where all first-degree amendments be submitted to the desk by a reasonable time. I will discuss this further with my counterpart, the Senator from Maryland.

I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I am pleased to present the fiscal year 2000 VA–HUD-independent agencies appropriations bill to the Senate. This legislation provides a total of $90.9 billion in budget authority, including $21.3 billion in mandatory budget authority and $82.3 billion in outlays, while covering a variety of Federal interests from veterans, housing, the environment, basic research, to advances in space.

This has been a very tough year, as I believe all our colleagues know. We have waited a long time to bring this bill to the consideration of the full Senate. I express my sincerest thanks to my chairman, Senator STEVENS, the

ranking member of the full committee, Senator BYRD, and to my colleague, the ranking member from Maryland, for their hard work and commitment to ensuring that the VA–HUD appropriations subcommittee has enough funding to meet the minimum needs of our many important programs.

However, with 2 weeks before the end of the fiscal year, we are on a forced march to complete Senate action and provide a conference agreement to the Senate for consideration. I believe the bill before the Senate is a good bill under the constraints imposed by budgetary limitations and a fair bill with funds allocated to the most pressing needs we face.

Let me emphasize we balanced our funding decisions away from new programs and focused instead on the core primary programs in our bill on which people depend. We listened very carefully to the priorities of our colleagues in this body. While not everyone is happy, nor could they be, we believe the bill is equitable.

Clearly, we were not able to provide fully what each Member requested. Let me note that we received some 1,400 requests from Members of this body, but we attempted to meet the priority needs. Before describing what is included in this legislation for each agency, I wish to extend my sincerest thanks to Senator MIKULSKI, the ranking member of the VA–HUD appropriations subcommittee, for all her hard work and cooperation in putting this bill together. It is not possible, without the good working relationship that we have, to deal with such a complicated bill.

Let me add at the beginning, and I will repeat it again, my sincere thanks also to Senator MIKULSKI's staff, Paul Carliner, Jeannine Schroeder, Sean Smith, as well as my staff, Jon Kamarck, Carrie Apostolou, Cheh Kim, and Joe Norrell. The contributions of the staff to this process have been invaluable. Anybody who has watched the staff work on a major bill knows how much time, effort, energy, pain and suffering is endured at the staff level to bring a bill to the floor.

The VA–HUD fiscal year 2000 appropriations bill is crafted to meet our most critical needs for veterans, housing, the environment, basic scientific research, and advances in space. As I noted, total spending in this bill is $69.6 billion in budget authority and $82.3 billion in outlays. This is roughly the same as the President's overall request in the VA–HUD appropriations subcommittee but distributed with some significant differences.

Unlike the President's budget, the highest priority in the recommendations before the Senate is VA medical care. In the bill before the Senate, we have increased this amount by $1.1 billion above the President's request. Many Members have heard from veterans for some time about their concerns about the VA budget. They have been hearing their local VA hospital may terminate critical services, increase waiting times for appointments, maybe even shut down altogether. Members have expressed concerns about the need for additional medical care funding.

The Vice President recently told our Nation's veterans they wished to provide more money, but so-called Priority 7 veterans were not going to get care any more. We asked VA to do an indepth field survey to find out what the President's budget as originally submitted would mean. We found there would be major cutbacks in services, denial of services for some veterans, closing of facilities, reductions in force totaling as many as 13,000 employees and, what is most important, denial of critically needed care to thousands of veterans. We are absolutely not going to let that happen. It is wrong.

Overall, the VA budget totals $43.75 billion, an increase of $1.1 billion more than the President's request. In addition to medical care, funds were added to the veterans State home and State cemetery grant programs to meet the tremendous backlog in these programs and ensure that we meet the needs of our aging veterans, honoring those who are deceased in a dignified and respectful manner.

VA's full request for additional funds for the Veterans Benefits Administration includes ensuring much-needed improvements to the processing and delivery of veterans' benefits. We are, as we speak, working to find additional funding for veterans' medical care, and we expect to be able to present an amendment very shortly on that particular matter that we think will further lighten the burdens and stresses placed on the Veterans' Administration and ensure it can continue to provide top quality medical care to those who have put their lives on the line for the peace and security of all and for the freedom of the United States.

Moving on to the other major elements in this bill, we have funded the Department of Housing and Urban Development at $27.16 billion, which is some $2.35 billion over last year's level and which should allow HUD to be on very solid ground. Because of the priority needs of our veterans, we had to make tough choices. In HUD's case, that meant not funding HUD's requested 19 new programs and initiatives. Instead, we focused on funding HUD's core programs such as public housing, CDBG, home and drug elimination grants, homeless assistance, and section 202 housing for the elderly. These are the key housing and community development programs that make a critical difference in people's lives. They are programs with a proven track record.

Also, unlike last year when we funded 50,000 new incremental vouchers, we do not have the funds to provide incremental section 8 assistance this year. Frankly, against my better judgment, because we do not have funds in our allocation to meet the funding needs of our key programs, I have accepted the administration's budget proposal to defer $4.2 billion of section 8 budget authority for fiscal year 2000 expiring contracts until fiscal year 2001. In other words, the budget authority will be appropriated for the amounts to be expended on section 8 certificates in fiscal year 2001 to the fiscal year 2001 budget. The good news is we were able to continue funding this year. But the bad news means we will have to find $8 billion more in section 8 budget authority in fiscal year 2001 for a total of some $14 billion in budget authority in order to renew all expiring section 8 contracts in fiscal year 2001.

Permit me to emphasize and call to your attention several issues of particular importance in this bill.

First, I introduced the Save My Home Act of 1999 earlier this year to require HUD to renew expiring below market section 8 contracts at a market rate for elderly and disabled projects, and in circumstances where housing is located in a low-vacancy area such as rural areas or high-cost areas.

We have heard from too many States around this country where tenants in section 8 projects have been thrown out because the landlord in a tight market thought higher rents could be obtained at market rate. While this is certainly an understandable move, it deprives the citizens who have depended upon section 8 of the vitally needed services that they must have. So, despite our request, there has not been effective action to deal with those expiring section 8, or the so-called opt-out programs where landlords leave the section 8 program.

This bill provides new authority for section 8 enhanced, or sticky vouchers, to ensure that families and housing for which owners do not renew their section 8 contracts will be able to continue to live in their homes with the Federal Government picking up the additional rental cost of the units.

We think it is essential to preserve this housing, and we have therefore included $100 million in new section 8 assistance to ensure that there is adequate funding for renewing these section 8 contracts. We believe this strong direction to HUD will ensure that the appropriate steps—and there are other steps that are preferable to sticky vouchers, but we have given them a wide range of tools to use in ensuring those who live in opt-out housing are not deprived of housing.

We are disappointed about some of the reactions we have heard to this budget. We believe we are doing our job and doing it responsibly. We have heard objections from HUD. But we are funding HUD's program in a responsible, no-nonsense way.

Under this appropriations bill, unlike the course that the administration is on, no one will lose their housing, and in many cases the funding will ensure new low-income housing and home ownership opportunities.

We are concerned more and more about HUD's capacity to administer its programs. As I said, HUD has raised a red flag on many issues. We funded the primary programs mostly at the President's level—and a number above that level. I also do not believe that new programs at HUD should be a priority in part because of funding pressures but also because HUD does not have the capacity to administer effectively its programs. And we do not wish to bring in new programs without the benefit of the authorizing committee's approval on it.

HUD remains a high-risk agency, as designated by the General Accounting Office—the only agency ever designated on a department-wide basis. I do not believe it needs additional responsibility until it corrects its significant problems.

I hope every single Member understands what I am saying because people have reported to me concerns they have had with HUD. We have not been able to approve HUD's request. They need to understand that it is only one of eight major agencies that depend on the VA–HUD subcommittee allocation for their funds, and we have attempted to do our best to assure adequate funding for the core programs that are vitally important.

Moving on to other agencies, for EPA, we included a total of $7.3 billion, an increase of about $100 million over the request of the administration. We thought we needed to restore the President's $550 million cut to the clean water State revolving fund. The Clean Water Program and the Safe Drinking Water Program are critical to assure success in restoring and protecting our Nation's water bodies. It is a matter of the environment. It is also a vital matter of public health.

As we see problems in this country brought about by hurricanes and floods, everybody realizes that contaminated water supplies is one of the greatest health problems we face. This clean water State revolving fund allows States day in and day out to move forward in assisting local communities to clean up their wastewater to make sure we are not polluting the environment and endangering the health of our citizens. There is still a great deal to do in this area. We have provided as much assistance as we can.

EPA has been revising its estimate of the nationwide need for water infrastructure financing upward. It is now about $200 billion. That is why I find it a little difficult to understand why the proposal was to cut this program by 40 percent. We think that is the wrong choice. We reverse the cut.

The highest priorities, in my view, in EPA must include State grant programs and those activities geared to addressing the biggest environmental risk we face. We had to cut out some new programs—some critical programs—to protect fully EPA's core programs. In addition, we added funding for grants to States to enhance their environmental data system. That is a critical need and should help improve the integrity of EPA's data system.

Moving on to the other agencies, FEMA funding totals $85 million of which $300 million is for disaster relief. While we were unable to accommodate the full budget request, there are additional funds we believe are high priorities added for important initiatives such as antiterrorism training, enhancing the fire training program, and emergency food and shelter grants. Despite the damage caused by Hurricane Floyd, FEMA has adequate reserves on hand—approximately $1 billion at this time—to meet their anticipated obligations in the near future. We are going to be monitoring these needs closely, of course, and we will take whatever steps are necessary to ensure adequate funds are on hand to respond as needed to this and other disasters that inevitably occur.

We commend FEMA's efforts in hurricane-ravaged areas. Our hearts and prayers go out to the victims of these natural disasters, and our thanks go to the very strong response that the people of FEMA, and all of the related emergency agencies—both government and private sector agencies—have been able to provide.

Next, moving on to the National Aeronautics and Space Administration, this bill fully funds NASA at the President's request of $13.6 billion, including full funding for the international space station and the shuttle. I know NASA was a huge concern for many members of the committee and the Congress as a whole because the House, due to its shortened allocation, was forced to reduce funding by some $900 million.

This bill makes a major structural change to the NASA accounts by providing separate funding for the international space station and the space shuttle. We believe this account change is necessary because of NASA's continuing problems in controlling spending on the space station, especially enhanced by Russia's unreliability in meeting its obligations as an international partner to the space station. We have, however, provided transfer authority to allow space station funds to be used to meet any needed safety upgrades for the shuttle.

The only other major change in NASA funding is we have reduced the funding for space by $120 million from the President's budget request in part to fund new launch and space transportation technologies designed to reduce the cost of space transportation and to open up commercial opportunities in our universe.

Many Members have been interested in this program, and these funds are authorized in both the House and Senate NASA authorization bills. I know the occupant of the Chair has been a very strong advocate for this kind of research and development.

For the National Science Foundation, the bill includes over $3.9 billion, which matches the administration's request. The NSF allocation is over $250 million more than last year's enacted level, about a 7-percent increase. The increase in funding continues our commitment and support for our Nation's basic research and education needs.

On a personal note, I was very pleased we were able to meet the President's request for NSF because of the tremendous amount of exciting and potentially beneficial work that is being funded through the National Science Foundation. Truly, this is a national priority. I only wish more funds were available to add because this is our scientific future. This is the future for our economy, for the well-being of the people of the United States, and for our continued progress.

Some of the major highlights of this allocation include $126 million in additional funds for computer and information science and engineering activities, some $60 million for the important Plant Genome Program, and $50 million for the administration's ''Biocomplexity'' initiative. The bill also includes $423 million for the incorporation for national and community service. This is near last year's level.

Let me be clear, funds totaling $80 million were rescinded from the prior year's appropriations for the program which are currently sitting in reserve. The inspector general tells us they are not needed. It is our understanding this rescission will have no programmatic impact, but it is necessary for us to meet the other priorities in our budget. We intend to assure the Corporation continues at the level from last year, and we believe this budget allocation allows us to do so.

Mr. President, I am pleased to yield the floor to my colleague and good friend, the Senator from Maryland.

Ms. MIKULSKI. Good morning, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland.

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. I ask unanimous consent that Ms. Jeannine Schroeder, a detailee from HUD working in my office on this bill, be able to come to the floor and have floor privileges, limited only to the VA–HUD consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, once again we come to the floor of the Senate to discuss the appropriations for the VA–HUD appropriations bill. This

is a very exciting time because this appropriation is really the bridge between the old century and the new century. I think our bill does reflect, in its funding levels, that we intend for it to be a bridge between the old century and the new century.

First of all, a word about the old century. We know that our American veterans, because of their bravery, their gallantry, and their self-sacrifice, saved America and saved Western civilization. That is why this subcommittee fought so hard to save their health care—a bridge from the old century, but a bridge to the new century.

We also, during this century, realized that in addition to the ravages of war, there were terrible ravages to our environment. Once again, in our legislation, we make a significant commitment to the protection of not only the environment of the American people but also of the whole world—again, a bridge from the old century to the new century.

It was in this century that America moved forward economically, first in its industrial age, and now toward the information age. But in the course of this century, we not only made a commitment to the progress of a few, we made a commitment to the progress of many. Through programs such as housing and urban development, we have continued to work to create a real opportunity structure for our American citizens.

What is the hallmark of the American opportunity structure? One is home ownership. Through the VA mortgage program, the FHA program, and other key programs, we create a wider opportunity for people to be able to own a home in the United States of America.

The other hallmark of the bridge from the old century to the new century is our passion for education. It was we, in the United States of America, whose continual social inventions created opportunities for people to pursue higher education.

When my great grandmother came from Poland, she certainly could read, but she wanted us to be able to do more than to be able to read the newspaper or read our scriptures. She wanted us to have a real education. It was out of the American people inventing night school, a community college, a GI bill of rights, that we were able to make sure ordinary people had access to higher education. This is why we continue to be so enthusiastic about AmeriCorps. Right this very minute, there are young people working in communities all over the United States of America, in public education, public safety, and other areas, to ensure that we help our communities. But they are earning a voucher that they can use to pay for their higher education. Once again, a bridge from the desires of the old century to the new century.

What, too, is the hallmark of the genius of the American people? It is our resourcefulness, our ingenuity, and our innovation. America is the nation of science and technology. It was in our great Federal laboratories that some of the greatest advances were made in the old century. We want to be sure we position them for the new century. Therefore, this appropriation continues to stay the course in science and technology, particularly in the environment, in NASA—our national space agency—and also in the National Science Foundation.

That is really what this bill is all about. When we rise on the floor and talk to our colleagues about numbers and data, we sometimes sound like an annual report. But when we talk about what we want the Senators to vote on, we have to remember what our mission is. I believe the mission of the VA–HUD bill is to honor the old century, make sure we deal with the ravages and problems of the old century, and continue to position our country and our people for the new century.

This takes me, then, to some of the specifics of the bill. I really thank Senator KIT BOND, the chairman of the subcommittee, and his staff, for all of the collegial consultation we had during the preparation of this bill.

I say to my colleague from Missouri and to all Senators listening, that we know this is not a perfect bill, but it is a very good bill. We had the will but we did not have the wallet to be able to do what we wanted to do for the various agencies and programs. Hopefully, as we move through conference and as the issues around spending caps are resolved, new opportunities might occur that would allow us to meet funding levels that we think are appropriate. This bill is a work in progress, but the bill we bring here today is one that I feel satisfied to bring to the Senate.

A special thanks to Senators STEVENS and BYRD, who really foraged to find another $7.2 billion in budget authority and another $5 billion in outlays to be able to move this bill, with bipartisan support, to the Senate floor today.

The timing of this bill is noteworthy. Right now, a significant approach that we have with this bill is to make sure we fund the Federal Emergency Management Program. From Maine to Florida, and particularly with key residents in North Carolina, New Jersey, and in my own State of Maryland, we worry right now about the ravages of Hurricane Floyd. But in this bill, we continue our commitment to FEMA, and we include an additional $300 million for disaster relief funding. This means that FEMA is ready to help those communities recover from this devastating storm. Should the administration request additional funding for disaster relief, we will also be ready.

Let's go to VA. First of all, our obligation to our veterans is this: promises made need to be promises kept. What does the American veterans community want? They want to make sure that for the older veteran and the Vietnam and Korean war veteran, we continue to provide them with quality health care. But we need to make sure that VA, as it always has, continues to be a door of opportunity, particularly through the GI bill, for home ownership and education. I would hope that one day the VA benefit would be a tool for lifetime learning and the subject of a new century discussion.

We have increased funding for VA by over $1 billion to a total of $18 billion for veterans' health care. This was really the recommended level that came from the Government Accounting Office. We know that the VA medical care could always be funded additionally, but right now that is what we bring, and we are now looking at an amendment with proper other resources to fund it.

Also, another significant part of the VA budget is that we maintain the funding for VA medical research at $316 million. The Veterans' Administration continues to play a very important role in medical research for the special needs of our veterans, including areas such as geriatrics, Alzheimer's, Parkinson's, and orthopedic research. The benefits of VA medical research are not limited to veterans. The entire Nation benefits because of VA medical research.

We continue to provide funding to treat something called Hepatitis C, a growing problem among the veteran population, particularly our Vietnam vets. We want to be sure that we help them with their problem and also do all we can to ensure that it is not spread in the wider population.

In addition, we have increased the funding for State veterans homes by $50 million over the President's request to $90 million. This is the same as last year. Why are the State homes so important? We know that long-term care is a growing issue, particularly with our World War II vets and our Korean vets. We believe in Federal and State partnerships.

No one jurisdiction of Government can carry the burden of long-term care by itself; and therefore, the additional funding for State veterans homes enables that wonderful partnership to occur between the Feds and the States and the veterans themselves.

We also come to a discussion on HUD.

The whole point of the Housing and Urban Development Agency is to be able to help communities in terms of being able to have economic development and for individuals to have economic empowerment. That is it. It is to fund primarily self-help initiatives or to reward self-help initiatives. Therefore, what we wanted to do in HUD was to stay the course for the community

development block grant money, which goes directly to local communities with local decisionmaking. With this funding, mayors, county executives, or commissioners can decide for themselves what the best way to revitalize their communities is, and not have cookie-cutter solutions coming out of Washington.

At the same time, we wanted to be sure the poor have a way to a new life, particularly with the significant success of our Welfare-to-Work Program. This is why we have a program called HOPE VI where we took down the high rises, which were ZIP Codes of poverty, to really create a new opportunity. We want to do the same thing for section 8 so we do not continue to have the concentrations of poverty that we have.

This year, working together with the authorizers, we were able to be sure that everyone who has a section 8 contract—meaning a Government subsidy for housing—will continue to get their subsidy. This is no small matter. We have a lot of section 8's that are expiring. We wanted to be sure that if you had a section 8, and you were living in a neighborhood, moving from welfare to work, trying to get job training, you would not lose your subsidy. This was indeed a significant accomplishment in this bill.

Last year, working with the authorizers, we also added 50,000 new vouchers. The administration would like to add 100,000 new vouchers. I personally would like very much to do that. But right now, as I said, we do not have the wallet. I am working with the administration to find an appropriate offset not only to pay for new vouchers now, but to insist that anything new has to have a sustainable revenue stream in the future. This is important because we are concerned that though we have started, we want to be able to continue it. That is a big yellow flashing light for me, and we need to be aware of that.

Another area that is very special to me is housing for the elderly. Once again, working on a bipartisan basis, we have been able to increase the funding for the elderly and disabled by $50 million. This will be very important as we also look at new ways to help the population as they age in place.

I am particularly appreciative of cooperation on developing some new concepts on assisted living and service coordinators to help aging seniors with their unique housing needs.

We also help increase the funding for the homeless and do other important things, which I want to discuss later.

With regard to NASA, I was extremely troubled by the House version of the bill. I was troubled because they cut NASA by $1 billion.

At the same time, I was also troubled that the House seemed to focus a lot of those cuts in my own home State. I do not take it personally, but it certainly was convenient for them, knowing I am the ranking member, to know that I would also mount a rescue mission for the programs in my State.

But it is in that State that we have mounted the rescue missions on Hubble and in other areas. I really appreciate the collegial support of Senator BOND to look at where we need to put our resources for a national purpose. This isn't about Maryland.

We have the great Federal laboratories in Maryland. I do not count NIH as only a Maryland Federal laboratory. It is a national Federal laboratory, and so is Goddard. The Goddard Space Flight Center is the flagship NASA center for Earth and science research. We want to make sure it continues to be able to do that. With the help of this subcommittee, we know we will continue to have those jobs. They will continue to fix Hubble, have the next generation space telescope, and provide us with new opportunities in terms of protecting the environment.

I would like to also go on to National Service, which is funded at $423 million—a reduction from last year. I hope this funding can be increased as the bill moves forward. National Service has been a success. It has enrolled over 100,000 volunteers in a wide array of community programs.

I know the management and oversight is less than what is desired. I thank the Senator from Missouri for his limited patience; my patience is also limited. But we have to remember that the mission is working, even though the management and oversight could certainly be improved.

I also want to comment on the National Science Foundation. We are so proud of the National Science Foundation. We really do appreciate it, and it is funded at $3.9 billion in the bill, which is an addition of $250 million.

What is important about the National Science Foundation is that it was created to respond to be sure that America did not fall behind Russia in science and technology. America continues to lead the world in science and technology, particularly in information technology that has revolutionized the world. This is truly the information age. I appreciate the fact that, working together, we have increased the funding, particularly in those areas that will enhance research and development in the field of information technology.

Let me conclude by saying that I will talk more about this bill as we go on. That is the thumbnail sketch. But I do want to just say a couple more things in closing about this bill.

First of all, I am very appreciative that we have had the bipartisan support to continue the funding for the Chesapeake Bay Research Program. This was started by my very dear predecessor Senator Mac Mathias, and we all worked together on it. In fact, I was in the House when he started it.

But we had the support of four Presidents: Jimmy Carter, Ronald Reagan, George Bush, and Bill Clinton. That is exactly what we need—bipartisan support to come up with solutions.

But the other thing I am really proud of in this bill is how we help our country continue to cross the digital divide. Bill Gates says we are at the digital divide. We will either be on one side or the other—whether you are a nation, whether you are a community, or whether you are a citizen.

I want to be one of the Senators who helps America and all of its citizens, particularly paying attention to rural communities and constituencies that have been left out and left behind, cross that digital divide.

In this bill we are doing it. Our funding for NASA helps us do this. The funding we have for the National Science Foundation puts the money in the Federal checkbook to make sure that we come up with the new ideas for the new products that will be part of continuing to cross the digital divide.

The Senate knows that one of my greatest passions in public life is to enable the poor to move out of poverty and into self-sufficiency. In this bill, through HUD, we fund something called the Neighborhood Networks Initiative—it has already been in operation; 500 residential computing centers have been established. These Neighborhoods Networks bring together local businesses, community organizations, and other partners. Right this minute in public housing, where we want to make sure people move from welfare to work and children have opportunities for a different way of life, we are creating little e-villages. In these communities, if you work hard, through either structured school activities or daytime use for adults, you can learn to use the computers. This newfound computer knowledge will help residents find good jobs at living wages well into the future.

Again, there are many things I could say about this bill and I will say them as we move along. I think we have a very good bill. We are working very closely with Senator BOND, with the leadership of our two parties in the Senate and with our administration. Hopefully, we will pass this bill sometime today, move to conference, and then move forward with the bridge from the old century to the new century.

Mr. President, I believe the VA–HUD bill is about four things: meeting our obligations to our veterans; serving our core constituencies; creating real opportunities for people, and advancing science and technology.

The VA–HUD bill takes care of national interests and national needs. This has been a tough year for the VA–HUD Subcommittee. Due to the budget

caps, our original 602(b) allocation was billions of dollars below what we needed. Senator BOND and I agreed that we would not move a bill until we had a sufficient allocation. But thanks to Senators STEVENS and BYRD, we now have an additional $7.2 billion in discretionary budget authority and nearly $5 billion in outlays. This has allowed us to move this bill with bipartisan support to the Senate floor today.

Mr. President, the timing of this bill is noteworthy. Just last week, residents along the Eastern U.S. experienced the wrath of Hurricane Floyd. Everyone from Maine to Florida was affected by this storm, including my own State of Maryland. Many people, including the residents of North Carolina and New Jersey, are still without power and flooded from their homes.

Mr. President, the Federal Emergency Management Agency has $1 billion in the disaster relief fund to help state and local governments recover from this storm. The bill we present to the Senate today includes an additional $300 million for the disaster relief fund. That means FEMA is ready to help those communities recover from this devastating storm. Should the administration request additional funding for disaster relief, we will provide whatever is necessary to help those in need.

Mr. President, our first obligation is to keep the promises we have made to our Nation's veterans. I am proud to say that in this bill, we have kept those promises to the veterans and the VA employees. I am proud of the men and women who serve our veterans. From the in-patient hospitals to the out-patient clinics, the employees of the VA work long hours and sometimes under difficult conditions. We have increased funding for veterans healthcare by $1.1 billion over the President's request to a total of $18.4 billion for veterans healthcare. Some have argued that we should spend more on veterans healthcare. I consider the $18.4 billion we have provided in this bill to be a funding floor, rather than a funding ceiling. The General Accounting Office generally agreed with this approach as a starting point.

In a recent analysis of the VA healthcare budget for our subcommittee, the GAO concluded that a $1.1 billion increase over the President's request should be sufficient—assuming the VA's cost cutting program is successful. Nonetheless, I will continue to work with my colleagues to ensure VA has more than sufficient funding for our veterans healthcare needs. In addition, we have maintained funding for VA medical research at $316 million, the same as fiscal year 1999.

The VA plays a very important role in medical research for the special needs of our veterans such as geriatrics, Alzheimers, Parkinson's, and orthopedic research. The benefits of VA medical research are not limited to veterans. The entire nation benefits from VA medical research—particularly as our population continues to age. We also provide full funding to treat Hepatitis C, a growing problem among the veterans population, particularly for our Vietnam veterans.

We have increased funding for the State veterans homes by $50 million over the President's request to $90 million, the same as last year. The State homes serve as our long term care and rehabilitation facilities for our veterans. They represents a uniquely successful partnership between the Federal and State governments. By increasing funding in this area, we keeping our promises to our veterans and meeting a compelling human need.

We have also made sure that we take care of our working families—by funding housing programs that millions depend upon. Our bill provides $10.8 billion to renew all existing section 8 housing vouchers. That means those who have vouchers, will continue to receive them. Unfortunately, we were unable to provide additional funding to add 100,000 new vouchers at this time. We simply could not find an additional $600 million in budget authority to cover the cost of 100,000 new vouchers. Many of my colleagues will remember that we added 50,000 new vouchers last year. But a tight allocation simply did not give us enough room to add more vouchers at this time. We maintained level funding for other critical core HUD programs.

Funding for housing for the elderly has been increased over last year. Funding for the elderly and disabled is $904 million, a $50 million increase over last year. We have including additional funding for assisted living and service coordinators within the section 202 program. This has always been a top priority of mine and Senator BOND. We will always make sure that the housing needs of our elderly are met. We also must recognize that the housing needs of the elderly are changing—the elderly are aging in place. That's why we included additional funding for assisted living and service coordinators to help our aging seniors with their unique housing needs.

Homeless assistance grants are funded at the Presidents's request. In a time of prosperity, we will not forget those who are truly in need. In addition, we have funded drug elimination grants and Youthbuild at least year's level.

The Community Development Block Grant Program is funded at $4.8 billion. This is an increase of $50 million from last year and $25 million over the President's request. The CDBG program has been a very successful program targeting federal funds for economic development—with local control. In addition, I have included report language that directs HUD to continue its efforts to bridge the information technology gap in communities through its ''Neighborhood Networks Initiative.'' The Neighborhood Networks Initiative brings computers and internet access to HUD assisted housing projects in low income communities. This will help us to ensure that every American has the ability to cross what Bill Gates has called the ''digital divide.''

With regard to NASA funding, I was extremely troubled by the House version of the bill. The House bill included devastating funding cuts to America's space agency. The Goddard Space Flight Center in my home state of Maryland, and the Wallops Flight Facility on Virginia's Eastern Shore both took a significant hit in the House bill. The House funding levels would mean the loss of over 2,000 jobs at Goddard and Wallops. The bill before the Senate today will save 2000 jobs at Goddard and Wallops.

NASA if fully funding in this bill, at $13.5 billion, which is the President's request. Funding for shuttle, space station, and the critical science programs are funded at the President's request. This will allow us to maintain this country's or science and technology leadership and reflects the Senate's commitment to science and technology as we enter the next millennium.

National Service is funded at $423 million, a slight reduction from last year. I hope this funding can be increased as the bill moves forward. National Service has been a success, enrolling over 100,000 volunteers in a wide array of community services.

With regard to the EPA, the subcommittee has provided $7.3 billion in total funding, an increase of $115 million over the President's request. The subcommittee has increased funding for most of EPA's major environmental programs: the bill provides $825 million for the drinking water state revolving fund; and $1.3 billion for the clean water revolving fund. Taking care of local communities infrastructure needs has always been a priority for this committee.

Superfund is funded at $1.4 billion, down slightly from last year, but brownfields is funded at $90 million, the same as last year. I know there is some concern over EPA's salary and expense account, and I hope we can address these concerns as the bill moves forward.

The subcommittee has also provided funding at or above the President's budget request for important FEMA programs: Emergency Management and Planning, Anti-Terrorism Programs, and the Disaster Fund. We will await any further administration request for disaster assistance in light of Hurricane Floyd.

The National Science Foundation is funded at $3.9 billion, which is $250 million more than fiscal year 1999. This

funding level will allow us to make critical investments in science and technology into the next century. The funding increases for NSF is an important step for maintaining our science and technology base.

With regard to the Selective Service, we have restored funding for Selective Service at the President's request. The House eliminated funding for the Selective Service.

Mr. President, I recognize that there may be certain provisions that members may disagree with or oppose. I acknowledge the validity of their concerns, but I hope we can move the bill forward and resolve these differences along the way. I believe the VA–HUD bill that we present to the Senate today, keeps the promises to our veterans, helps our core constituencies, creates real opportunities and makes investments in science and technology. I urge my colleagues to support this bill.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I think we have seen the legislative equivalent of Newton's second law: For every action, there is a necessary reaction. When our colleagues in the House cut the earth sciences program, it was predictable that with the leadership of Senator MIKULSKI, that money would be restored. The law works, and I commend Senator MIKULSKI for being a very effective and persuasive advocate for earth science.

I am prepared to offer a committee leadership amendment, but the distinguished chairman of the authorizing committee for housing has other commitments, and I now defer to him to make a statement on the bill, after which I expect the leaders of the committee to join us in offering an important committee amendment.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I thank the chairman for granting me time to make a few comments on the bill. As the relatively new chairman of the Subcommittee on Housing and Transportation of the Banking Committee, I view my relationship with the authorizing committee as a very good relationship, and I know the chairman of the Appropriations Committee has made sure there have been staff at our hearings. I really do appreciate that. I have made a very special effort to make sure I have staff at his hearings, not only his hearings but hearings on the House side. I come to my new responsibilities as chairman of the Subcommittee on HUD to look for change. I think change needs to occur in that agency. I think working together in a bipartisan manner, as well as working between authorization and appropriations, is the way to bring about that change.

Mr. President, I thank Senator BOND for giving me the opportunity to make a statement on the VA–HUD Appropriations bill.

I appreciate this chance to share my thoughts as chairman of the authorizing subcommittee for the Department of Housing and Urban Development. I look forward to continuing to work with Senator BOND in our joint effort to closely monitor and improve the operations of HUD.

This is particularly important when we are dealing with a Federal agency that has repeatedly been designated ''high risk'' by the General Accounting Office. The Department of Housing and Urban Development is the only cabinet level agency that is ''high risk.'' This means that the management deficiencies of the Department pose a significant risk to both taxpayers and the individuals served by HUD programs.

The GAO is not alone in its assessment of HUD. The Department's own inspector general has repeatedly reported on management deficiencies at HUD. There are two positive provisions in this bill concerning the General Accounting Office and the inspector general and I want to commend the chairman for including them. The first requires the GAO to certify quarterly on the cost of time attributable to the failure of HUD to cooperate with any GAO investigation and to reimburse GAO for these costs.

The General Accounting Office is the investigative arm of the Congress, and we expect HUD and other agencies to cooperate fully in the investigations that the Congress requests. The second provision is an increase in funding for the Office of Inspector General. The IG is an independent voice within HUD. The present IG is a tremendous watchdog over HUD programs and a valuable resource to the Congress and to the taxpayers. This is clearly an agency that needs a strong and well funded inspector general's office.

Let me comment on several other important provisions in the bill. The first terminates a portion of the Community Builders program. In my view, the Community Builders program is a misallocation of the Department's resources. Nearly 10 percent of the Department's personnel are now Community Builders. As best we can tell these positions are largely public relations positions. The Community Builders are among the highest paid employees at HUD, with the program consuming a disproportionate share of travel and training resources.

At a time when HUD is considered ''high risk'' the focus should not be on public relations, it should be on ensuring adequate personnel to police HUD programs. As a result of our concerns with the Community Builders program, the Housing Subcommittee will hold an oversight hearing of this program in early October. The hearing will focus on the upcoming inspector general's audit of the program and the views of career HUD employees on the merits of the program.

I also want to comment on the section 8 ''opt-out'' issue. This legislation once again grants HUD the authority to renegotiate section 8 contracts and where necessary adjust the contracts up to market rents. This is essentially the same authority given to HUD 2 years ago. Earlier this year, the Housing Subcommittee held a hearing on this very issue. We found that HUD has moved very slowly in utilizing this authority. Hopefully, the language in this bill will once again make clear that HUD has the authority to work with section 8 owners who want to remain in the program and adjust the contracts to the local market rents.

Finally, I want to reiterate a point made by the Appropriations Committee in the committee report regarding unauthorized programs. This year HUD requested funding for a number of new programs that have never been authorized by the Congress. The GAO identified 19 new programs with total funding of over $700 million. The administration continues to propose funding for new programs that have little or no relationship to affordable housing. This diverts precious resources from those most in need. If the administration wants new programs, it should make its case before the authorizing committee, not the Appropriations Committee, and I appreciate Senator BOND's recognitiion of this fact.

In recent years the Congress has enacted a great deal of housing legislation—including both a major restructuring of public housing and the section 8 program. It has been my view that the Congress should refrain from passing more housing laws until we can determine whether the laws that we have already passed are being properly implemented and whether the Department is being properly managed.

Mr. President, I thank my colleagues. In closing, I ask unanimous consent to have printed in the RECORD an outline of some of the findings from the oversight hearings conducted by the Senate Housing and Transportation Subcommittee this year.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

1999 OVERSIGHT FINDINGS OF THE SENATE SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

The Subcommittee's first hearing of the year explored the fact that the General Accounting Office once again determined in 1999 that HUD is a ''high risk'' agency. The ''high risk'' designation means that HUD's programs and management systems are failing to adequately carry out the Department's mission and that there is significant risk to taxpayer dollars. The GAO has placed HUD on the ''high risk'' list since 1994 and it is presently the only full Cabinet level agency on the ''high risk'' list. The Subcommittee found that the HUD Inspector General shares the GAO view that HUD is ''high risk.'' The IG has issued a number of reports that are highly critical of HUD management. The IG has alleged that she has

been the victim of continued efforts by HUD management to undermine her office and authority. The GAO is currently investigating allegations of efforts to undermine the IG and the Subcommittee will continue to explore this topic.

The Subcommittee conducted a hearing to explore in detail HUD's grants management system. This is one example of HUD's alleged mismanagement. This computerized system (IDIS) is supposed to track the expenditure of $6 billion of HUD grants each year. These are grants distributed to cities and states through the Community Development Block Grant program and similar programs. Unfortunately, the Subcommittee heard testimony from GAO and several local government officials that the IDIS computer system does not work. The system uses outdated and cumbersome computer technology and at this point cannot be used to effectively monitor the performance of communities receiving HUD grants.

The Federal Housing Administration is an important part of HUD, and the Subcommittee finds that it is critical that the Congress keep a close eye on the solvency of the FHA fund. The FHA provides a federal insurance guarantee on hundreds of billions of dollars worth of housing. The Subcommittee conducted a hearing to review the rise in the level of delinquency on FHA insured loan payments. This is of particular concern at a time when the economy is so healthy, and at a time when the delinquency rate on non-FHA insured loans is not rising. Recently, it was announced that the delinquency rate on adjustable rate mortgages is now 10 percent, an historic high.

The Subcommittee conducted a hearing on the Low Income Housing Tax Credit and how it is utilized to develop affordable housing in a number of states. This program appears to be successful in developing affordable housing. The program is strong because it leverages tax credits to involve the private sector in the development of affordable housing. The program is administered by the states (which allocate the credits) and has little to do with HUD.

The Subcommittee conducted two hearings concerning the Section 8 program. The Subcommittee found that HUD has been particularly slow in dealing with the Section 8 opt-out crisis. Section 8 property owners are developers who have entered in to 20 year contracts with HUD to provide affordable housing. At the end of the contract term, these owners may opt-out of the system and take their properties to the private market. Many property owners are exercising this option and many more contracts will come up for renewal in the next several years. In an attempt to keep owners in the program, Congress granted HUD the authority to mark up Section 8 rents in areas where the contracts were clearly below market. HUD was given this authority in the Fall of 1998 and is just now issuing the notice to field staff that will implement the program (nearly two years after the authority is granted). HUD has responded slowly to the crisis and as a result many properties may be lost to the Section 8 program. The Subcommittee's second hearing addressed the Section 8 mark-to-market program enacted by Congress nearly two years ago. The legislation enacted made clear that HUD was to give state housing finance authorities priority in the restructuring of Section 8 contracts in their states. While some progress has been made in signing up the states, much more needs to be done. HUD must resist the temptation to continue federal control of the restructuring where states are willing and able to do the job.

Mr. ALLARD. Mr. President, that concludes my comments. I thank the chairman, again, for working with my committee. I look forward to a very positive relationship with him in the future.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Colorado. His active involvement, through his committee and with his staff in helping us deal with these problems, has been of significant benefit. We truly appreciate the close working relationship we have with members on both sides of the authorizing committee. As I indicated before, this is a very difficult set of questions that deal with HUD. They do involve and require the participation and guidance of the authorizing committee. We are most grateful to the Senator from Colorado for all his assistance.

AMENDMENT NO. 1744

(Purpose: To provide an additional $600,000,000 for the Veterans Health Administration for medical care and to designate such amount as an emergency requirement)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. BYRD, for himself, Mr. BOND, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JOHNSON, Mr. SPECTER, Mr. MURKOWSKI, Mr. WELLSTONE, Mr. SMITH of New Hampshire, and Mr. HOLLINGS, proposes an amendment numbered 1744.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, beginning on line 23, strike "$18,406,000,000" and all that follows through "*Provided*," and insert "$19,006,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $600,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress: *Provided further*,".

Mr. BOND. Mr. President, I am very pleased to offer this amendment with the leadership of the committee on both sides. Senator MIKULSKI and I are very pleased to have the support of Senator STEVENS, Senator BYRD, and also chairman of the Budget Committee, Senator DOMENICI, to add $600 million for VA medical care. In addition to the committee-reported bill, there will be a total of $1.7 billion above the President's request for veterans' health care; in other words, $19 billion for veterans' health.

These funds will enable VA to ensure full care to all 3.5 million veterans being currently cared for by the VA. They will also allow VA to provide care to thousands of additional veterans, significantly reduce waiting times for appointments, and initiate new activities to improve veterans' health. They will also enable the VA, upon enactment of authorizing legislation, to fund emergency care treatment in non-VA facilities for veterans. We do need authorizing assistance for that.

According to the GAO, there are still many opportunities to make VA health care more cost effective. These include improved procurement practices, consolidation of certain services, eliminating excess management layers and administration, and shifting more care to outpatient settings. We cannot afford to maintain the status quo at the VA. The GAO recently testified that the VA is wasting $1 million a day on operations and maintenance of buildings and monuments that could better be used on health care for veterans, and 25 percent of the medical care budget is spent on maintaining VA infrastructure, including 4,700 buildings on 22,000 acres.

The VA has been moving to community-based care, outpatient-based care. That has been dictated by the needs of the veterans. We are in a position where we must provide the care the veterans need. We have to support the VA in restructuring the entire system, consistent with the health care needs of veterans, rather than devoting ourselves to maintaining buildings in the old regime. Monuments are not what the veterans need in health care; they need good health care.

Not only is it the trend in general medicine outpatient-based care, but the veterans population is declining. The VA projects a 36-percent decline by 2020. By adding funds to the VA's budget, we in no way suggest that the VA has done all it can to improve its use of health care dollars.

I have been and continue to be a very strong supporter of VA transformation. When the Veterans' Administration started the process, one of the first surgical centers they shut down was in my State. It was tough to explain, but it is, I believe, clear that the veterans get better care when we have appropriate facilities—not keeping open a surgical center, for example, where they do not perform enough surgeries to maintain the proficiency they need to provide top-quality care. The funds we are adding today are for veterans' health, not maintaining buildings, not maintaining excessive management layers.

Over the past 5 years, the VA has made dramatic and much-needed

changes. We congratulate them on these difficult processes. We want to work with them and continue to assure sound oversight. The system has begun a major transformation that has resulted in more of VA's appropriations going to health care. Today, VA is serving more veterans and the quality of care has improved. In the past 3 years, VA has served an additional one-half million veterans, in part by opening almost 200 new community-based clinics.

It is my strong hope that the transformation will continue to go forward and additional funds will improve the quality of VA health care. I might note that Senator GRASSLEY has asked to be a cosponsor of this amendment.

I yield to the Senator from Maryland.

Ms. MIKULSKI. I thank the chairman. I note that Senator BINGAMAN also wants to be added as a cosponsor of the pending veterans amendment.

I am pleased to join with several of my colleagues to cosponsor this amendment to increase funding for VA medical care by $600 million. I appreciate especially Senator BYRD's continued, steadfast support for our veterans. We could not be offering this amendment without Senator BYRD and Senator STEVENS. Earlier, I talked about how pleased I was with the bill—promises made, promises kept. But we wanted to do more. We had the will, but we didn't have the wallet. This is exactly an example of what I was talking about. We had the will to be able to provide a safety net for veterans' medical health care.

We know that the cost of health care continues to be rising. We know that the discussion on how to reform Medicare is a work in progress within this institution and our colleagues in the House. It will have a tremendous impact on our veterans. We also know that the need for prescription medication among our veterans is escalating. Those wonderful breakthroughs we have are expensive. We want to make sure that if you have arthritis or if you are facing prostate cancer, you have the medical resources that are needed. So, yes, the amount we currently have in the bill meets minimum, spartan levels.

This $600 million will help us tremendously. It will benefit our veterans to assure that there will be no need to close VA clinics around the country. They will be sure that no inpatient facilities will close and ensure that veterans continue to get access to the quality health care they deserve.

First of all, I know that all over America the Veterans' Administration is analyzing what they should keep open, what they should close, and what should go to part time. The fact is, we can't have uncertainty. Why? We want continuity of care for the vets and the ability to retain good and excellent staff. If you don't know today that your VA medical center might be gone tomorrow, those nurses, technicians, lab people, facility managers, who now have great opportunities in the private sector, are being attracted and recruited to leave. We have to show certainty in terms of being able to provide care and give assurance to the personnel that we value them and we want to be able to fund them at the appropriate level.

So I really thank Senator BYRD and Senator STEVENS for identifying a way we could assure that inpatient and outpatient needs are met. I support this amendment. I am going to support it here and in conference. Once again, I thank the Chair.

I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I have come to the floor to make a simpler amendment. It is an amendment in the number of dollars, $600 million, bringing it up to $1.7 billion, as 51 Senators agreed to earlier in a letter. But I have not been given a copy of the amendment itself. I don't know what the offset is and I don't know, therefore, whether the offsets affect other programs within this appropriations matter that would be harmful. I ask either the ranking member or the leader if I could have a copy of the amendment so I could simply see what it says. The numbers we agree on, but where is the offset coming from, et cetera?

Mr. BOND. Mr. President, if I may answer my colleague, that is a good question. The committee leadership and the Budget Committee have agreed we should provide this as an emergency authorization now. The allocation will be handled in the conference committee. So we are asking to include this as an emergency. There is no offset in this bill. There will have to be funds provided in the conference. The House had already provided the $1.7 billion additional. They took it out of NASA. We are not going to take it out of NASA. We have the assurance of the bipartisan committee leadership that we will be able to handle this allocation in the conference.

So the simple answer at this point is there is no offset.

Mr. ROCKEFELLER. I appreciate what the Senator from Missouri said. But I would further ask, I notice in the amendment it says it is an emergency requirement but it requires a transmittal by the President to the Congress, which would clearly say if the President doesn't—at least I would interpret it—ask for that, then it might not happen. Am I nit-picking at words or is that a fact which is of concern?

Mr. BOND. Mr. President, we do not believe that the emergency designation will have to be continued past the conference. We believe we can deal with the allocation questions and provide additional moneys so we will be able to drop the emergency designation. It is our hope we can do so should it be necessary. I believe there is sufficient bipartisan support in both bodies to prevail upon the President should we be required to obtain an emergency designation.

Mr. STEVENS. Mr. President, will the Senator yield?

Let me assure the Senator from West Virginia that this is sort of a current emergency in terms of the allocation process under 302(b). We are working this out. The House has the $1.7 billion. We believe because of the reaction from the veterans community we ought to assure that this wasn't intentional all the time to meet the House level in the conference. But by the time this got to conference we believed we would have the 302(b) situation straightened out so we would know where the emergency decision should be made and whether there would be advance appropriations.

This is a temporary emergency concept. We are asking the Senate to help us get this bill to conference with the emergency designation on the $600 million, and we assure the Senate that this will not be an emergency coming out for this item unless it is absolutely necessary, which I don't see right now. But we would like it in the bill in conference. When we made the 302(b) allocation to this bill by, in effect, borrowing money from the Health and Human Services bill, we thought it was best to try to have some negotiating stance with the House on some items in the bill. But we never intended to negotiate this item. I conveyed that to the managers of the bill this morning and asked that we take this issue out of contingency in the conference.

But this is the best way to do it. I hope the Senate will agree with us. It is an emergency designation that is necessary under the circumstances, but it is not a permanent emergency designation.

Mr. ROCKEFELLER. I appreciate very much and have enormous respect for the chairman of the full committee. Then it is my understanding it will come back after the bidding point from the conference.

Mr. STEVENS. If I may respond, Mr. President, I have to say the managers of the bill wanted the $1.7 billion to start with. Senator BYRD wanted $1.7 billion. As chairman I found it impossible to make that allocation at the time. But we are saying right now it was always our intention to accommodate the decision made by the managers of the bill that it should be $1.7 billion. This $600 million will meet that objective, and I hope the Senate will adopt it as we suggested.

Mr. ROCKEFELLER. And any new request by the President of the United

States would not be necessary? This simply would be the workings of the Congress.

Mr. STEVENS. That is correct. If we come back to conference with an emergency designation, it will be subject to the President's approval. We would, in effect, be making a request to the President that it be declared an emergency. I do not think this has reached the emergency stage. The House has it without an emergency, and I think we can accommodate that position.

Mr. ROCKEFELLER. I am very appreciative and grateful to the chairman of the full committee, and the ranking member and minority member of the subcommittee, for this.

I am, therefore, very happy with the permission of the Chair, to add myself as a cosponsor to the amendment, as well as Senators CONRAD, AKAKA, KERREY, BIDEN, BINGAMAN, LEAHY, BOXER, HAGEL, and MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I would like to make a few comments, if I might, on this legislation. I cannot tell you how happy I am that Senator BOND and Senator MIKULSKI, under the leadership of Senator STEVENS and Senator BYRD, made this adjustment, because I came down here with a 17-page speech ready to raise all kinds of trouble. Now I don't have to because the appropriators have understood very clearly what was wrong with the GAO reform which was asked for. The appropriators at one point asked for a GAO report, and we went and looked at that report very carefully. We tried to find out what we could about it. We discovered the GAO report, which was recommending the $600 million cut, was based upon the question that had been asked: What would happen if the veterans budget was flatlined? So it wasn't. Where are there efficiencies that can be achieved? It was the presumption that there would be the $600 million shortfall, and, assuming that, how would the VA make the cuts? That is different than asking where might there be efficiencies? This was saying, what are you going to do, assuming you get this cut?

They came back with this list based upon a flatlined budget. The VA managers, in fact, were told to hit a dollar target. The simple fact is that most of the cuts they suggested would reduce access to care would reduce everything that is useful in the veterans budget.

The GAO really had no basis to reach the conclusion they reached. They didn't review any of the items on the list to determine what impact they would have on patient care—not one single item. It is extraordinary. You would assume the GAO is going to do that kind of thing. They simply didn't. They reacted as automatons—having been given the figure they have to cut to, they would go ahead and do it. The cuts would have been absolutely extraordinary.

We knew Members wanted to have $1.7 billion added, and 51 Senators, as I indicated, have already gone ahead and proposed this. The GAO with sort of an ax went through what they were going to close: the dialysis unit in Salem, VA; they were going to close all in-patient beds at the Beckley, WV, hospital—something those people there have been living in fear of for years because there have always been rumbles and rumors, and all of that. That was going to happen up until a few moments ago, until the two Senators made this amendment. That was going to happen. All in-patient care at Beckley was going to be closed. That would be something obviously this Senator and others could not go ahead with.

Salem, VA, was going to lose its PTSD, along with a lot of other things.

There were going to be a lot of abolishments.

All psychiatric beds in the entire New Jersey VA health care system were going to be closed. That is beyond my comprehension. If we have to get down to a certain number, we tend to do that kind of thing. This has nothing to do with a national understanding of how to save money when we need $3 billion to make the health care system. The $1.7 billion is what I was going to make my amendment for; it has been made already, and I am happy to join as a cosponsor.

I am very grateful this amendment was made by the two people who can do the most with the full committee chairman answering questions and asserting his insistence on this. I am happy about that.

I point out, in closing, it may surprise some to learn that over the last 20 years while VA health care costs have risen 269 percent—which is a lot—the comparable rise for non-VA health care is almost 800 percent. I think that is interesting for my colleagues to think about: a 270-percent increase in the VA health system for health care; in the non-VA health care, an 800-percent increase. That says a lot about efficiencies being practiced within the VA system.

I thank the Senator from Missouri and the Senator from Maryland, both stalwarts in their efforts to protect our veterans. I am happy to add my name as a cosponsor, along with a number of others who are going to join in my amendment which I now do not need to make.

I yield the floor.

Ms. MIKULSKI. Mr. President, I thank the ranking member of the veterans authorizing committee for his support for this amendment. Most of all, I thank him for his advocacy. He has continued to speak up on what are the contemporary needs of the Veterans' Administration, particularly in health care. The Senator has been very clear in the need to recruit and retain new personnel, to move to new methods of service delivery, how we can be both high tech and high touch. I thank the Senator for his support for this amendment and also thank the Senator for his advocacy. I look forward to working with the Senator not only in moving the bill but moving our agenda to help veterans and doing it together.

Mr. BOND. Mr. President, I thank the Senator from West Virginia for his strong words in support of the VA. He has been a champion of the veterans affairs activities and his role in the authorizing committee is very important.

I have been asked by the chairman of the Committee on Veterans' Affairs, Senator SPECTER, to be added as a cosponsor. I also ask unanimous consent Senator MURKOWSKI be added as a cosponsor. I ask consent that Senator MIKULSKI and I be permitted to add cosponsors to this amendment after it is adopted. We sense there is a strong feeling of interest and support for this issue.

Before I conclude, let me say we have worked very closely with the General Accounting Office in this area. The GAO has been to every one of the VA's 22 networks over the last few years. They have been closely involved in the VA's transformation. I strongly support continued improvements in the use of VA health care funds. These funds need to be spent on veterans' care, not on monuments.

I believe we are ready to accept this amendment on voice vote.

Mr. WELLSTONE. Very quickly, I ask to have my name included as a cosponsor. I say to my colleagues, I appreciate this effort. I have done a lot of work with this around the country. I believe we can do better. I will have an amendment I will introduce shortly to deal with that question.

I thank my colleague from Missouri.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the initiatives that GAO said would make for efficiencies. I think that ought to be in the RECORD. As my colleagues see these efficiencies, they are going to be rather stunned.

Second, the head of the health part of the VA, Dr. Thomas Garthwaite, has written a letter in which he says many of the proposals are inconsistent with law and VA policies—that is, the GAO suggestions—and could not be implemented. He said he was personally concerned some would result in a negative impact on quality of care and level of services.

I ask unanimous consent to have both of these printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF VETERANS AFFAIRS,
UNDER SECRETARY FOR HEALTH,
Washington, DC, September 22, 1999.

Hon. JOHN D. ROCKEFELLER IV,
Ranking Minority Member, Senate Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR ROCKEFELLER: As requested by your staff, we have reviewed the list of efficiencies reported by GAO in their September 14, 1999 report on Veterans Health Care: Fiscal Year 2000. GAO obtained the information in their report from preliminary network scenarios prepared in May 1999. Many of these proposals are inconsistent with law and VA policies; therefore, could not be implemented. Further, I am personally concerned that some would result in negative impact on quality of care or level of service.

The list does not represent VA plans.

Sincerely,

M. L. MURPHY,
(For Thomas L. Garthwaite, M.D.)

SUMMARY OF VA MANAGEMENT INITIATIVES [1] INCLUDED IN GAO ESTIMATE OF POTENTIAL EFFICIENCY SAVINGS

Count	VISN		(In thousands)
1	12	Share Transcription Srvcs/Med.Media/Electronic Library/Switchboard	($225)
2	6	VAMC Asheville reduce Rx cost	($1,100)
3	15	Clinical Pharmacy Savings—example polypharmacy	($4,000)
4	17	Consolidate Wards	($748)
5	17	Reduce usage of Medical Physician Contracts	($875)
6	3	Eliminate lab at FDR	($215)
7	8	Close acute care beds	($17,500)
8	22	Long Beach—Inc CMOP activity	($1,000)
9	11	Implement network wide Care Management Program	($1,100)
10	17	Refer vascular, neurosurgery and neurology to other VAMCs	($500)
11	16	Blanket Purchase Agreements/Consolidated Contracts	($950)
12	9	Improve Prescribing Patterns	($3,000)
13	15	Consolidation of Mental Health Management	($500)
14	17	Usage of other sources of employment (contract, CWT, IT, etc.)	($1,350)
15	6	VAMC Hampton Reduce 2 Librarians	($117)
16	12	Further Integration VAMC Chicago	($3,000)
17	9	Convert Capital Accounts to .01	($9,214)
18	2	Commodity Standardization & Other All Other Cost Savings	($600)
19	6	Restructure Dental Services	($100)
20	17	Establish Polypharmacy procedures	($310)
21	3	Centralize Pharmacy	($300)
22	9	Revise Huntington Dietetics/food prod processes/incr. prepared food use.	($194)
23	8	Inpatient to outpatient cost avoidance	($5,900)
24	14	Tele pathology/radiology—Nebraska	($250)
25	3	Reduce Radiology	($2,237)
26	1	Restrict Pharmacy formulary/polypharmacy	($1,350)
27	9	Restructure Murfreesboro Prosthetics/Orthotic Service	($200)
28	15	Maximize Telemedicine	($300)
29	15	Consolidation of selected laboratory functions	($2,000)
30	14	Adjust RN, LPN, NA mix @ Iowa City	($375)
31	2	Standardize Chemistry Equipment resulting in "All Other" cost savings	($250)
32	9	Close/Contract for Memphis Inpatient Neurosurgery	($1,093)
33	6	Hampton Replace 2 Podiatrists with Fee Basis	($100)
34	22	Loma Linda—Decrease Medical Media capabilities	($500)
35	6	VAMC Durham close Cardiac Cath Laboratory	($1,915)
36	11	Close unused buildings at Battle Creek, NIHCS and Danville	($900)
37	6	VAMC Hampton REDUCE 1 PATHOLOGIST	($183)
38	3	Close Int Care(Lyons)	($7,555)
39	6	VAMC Fayetteville Administrative staff reductions	($413)
40	9	Close Leestown Division of Lexington VAMC	($2,500)
41	16	Consolidation of Imaging Services	($1,100)
42	8	Convert capital to operating funds	($6,273)
43	6	VAMC Salem eliminate ENT contract	($80)
44	9	Move Veterans Community Care Center to VA space at Murfreesboro	($61)
45	7	Renovation of Ambulatory Care	($235)
46	3	Merge two Long Term Care Psych Wards	($1,500)
47	20	Equipment funding conversion	($5,000)
48	20	Standardization	($2,000)
49	21	Enhance referrals of Contract Dialysis patients to community resources	($587)
50	6	VAMC Fayetteville Close Orthopedics—surgery and clinic	($300)
51	9	Implement Centralized Controls over Fee Basis Expenditures	($250)
52	22	VISN-wide: reduce acute inpatient census	($1,219)
53	20	Consolidated Contracting	($2,000)

SUMMARY OF VA MANAGEMENT INITIATIVES [1] INCLUDED IN GAO ESTIMATE OF POTENTIAL EFFICIENCY SAVINGS—Continued

Count	VISN		(In thousands)
54	3	Convert EMS to VI workers	($702)
55	22	Long Beach—Ward closure	($1,250)
56	11	Standardize and consolidate procurement of medical supplies	($1,000)
57	14	Adjust indirect/direct Fte mix @ central Iowa	($400)
58	6	VAMC Fayetteville Close Intermediate Care Ward	($1,479)
59	10	Administrative Program Integration between Medical Centers	($3,129)
60	4	Reduce Management Layers (Overhead)	($9,000)
61	17	Advance Tray Delivery System	($850)
62	16	Laboratory Standardization	($1,000)
63	17	Eliminate Intermediate Beds	($534)
64	10	Consolidate Fee Basis Program Administration to central location	($450)
65	6	VAMC Salem reduce Administrative Services	($530)
66	22	Network Business Center—consolidated contracting/purchasing	($3,000)
67	3	Reduce respiratory therapist	($220)
68	22	VISN-wide: reduce .01 expenditures on NRM & station projects	($3,000)
69	6	VAMC Salisbury convert PTSD to residential care	($600)
70	19	Cheyenne-Denver Integration, eliminate Cheyenne Management Triad	($350)
71	18	VISN Contracts (bulk purchases)	($1,000)
72	1	Exchange 80% of anticipated Equipment and NRN funding	($28,748)
73	17	Reduce usage of Fee Basis Salary Account	($1,000)
74	9	VISN Negotiations to Control Cost of State Nursing Home medications	($349)
75	15	Tele-radiology coverage sharing	($500)
76	18	Conversion of NRM and Equipment multi-year funds	($3,000)
77	10	Considate Contracting Functional Responsibility	($506)
78	14	Pharmacy cost avoidance	($3,000)
79	12	Expand BioMedical Equip. Risk pool (Reduce equip. maint. contracts)	($150)
80	14	Consolidate Nuc Med @ Iowa City	($48)
81	9	Dietetics Efficiency Improvements at Memphis	($577)
82	3	Reduce "excessive" bed days of care	($12,000)
83	9	Adjust provider mix for more efficient ratio of physicians to support staff	($5,000)
84	3	Close Med Ward	($1,762)
85	3	Close Medicine (Lyons)	($1,850)
86	4	Restructure Depart. and Wrk Routines (Cont'd Input to Altern. Care)	($17,000)
87	6	VAMC Durham close Dialysis	($1,504)
88	18	Limit Station Level Projects	($300)
89	3	Convert long term Psych ward to residential	($1,000)
90	17	Eliminate Surgery Service at a tertiary care facility	($2,500)
91	6	VAMC Durham close Emergency Room	($849)
92	3	Limit Non-Formulary request for drugs	($250)
93	1	Boston Healthcare System	($10,000)
94	8	Energy Savings contract	($500)
95	19	Eliminate heart transplant program (SLC)	($512)
96	3	Network-Wide Home Health Contract	($500)
97	19	Eliminate fire department—City coverage (Sheridan)	($346)
98	21	Pharmacuetical pre-buys	($1,500)
99	7	Improve C&P Efficiencies	($500)
100	17	Reduce the usage of temporary positions	($450)
101	17	Contract out Misc Services	($4,410)
102	3	Close Psych Ward	($1,500)
103	15	Adj Staffing mix	($2,000)
104	22	Long Beach—Consolidate dietetics w/GLA	($1,500)
105	19	Eliminate cardiothorasic surgery (SLC)	($600)
106	7	Reduction of BDOCs	($1,441)
107	3	Transfer Acute Psych (Lyons) to Medical School	($4,277)
108	15	Energy Savings	($100)
109	5	Shift to Outpatient Care—hlth maint. residential care & community clinics	($2,334)
110	18	Energy Savings	($600)
111	9	Close Nashville Sleep Lab	($100)
112	20	Consolidate Laboratory Services	($3,000)
113	15	Closure of selected inpatient beds	($9,000)
114	22	VISN-wide: PACS/Teleradiology Implementation	($1,000)
115	19	Title 38 Adjustment, RN staff reduced, backfill with LPNs	($300)
116	3	Reduce Station projects	($1,250)
117	9	Reduce Huntington Research Support by Facility and Plant Management	($66)
118	17	Eliminate Psychogeriatric Nursing Units	($1,282)
119	15	Integrate Eastern Kansas-Topeka & Leavernworth	($11,000)
120	1	Integrate Sub Region 2, White River Jct. and Manchester	($2,000)
121	11	Standardize lab Cost per test agreement across network	($1,500)
122	11	ESPC—NIHCS	($750)
123	16	Pharmacy Benefits Management	($2,000)
124	6	VAMC Durham reduce Clinical Service Supervisors	($116)
125	17	Close small VAMCs except for Outpatient Care	($12,745)
126	7	Management initiatives to improve prosthetic services	($234)
127	20	Consolidate Fee Payments/Reduce Variation in Payment	($1,000)

SUMMARY OF VA MANAGEMENT INITIATIVES [1] INCLUDED IN GAO ESTIMATE OF POTENTIAL EFFICIENCY SAVINGS—Continued

Count	VISN		(In thousands)
128	1	Ntwrk Consolidated Lab transportation contract savings	($425)
129	10	Close 3 Wards converting to O/P P/S	($3,759)
130	11	Convert Equipment and NRM funding	($20,600)
131	7	Automation Of Pharmacy	($235)
132	4	Implement Clinical Guidelines	($2,520)
133	9	Integrate Murfreesboro Inpatient Surgery w/ Nashville	($2,886)
134	22	VISN-wide: Implement posthetics service line	($1,000)
135	2	Bio-Med Maintenance Contract Risk Pool	($1,500)
136	10	Energy Savings Performance Contract	($100)
137	6	VAMC Hampton REDUCE 2 SURGEONS	($338)
138	18	Convert MOD coverage from contract to VA MD (rotate coverage)	($500)
139	17	Close psychiatry care at a tertiary care facility	($2,200)
140	7	Improve Pharmacy by actively reviewing prescriptions (polypharmacy)	($335)
141	8	Advanced Food Prep	($1,000)
142	11	Standardize and consolidate procurement of prosthetic supplies	($1,500)
143	8	Integration opportunity (services & functions)	($2,200)
144	20	Close Inpatient Beds (including dorm) through centralization of services	($8,000)
145	19	VISN 19 Network Acquisition Service Center (NASC)—Contract Savings	($3,750)
146	14	A–76 Knoxville laundry	($500)
147	5	Reduction in Average Length of Stay	($5,090)
148	18	Discontinue Women's Clinic and merge with Primary Care	($360)
149	12	Implement Advance Food Prep and Delivery System	($1,200)
150	3	Network Home Oxygen Contract	($100)
151	3	Reduce Interior Design Budget	($300)
152	19	Close Inpatient Beds (Cheyenne)	($3,003)
153	6	VAMC Durham close Open Heart (DRG 104–107)	($4,259)
154	12	Maximize laundry production via reducing purchase of disposible items	($200)
155	19	Eliminate admitting office, emerge room contract (SLC)	($600)
156	6	VAMC Asheville eliminate Cancer/Oncology Program	($1,800)
157	19	Eliminate Lab contract provide in-house (SOCO HCS)	($150)
158	22	VISN-wide: Increase Bio-med. M&R risk pool for equip	($250)
159	1	Med/Surg Prime Vendor contract	($550)
160	8	Consolidate/streamline staffing	($4,000)
161	6	VAMC Salisbury close Med/Surg ICU	($200)
162	9	Prosthetics Centralized Purchasing on Mandated Contracts	($4,747)
163	14	equip/nrm funding conversion	($5,053)
164	14	(Integrate all Iowa sites	($250)
165	3	Reduce Pathology & Lab	($4,541)
166	9	Restructure Memphis Rehabilitation Service	($1,705)
167	1	Exchange CASCA Funds anticipated to be $8,500	($8,500)
168	16	In-house Radiation Therapy Referral	($900)
169	1	Establish Prosthetic Service Line (10% Savings)	($2,000)
170	21	Consolidate wards	($1,400)
171	7	Reorganization	($234)
172	9	VISN Protocols in Management or Reproductive Care	($1,774)
173	18	Consolidate services (e.g., IRM, mental health/primary/specialty care)	($375)
174	8	Bio Med Risk Pool	($1,000)
175	6	VAMC Hampton REDUCE 1 NURSE ANSTHETIST	($126)
176	8	Consolidate contracts	($2,400)
177	3	Close Lt Psych—NOHCS & Northport Transfer to HVHCS & Case Mgmt	($24,323)
178	6	VAMC Salem eliminate Medical Media Service	($259)
179	3	Consolidation of ICUs	($459)
180	17	Reduce usage of Fee Dental	($600)
181	9	Fee out remaining Memphis BPC program	($478)
182	9	Restructure Psych Pgms/Regionalize Inpatient/More Community Care	($4,500)
183	6	VAMC Becidey close all acute care inpatient beds	($3,557)
184	6	VAMC Salem FTSD inpatient to outpatient	($268)
185	6	VAMC Salem eliminate Cancer/Oncology	($233)
186	10	All Other costs associated with ward closures	($3,956)
187	7	Improve Cost Efficiencies	($19,491)
188	6	VAMC Hampton administrative efficiencies	($668)
189	11	Reductions of FTEE from program reallocations and integrations	($9,800)
190	7	Renovation of NHCU Efficiencies	($796)
191	2	Change in Provider Mix RN to LPN	($1,000)
192	9	Contract Murfreesboro Fire Fighter Services to city of Murfreesboro	($122)
193	9	Close/Contract for Memphis Inpatient Neurology	($418)
194	14	Implement multi sidebed workers—Nebraska	($50)
195	21	Prosthetic adjustment (bring contract prosthetic in-house)	($1,738)
196	3	Re-Org SCI Program—HVHCS	($2,000)
197	16	Conversion from IDCU to VISN-wide WAN PR	($1,100)
198	10	Laboratory Svc. Consolidation	($1,000)
199	14	Efficiencies in COJ—Nebraska	($150)
200	19	Energy Savings Performance Contract (ESPC)	($75)
201	7	Increase Occupancy Rates	($934)

SUMMARY OF VA MANAGEMENT INITIATIVES [1] INCLUDED IN GAO ESTIMATE OF POTENTIAL EFFICIENCY SAVINGS—Continued

Count	VISN		(In thousands)
202	11	Implement Pharmacy Benefits Management Initiatives across network	($1,600)
203	17	Consolidate Admin Services	($502)
204	22	VISN-wide: Reduce utility costs, ESPC and deregylation	($750)
205	9	Integrate Nashville Inpatient Psychiatry w/ Murfreesboro	($1,800)
206	1	Convert Inpatient Psych to Outpatient Psych Residential Care	($700)
207	3	Energy Savings Contract-Bronx	($250)
208	9	Restructure Mgn Home Substance Abuse/ HCMI/IPCC	($850)
209	9	Reorganization Mtn Home Physical Medicine & Rehab	($300)
210	14	Integrate all Nebraska sites	($1,000)
211	17	Close substance abuse at a tertiary care facility	($1,548)
212	3	Consolidate anesthesiology leadership	($234)
213	14	Enhanced partnering—Nebraska	($50)
214	14	Adjust RN, LPN, NA mix @ Des Moines	($236)
215	8	Reduce diagnostic costs/patient	($2,000)
216	19	Convert FY9/0 to .01 funds	($3,978)
217	9	Convert Inpataient Psych to Outpatient Psych Residential Care	($5,678)
218	15	Convert Medicine-Consolidate readings to VAMC St. Louis	($500)
219	15	Implement Business Office	($3,000)
220	7	Improve efficiency of Coronary Care services within VISN	($1,480)
221	1	Standardized Supplies	($2,000)
222	7	Contract out Housekeeping Services	($478)
223	9	Improve LTC utilization/Regionalization of Long Term Psych	($7,175)
224	2	Network Pre-Authorization for Fee services/ Impact of CBOCs on Fee	($500)
225	6	Convert 40% of $23.8 million in 9/0 Equipment funds to .001 All Other	($9,537)
226	5	3YR Infrastructure pgm on NRM projects reduced	($3,400)
227	6	VAMC Salem eliminate Orthopedics contract	($200)
228	6	Establish Prosthetic Service Line (10% Savings)	($500)
229	15	Standardization of Supplies and Services	($3,000)
230	3	Network Transcription Contract	($179)
231	3	Reduce prescription practices	($60)
232	9	VISN Protocol in Management of Hepatitis C workload	($4,119)
233	4	Advanced Food prep/Tray delivery Systems	($644)
234	11	CMOP	($3,000)
235	5	VAMC Fayetteville Discontinue contract for ENT services	($30)
236	7	Increase Mentral Health Occupancy	($9,070)
237	17	Reduce usage of Fee Medical	($600)
238	3	Achieve svgs thru drug procurement and excessive scripts	($9,808)
239	15	Advance CMOP Equipment funding to be paid back as reduction in cost	($1,000)
240	14	Laboratory cost avoidance	($195)
241	9	MOD for Non-Admin Hours Management Strategy	($968)
242	6	VAMC Salem eliminate Vocational Rehab	($379)
243	11	Divest of Allen Park facility	($1,000)
244	3	MICA to residential care	($1,000)
245	1	Phase out Medical Surgical Beds	($5,569)
246	15	Reduction of fee basis costs due to improvement mgt. of specialist time	($750)
247	2	Increase Efficient Drug Utilization	($500)
248	6	VAMC Salem eliminate Clinical pharmacists	($292)
249	6	Convert 50% of NRM funds to .001 All Other	($4,484)
250	6	VAMC Durham reduce Administrative Service Supervisors	($160)
251	3	Reduce "All Other" costs due to efficiencies	($1,000)
252	9	Establish Prosthetic Service Line (10% Savings)	($750)
253	6	VAMC Asheville elimination Cardiac Surgery Program	($2,400)
254	9	Improve Murfreesboro Food Production Efficiency	($320)
255	12	Further reduction of BDOC/1000	($13,100)
256	6	VAMC Fayetteville Contral point reductions from current level	($140)
257	21	Fee-Basis program review and adjustment	($2,614)
258	12	Outback on administrative support (research, education, etc.)	($339)
259	6	VAMC Hampton RIF (Completion of Re-organization)	($1,186)
260	9	Integrate Nashville Intermediate Medicine w/ Murfreesboro	($1,200)
261	6	VAMC Asheville consolidate laundry operations	($200)
262	19	Eliminate cardiac surgery contract, perform in-house (Grand Function)	($400)
263	6	Energy Savings Performance Contract—Task Oder #1	($1,500)
264	21	Relocation CMOP activity to less costly CMOP	($1,349)
265	1	Transportation Service Line. (10% Savings)	($700)
266	6	VAMC Fayetteville Discontinue contract for Dermatology services	($228)
267	15	Expansion of Food Service and VCS integration	($500)
268	3	Acute MDS	($700)
269	6	Restructure Administrative Services	($1,000)
270	22	VISN-wide: reduce .01 expenditures on equipment	($3,000)

SUMMARY OF VA MANAGEMENT INITIATIVES [1] INCLUDED IN GAO ESTIMATE OF POTENTIAL EFFICIENCY SAVINGS—Continued

Count	VISN		(In thousands)
271	3	Establish Facility Business Offices	($1,250)
272	9	Reorganize Mtn Home Engineering Workshops	($300)
273	18	Clinical Imprvmnts (e.g., telemedicine, dialysis, home oxygen, outsource)	($250)
274	16	Energy Savings Performance Contract	($750)
275	1	Phase out Tertiary Contract	($3,000)
		Total Savings and Reductions	($610,043)

[1] Management initiatives and dollar savings estimates are stated as included in VA's budget planning document entitled, "FY 2000 Financial Projection and Operating Strategies."

Mr. GRASSLEY. Mr. President, I am pleased to co-sponsor this amendment to increase the appropriation for veterans medical care by $600 million over the amount reported by the committee.

This additional $600 million will bring the appropriations for veterans health care in both the House and the Senate to a total of $1.7 billion over the amount requested by the President. This increase should help stabilize veterans health care services in Iowa.

Iowa is in Network 14, which includes most of Nebraska, part of Illinois, and parts of Kansas, Missouri and Minnesota. Network 14 is one of those which has steadilly lost funding under the Veterans Equitable Resource Allocation System, the funding system which, several years ago, changed the way VA monies are distributed around the country.

In addition, as my colleagues know, the VA health care system, following developments in the rest of the nation's health care system, has been emphasizing care in outpatient settings where appropriate. In keeping with this policy, the network including Iowa has developed outpatient clinics in several communities around the State, as well as health screening activities around the State.

In many respects, this shift to an outpatient focus is good policy. Certainly care should be given at the most medically appropriate level. Veterans can receive that care closer to home than might otherwise be the case if sufficient community clinics can be created. It is also probably the case that more veterans can be served by such an approach to health care services. This has certainly been the case in Iowa. Between 1996 and 1998 the total number of veterans served in Iowa has increased from 43,856 to 47,225, an increase of 3,369. Veterans treated on an inpatient basis declined from 7,615 to 5,204 over that period, but veterans treated on an outpatient basis increased from 36,241 to 42,021.

Unfortunately, the combination of the shift of funding away from States like mine to the south and southwest, and tight Federal budgets for veterans health care has resulted in a squeeze on the budget for Network 14. Although the network has been able to continue to serve the category 7 veterans, I regularly hear complaints about very long waits for service, and, occasionally, about episodes of poor quality service which seem linked to too few staff.

I hope that this increase of $1.7 billion beyond what the President requested will help ease the budget squeeze of Iowa and Network 14, and will help prevent any further deterioration in access to services for Iowa's veterans. I am aware, of course, that the VA will be providing a 4.8 percent increase for VA employees, and this will come from the appropriation for VA programs. And health care costs continue to inflate. Nevertheless, this increased appropriation should help us in Iowa.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1744) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1747

(Purpose: To increase the amount appropriated for the Veterans Health Administration of the Department of Veterans Affairs by $1,300,000,000)

Mr. WELLSTONE. Mr. President, I thank my colleagues. I will send an amendment to the desk shortly.

Let me speak about this amendment. It is on the same subject matter. My colleague from West Virginia did a good job of outlining problems with the flatline budget. What we have had the last several years is a budget that has led to a decline, unfortunately, in the quality of health care for veterans. The presiding Chair has been a real leader in this area. I think he is very familiar with this.

Part of the problem is that the budget not only does not deal with gaps in veterans' health care, or the need to deal with a lot of veterans who are homeless—I think it is a shameful statistic when, some believe, maybe up to one-third of the homeless population are veterans—or the need not to do better for drop-in centers for veterans as an alternative to institutionalized care.

I say to my colleague from Maryland, perhaps the biggest gap is an ever-aging veteran population and the fact this carries with it very real challenges in delivering care to this part of the veteran population in a humane and dignified manner.

What this amendment which I will send to the desk does, it is consistent with the veterans independent budget. It will call for an increase of an additional $1.3 billion. I say this to my colleagues: This amount of resources for veterans' health care does not come out of thin air. This is based upon an

independent budget which was produced by major veterans organizations—VFW, Disabled American Veterans, Paralyzed Veterans, and the Vietnam Vets.

What this budget does is something that I think is terribly important. It corroborates the findings of a report I was able to issue on the floor of the Senate not that long ago called ''Flatline Veterans Health Care and Fiscal Year 2000 Budget.'' I sent a copy out to all of my colleagues. Let me summarize the conclusion of this report.

Without a doubt, the men and women of the VA health care system will continue their effort to provide quality health care regardless of what future budgets hold. However, the majority of the 22 VA directors report without a significant infusion of new funds, the future is one of fewer staff, offering fewer services and treating fewer veterans.

Let me be clear about what is at stake. I appreciate the amendment we just passed, but the truth of the matter is it does not meet the needs. I want all of my colleagues to understand I came out with this amendment with Senator JOHNSON and 99 Senators voted to increase the amount of veterans' resources, to increase the budget, by exactly this amount of money. We have squeezed about as much money out of this as we can. The VA health care system is desperately short of resources. I think we absolutely have to do better.

This amendment means the difference between an aging World War II veteran driving 6 hours to a hospital for care and the same veteran visiting an outpatient clinic in his own community. The amendment could mean the difference between a week's wait and several months for an appointment at a mental health clinic for veterans suffering from PTSD. The amendment could be the difference between cost-effective and humane care instead of responding to a crisis.

Again, I want to make this clear. My colleagues are on record: 99 Senators voted to support an extra $3 billion above the President's request for the VA. That is exactly what this amendment calls for. This was an amendment to the budget resolution offered by my friend from South Dakota, Senator JOHNSON. It passed the Senate 99–0 and raised the Senate budget to the level recommended by the independent budget. I think it is now time to make good on that vote.

Finally, let me be clear. I think there is a powerful claim that veterans can make. I say to my colleague from Missouri, I will read from this study and what I have heard from the regional directors. It is unbelievable. They are making it clear with an additional $500 million or $600 million there are still huge gaps. If we are really serious about dealing with these gaps, if we are really serious about adequately funding VA health care—and I think the veterans have a moral claim—I think this is a commitment we made to our veterans, this amendment for the additional $1.3 billion brings us to the level that really will deal with these glaring gaps. As a matter of fact, again we had a 99–0 vote to increase the funding to exactly the level called for in this amendment.

I want to be clear. I have been critical of our President, Democratic President. I felt the flatline budget in the original budget proposal that came from the White House was no way to say thanks to the veterans. I have tried to work with colleagues on all sides of the aisle on this question. But in many ways I am on fire on this question. I really believe we have to live up to a commitment we have made.

Let me read from a ''Dear Colleague'' letter that I think brings this into sharp focus:

DEAR COLLEAGUE: We invite you to join us in honoring a commitment to our Nation's veterans, a commitment that we feel is being neglected in their time of need. We are concerned that funding for the fiscal year 2000 Department of Veterans Affairs contained in the fiscal year 2000 VA–HUD appropriations bill is inadequate in addressing the health care needs of our veterans' population.

During consideration of the budget resolution, we offered an amendment that increased veterans' health care in fiscal year 2000 by $2 billion above the level contained in the budget resolution. The U.S. Senate accepted the Johnson-Wellstone amendment by a 99–0 vote. Many of our Nation's veterans' organizations endorsed our efforts to increase veterans' health care.

Unfortunately, this appropriations bill only contains a $1.1 billion increase. Now we have added an additional $600 million to that, which is a step in the right direction. Therefore, we will be offering an amendment which would now provide for an additional $1.3 billion to make the total increase for veterans' health care up by $3 billion.

The VA budget has been flatlined for the past 3 years and this catchup effort is badly needed.

Mr. President, I want to marshal the evidence why I believe it is critically important my colleagues support this amendment. On June 15, 1999, I sent a letter to 22 of the veterans integrated service networks—that is what we mean when we are talking about the VISNs—asking them for data as to what they were dealing with, what were the effects of flatline funding. Each director was asked to provide specific information about the impact on veterans' health care of the Clinton administration's fiscal year 2000 proposal and possible congressional appropriations levels.

By July 12, it was amazing. All 22 directors had provided a response to my office. I want to summarize some of what they had to say.

By the way, some of what they have said, some of the data, is deeply troubling. They made it clear that then-Under Secretary for Health Kenneth Kaiser's words in an internal memo earlier this year, that the President's proposed budget posed ''very serious financial challenges,'' was no exaggeration.

We have made some improvement with this amendment that Senator BOND has introduced. But let me go on with the amendment I have introduced, which my colleague from New Hampshire, Senator SMITH, also wants to cosponsor. I ask unanimous consent he be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, 20 of these VISNs would have funding shortfalls under the Clinton budget. Twenty out of 22 VISNs reported that the Clinton administration's fiscal year 2000 budget would result in a shortfall of funds necessary to provide either current services or current services combined with new mandates and demands.

As many as 10,000 employees would be cut under the Clinton budget. Nineteen of the 22 VISNs indicated that staff reductions would be necessary under this budget. Altogether, the VISNs reported that staffing levels would have to be reduced by as many as 10,000 employees through a combination of attrition, furloughs, buyouts, and reductions.

Ten of these would reduce patient workload under the President's budget; 71,000—and then I will get to my colleague's improvement to talk about why I think it is an improvement but falls short of what we should be doing—71,129 fewer veterans would be served under this budget.

Let me go to the negative impact of the Clinton budget, plus the additional $500 or $600 million that we have here.

I asked them on the $500 million, the majority of VISNs reported on the budget $500 million above the President's proposal. It is $500 million above, which is not quite the level that my colleague from Missouri has proposed.

Again, here is what we hear: 12 reported they would experience shortfalls in providing services; 13 talked about reduced staffing; and, again, 38,000 fewer veterans would be served. And over and over and over again what I heard from these directors, which reflected the independent budget report by these veterans organizations, is: Senators, if you want to honor your commitment to veterans, if you want to say thanks to us, then you have to recognize the impact, the dramatic negative impact of these flatline budgets.

I say to my colleagues on the floor, I am being scrupulously, if you will, nonpartisan in my critique. The President's budget was woefully inadequate. But what these veterans organizations did, since we have been saying to them

for years, ''Stop being so negative; tell us what you need,'' is they got together in an excellent coalition effort. They put together this independent budget, and they talked about what we would need to do to help an increasingly aging population, what we would need to do to make sure we had adequate staff, what we would need to do to make sure that staff wasn't doubling up on hours, what we would need to do to make sure there were not longer waiting lines, what we would need to do to get more community-based care not only to elderly veterans but to veterans who are struggling with posttraumatic stress syndrome—what we would need to do to honor our commitment.

This amendment by our colleague is a step in the right direction. It is what the House has called for, but it is not what Disabled American Veterans, Paralyzed Veterans of America—let me simply read from this letter from PVA, and then I say to my colleague from New Hampshire, if he wants to speak on this amendment, I will finish up.

DEAR SENATOR WELLSTONE,

On behalf of the Paralyzed Veterans of America, I am writing to urge you to provide a $3 billion increase for veterans' health care. The $1.7 billion increase provided by the House of Representatives—

Which is now what we have here—

is inadequate and would only serve to maintain the continuing deterioration in health care provided to veterans. The $1.1 billion increase provided in the bill provided by the Senate Appropriations Committee does not even reach the level of inadequacy.

In fact, the $1.7 billion increase represents a net increase of only $300 million. The Administration's budget proposal not only flat-lined veterans' health care for the fourth year in a row but called for $1.4 billion in ''management efficiencies''—cuts in personnel and health care. Once these cuts are averted, veterans' health care will be left with a $300 million net increase. If the increase of $1.1 billion provided in S. 1596 is maintained, the VA will suffer a net decrease of $300 million.

The Independent Budget identified the resource needs—

This is the operative language—

of the VA, as requiring a $3 billion increase. This was also the same amount identified by the Senate Committee on Veterans' Affairs in its ''Views and Estimates'' —

That is our Senate Committee on Veterans' Affairs—

which stated:

VA requires over $3 billion in additional discretionary account funding in FY 00 to support its medical care operations.

Mr. President, what I am simply saying to my colleagues is that if, in fact, we have DAV and VFW and Paralyzed Veterans and Vietnam Veterans of America who do their own analysis, present this budget, say we need to go up $3 billion from the President's request, and in addition we came out with an amendment, Senator JOHNSON and I and every colleague—99 Senators voted for this increase—then why in the world are we not going to vote for an appropriation of money that will, in fact, deal with these gaps, that will, in fact, make a huge difference?

So I send my amendment to the desk, which would increase the amount appropriated for the Veterans Health Administration of the Department of Veterans Affairs by $1.3 billion. I send this amendment to the desk on behalf of myself, Senator JOHNSON, and Senator SMITH.

I see Senator JOHNSON and Senator SMITH on the floor. But let me just summarize.

I thank my colleague from Missouri.

The PRESIDING OFFICER. If the Senator would suspend, the clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. JOHNSON, and Mr. SMITH of New Hampshire, proposes an amendment numbered 1747.

Mr. WELLSTONE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. The amount appropriated or otherwise made available by this title under the heading ''VETERANS HEALTH ADMINISTRATION'' is hereby increased by $1,300,000,000.

Mr. WELLSTONE. I just simply say to my colleagues, we are on record supporting this increase in funding. We voted for it 99–0. In addition, I have three pieces of evidence to support this.

Our own Senate Veterans' Committee said this is really what we need. That is what our Senate Veterans' Committee said. I sent out, because I could not get a straight story from the Veterans' Administration, a survey to all these different VISNs, and 22 directors responded. They said: This is what we need. And they talked about staff reductions and longer waiting lines and what they really needed.

Finally, the veterans organizations themselves spent a considerable amount of time studying the needs of veterans and came up and said: Listen, this is the shortfall. If you really want to make a commitment to us, if you really want to deal with some of these deficiencies, if you really want to deal with some of these gaps in health care, if you really want to say thanks to us, whatever money you are going to have in the surplus—which will go wherever—you ought to at least honor your commitment to us.

That is what this amendment asks my colleagues to do. I hope there will be a strong vote for it.

Mr. JOHNSON. Mr. President, if I might ask my colleague a question.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has not yielded the floor.

Mr. WELLSTONE. I am pleased to take a question.

Mr. JOHNSON. Yes.

Let me say first, while I am very grateful for the effort that our colleague from West Virginia and our colleague from Missouri have undertaken to try to better fund the VA budget, I commend my colleague from Minnesota, Senator WELLSTONE, for clarifying and making it very clear that in fact while the budget picture is difficult—we know that—at the same time, if we were to fully fund everything that really ought to be done, it would require a $3 billion infusion, given the 3 years of flatline budget that the VA health care budget is already suffering through.

Certainly, I applaud the effort to bring the VA health care budget up $1.7 billion instead of $1.1 billion. I think that is a very positive thing. But it does concern me that when we talked about the full $3 billion increase, we were talking then about the opportunity, as I understand it—if the Senator agrees with me—that that would have been sufficient then to fund the hepatitis C screenings, emergency care services, and 54,000 new patients in 89 outpatient clinics around America. This is the kind of agenda we would have been able to proceed with if we had been able to secure the full $3 billion instead of $1.1 billion—or certainly $1.7 billion.

So I applaud again my friend, Senator WELLSTONE, recognizing we worked together on the budget resolution earlier this year to secure House agreement with a $3 billion increase. And we have been fighting ever since to try to hold the number as high as we can get it, recognizing that when it comes to veterans' health care, would the Senator agree with me, this ought to be the kind of budget priority that comes at the head of the line rather than one that we fund with whatever is left over after everything else has been concluded.

In fact, these are the individuals who put their lives on the line, who disrupted their families, who did their duty, who gave their service to our Nation and made it possible for our liberty to be protected, for our democracy to be preserved. Yet, too often, when it comes to living up to the obligations that our Government has made to the health care of our veterans and their families, we cry poverty when in fact virtually everything else in the budget has already been taken care of.

It would seem to me that we do have a need to continue to put veterans' health care concerns among our very first priorities—in fact, right up there with our national security funding itself. I think that veterans' health

care funding—if the Senator would agree with me—is part and parcel of our national defense strategy—at least it ought to be regarded in that respect—because it is part of what keeps so many of our best and brightest young people interested in a military service career at a time when we have too many people leaving the military, where we have retention problems.

It would seem to me that one of the reasons we have that problem is, we have too often reneged on and neglected our obligations on such fundamental things as veterans' health care and veterans' benefits in the past.

So again, I appreciate the effort to try to raise the visibility of our obligations to our veterans and to secure the best possible funding we can possibly get out of this conference report.

Mr. WELLSTONE. Mr. President, I say to my colleague from South Dakota, first of all, I appreciate his support and his work, as I do the support of my colleague from New Hampshire.

I remind my colleague from South Dakota that when we started out working on this and brought the amendment before the Budget Committee, where colleagues voted to what would now raise this $1.3 billion above the amendment from my colleague from Missouri up to the $3 billion difference between what the administration had and what the veterans independent budget said we needed, we were doing this on the basis of just lots of meetings and conversations with veterans.

My colleague gives some very good examples. It is not a question of political strategy. I was very moved by this letter from PBA. One of the things they say to me and say to us, I say to Senator JOHNSON, is they point out that the VA requires this is the amount—this is a report from the Senate Committee on Veterans' Affairs, views and estimates. This is the summary of our own Veterans' Committee of what we need.

VA requires over $3 billion in additional discretionary account funding in FY 00 to support its medical care operations: an additional $1.26 billion to meet unanticipated spending requirements; an additional $853.1 million to overcome the effects of inflation and ''uncontrollables'' in order that it might maintain current services; and at least $1 billion—

This is the way they break it down—

in additional funding to better address the needs of an aging and increasingly female, veterans population.

Mr. JOHNSON. Would the Senator agree, with this fiscal year ending with the estimated $14 billion surplus over and above that required for Social Security, that we ought to be able to, with the $14 billion surplus, find some additional room to address the problems of veterans' health care?

Mr. WELLSTONE. I say to my colleague from South Dakota that given the surplus and given the record economic performance, I am in complete agreement with him.

I again say to all of my colleagues, Democrats and Republicans—who I think support this and are on record supporting this additional investment—that we get in my office back in Minnesota more constituent calls from veterans than any other group. All too often these are veterans who fall between the cracks.

I was a cosponsor of the Bond amendment. I think it is a step in the right direction. But we are on record saying we know we have to do a better job. We have the Senate Veterans' Committee on record in its own report. We have the veterans independent budget that identifies gaps in all these needs.

In addition, I have a survey that I did with a lot of these visiting directors in which they say they will need these resources. If we are going to say on the floor of the Senate we are for the veterans, if we are going to say we are for improving veterans' health care, then I think this is an additional improvement to the amendment we have just passed. This is an amendment that does the job. This is the amendment that many veterans organizations are saying we ought to fight for.

Again, I say to my colleagues, 99 colleagues are on record. I hope we will get a very strong vote for it.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Missouri.

Mr. BOND. Mr. President, for the information of all Senators, I hope the leadership will be able to clear an agreement that all first-degree amendments in order to this bill be submitted to the desk by 3 p.m. today. That will help ensure swift passage of this HUD-VA bill. In addition, let me clarify, the call for regular order with respect to the HUD-VA bill only applies to the bankruptcy bill. Therefore, Members can expect a late night this evening in order to make progress on the bill.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BOND. Mr. President, I ask unanimous consent that Senator JEFFORDS and Senator HAGEL be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask that Senator SARBANES be added as a cosponsor to our $600 million VA amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I join with my colleague from Missouri in asking all those on my side of the aisle, please cooperate with the committee, have those first-degree amendments in by 3, so we can expeditiously move this bill.

I also ask my colleagues on my side, those who want to speak about aspects of the bill, come forward and be prepared to speak. We have already been on the bill for 2 hours and haven't had one quorum call. I hope, in order to move expeditiously, we don't have big, empty spaces.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I should clarify that I was not asking unanimous consent that all amendments be in by 3 p.m. I am hoping the leadership will be able to clear an agreement establishing a time. This was an expression of hope. I am sure my distinguished colleague from Maryland has the same hope burning in her heart that I do in mine, but it is not ripe to propound as a unanimous consent at this time.

I was not asking unanimous consent on the 3 p.m. for filing all amendments. We hope we can get a reasonable time.

The distinguished ranking member of the full committee wishes to speak. I need to make just a few quick points about the Wellstone amendment.

We have, as everyone knows, been working for some time to determine how much VA needs in its budget. We knew that the budget submitted to us was entirely inadequate, and we know that the VA's own Under Secretary issued a memorandum last February indicating his concerns about it. There were no details in the President's budget. So in our committee, where we have responsibility for preparing a budget, we take requests, and these requests we judge in good faith.

We have the responsibility of allocating the scarce dollars. We asked the VA and its networks to put together plans as to how they would operate. That is where we learned about the closures, cutbacks in care, reduction of 13,000 employees. We saw that was a disaster. We asked VA about the proposed management efficiencies that networks said could be implemented, and should be implemented, to improve the efficiency of VA care, and they said about half of them could be. So they are finding money by making savings within their budget.

The things that they are doing are commonsense, good practices, such as bulk purchasing, improving prescription patterns, centralizing certain functions, closing unused buildings, and so forth. We are going to have to do more of that.

To be clear, we expect continuing reforms. We want to see good health care for veterans. In many instances in the past, that has not been accomplished purely by throwing in more money. We need to make sure the money is effectively spent. We have provided an additional $600 million to make sure they have the funds adequate to ensure the health care dollars do deliver to the needs of veterans.

The amount we have agreed to, this addition of $1.7 billion, is, I understand, the highest increase ever for VA medical care. The amount we have agreed to in the budget of $19 billion will allow VA to provide more care and better care to our veterans. Also, I should note that the Veterans Affairs budget has not been flatlined. We have been adding about $100 or $200 million a year, and we think that this increase, a very significant one, is vitally important.

The proposal the Senator from Minnesota made would not take money from the surplus. It would take money from Social Security. We are working within very tight budget constraints to provide an additional $600 million. Any dollars above that will come straight out of Social Security. The $14 billion is onbudget, non-Social Security funds and has been used up in emergency spending for agriculture, the census, and other emergencies. There is no free money floating out there. That is one of the constraints under which we must operate on the Appropriations Committee. That is why the leadership of the Senator from West Virginia, the Senator from Alaska, and the Budget Committee has been so important to make that we could provide additional funds.

I know the distinguished Senator from West Virginia has some comments.

Mr. WELLSTONE. Mr. President, might I respond to what my colleague said, if I could ask my colleague from West Virginia.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, is time under control?

The PRESIDING OFFICER. Time is under control.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I will only speak briefly. I was in an appropriations conference meeting when Mr. BOND so graciously called up the amendment on my behalf and on his behalf and on behalf of Senator STEVENS, Senator MIKULSKI, and others. I express my appreciation to Senator BOND for doing that. I express my appreciation to Senator STEVENS for helping us in the Appropriations Committee to have increased allocations for the various subcommittees. And particularly with reference to the Subcommittee on VA, HUD, and Independent Agencies, the Senator from Missouri, Mr. BOND, and the Senator from Maryland, Ms. MIKULSKI, have performed an extremely important job and have done it well, with the limited amount of funds that have been available to them.

In the committee, we recently increased the amount for veterans' health care by $1.1 billion. We did it because Mr. STEVENS and I were able to find ways to add monies for the VA–HUD subcommittee. On the floor earlier today, the Senate agreed to the amendment offered by Mr. BOND on my behalf and on his behalf and the others whose names I have already mentioned.

I am sure that each of us would like to do more. I have been in Congress now, this is my 47th year. I have always supported the interests of our veterans. I was a member of the Senate when we did not have a Senate Veterans' Affairs Committee. The Rules Committee, on which I served, made it possible for the Senate to consider and agree to the proposal that there be a standing committee of the Senate entitled the Veterans' Affairs Committee. I was a Senator who was on the Rules Committee then and who stood up for the veterans. We received a lot of mail at that time from veterans all over the country in support of having a standing committee of the Senate designated the Senate Committee on Veterans' Affairs.

So, I have been very supportive of the veterans and their families, and legislation and appropriations that affect their welfare and their well-being.

Now, the House has approved a figure of $1.7 billion as an increase over the amount that was in the President's budget. The Senate committee approved an increase of $1.1 billion. That left us $600 million short of where the House of Representatives stood. I think it would be very important to the veterans if the Senate were able to go to the House, in conference, with a figure that matched the higher figure the House has already agreed upon. That is one reason why Senator STEVENS, Senator BOND, Senator MIKULSKI, and I thought it was very important to increase the amount by $600 million.

I want to thank our veterans organizations also. Many of us can only imagine how difficult it must be for a soldier to be awakened in the depths of the night by the startling sound of shell explosions or small arms gunfire, to be on the other side of the world from where one's family and friends make their homes, to wade through muddy water up to one's shoulders, to carry 50 pounds of ammunition and supplies on one's back, not knowing if one will live to see the sunset at the end of the day.

Our veterans have gone into harm's way time and time again in order to preserve the freedoms that we Americans enjoy and that our friends and allies have also fought and died to protect. There are many Americans who have dared to know the horror of war in service to this country. I am not one of those. I am not a veteran. I worked in the shipyards and helped build the *Victory* ships and *Liberty* ships to convey men and supplies to our military forces overseas. So I did my part. But I did not serve in any of the military forces.

Unfortunately, as the veteran population begins to reach an age where they need more health care, too many American veterans are facing the stark circumstances wherein it may appear that the Nation they faithfully and honorably served is turning its back on them in time of need. We do not intend to do that. We don't intend to do that on the VA–HUD subcommittee. We don't intend to do that on the full Appropriations Committee of the Senate.

So we think we have responded as best we could under the budgetary restrictions that confront us. We have caps that are set in statute. We would like to do more in many areas where appropriations are concerned, but we are restricted by the budgetary caps. I have been in favor of lifting those caps, but they are not lifted as of now.

I think it is our duty to honor our debt to the veterans who, in the spirit of those patriots of the Revolution, dared much, risked much, and sacrificed much that we might enjoy the blessings of freedom.

I also will take a moment here to say I was very supportive of our veterans when I was chairman of the Appropriations Committee. I helped to appropriate funds and to allocate funds to the VA–HUD subcommittee in order that we might add clinics, add space in various veterans hospitals around the country. We did it in my own State of West Virginia, in Huntington, Beckley, Clarksburg, Martinsburg. I can remember when I helped to provide $76 million for a new veterans hospital in Martinsburg to replace the old Newton D. Baker Hospital. I have been in this fight a long time. I am not a veteran, but I think I have been true to my duties and responsibilities here, one of which duties is to see that our veterans are taken care of, treated fairly, and that their services are respected, appreciated, and remembered.

Therefore, I was happy today to provide the amendment that was offered by Mr. BOND and cosponsored by Mr. BOND, Mr. STEVENS, Ms. MIKULSKI, and an additional 20 or more Senators.

I thank the distinguished Senator from Missouri for yielding this time.

I have to go back to another appropriations conference. This time, I want to take up the battle for our drought-stricken areas of West Virginia and other States in the eastern United States, stretching from Tennessee up to Vermont. Again, that is with respect to the drought and the problems it has created for our livestock farmers. I want to go there and fight their battle. For the moment, I have been delighted to come to the floor. I also appreciate the support of other Senators on this amendment. I express my appreciation to Senator STEVENS, who is not on the floor, and to Senator BOND, and Senator MIKULSKI for the excellent leadership they continue to give in this extremely important bill.

I thank all the cosponsors to the amendment which would provide an additional $600 million for veterans' medical care, including Senators BOND, DOMENICI, STEVENS, MIKULSKI, GRASSLEY, BINGAMAN, JOHNSON, SPECTER, MURKOWSKI, WELLSTONE, SMITH of New Hampshire, HOLLINGS, ROCKEFELLER, AKAKA, CONRAD, KERREY, BIDEN, LEAHY, BOXER, HAGEL, MURRAY, JEFFORDS, SARBANES, HUTCHINSON, REID, KERRY, ROBB, BUNNING, BRYAN, KENNEDY, ROBERTS, ASHCROFT, SNOWE, COLLINS, COVERDELL, HARKIN, ABRAHAM, DORGAN, DURBIN, THURMOND, MCCAIN, LEVIN, LANDRIEU, FRIST, and others.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I know my colleague from New Hampshire wishes to speak. I thank Senator BYRD, and I agree with what he said. I want to go over the evidence that in fact we can do better and we have to. I support Senator BOND's effort. But in terms of all of the data we have on veterans' health care, I think the amendment meets that.

I ask unanimous consent I be able to follow Senator SMITH. I will only take 5 minutes.

Mr. BOND. I object, Mr. President. We don't have the time.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I want to say that I support the efforts of the committee in increasing by some $600 million the money for the benefits to veterans that was not in the bill. I commend them for their leadership in doing it. I agree with my colleague from Minnesota that this is simply not enough.

I think my colleague is correct. I want to say to my colleague from Minnesota that not only do I appreciate his efforts on the floor in behalf of our Nation's veterans, but I support those efforts.

I am proud to be a cosponsor of this amendment because I believe we have heard horror story after horror story after horror story in all of our offices year after year after year. It seems as if we always have money for everything. Lord knows I have been down here many times opposing that ''money for everything.'' Indeed, I have an amendment that I will offer very shortly. My colleague from Minnesota might disagree with me, but it increases money for veterans but takes it out of the AmeriCorps Program, which he probably will oppose me on.

But on this amendment, I want to say that we agree. The veterans of this country need more help. They shouldn't have to beg for it. They deserve it; they earned it. We have heard it time and time again—whether it is the American Legion, the VFW, DAV—whomever you spoke to. In meeting after meeting in my office, we hear the same thing.

I think my colleague from Minnesota will agree with me on this. We drive to work into Washington, especially in the winter, and nothing is more painful than seeing a veteran lying on a grate in this city. This happens all over America. I have seen this now for 15 years. I have fought for 15 years to try to correct it.

I am just determined now that I am going to do whatever I have to do on this floor to see that it stops.

There is no way this country, as great as it is and as rich as it is, should tolerate that. Enough is enough. It has happened in Democratic administrations. It has happened in Republican administrations. Enough is enough.

Whatever we have to do to help these veterans get off those grates, whatever we have to do to help veterans get the health care and shelter and things they need, then I am prepared to do it. I am prepared to sacrifice somewhere else in the budget to do it—whatever it takes, whatever we have to do.

I say to my colleague from Minnesota that I appreciate his leadership on this. I am proud to support him on it. I will continue to support any efforts that he should author, or perhaps he may support some that I may author, in terms of helping to get this mess straightened out so that we don't have to continually hear these horror stories of veterans being denied care.

I know the Senator from Minnesota has, as I have, gone to veterans homes. You see some of the conditions they have to endure. It is outrageous.

We give them the best. We try to give them the best when they go to serve, wherever that may be. We ask them to go all over the world—too much in my view. Then when they come back, they deserve the best, as well, in terms of care. I think with good intentions we try to do that, but we have failed. We have come up short in a lot of areas. I think the Senator's amendment will help to address that.

I think everybody on the floor supports our Nation's veterans. I don't in any way insinuate that any of my colleagues who are offering another amendment of a lesser amount don't support veterans. But we clearly have not addressed this problem. The Senator from Minnesota pointed out that there was a 99–0 vote on exactly what the Senator is proposing. I see no reason why we can't step forward. It is a shame that we have to have another vote. I think it ought to be in the legislation. It ought to be in the bill.

But I am going to stand here no matter how many times it takes, as often as possible, and as long as possible to make these points.

I am more than happy to join my colleague in doing this to help our Nation's veterans.

Mr. President, parliamentary inquiry? Are we on the Wellstone amendment at this point?

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. Could I ask a question of the manager? Is it the manager's intention to have a vote on this amendment? I have one I would like to offer. I would be happy to offer it and have it set aside, or have this one set aside. I don't know what the intention of the manager is.

Mr. BOND. Mr. President, we are busily working to get a unanimous consent order as to the timing for the vote on this issue to accommodate a number of our colleagues. We are working busily right now. The reason I asked that I be able to regain the floor after the Senator from New Hampshire spoke was to be able to propound that unanimous consent request. I am still hoping that momentarily we will have the unanimous consent request.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, while we are waiting to fine-tune the unanimous consent on this amendment, I would like to comment on this amendment.

I also would like to take this opportunity to ask unanimous consent that Senator HARRY REID be a cosponsor of the $600 million VA amendment offered by Senators BYRD, STEVENS, BOND, and MIKULSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, first I thank the Senator from West Virginia, Mr. BYRD, for his assistance on this bill and his advocacy for veterans. We would not have even be able to move this bill to the floor had it not been for Senator STEVENS and Senator BYRD identifying the $600 million. We need to look at where we were 6 weeks ago.

Veterans' health care under the spending caps was down $1 billion. Thanks to the advocacy and ingenuity, I might add, of the chairman of the Appropriations Committee and the ranking member, we were able to come to the floor. That is why I also said in my opening statement that we had the will, but we didn't have the wallet.

Again, with Senator BYRD and Senator STEVENS identifying a window or a particular technique to declare $600 million in emergency, we will be able to ensure that nothing is closed.

I don't dispute the comments of the Senator from Minnesota about the need for more. I also don't dispute his comments about the need for better. The Senator from Minnesota is well known for his advocacy for veterans. We particularly congratulate him for his steadfastness in continuing to bring to our attention the plight of veterans with posttraumatic stress syndrome.

I also remember him speaking for the nuclear vets—those who were exposed to nuclear radiation where that trauma was not compensated for or identified.

I thank the Senator for what he has done, but I have to say his amendment violates the Budget Act. It breaks the spending caps. He and I know the Budget Act leaves much to be desired. The budget policy leaves much to be desired because the spending caps have prohibited us from meeting compelling human needs.

I know that some time this week President Clinton will be vetoing the tax bill. I am glad he is going to do that because then maybe we can get down to serious business about how we can fund Social Security, extend the solvency of Medicare, and meet compelling human needs.

I say to the Senator that I support what he wants to do in principle, but I will not be able to support his amendment because it violates the budget caps. But, again, the points that he has made are very well taken.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, just for the information of all Senators, we have been working on a time for the vote on this amendment. There seems to be a consensus, although I am not in a position to ask unanimous consent, that most of the colleagues will be back and prepared to vote at 2 p.m.

For the information of all Senators, I will propose to raise a Budget Act point of order at 2 p.m. I believe the Senator may wish to make a motion to waive that Budget Act point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if my colleague eventually propounds this, I wonder if I might have a few minutes after he speaks to waive it—5 minutes.

Mr. BOND. Mr. President, if we are able to have a unanimous consent agreement to establish it at 2 o'clock, I will ask for 4 minutes equally divided prior to that time to discuss the Wellstone amendment. I did not understand we were ready to have that unanimous consent agreement. Without the unanimous consent agreement, we cannot assure the Senator he will have that time because raising the Budget Act point of order triggers the activities resulting in potentially an immediate vote.

Apparently, we are not ready to propound a unanimous consent request, so I urge the Senator sometime before 2 o'clock to make his comments in support of waiving the Budget Act.

Ms. MIKULSKI. If the Senator will yield, isn't it safe to say we will have no votes before 2 o'clock, to protect Members?

Mr. BOND. It is the wish of the bipartisan leadership we not have any votes prior to 2 o'clock. I assure all Senators if we conclude debate on this amendment, it might be possible for the amendment to be set aside and others to be considered. There will be no votes before 2 o'clock.

Mr. WELLSTONE. Mr. President, I want to go, first of all, to the substance of what has been said about veterans' health care. Then I will talk to staff about how we might debate my motion to waive the Budget Act.

Let me, first of all, say my good friend from Missouri said we didn't have a flatline budget. If we increase the budget $100 million, $200 million a year, compared to medical inflation, that is a flatline budget. Spend time with veterans anywhere and one knows it did not work. The budget ran way behind health care needs. That is to what the amendment tries to speak.

Second, I ask my colleagues, deciding what we need to do by way of making sure we are providing good health care for veterans, my colleague talks about what the Veterans' Administration has said to him. They have to deal with OMB and the bean counters. Or are you going to pay some attention to this independent budget put together by many veterans organizations, which calls for the need for an additional $3 billion above the President's proposal, which is now, my amendment, $1.3 billion. We are getting there because the veterans community has organized and the veterans community has been heard. I am glad they have done so.

Here is a list of independent budget endorsers: National Coalition for Homeless Veterans, Veterans of the Vietnam War, Vietnam Veterans of America, Retired Officers Association, Military Order of the Purple Heart, Disabled American Veterans, Paralyzed Veterans. There are 40 different organizations that endorse this budget.

It is interesting to me; we have been saying to the veterans: You have to stop complaining. Tell us what the needs are.

They did the research. They put this budget together. They say: Here are the gaps; here are the needs; here is what it will take. My colleagues come to the floor on a budget resolution and 99 of them vote for exactly what this amendment calls for. Then I cite as evidence our own Senate veterans committee, Committee on Veterans' Affairs, which I serve. Its views and estimates are the VA will require over $3 billion in additional discretionary spending to meet the needs of the aging, to meet the needs of an increasingly female veteran population. That is what we say we need to do.

We have an independent budget, our own Senate veterans committee, saying this is what we need. In addition, I sent this letter to the VISN directors and asked what was happening—I do not get the straight story—the same people my colleague from Missouri says on whom we are relying.

I supported the amendment of the Senator from Missouri. I did not second degree. I think it is a step in the right direction.

However, I ask my colleagues this question: Aren't we going to live up to the commitment we made in a vote not that long ago?

Then I am told this is going to come out of Social Security. This comes out of the surplus the same way your additional expenditures for defense come out of the surplus, the same way your tax cuts come out of the surplus. Why don't you put as high a priority on veterans as you do on additional defense expenditures or in tax cuts? My colleague, Senator SMITH, obviously does. I think other colleagues will, too, when it comes time to vote.

Mr. President, I ask unanimous consent Senator JOHNSON be included as an original cosponsor, if he is not.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask that Harold R. Holmes, an intern with me, be given floor privileges during consideration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, on the caps and this whole question of breaking the caps, maybe I should be one of the first Senators to come to the floor of the Senate and say why not be straightforward about this. We keep doing all the emergency expenditures. I didn't vote for the caps. I didn't vote for the budget agreement. I didn't vote for the budget caps. I find it a little surprising that a lot of people say: Oh my gosh, the Medicare reimbursement is struggling; our rural hospitals are toppling; what is happening to our producers who are struggling to survive? Home health care providers are struggling to survive, and our teaching hospitals and medical schools are struggling to survive. All of this is true.

Everybody knows we will eventually get beyond these caps. We are saying to the veterans, there is a surplus but we use it for defense, we will use it for tax cuts, we will vote for $3 billion more—which is now $1.3 billion—because we increased it. But we are going to say this violates the Budget Act, and we are going to use that as a reason not to vote for this?

I will try to say this in a very substantive, quiet way. I appreciate what the Senator from Maryland said, and I thank her. I haven't heard any Senator come to the floor and disagree with any statements I have made about the gaps in veterans' health care, about the needs, and about what we really need to do to live up to our commitment. I haven't heard anybody refute the case that I have made on the floor of the Senate.

By the way, I say to my colleague from Maryland, I will have it filed by 3

o'clock. We have had various atomic votes. Every time I pass this on the floor of the Senate, it is taken out in conference committee. I will be back with an amendment on this bill. I am sure I will be told this is in violation of some kind of budget agreement. People who go to Nevada, ground zero, with no protective gear, and the Government doesn't tell them they are in harm's way. It is a nightmare what these people have been through because of their exposure to radiation—and their children and their grandchildren. We still don't want to provide compensation. Everybody says they are for it, they don't want to vote against it, and they take it out in conference committee.

I come to the floor of the Senate and I say here is our own Senate Committee on Veterans' Affairs saying we will need this $3 billion, which is now the $1.3 billion. Then I talk about my own research and survey to the VISN directors. Same conclusion. Then I say to my colleague from Missouri and others: Who do you want to believe? Do you want to believe the Veterans' Administration and OMB or some 30 or 40 different veterans organizations that have endorsed this independent budget?

I say to my colleagues, you voted for this additional investment. We have come a long way, I say to the veterans community. I thank the veterans community for standing up for themselves and speaking for themselves. We have come a long way from the President's original budget proposal. We have gone on a long ways from what was originally proposed in the House and the Senate. My colleague from Missouri does a good job helping us to really make some improvement here.

But in all due respect, I do not see how we can say to veterans: Here is the evidence. We know this is what you need. We know these are the gaps. We know what the problems are. We made a commitment to you. We have gone on record supporting this. But now, with your amendment, we are going to basically say it violates the Budget Act, these caps, phony caps of this Budget Act which everyone knows we are not going to live by. Everybody knows they are going to be busted. Everybody knows at the very end we are going to be spending more on key domestic needs.

What are we going to do? Cut Head Start and child nutrition and child care and all the rest by 30 percent, or 20 percent, or 25 percent? We are not going to do that. So why not just be honest about it? We have an emergency here, and we have an emergency there, and we figure out other ways to do it. We are spending the money.

Then, too many of my colleagues were all too ready to take some money out of the surplus for defense and tax cuts. Now all of a sudden, I come out here with an amendment on veterans' health care that speaks directly to what the evidence tells us we need to do to really improve veterans' health care, and my colleagues are going to vote against it and say it is a violation of the Budget Act?

I will conclude this way. I think we ought to do what is right for veterans. I think we are on record calling for exactly the investment this amendment calls for. I think there is not a shred of evidence that suggests we should do anything less for veterans. And I do not think we should be hiding behind the Budget Act. I do not think we should be hiding behind these phony caps that we all know are not going to be operative when we finish up this session. So if I get to be the first person to come to the floor of the Senate and say that and say it directly, so be it. If the test case is on veterans' health care, so be it. But I am determined to fight for what I think is right and to see whether we can improve upon what my colleague from Missouri has done.

I hope my colleagues, Democrats and Republicans, will vote for this amendment. You have supported it in the past, you are on record supporting it, and I hope you will support the same investment of resources for veterans' health care again.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the enthusiasm of the Senator from Minnesota. I think we are all concerned about what has happened with veterans. I certainly congratulate the Senator from Maryland and the Senator from Missouri for their excellent effort to try, in the context of a strict budget structure, to do the most that is available for us for veterans.

But I do think in a philosophical discussion here we need to make something clear. ''Caps'' is not some euphemism that just gets thrown out and has no meaning to it. It is not just a term of art. In substance, it is a statement of the difference between spending money that we raise from revenues in the general fund versus spending money that is raised by taxes paid to the Social Security fund.

If we exceed the caps—and I am not going to argue the point; I think the Senator from Minnesota and a lot of other folks in this body are intent upon exceeding the caps, either with emergency spending in agriculture or with emergency spending for Kosovo or with advance funding gimmickry or with, possibly, in this case, an amendment that significantly increases funding under this bill over the caps that are available to it. But I think it has to be pointed out that when that occurs, that money comes from the Social Security trust fund. There is no other place for it to come from. Every dollar the caps are exceeded in this budget cycle—this may not be true next year—but every dollar that the caps are exceeded by in this budget cycle is going to be dollars that come out of the Social Security trust fund because we have already spent the onbudget surplus for emergency funds, emergency obligations. Those are already committed. So there are not really any onbudget surplus funds available to us.

So when these amendments come forward like this, I think there has to be some integrity in the debate. There has to be some statement of what the implications are of these types of amendments. The implication of this amendment is that the Social Security trust fund and Social Security itself will be hit for the amount this amendment exceeds the caps because the onbudget surplus that is non-Social Security has already been spent. That is the way it is.

It is easy to come to the floor and say we have to get rid of the caps because ''caps'' is a term of art nobody really understands. What that really means, a more honest statement would be, we have to take money out of the Social Security trust fund. We have to take money out of the Social Security trust fund. We have to take money out of the Social Security trust fund. That is the proposal. That is where we are. This Congress, this Senate, is going to have to make that decision.

Right now, there is a lot of effort to try to avoid that, and I am strongly committed to trying to avoid that event. I chaired a subcommittee, and I had the same problem the chairman of this subcommittee had. We were able, as was Chairman BOND, to bring in a bill that was under the caps, as the Presiding Officer now presiding over the Senate was also able to do with his bill on military construction. We brought it in at the cap level or under the cap level. It was difficult, very difficult, because we had the census in our bill. That was new spending which we had not really any money to pay for. So we have the same problem.

But the reality is that ''caps'' is not some arbitrary event here. It is not some term of art that has no meaning. There is significant meaning to the event ''breaking the caps.'' If we are going to have integrity in the debate, instead of using this term ''breaking the caps,'' we ought to say what the event is. The event is using the Social Security trust fund to fund whatever amendments are proposed to break the caps. That is the way it stands because there is not any onbudget surplus available beyond what has now already been committed for emergency funds, primarily to agriculture. So we are left only with Social Security surplus money.

So, yes, it pits this amendment against Social Security recipients. That is a public policy decision this Congress is going to have to make though, because on all these amendments that come forward that are not

cap related, that are exceeding the cap, what we are basically doing is invading the Social Security trust fund.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I say to my colleague, in the appropriations bills, it is not true we don't have any onbudget surplus. The President has only signed two appropriations bills. There is still money in the surplus.

Mr. GREGG. Will the Senator yield?

Mr. WELLSTONE. I am pleased to.

Mr. GREGG. The Senator knows the President has not signed all the bills. The Senator also knows this Senate has committed significant dollars to, and I suspect the Senator voted for, the agriculture emergency. That takes out the onbudget surplus. So I think the Senator can say: Yes, the President has not signed the bills; therefore, the money has not been spent. The fact is, the Congress has spent the money. It is just that the President hasn't agreed to it.

Mr. WELLSTONE. I say to my colleague, what we have here, I think, is a philosophical debate. But actually it is more on the lines of what the other Senator from New Hampshire said. It is a matter of where veterans fit in. Apparently, they come in last. We have this arcane rule that I am supposedly in violation of with this amendment which, by the way, makes it easy for my colleagues to go with tax cuts, it makes it easy for my colleagues to put much more into defense, and makes it easy for my colleagues to then come out on the floor and say there is no more money left for veterans.

Veterans should not come last. With all due respect, if Senators want to vote, cast a vote that says this amendment, which provides the resources we need for veterans' health care, is in violation of this arcane rule. That is the fact. The reality here is, we have this arcane rule, all part of this agreement that we had which is not working, and everybody here knows it is not working, and we still went forward with all the money for tax cuts and we still put more into defense.

I say to my colleagues, again, the President has only signed two appropriations bills. But now what we are told is, the veterans are last. All of a sudden, there is no money for the veterans. All of a sudden, the veterans are to be pitted against Social Security. It does not mean a thing.

Let me tell you what the facts are. The facts are that there are a lot of elderly veterans. It is an aging population. And we are nowhere near where we should be in terms home-based health care for them, and we are nowhere near where we should be when it comes to institutional nursing home care for those who need to be in nursing homes.

The facts are, as my colleague from New Hampshire mentioned earlier, that we have a scandal of maybe as many as a third of the homeless population being veterans.

The facts are that we have long waits in too many places. We have staff working double time. We have veterans who do not have the accessibility to the specialty services they need. We have a VA medical system that is not working the way it should work for veterans.

Those are the facts.

Next set of facts: My colleagues are on record in this budget resolution calling for exactly the same expenditure I call for in this amendment.

Next fact: The veterans independent budget, put together by veterans, not the VA, talks about these gaps and what we need and comes up with this investment that is in this amendment.

Next fact: Our own Senate Veterans' Committee admits that this is what we need if we are going to fill these gaps.

Next fact: Since I could not get a straight answer from the VA—where are you now, Jesse Brown, when we need you?—I sent out my own questionnaire to all these different VISNs and directors, and 22 of them responded; and they talked about the gaps, and the need, and what kind of investment it would take to get our veterans' health care system up to where it should be for veterans, if you really want to say thank you to veterans.

Those are the facts.

Last fact: I voted for Senator BOND's amendment. I think it is good. It helps, but it still is inadequate. It is not what we should be doing. We all talk about how much we care for the veterans. We all talk about how we are for the veterans. Then we ought to match the rhetoric with the resources.

I do not think my colleagues should be able to vote against this, arguing that it is in violation of this arcane Budget rule that we have. I do not think that means a thing to veterans. I do not think it means a thing to them. I think what means something to veterans is whether or not they are going to have the health care they thought they were promised, whether or not our Government is going to live up to its commitment. That is what this amendment calls for us to do. I hope my colleagues will vote for this amendment.

I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to temporarily lay aside the Wellstone amendment in order to offer another amendment on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Wellstone amendment is laid aside.

AMENDMENT NO. 1757

(Purpose: To provide an additional $209,500,000 for Medical Care for the Veterans Health Administration, an additional $5,000,000 for the Homeless Providers Grant and Per Diem (GPD) program, and an additional $10,000,000 for grants for construction of State extended care facilities for veterans, and to provide an offsetting reduction of $224,500,000 in amounts available for the AmeriCorps program)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. SMITH of New Hampshire] proposes an amendment numbered 1757.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 23, strike "$19,006,000,000" and insert "$19,215,500,000".

On page 8, line 10, insert after the colon the following: "*Provided further*, That of the funds made available under this heading, $5,000,000 shall be available for the Homeless Providers Grant and Per Diem (GPD) program:".

On page 14, line 21, strike "$90,000,000" and insert "$100,000,000".

On page 73, line 22, strike "$423,500,000" and insert "$199,000,000".

On page 74, beginning on line 9, strike "*Provided further,*" and all that follows through "section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)):".

Mr. SMITH of New Hampshire. Mr. President, the amendment I am proposing will increase funding for our veterans by transferring funds from the Corporation for National and Community Service, also known as AmeriCorps. So what we have here, in addition to the amendment that passed, the increase of $600 million and the other proposed by Senator WELLSTONE, is an additional sum of money beyond that to be taken from the AmeriCorps program and placed in veterans programs.

I think, here again, it is a question of priorities. We will need to decide whether we are going to pay volunteers—a little interesting; pay volunteers—or whether we are going to pay our Nation's veterans. That is the crux of the matter.

It is going to be a test of our priorities. It is going to enable Members of this body, who are concerned about our veterans, to basically put their money where their mouth is. That is the bottom line. This vote will be a test of our seriousness about whether we are going to provide our veterans with the care they need or not. It is a clear-cut choice.

There is nothing complicated about this amendment. It is AmeriCorps and

paid volunteers versus veterans. That is it, pure and simple. It is between a big Government program that is paying volunteers—I will talk about that in a minute, whether there is such a thing as a paid volunteer—and our sacred responsibility to care for those who have sacrificed so much for our Nation.

My colleagues know we have debated the question of AmeriCorps funding before. They know I have always opposed this program. That is no secret. I opposed it in principle when it was proposed, and my concerns only grew when I saw how it worked or did not work in practice. I think the time has come to face the fact that this is money that could be better spent caring for those who fought for our liberty and in many cases were wounded for our liberty.

The rhetoric of AmeriCorps supporters is certainly stirring. The goals they profess are goals with which no one would disagree. But the rationale for using Federal taxpayer dollars—hard-earned taxpayer dollars—to fund this program always breaks down when we come back to the fundamental oxymoron it is based on. And it is an oxymoron. Some say perhaps more ''moron'' than ''oxy''—my view—but it is an oxymoron because it says ''paid volunteers.''

Where I grew up, if you volunteered, you did not get paid. So I do not know what a ''paid volunteer'' is. But in this city of Washington, now we have come up with this new definition of a paid volunteer—only in Washington. It is like here in Washington we also have floors below the basement in the elevators, here in the Senate. Those people who come and visit know what I am talking about. You can take an elevator to the basement, and then you can go to the subbasement if you want to, or G, one below the basement. It is just too complicated to have the basement be the bottom floor, I guess.

Now we have come up with this paid volunteer, and it is being sold to the American people.

I checked, before I came to the floor today, in my American Heritage College Dictionary. I must confess, I probably did not look at it enough when I was in college and do not look at it an awful lot now. But I was puzzled by this term, so I looked up the term ''volunteer.'' The American Heritage College Dictionary defines a ''volunteer'' as a person who performs or offers to perform a service of his or her own free will, or to do charitable or helpful work without pay.

This is the definition I always grew up with. It is the definition I always understood. And I believe it is the definition that most Americans would also say is correct.

But now the President of the United States is rewriting the definitions in the American Heritage College Dictionary. He is rewriting the rules for federalism with his executive orders. He has awesome powers. Now he is redefining the word ''volunteer.'' These are the volunteers whom Americans see in their communities every day. For the past few years, the AmeriCorps bureaucracy has sprinkled thousands of so-called volunteers across America's 50 States—so-called volunteers.

But meanwhile, 90 million Americans truly volunteer in some capacity each year. These are the real volunteers. These are the Americans our speeches should be honoring.

We do not need a Government program to honor volunteers because volunteers do not get paid. When true volunteers offer their time and energy, they expect and receive nothing but the satisfaction of serving their neighbors.

What can AmeriCorps' so-called volunteers expect? Here is what they can expect. They can expect a salary supplemented by a grant for education expenses, and they can expect health and child care benefits.

I might just ask anybody out there in America listening right now, if you went down and volunteered, perhaps somewhere in North Carolina where the hurricane hit, and you were throwing sandbags up there, most likely you did it because you wanted to help your neighbors; I do not think you would be asking whether or not you got health care benefits or child care or a salary.

If you received a hot meal and a thank-you, I think you would be very appreciative of that and no more, and you would be glad to do it. That is what voluntarism is. Now we have changed the definition. We are now paying volunteers under this President. Work compensated by a salary and benefits isn't volunteer work; it is a job. Look up the word ''job'' in the dictionary. I think you will find that is what it says.

There is a difference between being a volunteer and having a job. They are both worthwhile, but let us not try to blend together something that is quite different.

In a past year's oversight hearing on this program, a very prominent and distinguished Member of this body claimed that the traditional notion of voluntarism has changed. Now voluntarism is no longer voluntarism; it is the notion of voluntarism. The implication is that volunteer work, the type performed by the 90 million Americans who are putting sandbags up and protecting their neighbors' homes in the midst of a hurricane, is obsolete. That it is gone. Now the wave of the future is the AmeriCorps volunteer, the paid volunteer, the person who gets health care, child care. That is what this President has said, and that is what this bill is sanctioning, about $225 million worth of sanctions, I might add, of paid volunteers.

I hope it is not the case, after all the Executive orders this President has signed and all the things we have seen him do in redefining—he redefined NATO to be an offensive rather than a defensive organization; he redefined our military to be a 911 response team rather than a military; he has taken Executive orders and redefined federalism—that we are going to allow this President to continue moving us toward a society in which volunteer service can be offered only by professional volunteers and only with the assistance and permission of a Washington bureaucracy.

My goodness, have we really come to that? Only in Washington, only in some government budget or in some government bill could we possibly ever come up with anything as stupid as this. But we have done it. Boy, are we good at it.

I hope we are not going to send our children a message that anyone who volunteers should expect a salary and benefits in exchange for serving his or her community. Is that what we are saying?

Honestly, that is what we are saying. I have to wonder if we are serious when we say the era of big government is over. I have heard our Vice President say that. Maybe he should take over Jay Leno's slot because that is about the funniest thing I have ever heard, to say that the era of big government is over and then talk about having $225 million placed in a bill to pay volunteers. The era of big government is over? Somebody needs to explain that to me.

If we allow this program to become a permanent fixture of the Federal Government, we are going to send a message that the era of big government is just getting started, not over. For when we allow government to intrude on the voluntary sector, we guarantee the further erosion of civil society, the area of community life that falls outside the purview of government. Frankly, we insult the millions, the 90 million or so Americans who do volunteer in charity after charity after charity—cancer, Humane Society, helping friends in times of earthquakes and floods; they volunteer and do it willingly, and they don't get paid. There is no such thing as a paid volunteer. Very bluntly and very frankly, I don't care if you are a Republican or a Democrat or Independent or what you are, male or female. You should not sanction it by funding paid volunteers. It is wrong. We ought to eliminate it, and we ought to take this money out. We ought to take it out, period. But I am not even asking Members to do that. I am asking them to take it out of there and give it to our Nation's veterans.

I know opponents of my amendment are going to claim they simply want to use big government to help the volunteer sector. We are going to help the

volunteer sector. How many times do we have to go down this road? We let the Federal Government set up a program to help in an area of American life that has survived without government help, but we are going to put up a program now to help volunteers and pay them. The government program always starts small and always gets bigger.

Remember the Department of Education. That started in the mid-1970s at about $3 billion. It is getting up there close to $60 billion now—not bad in 20 or 25 years. Soon the government funding is supplemented with government mandates, and then we find that something that used to be a function of civil society is now a function of big government in everything but name. When we try to slow its growth, we are told that the loss of government funds will be fatal. You will destroy the arts. You will destroy the humanities. You will destroy the charities that serve the poor. These are areas that once functioned without government aid. Now we have set up government monies to help them. If we take it away, we are accused of not wanting to help the humanities or the arts or help with charities.

Now the people who work in these areas will tell us government is indispensable. We have to keep it here. We have to have it. We can't have volunteers now unless we have them paid.

The question is—and this is all my amendment is about—Do we want to have the volunteer sector dependent on Big Brother or not? I say we should not. Even in the short lifetime of the Corporation for National and Community Service, otherwise known as AmeriCorps, we have seen the influence of big government corroding the ethic of service that animates our voluntary sector. We have seen massive administrative costs. We have seen large numbers of AmeriCorps' so-called volunteers deployed in Federal agencies to staff big government, and in some cases, to lobby for its continued expansion. That is right, paid volunteers to lobby us for the continued expansion of what they are doing. We have seen the promise that private sector sources would match Federal funds fall by the wayside.

Let me make one thing clear: Good work has been done under the auspices of this program. I don't doubt it. If you pay somebody, you hopefully can get work out of them, and maybe something beneficial will come of it. A lot of this has been done in my own State of New Hampshire. I have met with some people of AmeriCorps. I salute their desire to offer service to their communities. No one is disputing that.

But I am concerned that by cultivating direct links between voluntary service organizations and big government, we risk sending some of our most selfless young people the message that public employment is the only avenue available for serving their communities. That is not true. The American people know it is not true, but that is what we are doing.

We risk sending true volunteers a message that their efforts are no longer necessary. That is not going to be the case with people who have volunteered all their lives, but look at young people today. Do you want to go down and help Ms. Brown mow her lawn and not get paid? Do you want to go collect money for the charity of your choice, perhaps the Cancer Society, and not get paid? Or do you want to go work for the Federal Government as a paid volunteer and get paid and get benefits? What message are we sending to our young people? We have just redefined the word ''volunteer.''

We just redefined the whole word ''voluntarism.'' This amendment I am suggesting is far more than $225 million. It is far more than providing money from AmeriCorps to veterans. Both of those are admirable, in my view, but it is more important than that. We are sending a cultural, moral message to the young people in our country by supporting this amendment, and that is: You volunteer; you don't get paid. You volunteer because you want to. That is the message I want to send.

Now, you cannot compare AmeriCorps and the veterans. There is no comparison. On the one hand, we have the health and well-being of brave men and women whose sacrifices have ensured our continued freedom. And you talk about volunteers. Many, if not most, of the people who have made those sacrifices did so as volunteers. They volunteered for their country to serve in time of war. Some were drafted, but many would have gone whether drafted or not.

When we called upon these Americans to serve their country, we took on certain obligations. This is a sacred obligation, one that we can't shirk and should not shirk. On the other hand, with AmeriCorps we take on another new obligation.

As I have made clear, the task of manning the voluntary sector will be performed whether or not we appropriate Federal taxpayer funds for the Corporation for National and Community Service. On the other hand, the job of addressing the pressing medical needs of America's heroic veterans is one that only we in the Federal Government can do.

Now, Senator BOB SMITH does not stand down here at any time and promote additional Government funds where it is not constitutional to do so. I don't support unconstitutional spending, and I have cited example after example on the floor of this Senate over a number of years. It is constitutional, it is right, it is just, and it is our obligation to support our Nation's veterans with whatever it is they need. This amendment says those needs are more important than paid volunteers.

This amendment will add funding to critical resources in the VA budget. The funding would go toward three areas: long-term care, medical care, and combating homelessness. I propose increasing funding for State veterans nursing homes out of this $225 million to allow our veterans to age with dignity and with the care they deserve. We know how desperately the VA health care system needs additional funding just to stay afloat. I also propose increasing funding to the Homeless Providers Program and Per Diem Program. This would help to build programs that would get veterans off the grates, if they are homeless, and help get them back on their feet.

Even the amounts I am proposing to be transferred here only scratch the surface of what we need. But we have to start somewhere, and this is where we need to draw the line.

So let me summarize and conclude by saying this: It is a simple amendment; $225 million is in the bill for AmeriCorps, paid volunteers, young people who are good young people. We are telling them we are going to pay you and call you a ''volunteer'' to do X, Y, or Z. We can do that or we can send another message, which is that homeless veterans on grates and inadequate care facilities is wrong, and we are going to fund those entities. Maybe it would even be a more powerful message if we would ask those AmeriCorps volunteers—paid volunteers—to suspend the payments and say: No, thank you, Mr. President, I am not interested in your benefits or your salary. Just tell me where the nearest veterans home is or the nearest VA hospital, and I will go there and give my time to those veterans who did so much.

Isn't that a better message to send to America? What is wrong with this country? What is happening to this country? That is what I want to know. Day after day, we fund this stuff, and half of the time we don't talk about it. It just slips in there and goes by—with good intentions, not always bad, but it is wrong. We are sending the wrong message to our people.

I taught school. Once you are a schoolteacher, you are always a schoolteacher. You are never a former teacher. We are sending the wrong message to our kids. We have sent wrong messages for the last several years.

Starting in February, we said right here on the floor that the President of the United States can commit crimes and not have to be held accountable for them. We said that. That is what we told our young people. We have told our young people that it is OK to do whatever you want. Do your thing. Shoot your friends and colleagues in school, and then blame somebody else. Blame innocent gun owners who have

done nothing except exercise their constitutional right to own a firearm. But blame somebody else; don't blame ourselves. We abort our young children every day, and we say: Johnny, go off to school, and, Mary, go off to school, be a good little girl and boy, and we will abort your brother or sister while you are going to school being a good kid. That is the message we are sending. We do it every day.

So, you see, that is what is wrong with America. It is the greatest country in the world, but we need to change it. The structure is there. We just need to change a few people and a few places, get reality back, and bring this country back to what it should be and what it can be and what it must be, what our Founders wanted.

Do you think for one minute that Thomas Jefferson, if he could stand here today or James Madison or George Washington or Sam Adams or Patrick Henry—do you think for one minute they would stand up here and defend paid volunteers? These are the people who picked up the weapons, put on the militia uniform, and went to Concord Bridge in Lexington and fought the British, sometimes never getting paid, not knowing whether they were going to be paid, nor caring whether they would get paid. These are the people who brought us our liberty. We disgrace what they did for us by standing on the Senate floor and even proposing to pay somebody to be a volunteer.

It is the wrong message, folks. It is the wrong message. I hope somebody out there might be listening. It doesn't happen often around here that we listen to each other's speeches, but I hope somebody listens because we need to change the culture of this country, the attitude. All we can do on the Senate floor is single out things which are wrong and point them out—not to attack anybody. I am not attacking the motives of anybody. But I am saying it is wrong. Let's accept that it is wrong and change it so that we don't tell America's young people that paid volunteers are more important than our Nation's veterans, more important than the people who sacrifice for their country, more important than those who are, today, barely able to move or speak —some not able to move or speak—in veterans homes across America, who are being neglected. By the way, they are taken care of by nonpaid volunteers, in many cases, who come and visit.

This is what is wrong with America. This is why America will perish, if we don't stop. I don't want to see that happen. I want my kids or grandkids someday to say: I read old grandpa's speeches when he had the time to serve on the Senate floor. He stood up and said paid volunteers were wrong, and I am glad he did because we changed it. We don't have paid volunteers anymore and we don't have veterans lying helpless on grates freezing to death. We don't have veterans who are no longer able to get the help they need and the care and the shelter they need. We don't have that anymore because old grandpa stood up on the Senate floor and said it was wrong, and we changed it. That is what I would like.

''Do you want to leave a legacy?'' People ask you that all the time. If they write that about me, I will be happy. Nothing else. That is all. This is Daniel Webster's desk right here, one of the greatest Senators of all time. This desk belongs to the senior Senator from New Hampshire, and I am not going to give it up.

I think all the time about the fact that he stood here and that we are just temporary stewards. We are just here for a blip on the radar screen of history, trying to do our job. As great as Webster was, he is off the stage, as the founders are and as are so many great orators and Senators who have spoken in this great body. But you try to make a difference. You try to make a difference. You have to speak up and try to make a difference.

I urge my colleagues, ask yourself, are volunteers whom you are paying more important than veterans who gave their limbs, and their lives in some cases, not to mention the suffering of the families—more important than those veterans? I don't think so. I am asking you to vote to take $225 million from paid volunteers and give it to our Nation's veterans. There is the offset. It is not adding any more money anywhere. It is not costing the taxpayers another dime. That is all I am asking you to do.

Let me conclude on a couple of points about veterans because I think we need to personalize this a little bit so we understand it.

I mentioned earlier in the debate with Senator WELLSTONE that driving to work in the morning, especially in the winter, and seeing those veterans on the grates—they are not all veterans. There are about 750,000 homeless people, they tell me, in America. But they say a third of them are probably veterans. What happened? How did that happen? Why are they there? It is pretty disgraceful, really, when you stop and think about it, because somewhere at some point they reached out and asked for help, and they didn't get it or they wouldn't be homeless.

I can't help but think of something that Johnny Cash immortalized so very well with ''The Ballad of Ira Hayes,'' the Indian, one of the people who raised the flag at Iwo Jima Hill. He was an Indian who was discriminated against when he came back but hung out around the reservation and became an alcoholic and died in a ditch. He was one of the ones who held that flag up at Iwo Jima Hill. Why did that happen? Because something slipped through the cracks.

There are thousands of Ira Hayeses out there in America right now, lying on those grates, looking for hope. This is one of the most affluent cities in the world. You can't go around the block without running into some function where they serve caviar, shrimp, steak, or something, day in and day out. And yet, homeless veterans have no place to live, nothing to eat, and are lying on grates, freezing to death. Let's take $220 million, help them, take it away from paid volunteers, and send the right message to America.

Homeless veterans start showing up 10 years after they are discharged. Ten years after they have served this country, many times in combat, they start showing up. That is why, within the past 10 years, the veterans homeless problem has increased. They don't give the veterans a fair share of the money that is designated for the homeless because somehow when they move out of the service and back into society, they slip through the net. Who knows what it is? Posttraumatic stress? I don't know. But they are slipping through the net.

This is not meant as a criticism of anybody or any agency or anybody else. But let's tighten the net. Let's rethread the net. We can do a lot of rethreading of the net with that $220 million.

In my State, a veteran from northern New Hampshire who needs an MRI has to take at least two van trips to have this simple test done. That is why we need to change that. The median age of homeless veterans is 45. It is not a way to treat our heroes.

This is just one small way to try to make a difference, one moral lesson to send to the people of America, and to the children of America, that we are not going to fund paid volunteers until we fund our Nation's veterans. Then if you want to talk about paid volunteers, fine. But at least be honest; let's just call them paid workers instead of paid volunteers.

That is all I am asking for with this amendment. That is all I am asking.

Mr. President, at this point for the sake of the RECORD, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SMITH of New Hampshire. I will withhold. I see the manager on the floor. I am prepared to yield the floor or go to a quorum call.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it is my hope that we will be able to have a vote on the Smith amendment immediately following the Wellstone amendment. There are a number of people who want to speak. The Senator from Ohio wants to speak. I know the Senator from Maryland is coming back to speak. But that means we only have about 35 minutes to get discussion on all of these.

Since there is no time agreement, we depend upon the good graces of our colleagues to wrap all of the discussions up prior to 2 o'clock. I will then move to table the Smith amendment.

Mr. SMITH of New Hampshire. Mr. President, I again ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. BOND. I move to table the Smith amendment and ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. BOND. Mr. President, I see the Senator from Ohio who has been waiting.

The PRESIDING OFFICER. Is the Senator withdrawing his motion to table?

Mr. BOND. I withdraw that motion. I see the Senator from Ohio is on the floor. I will address the amendments afterwards.

Mr. SMITH of New Hampshire. Mr. President, I again renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BOND. I move to table the amendment, and ask for the yeas and nays and ask that the vote be withheld.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I ask unanimous consent that the vote be withheld to follow the vote on or in relation to the Wellstone amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to oppose the amendment to the Veterans' Affairs-HUD appropriations bill that was submitted by the Senator from Minnesota.

This morning, I had the privilege of presiding over the Senate to hear the presentation of the Senator from Missouri and the Senator from Maryland in what they tried to do to put together a very fair VA–HUD appropriations bill.

One of the things that was emphasized was the fact that after reviewing the needs of this country, particularly the health care needs of our veterans, they inserted in the appropriations bill another $1.1 billion for health care for our veterans. Subsequent to that, Senator BYRD and Senator STEVENS came to the floor with an amendment to provide another $600 million for emergencies.

The reason I rise to oppose the request of the Senator from Minnesota for another $1.3 billion is the fact that we are reaching the end of the appropriations cycle. We are getting down to the nitty-gritty. The fact is, when anyone comes to this floor and asks for additional money over and above what the appropriators have appropriated, they should stand and point out where the money is going to come from to fund whatever it is they are asking for.

First of all, in this particular case, I think the committee did its very best to deal forthrightly with the needs of our veterans' health.

It seems to me from a logic point of view, the person who proposed this amendment should have laid out clearly where the money, the $1.3 billion, was coming from, what programs would be cut in order to come up with the money or, in the alternative, to explain which taxes will have to be raised to pay for the funding of the program. Last but not least, explain that it is not coming from Social Security.

I have noticed around here so many of the spending programs ultimately would be paid for out of Social Security. I believe anyone who looks at what the Appropriations Committee did in terms of this issue would think they did the very best they could under the circumstances. No one advocates taking money out of Social Security to pay for another $1.3 billion for health care for our veterans.

I think we have reached the point where we have to come clean on the fact that we will have a difficult time dealing with this budget. If we are not going to dip into Social Security, if we are not going to raise taxes, if we are not going to be fiscally irresponsible, we need to explain how we will be paying for these additional programs.

I urge my colleagues to reject the amendment of the Senator from Minnesota for the additional $1.3 billion because the money to pay for that is just not there. If we don't find the money, it means we will end up using our Social Security pension funds.

I remind Members we have a $5.7 trillion debt. Part of that is because over the years we continued to use our Social Security funds to pay for things for which we weren't willing to pay. Today in this country out of every $1 we are spending, 14 cents is being paid for interest. In fact, we are spending more money in this country on interest than we pay for Medicare. It is time to be fiscally responsible. It is time for truth in budgeting. We have a wonderful opportunity in this session of Congress to forthrightly deal for the first time in anyone's memory with the financial responsibility of the fiscal things we need to do in this country to enter the new millennium, in what I refer as an ''intellectually honest'' way in terms of our budget.

Mr. BOND. I thank the Senator from Ohio for cogent and knowledgeable comments. We appreciate his assistance. I thank the Senator for his statements.

Let me make a couple of brief points about the two amendments before the Senate. This year, 51 Senators wrote me in support of a $1.7 billion increase in the veterans' medical care budget. The budget resolution which passed this body assumed a $1.7 billion increase for VA medical care. We have worked hard to meet the needs that we believe are responsibly identified for veterans' medical care. We would love to have more money but we are at the end of our available stream of funds.

We have increased funding for homeless assistance for the veterans by $40 million. That is why I cannot support either of these amendments.

With respect to Senator SMITH's amendment, I have had significant concerns about the operations of AmeriCorps. I have worked closely with the inspector general to clear up some of the agency's management problems. There was a problem with $31 million that was lost. We are very much concerned about it. The battle over whether we ought to have an AmeriCorps program or not is over. It has been decided. It is authorized. It is funded. It is in place in communities in my State and across the Nation. There are people who are providing valuable services. There is strong support.

We have attempted to continue AmeriCorps at the existing level. We did rescind $80 million because the inspector general identified that money as not needed. However, we have to develop a bill that will be signed by the President. The President has already threatened to veto any bill that cuts AmeriCorps. It is that simple. If you want the additional funding we provided for veterans, the additional $1.7 billion above the President's request, then we have to have the bill signed. It is a rather simple matter. If this bill is vetoed over AmeriCorps, then we can't get the money for veterans. To ensure that the operations of AmeriCorps are properly addressed, we boosted the inspector general's budget from $3 million to $5 million to oversee the work of AmeriCorps. The concept has already been approved. It is in place. It is ongoing.

For the information of all Senators, we expect to have a vote at 2 o'clock on a motion to waive the budget point of order, followed by a tabling motion on the Smith amendment. We are hoping everybody who has first-degree amendments will get them in by 4 o'clock. We have not propounded a unanimous consent request. People are busily working on amendments. I do not want to discourage Members from doing that. We want to see an end to the process.

I have had a number of colloquies provided to me. I appreciate that people get them in. Colloquies sometimes explain the difficult and complex parts of a bill. If a Member has a colloquy which they want included, I ask Members to get those colloquies in by 5 o'clock this afternoon. We do have to review them. Sometimes we need clearance from the authorizing committee.

If we are hit with a rush of colloquies at the last moment, we may simply not be able to deal with them and get them read and approved. In order to get colloquies in, I hope Members will bring them to the ranking member or me prior to 5 o'clock to review them.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator TED KENNEDY be added as a cosponsor to the Byrd-Bond-Stevens-Mikulski VA amendment for $600 million additional funds for VA medical care.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this is a sad state of affairs. This last amendment offered by the Senator from New Hampshire is particularly troubling. We all agreed that we need to fund veterans' medical care. We all agreed that we needed to fund more. We all agreed when we worked in the full committee, in the Appropriations Committee, we wanted to do more. We had the will but we didn't have the wallet.

Working on a bipartisan basis, the chairman and ranking members of the Appropriations Committee found a way to add $600 million more to VA medical care. It is absolutely a good idea. We intend to support it.

Also, the chairman and ranking member, along with Senator BOND and myself, know that declaring it an emergency is a temporary technique because we are in a situation where we are operating under such tough spending caps.

The Senator from Minnesota has offered an amendment that violates the Budget Act because it busts the caps. We will oppose that.

The Senator from New Hampshire, a well-known advocate for veterans, a staunch supporter for the return of the MIAs, now offers an amendment. However, he takes it out of the Corporation for National Service, otherwise known as AmeriCorps. This is a sad state of affairs, that while we are trying to meet the compelling human need of our veterans, we are going to further reduce a self-help opportunity program for higher education, which is exactly what our veterans want Members to support. I will go into that in a minute.

I will oppose the amendment of the Senator from New Hampshire and support the tabling motion of the Senator from Missouri. Why? Not because I don't want to help veterans; we are helping the veterans in this bill. But we are now pitting one good program against another good program in terms of its mission and purpose. Both veterans' medical and AmeriCorps leave a lot to be desired in the management area. But at the same time, if we stick to the mission, we can continue this bill.

I strongly believe in the importance of National Service and voluntarism. I helped create the original bill. I believe we need to do all we can to maintain an opportunity structure for access to higher education and also to teach the values of the habits of the heart—that for every right there is a responsibility, for every opportunity there is an obligation.

The National Service does that. Right now, there are 66,000 people who have participated in the program. They are out there doing very important community service, leveraging other volunteers. For that, they are earning a voucher toward their higher education. I do not think anyone can dispute the merits of a program that shows for every opportunity there is an obligation, for every right there is a responsibility. That is one of the core values for which our vets fought so hard. But the corporation has already taken a cut in funding. It is now being funded below last year's level and below the President's request.

The corporation was established to enhance those opportunities available for national and community service and to provide these educational awards for those who participate. Through the corporation, we help not only communities but those who volunteer as well. National Service participants may receive educational awards that can be used for full-time or part-time education, vocational ed, or job training. This is great. I know how much the Senator from Ohio believes in the great American opportunity structure. But this is not a giveaway; you have to do sweat equity in the community.

National Service does have its problems within its organization. Its oversight and its management do need to be improved. But we should not further reduce the funding of National Service; we should find a way to deal with the spending caps. This program is a success, and it must be maintained.

Earlier today we adopted that amendment to increase veterans' health care by $600 million. With this, it means that veterans' health care will be funded at $1.7 billion over the President's request. Senator BOND and I agree, the President's request was too skimpy. We agree with that. So we added in a billion in the committee. Now we are adding another $1.6 billion. So we believe we are working, as a work in progress, to meet the needs of veterans' health care.

But I do not want to see these generational issues here. I do not want to see old, sick vets pitted against young Americans who are willing to be working in disaster relief, tutoring people, and also serving the homeless—pitted against that.

Guess one of the other things that National Service is doing. We talk about it in our own report. The National Service volunteers are helping the homeless. They also have a particular outreach program to homeless vets. So it should not be either/or. National Service right now, as we speak—as we speak, there are over 10,000 volunteers providing tutoring in elementary schools. The Civilian Corps is a 10-month program on disaster relief. They are right there now in North Carolina. They are helping clean up other parts of our country. But we are saying no, we are not going to fund these programs because we want to fund veterans' health care? I think the vets would say: We need our health care; we need our facilities open, with the best of the staff and the supplies and the prescription drugs we need. We agree with that. But I do not think they would want it at the expense of these young people. I really do not believe it.

One of the things National Service is doing is not only helping the community but it is called values. What do our vets stand for? Patriotism. Our young people are out there serving America. They stand for loyalty. These young people are learning loyalty and the habits of the heart.

Our veterans stood for self-sacrifice, neighbor helping neighbor, and the defense of the Nation. These young people are part of a national defense effort, eliminating poverty, illiteracy, helping the homeless. At the end of their 2-year program, they go on to school and they get on with their lives. Just as the Peace Corps, they are forming alumni associations, and they keep on giving, and they keep on recruiting people who give, many of whom will visit veterans' nursing homes.

So let's not pit one generation of Americans against the other. Let's make sure we follow a wise and prudent course to honor our veterans and to make sure that our young people have access to higher education, earning a voucher through their own sweat equity, but learning the values of the greatest generation that ever existed, those who fought for us in World War II.

I yield the floor.

Mr. KENNEDY. Mr. President, I oppose the amendment offered by Senator SMITH of New Hampshire. I am a strong supporter of AmeriCorps and the positive changes that Corps members have made and continues to make in communities across this country AmeriCorps members are doing an outstanding job helping children in schools. Over two and one half million children have been taught, tutored or mentored in the nation's schools, and half a million children have been served in after-school programs through AmeriCorps.

AmeriCorps members give a year of their life to tackle critical problems like literacy, crime and poverty. After their year of service, AmeriCorps members receive education awards to help finance college or pay back students

loans. AmeriCorps enables its volunteers to improve their communities while improving themselves.

In Massachusetts, the Service Alliance distributes $13 million in grants a year to more than 200 service and volunteer programs across the state. More than 180,000 citizens have contributed 3.5 million hours of service—mentoring young people, helping the homeless, and cleaning up neighborhoods. Through programs like City Year, Habitat for Humanity and Boys and Girls Clubs, volunteers have a wide choice in activities and are bringing their talent and enthusiasm to communities across the state.

I urge the Senate to reject this amendment and maintain strong bipartisan support for these important programs.

Several Senators addressed the Chair.

Mr. BOND. I have an amendment that will strike several sections of the bill.

I ask unanimous consent the pending amendments be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1760

(Purpose: Strike provisions that would amend the Fair Housing Act)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND) proposes an amendment numbered 1760.

On page 112, strike line 3 and all that follows through line 4 on page 113.

Mr. BOND. Mr. President, as you can see, it is a simple amendment. It strikes sections 427 and 428. They were put in the bill to amend the Fair Housing Act to provide a 72-hour cooling off period for newspapers that had been accused of having published an item that was alleged to have been discriminatory. The two major publishers in my State and publishers around the country presented to us what they thought was a very unfair situation. We thought we could accommodate them with this provision in the bill.

However, Senators KENNEDY and HARKIN have raised substantive concerns and pointed out that this amendment would violate rule XVI. I therefore offer this amendment to strike these provisions so we do not have to have a battle over rule XVI.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1760) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, since we are nearing 2 o'clock, I ask unanimous consent that at 1:55 the Senator from Minnesota be recognized to make 2 minutes of closing statements on his amendment, that I be recognized to make opposing comments and raise the point of order, and that he may ask that it be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take this time to speak. I want to make a couple of compelling points for my colleagues.

First, our own Senate Veterans' Affairs Committee has gone on record saying, if we really want to fill these gaps in veterans' health care, we require what this amendment calls for above what we have spent, which is $1.3 billion more.

Second, I cite as evidence this independent budget put together by many different veterans organizations. We asked the veterans to really look at veterans' health care and come up with recommendations.

Third, I cite as evidence, again, a study my office conducted when we really could not get good straight information from the VA, called Veterans Health Care and Fiscal Year 2000 Budget Flat-Line.

Fourth, I want to again remind my colleagues that all of us, on an amendment in the budget resolution, have been on record, in a 99–0 vote, saying we ought to make this additional investment. I think that is extremely important.

My second point is, what is at stake? We have traveled a long way from where this budget once was. The President's budget was inadequate. I think what the House and the Senate were doing was inadequate. Colleagues have stepped forward. I am glad to see we have made some progress. The veterans community, I think, has spoken up and has made it clear to us that they want to see us respond to their needs and the circumstances of their lives.

What I am saying in this amendment is that what is at stake is the quality of care. It is just simply true. There is not enough good care for elderly veterans, and many veterans are living to be 80 and 85 years of age. There is not enough good care for those veterans struggling with posttraumatic stress syndrome. The waits for care are too long. Too many of our facilities are understaffed. I do not know why we would not go forward with what we have already gone on record saying we are committed to. I do not think that is acceptable.

What is being used against this amendment is that it is in violation of this arcane rule of the Budget Act. But I say to my colleagues—this is the point I want to make; and I will make it in the last 2 minutes if Senator JOHNSON is not here—we have, whatever it is, $15 billion in surplus. We know darn well we are going to be breaking these caps and we are going to be spending that money. We know that. Every single Senator knows we are going to be spending that money. We are going to be spending that money later on.

When we do that later on, and we invest that money in whatever areas we invest in, then you are going to have to come back and tell the veterans why you voted against this amendment. If you do not believe that we are going to break the budget caps and spend that additional surplus money on some important domestic needs, then I guess you could vote against this amendment. But if you know in your heart of hearts what everybody I think in the Senate knows, that we are going to spend that money, we are going to break the caps, then why would you want to put veterans at the bottom of the list? Why wouldn't you up front vote for the additional resources that we need for veterans' health care?

I thought maybe we would have an up-or-down vote, maybe it would be a vote to table the amendment. I did not realize we were going to have this budget debate.

But I think now we have two issues. No. 1, are we going to follow through on the commitment we made to veterans? We are all on record saying we need to make this additional investment. No. 2, are we going to sort of play this game, knowing full well we are going to spend the surplus, we are going to spend this $15 billion surplus? We know that. We are going to break the caps and do that.

We have too many glaring needs in this country, too many draconian cuts that are mean-spirited in their effects on many citizens—vulnerable citizens, children. Start with children. What are we going to cut? Low-income energy assistance? Are we going to cut Head Start? Early Head Start? Child care? What exactly do people think we are going to do with these budgets we have with these caps?

I say to my colleagues, you know we are going to spend that surplus. And if you know that, and later on you are going to vote to spend it, as you should, on some of these needs, then why wouldn't you vote for it right now for veterans?

This is really a test case about whether or not we are going to follow through on a commitment. It is also a test case not just about a commitment to veterans and doing what we need to do to get the resources to veterans' health care—I believe so strongly about that question—but now I have come to believe as strongly about the other question, which is: Let's be honest about this in terms of where we are at in this budget process.

We cannot live within these caps. Our appropriators are two great Senators—I do not know why the Senator from Missouri is wrong on so many issues, but he is a darn good Senator, there is no question about it—and they are trying to deal with this in housing for veterans. It is a nightmare. So I do not accept this, even though they are two colleagues who I respect.

I do not accept this argument. I do not accept this argument that we are going to use this arcane rule, we are going to use these caps, we are going to use this budget rule as a reason for not voting for the investment in resources that would make a huge difference in the quality of health care for veterans in this country, especially when we know we are going to go into this surplus and use this surplus on some critical needs in our country. I am here to argue this is a critical need—veterans' health care.

Mr. President, I yield the floor. I know we have 5 minutes left for wrapup.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Minnesota for his kind words and note with gratitude that he did point out we disagree. This is a great relief to many of my constituents. I thank him for that acknowledgement.

But seriously, this very important amendment, the Wellstone amendment, would eat into the Social Security reserve. It ignores the fact that a majority of Members of this body wrote me in support of a $1.7 billion increase. I therefore state that the pending amendment, No. 1747, offered by the Senator from Minnesota, increases spending in excess of the allocation to the Appropriations Committee; therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I move to waive the Budget Act.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. WELLSTONE. Mr. President, I think that I can do it in 1 minute because my colleagues have been gracious enough.

Again, I cite as evidence our vote on the budget resolution calling for this additional investment that is in this amendment; second, the independent budget from the veterans; third, our own Senate veterans' health care committee, which said we need to spend the additional $3 billion, this gets us up to that point; fourth, the study where I sent a questionnaire out to all the VISN directors, when I could not get the straight information from the VA about the needs; fifth, I translated this into human terms, in terms of the not adequate care for elderly vets, not adequate care for vets struggling with PTSD, not adequate home-based care, longer lines than there should be, longer waits, not the access to specialists. This is important if we want to fill these gaps.

Finally, I say to my colleagues, I am being told this violates the budget caps, but everybody knows we are going to take that $15 billion in surplus and spend it. We know that. There are too many glaring needs in this country. If later on you are going to vote to spend it on something, then why would you put veterans' needs at the very bottom? Why wouldn't you vote for veterans' health care right now?

I think we ought to be straightforward and honest about what we are doing. I think that has to do with the budget, but I also think it has to do with what we need to do to try to make sure veterans' health care is as high a quality as possible. We have a long ways to go. This amendment takes us far in that direction.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Let's be honest. There was a budget surplus. We spent it. It is gone. It is done. We had the increased spending for defense because we made commitments in many areas around the world and we have to defend and support our fighting men and women when we ask them to put their lives on the line for us. We have to remedy the shortfall that every one of the Joint Chiefs of Staff said the President's budget has caused. We are spending it on agriculture. We approved a $7-plus billion ag relief bill that came out of this body. It is now in conference. We have to put money in for the census. We have spent the money. It is gone.

So what this amendment seeks to do is to take an additional $1.3 billion out of Social Security. The Senator says we have to provide priorities for veterans. We just added $1.7 billion over the President's request for veterans' medical care—the largest increase in veterans' medical care in history—to allow expanded care to thousands of veterans, initiating new programs for veterans, helping homeless veterans, providing for inflationary increases, enabling the VA to treat the veterans who have hepatitis C with a new therapy.

The Veterans' Administration is making cuts, increasing efficiencies, good business practices that will enable them to serve more. The money we have already provided should assure good quality care for the next year in the health care facilities for our veterans.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated April 30, signed by 51 of our colleagues, to Chairman STEVENS and Senator BYRD asking for the $1.7 billion to be provided by the Appropriations Committee for veterans' health.

There being no objection the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 30, 1999.

Hon. TED STEVENS,
Hon. ROBERT C. BYRD,
Senate Committee on Appropriations, Washington, DC.

DEAR TED AND SENATOR BYRD: We write to urge the Appropriations Committee to follow the recommendations set forth in the Budget Resolution pertaining to the Department of Veterans Affairs (VA) discretionary health care appropriation.

Veterans' health care funding has been held virtually constant for four years. The additional $1.7 billion, recommended by Congress, will allow the Veterans Health Administration (VHA) to help fulfill the country's obligation to provide health care to our military veterans. The funding will also help VHA address newly emerging health care challenges such as the high incidence of hepatitis C among veterans, emergency care, technological advances in medicine, and patient safety, as well as long-term and end-of-life care. Additionally, the new funding may enable VA to avoid some of the recently announced personnel reductions that prompted the Senate Committee on Veterans' Affairs to hold a hearing on April 13.

Once again, America is facing a situation that has focused enormous attention on the importance of our Armed Forces. These men and women, who have answered the call of our nation, may someday call on the Department of Veterans Affairs to come to their aid. An increase in the VA health care appropriations account for FY 2000 will go a long way to demonstrate that not only is America committed to be there for the veterans of today, but we are prepared to handle the veterans of tomorrow as well.

We believe it is imperative for the future viability of the VA health care system that the Appropriations Committee follow through with the recommendations set forth in the Budget Resolution. We look forward to working with you and the other members of the Committee to achieve this goal.

Thank you for your attention to this matter.

Sincerely,

Arlen Specter, John D. Rockefeller IV, Daniel K. Akaka, Jack Reed, Harry Reid, Kent Conrad, Pete V. Domenici, Mary L. Landrieu, Trent Lott, Tom Daschle, Tom Harkin, Pat Roberts, Larry E. Craig, John Edwards, Strom Thurmond, John Warner.

Dianne Feinstein, John F. Kerry, Slade Gorton, Patty Murray, Bob Smith, Carl Levin, Chuck Grassley, Jim Bunning, Bill Frist, Charles Schumer, Peter G. Fitzgerald, Richard H. Bryan, Jim Jeffords, Barbara Boxer.

John Breaux, Max Cleland, Russ Feingold, Joe Biden, Patrick Leahy, Rick Santorum, Tim Hutchinson, Tim Johnson, Paul Sarbanes, Jeff Bingaman, Bob Kerrey, Frank H. Murkowski, Robert G. Torricelli, Bill Roth.

Daniel Moynihan, Susan Collins, Paul Coverdell, John Chafee, Chuck Hagel, Mike Crapo, Jeff Sessions, Olympia Snowe.

The PRESIDING OFFICER (Mr. GREGG). All time has expired. The question is on agreeing to the motion to

waive the Budget Act in relation to the Wellstone amendment No. 1747. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 63, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—36

Akaka	Durbin	Reed
Baucus	Grassley	Reid
Biden	Harkin	Robb
Bingaman	Hutchinson	Rockefeller
Boxer	Jeffords	Santorum
Campbell	Johnson	Schumer
Cleland	Kennedy	Smith (NH)
Collins	Kerrey	Smith (OR)
Conrad	Kerry	Snowe
Daschle	Leahy	Specter
Dodd	Lieberman	Wellstone
Dorgan	Murray	Wyden

NAYS—63

Abraham	Feingold	Lincoln
Allard	Feinstein	Lott
Ashcroft	Fitzgerald	Lugar
Bayh	Frist	Mack
Bennett	Gorton	McConnell
Bond	Graham	Mikulski
Breaux	Gramm	Moynihan
Brownback	Grams	Murkowski
Bryan	Gregg	Nickles
Bunning	Hagel	Roberts
Burns	Hatch	Roth
Byrd	Helms	Sarbanes
Chafee	Hollings	Sessions
Cochran	Hutchison	Shelby
Coverdell	Inhofe	Stevens
Craig	Inouye	Thomas
Crapo	Kohl	Thompson
DeWine	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Edwards	Lautenberg	Voinovich
Enzi	Levin	Warner

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this question, the yeas are 36, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the point of order is sustained and the amendment falls.

Mr. BOND. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1757

The PRESIDING OFFICER. The question now is on agreeing to the motion to table amendment No. 1757. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—61

Akaka	Durbin	Lieberman
Baucus	Edwards	Lincoln
Bayh	Feingold	McConnell
Bennett	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Grassley	Murray
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Bryan	Hollings	Roberts
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Santorum
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Cochran	Kerrey	Specter
Collins	Kerry	Stevens
Conrad	Kohl	Torricelli
Daschle	Landrieu	Wellstone
DeWine	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—38

Abraham	Gorton	Nickles
Allard	Gramm	Roth
Ashcroft	Grams	Sessions
Brownback	Gregg	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Coverdell	Hutchison	Snowe
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Voinovich
Fitzgerald	Mack	Warner
Frist	Murkowski	

NOT VOTING—1

McCain

The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 1744

Mr. BOND. Mr. President, I ask unanimous consent to have added as cosponsors to amendment No. 1744: Senators ROBERTS, ASHCROFT, SNOWE, COLLINS, COVERDELL, and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the chairman of the appropriations subcommittee, Senator BOND, and my colleague and close friend from Maryland, the ranking member of the VA–HUD appropriations subcommittee, Senator MIKULSKI, for their good work in developing this bill under extremely difficult circumstances.

All of us should recognize that due to the steadfastness of these two Senators, many important programs that had otherwise been scheduled for the cutting block, programs that had, indeed, been severely damaged by the House bill, have been largely preserved in the legislation that is before us this afternoon.

My colleagues, Senator BOND and Senator MIKULSKI, working with the strong support of Senator STEVENS, the chairman of the full committee, and Senator BYRD, the ranking minority member of the full committee, worked hard to prevent deep House cuts from being carried forward in their bill.

So I very much appreciate the efforts by the chairman and the ranking member, for example, to preserve the affordable housing stock and to provide tenant protections in cases where owners insist in opting out of their assisted housing contracts. That is important progress, and I thank them for their hard work.

There is always the ''but.'' While recognizing and applauding the work of the subcommittee, I do not want to lose sight of the continuing, pressing affordable housing needs and the efforts that we must continue to make beyond the floor consideration of this legislation today as a Congress and as a nation.

Today, in the midst of the longest peacetime economic expansion in our Nation's history, we are faced with the largest number of our citizens facing ''worst case housing needs.'' Let me explain briefly what that phrase means. Families with ''worst case housing needs'' are those who pay over half their income in rent or live in severely substandard housing, housing that fails to meet basic standards of safety and decency.

For families paying so much of their income for rent, homelessness is only one bout of unemployment away. For those families, an unexpected medical bill brought on by a sick child or an elderly parent, a broken down car that makes it impossible to get to work, or any modest financial disruption in life's routines that most people could absorb, any of those activities can lead to eviction. Today, there are almost 5.5 million families who live with this sword of Damocles just over their heads.

Work in and of itself is not a solution. A recent study indicates that people working for the minimum wage, a full-time working family earning the minimum wage, would have to work in excess of 100 hours a week at the minimum wage in order to pay the rent for a two-bedroom apartment.

In other words—and the HUD statistics support this data—the fastest growing segment of the population with worst case needs are families. So there is this big gap between what working at the minimum wage brings in and what it costs on average for a modest apartment.

This underscores, in my opinion, the need to increase the stock of affordable housing. It also underscores, of course, the need to address the minimum wage as well. But this legislation before us now deals with housing.

We need to increase the stock of affordable housing. The fastest way to do that is by funding additional section 8

rental vouchers. This is very much the issue I hope will be addressed in conference.

Last year, we worked together to authorize 100,000 vouchers for fiscal year 2000 in the public housing bill. The budget the President submitted included the 100,000 vouchers in the proposal. In the current year, we funded 50,000 vouchers.

I make this point fully understanding the constraints under which Senators BOND and MIKULSKI worked to bring this bill to the floor today. As I have indicated, they did a good job within those constraints. But it is the responsibility of all of us now to consider how we can move beyond those constraints so we can start to meet the needs of the millions of working families, the millions of poor families, and the elderly that desperately need housing assistance just in order to make ends meet. I very much hope we can start to address this problem in the conference. I encourage both of my colleagues to place this issue of section 8 rental vouchers high on their priority list as they go to conference.

Let me add two other brief points. Last year we passed important new public housing legislation, working successfully in a bipartisan way with Senators MACK, BOND, MIKULSKI, and D'Amato. That new law holds real possibilities for strengthening our public housing stock by giving more flexibility to local housing authorities while at the same time providing important protections for the poor. To make this law work, however, we must provide adequate funding. We need to give the housing authorities adequate operating subsidies to run their programs effectively on a day-to-day basis.

Furthermore, these housing authorities are public agencies that cannot opt out of the program, as many of their private counterparts do. We must provide them the capital necessary to maintain and upgrade their units so we can begin to build the kind of economically diverse communities we know are healthier for all residents. I very much hope this issue will also be kept in mind as my colleagues go to conference.

Finally, I note my concern with the provisions of the bill that eliminate the Community Builders Program entirely this coming February. In fact, many of these employees are the sole HUD workers in various State or local HUD offices. Surely, a more measured approach to addressing these concerns is possible. Eliminating these positions will result either in offices being closed or HUD being forced to shuffle employees around in ways that simply may not be optimal. From all reports, the community builders are doing a good job. They have been well received. I hope we allow them to continue with their efforts.

In closing, I again thank my colleagues for their work on this bill. Many improvements were made possible by their resolve and their many efforts even before the bill was marked up, but there is still much to be done. I look forward to working with both of them, and the other members of the Appropriations Committee, as the bill moves to conference in the hope and anticipation that we may be able to move beyond some of the constraints under which they were laboring and to address these issues which I have outlined and, certainly, this very pressing need for affordable housing all across the country.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Rhode Island.

Mr. REED. Mr. President, I join my colleague, Senator SARBANES, and commend both Senator BOND and Senator MIKULSKI for their extraordinary work in trying to fashion an appropriations bill under very difficult fiscal constraints and to meet the demands for so many different programs.

I, too, am concerned that the amount of resources devoted to the Department of Housing and Urban Development is not sufficient to meet the demands for all Americans for adequate and safe housing. I am also concerned that some of the reductions in staffing may impair the operations of HUD in the delivery of effective services to Americans throughout the country.

Again, I recognize the extraordinary conflicting demands that both Senator BOND and Senator MIKULSKI faced and the remarkable job they have done in fashioning the bill to date. It is my hope that as we go into conference, we can find additional resources to address two critical issues. First and foremost is access to affordable housing for all of our citizens. There is, in fact, an affordable housing crisis throughout this country. The second issue, as I mentioned before, is related to the issue of staffing at HUD.

Let me talk about the crisis that many Americans face with regard to affordable housing. As Senator SARBANES articulated, there is a request within the President's budget for 100,000 new vouchers that will allow individuals to move into adequate, decent, and safe housing. It is estimated that there are 5.3 million households in the United States that suffer from worst-case housing needs. These needs, as has previously been explained, are either the fact that the family is paying more than 50 percent of their income for housing or that they are living in very substandard housing. This is not an academic problem anywhere in the United States; it is a real problem. In Rhode Island, for example, it is estimated that there are 23,000 families suffering worst-case housing needs. They are spending a huge amount of their income simply to find a place to live. Sometimes these places are inadequate. Others are in places in which, frankly, we would not live, nor would we want to see anyone else live. So we do have a problem. This problem is worsening.

We used to build affordable housing units at a fairly substantial rate. Between 1979 and 1980, we built a significant number of houses. That was a trend that had begun all through the 1970s. In the 1980s, we essentially stopped building affordable housing throughout this country. In 1995, the Government went further and stopped issuing any additional rental vouchers for needy Americans. So as a result, predictably and understandably, we have a shortage of decent, affordable housing throughout the United States.

This problem of a lack of supply has been further exacerbated by a booming economy that is driving up the price of everything, including the price of houses. So we have limited housing stock and increased demands. We have accelerating prices. We have families that are in crisis.

Last year we authorized 100,000 new vouchers—I commend the leadership for doing that—but still there are more than 1 million Americans on waiting lists for public housing or for section 8 vouchers. They are not waiting for days or weeks; the average waiting time for section 8 vouchers in our country is 28 months. In most large cities, the waiting time is much longer. For example, in Philadelphia, the waiting time is 11 years. In Cincinnati, it is 10 years. In Los Angeles, it is 8 years. In my own home State of Rhode Island, the average waiting time for public housing is not quite that severe, but it is still 7 months. That is a long time for a family to wait to get into public housing. In addition, there is a long waiting list and waiting period for section 8 vouchers. That is estimated to be months and months, if not years.

So we have a problem we have to address. In light of this great problem, we should this year, once again, authorize at a minimum 100,000 new rental assistance vouchers. We haven't done that. We haven't been able to do that in this particular appropriations bill. I hope in the conference we can, in fact, achieve that objective. Even if we do that, we will not be totally satisfying the tremendous housing needs of the American people, but at least it will be another forward step in that appropriate march to a goal of adequate, safe, decent, and affordable housing for all of our citizens.

The second issue I will mention is the issue of staffing in the Department of HUD; in particular, the Community Builders Program. My colleague, Senator SARBANES, mentioned the concerns that I, too, share. This is a program which is now, under this legislation, scheduled to be eliminated. It has

only been in operation for about a year. We haven't given it a chance to operate. If, in fact, we eliminate this program, not only will we miss the opportunity to truly and effectively evaluate this program, we will also take away many of the workers who are doing all the work in some of the regional and district offices of HUD. We will effectively impair the ability of HUD to deliver their services, and that is not something we want to do.

There are reports already that the cuts HUD has made in their staffing—and they have been significant over the last several years—have reached a point where both GAO and the IG at HUD are questioning whether or not HUD has reduced too many employees. In this context, where they have already made significant reductions and where we have a new program that shows some promise, although there has been some criticism, I think it is premature to eliminate the Community Builders Program.

I hope we will study it carefully, evaluate it objectively, make changes, if necessary, but certainly not at this juncture eliminate a program that deserves, I think, additional time to prove its worth and merit.

Let me conclude by thanking Senators BOND and MIKULSKI for their extraordinary work. Also, I will work with them over the next several weeks and months in conference to see if we can find and dedicate these resources to addressing many of the issues I have raised.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Maryland, Mr. SARBANES, and the Senator from Rhode Island, Mr. REID, for their compliments. I particularly want to thank the Senator from Maryland, my very dear and esteemed colleague. We have a wonderful alignment in Maryland with Senator SARBANES, the ranking member on authorizing and I on housing appropriations. I thank him for all of the work he has done in terms of our housing and our urban economic development initiatives, and also for being concerned to make sure that HUD serves not only urban America but our rural and suburban communities as well. I thank him for his steadfast belief that the American dream is home ownership and for his desire to promote home ownership. I am particularly grateful for that, and we have done that in this bill. Also, he is a champion for the homeless, which, again, I believe we address in this bill.

Then there is the in-between group, those people working for self-help, working very hard to move from welfare to work. They often qualify while they are working for certain subsidies, be they food stamps and, in some cases, section 8 housing, essentially making work worth it. If you are willing to work hard every day, we are willing to at least subsidize housing for you and your family. So his presentation about the need for more section 8 vouchers, I believe, was an excellent one and one with which I am in complete agreement.

I say to my colleague from Maryland that this bill is a work in progress. To be able to find an offset or a new revenue stream to meet the need for new vouchers now and to be able to sustain them in the future is a set of actions I wish to take. I am working closely with the administration to find an offset that would be both reliable and sustainable, and I look forward to our continued working relationship. I welcome his ongoing support and collaboration. Again, this bill is a work in progress. I really do thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, let me begin where others have also begun by complimenting the distinguished chair and ranking member. They have an extraordinary working relationship. They are excellent partners in moving this important bill. I commend them both for their work.

This has not been easy, especially this year, but they have demonstrated once again what happens when two people of intelligence and determination can work together to achieve the product that we have before us. I certainly hope that our colleagues will recognize that work and will be as supportive as I hope we can be on a bipartisan basis.

If there is one area where I hope we can take another look in conference it is section 8 and the question of public housing. The affordable housing crisis, as many know, is now at record levels. But we are in a situation where very little is available in the form of new vouchers to deal with millions of children and senior citizens who are currently at risk, not because we don't have the desire but because we haven't had the resources.

We have considered the demand for section 8 housing. We have looked at public housing in many ways but have not funded it adequately because we have felt the need to fund other priorities. In fact, we have used section 8 as an offset to fund other programs. That offset has now been completely depleted.

But 5.3 million American households suffer from the worst-case housing situations—defined as paying more than 50 percent of their income in rent or living in substandard conditions. I believe Senator SARBANES mentioned that.

In my home State of South Dakota, the average waiting list for public housing is now 9 months for section 8. It is a very serious problem even in a rural State such as ours where one wouldn't think that the availability of public housing is nearly as much of a problem as it might be in some of the larger cities.

But we have seen a half decade of a budget freeze on housing assistance. From 1977 to 1994, the number of HUD-assisted households grew by 2.6 million—an average of 204,000 additional households each year from 1977 through 1983, and an additional 107,000 households per year from 1984 to 1994. But in 1995 we saw a reversal of that policy—a freeze on new housing vouchers despite the growing need.

In 1999, we saw the first new vouchers in 5 years. The President has made a modest request for fiscal year 2000 of 100,000 for this year. Last year we made available 50,000 new section 8 vouchers, the first in 5 years. In my own State, again, 321 families would receive section 8 assistance with appropriations of 100,000 new vouchers. To provide no new vouchers is, frankly, a flaw in what is otherwise a very important bill. I hope we can begin to work on it much more constructively.

In some areas, housing costs have risen faster than incomes of low-income working families. In addition, due to the aging and gentrification of older housing, the number of affordable rental units has actually declined.

The section 8 housing voucher program clearly provides one of the only means—if not the only means—to subsidize the rents of apartments that families locate on the private rental markets. They don't give families a free ride. I think everyone hopefully understands that. There is no free ride for families. They still must find the resources to pay between 30 and 40 percent of their incomes for rent. They have to take some responsibility in their own right. Without vouchers, many low-income working families simply are unable to secure affordable housing.

Another problem, of course, related to public housing and section 8 housing is the Community Builder Program. The bill currently would require the firing of 410 HUD employees, which would eliminate local service in almost two dozen communities, including South Dakota. That also would be a problem.

I realize our distinguished colleagues had to make some very tough choices. I applaud them for making many of the choices they did and coming up with as fair and comprehensive a bill as we have before the Senate. I intend to support it strongly and enthusiastically. I

do hope, though, when we get to conference, we can address the section 8 and public housing programs. I believe that is the one area where, as good as this bill is, we still can demonstrate real progress.

Failing that, I am very concerned about the implication for housing for low-income people across this country, in South Dakota, in rural areas, as well as in urban areas that I know are commonly associated with public housing programs. This is not just an urban problem; it is a rural problem as well. I know the distinguished ranking member understands that and is very knowledgeable and cognizant of that issue and problem. I hope we can do better in resolving it once we get to conference.

I congratulate my colleagues and yield the floor.

Mr. BOND. Mr. President, I add another cosponsor to amendment No. 1744. I ask that Senator ABRAHAM be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, let me first thank the distinguished minority leader for his kind comments. I share his concern about the availability of affordable housing. At an appropriate time, I want to discuss some of the problems in a little more detail. I recognize his concern and the concerns raised by the Senator from Maryland, the Senator from Rhode Island, and others. There is a bigger problem, and we will discuss that later.

We have been in quorum calls for almost the last hour. We have an amendment Senator MIKULSKI will offer shortly on behalf of Senator INOUYE. However, we are open for business. This is daylight. This is a good time to present amendments, to argue amendments, with great coverage. Everybody is paying attention; everybody is awake. We beg and plead with our colleagues to come down and get going so we can finish this up at an early hour.

I see the distinguished junior Senator from North Carolina who wants to share some views on the very serious problem caused by the hurricane in his State.

I yield the floor.

Mr. EDWARDS. Mr. President, I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE FLOYD

Mr. EDWARDS. Mr. President, I am here to talk about the terrible devastation that has occurred in my State of North Carolina, which most of my colleagues, I know, are aware of, and to give them an update on a report I gave last week.

The people of North Carolina are suffering in a way they have never suffered before. This is absolutely the worst disaster that has ever hit the State of North Carolina. There has been tragedy, and there have been acts of heroism. It has been an extraordinarily difficult situation, particularly for the people of eastern North Carolina. Thus far, we have 37 confirmed deaths as a result of the hurricane. We have four additional North Carolinians at this point presumed dead. We expect, as the waters recede, as FEMA officials and other local folks are able to get into houses that have been covered by water, that we will find additional North Carolinians who have lost their lives as a result of this flood. Let me give one example.

We have one entire family that was wiped out by this flood—six members of the family. This happened in Pinetops, NC, which is one of the worst hit areas of eastern North Carolina. Ben and Vivian Mayo, Keisha Mayo, and Cabrina and Destiny Flowers were all killed as they tried to escape in a small boat but the boat capsized. Yesterday, rescue team members who were working in the area discovered another member of the family, Teshika, who was 50 feet from her grandparents' home at the time of her death. She was 5 years old. That is six members of this family who died in the course of this hurricane. This is a terrible tragedy. I ask all of my colleagues and the American people as a whole to please give their thoughts and prayers to these families as they go through an extraordinarily difficult time.

We had business losses that we have never had in the history of North Carolina. An example is Jamie Milliken's family who operated an electric supply company in Brunswick County. As a result of the flood, they have lost $2 million worth of merchandise. They had no flood insurance. Some of the hardest hit businesspeople in eastern North Carolina are the farmers.

The bottom line is—and I will talk in a little more detail about this in a few minutes—there are many farmers in eastern North Carolina who will be put out of business. They were already struggling, already having a very difficult time making ends meet. This has been a year where they have been hit and hit again: Hit by drought, hit by low crop prices, hit by low livestock prices. And then, when they are teetering on the edge, they get the final nail in the coffin, which is the effect of this hurricane on their businesses and on their farms. The effect has been devastating.

We have also had enormous problems with housing and homelessness. The truth is, we have people who are desperate. For example, we got a call in my office from a mother whose daughter is stranded in New Hanover County, where Wilmington is located. She lost everything: Her home, her car, all of her possessions, and her job. Her mother says her daughter has absolutely no idea how she will go about rebuilding her life and she can't stop crying. Every time she calls her, she is crying. She has no idea how she will deal with the situation.

We have about 10,000 people in eastern North Carolina who still remain in shelters, who cannot get to their homes because of the floodwaters, and they have nowhere to go except the shelters. Mr. President, 50,000 homes have been affected by this hurricane. We expect that number actually to go up as we have more time to go in and see what damage has been caused.

I might add, I spoke with the Director of FEMA, James Lee Witt, a bit ago. He pointed out to me something that the people in North Carolina have already thought about. When the floodwaters recede, because the water has been contaminated by a variety of things, including wastewater treatment plants being flooded, including dead livestock, including any of a variety of things, the water is contaminated that has gone into people's homes. When that water recedes, folks are going to want to go home. They have been out of their homes for a long time now, living in shelters. They will want to go home. The problem is, their houses will be contaminated. They will have enormous health threats as a result of the contamination caused by the floodwaters. We will be confronted with a situation of trying to decontaminate the houses, and in some cases that may be impossible. It may be required that the houses simply be torn down and rebuilt.

I might add, many of these people whose houses have been flooded had no flood insurance. To be fair to them, they had no reason to have flood insurance. They didn't live in a floodplain. They didn't live in an area that had ever been flooded. They had no reason to believe their homes would ever be flooded. They are the victims of this hurricane.

Water supplies. We have thousands of people in eastern North Carolina who have no clean water. Many people who had wells as the source of their drinking water, the water they use on their farm, the water they use to bathe—the wells are gone.

In Greenville, which is probably the largest city in eastern North Carolina, they are facing an entire shutdown of their water supply due to a break in the water main. If this occurs, every restaurant, every business, will have to close and it will affect every resident in the area.

We have about 120 million gallons of hog waste caused by broken and flooded lagoons spilling into floodwaters. Water is flowing directly from our sewage systems into these floodwaters, which are contaminating homes, contaminating businesses, contaminating farms.

We also have a problem with our roads. We have more than 900 roads that have been washed out where floods have been recorded. One example of this is Interstate 95. You can just see the extent to which Interstate 95 has been flooded. It is totally impassable. We still have, I might add, many sections of Interstate 95 and Interstate 40 which are still impassable. We have 10 bridges that have been destroyed during the course of this.

I mentioned earlier our farms and our agriculture in eastern North Carolina. These folks have been devastated. They have been through extraordinarily difficult times. Now the bottom line is their farms are underwater.

Just some examples of the crop losses we expect to be incurred: Cotton, we expect to lose 80 percent of the cotton crop in North Carolina; soybeans, 75 to 80 percent; peanuts, 75 to 80 percent; sweet potatoes, to date, about 25 percent of that crop has been harvested. We expect to lose anywhere from 75 to 80 percent and possibly greater of the sweet potato crop. Mr. President, 50 percent of the tobacco crop, which we all know is an enormously important economic crop in North Carolina, has been lost.

Livestock: I just finished meeting a few minutes ago with livestock farmers, hog farmers from eastern North Carolina, and they have been totally devastated. They have virtually no insurance. A lot of these farms have lost many thousands of dollars. In fact, the average amount of equipment that is located on these farms is worth $500,000. That equipment is not insured and it has been largely destroyed because the people had to leave their farms so quickly when the water started to rise. There have been more than 100,000 hogs that have been drowned so far; about 3 million poultry. Widespread starvation is facing many of the animals that still are in eastern North Carolina because they are cut off from feed sites and they are cut off from rescue efforts.

The fishing industry has suffered a great deal so far, and they are going to continue to suffer. Many fishermen have lost their boats, and we expect many of the environmental results of this hurricane's devastation in eastern North Carolina to cause problems with our fishing reserves for many years to come.

Finally, debris and contaminated water has done enormous damage to the soil of eastern North Carolina, of which our farmers are so proud and have relied upon for so long.

I can show just a couple of other examples of the flooding that exists in eastern North Carolina. Many folks have seen these photographs from some of the television stories. But here is an example of the level of the flooding in a rural area in eastern North Carolina. These are people who never had water on their property. They never had any notion they had to be worried about that.

Here is an example of what I saw when I traveled this past weekend over eastern North Carolina. What is shown in this photograph I saw all over eastern North Carolina. You can see that it is not just flooding. The flooding is up to the roofs of these houses and it is extensive and you see it over and over and over. It is all over the areas of eastern North Carolina. Can you imagine the folks who spent their lives living in these homes and the devastation this has created for them? Everything they own and spent their lives putting together is in these homes that have been flooded.

Finally, I made mention of the farming operations. Here is a farm in eastern North Carolina. Everything we see underwater in these sections is all farmland; all had crops on them, all a total loss, 100 percent total loss. This scene is repeated over and over. I spent hours in a helicopter going over eastern North Carolina and landing in various places. I can't tell you the human tragedy associated with this for people who have spent their lives here. For these folks who farm this land and who live in eastern North Carolina, this is not just a place they live. This is a way of life for them, and they have now lost it. This is something that is going to be difficult, if not impossible, for the people of eastern North Carolina to ever recover from.

Having said all of this, there are a number of people we need to thank because the reality is there have been and there will continue to be acts of heroism as a result of this catastrophe in eastern North Carolina.

First, FEMA; FEMA has done an extraordinary job so far. I expect them to continue to do an extraordinary job. Their Director, James Lee Witt, has been on top of this problem. He has been in regular contact with all the people who are involved, including myself and Governor Hunt. The American Red Cross has been omnipresent in eastern North Carolina and will continue to be so. They have done a wonderful job.

The Salvation Army and the Marine Corps have done a wonderful job. The Army, the troops who are located in eastern North Carolina, the Coast Guard, the Navy, the National Guard have all worked extraordinarily hard to deal with this problem.

I might add, our mayors and our State and local officials have done a wonderful job. I include in that group our Governor, Jim Hunt, who has been on top of this situation from the very beginning. I am proud of the job he has done.

I am also proud of the job that has been done by many of the folks in eastern North Carolina. The bottom line is North Carolina has been devastated in a way that we have never been devastated before. We have people who are struggling, who are confronting situations they never in their lifetimes thought they would have to confront. People's lives have been lost, people's futures have been lost, and their businesses have been lost. There are farmers who spent their lives farming this land who will have a very difficult time getting back to the place where they can farm their land again.

What we ask is simply for the prayers and support of my colleagues in the Senate and of the American people because the reality is we are in a difficult situation. We need their help. We know the American people will respond in the way they always have to this kind of tragedy, which is to support us.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, let me express my gratitude to the Senator from North Carolina for outlining the tragic situation he faces in his State. As one who has faced similar circumstances in my State, seeing nothing but the tops of flooded buildings, I can tell you I was very grateful for then-chairman of the committee, Senator MIKULSKI, who came to my State and worked with us during the floods of 1993. I know there is nothing more important to these people who have lost everything than to know that somebody is trying. There is no way we can make them whole. We intend to see that FEMA meets their needs.

I have already discussed with the senior Senator of North Carolina some of the needs. I assure both Senators that we on the committee will do whatever is necessary to make sure FEMA has the resources needed. We believe they have adequate reserves right now, but we are going to continue to work on this problem and follow FEMA's activities. We look forward to working with the Senators from North Carolina to make sure we do have adequate resources available.

I join with the Senator from North Carolina in saying we appreciate and congratulate James Lee Witt and the entire FEMA operation for what appears to be a very prompt response to a disaster situation.

Mr. HELMS. Mr. President, I am grateful for the courtesy of the distinguished manager of the bill, Mr. BOND, for his willingness to work with me to make sure that FEMA is fully prepared to respond to the needs of victims of flooding caused by Hurricane Floyd. I do not exaggerate when I say that North Carolina is facing the worst flooding in its history.

There is no need for me to catalogue the details of the enormous suffering caused by this storm because I know that Senators understand and share my dismay in hearing the incredible damage reports still coming in from my home state. I am so very grateful for

the kind words of my colleagues who have told me they are thinking of—and praying for—the people of Eastern North Carolina, and I know they join in pledging that the federal government will do its part to alleviate their suffering.

So, Mr. President, I genuinely appreciate Senator BOND's efforts to assure that FEMA is currently funded at a level to respond to the developing situation in Eastern North Carolina. I hope it is understood that this is a serious and ongoing situation and that state and local officials are still scrambling to grasp the enormity of the loss to life and property. North Carolinians have become gratefully familiar with the splendid work FEMA does in the wake of natural disasters, but our familiarity does not minimize the heartfelt gratitude we feel for the dedicated public servants who are helping the victims of flooding.

I have the utmost faith in Senator BOND and his fine staff, and I appreciate their willingness to consider any additional needs that FEMA may identify as this bill goes to Conference. At the same time, I certainly understand that there will be an effort to make an accurate accounting of the funding—if any—that FEMA needs and I pledge that I do not intend to make unreasonable demands upon appropriators. It is important that we do not act heedlessly in our understandable haste to help those in desperate need, and I will certainly make every effort to make sure that any aid requested is genuinely necessary.

Mr. BOND. Mr. President, I certainly appreciate the diligence of Senator HELMS and his willingness to work with me as we both seek to make sure FEMA is ready to help the victims of Hurricane Floyd. I know how deeply he cares for his constituents, and I join him in sending my thoughts to the people of Eastern North Carolina—as well as those suffering in other affected states—as they begin the hard work of recovering from this very serious natural disaster.

I certainly intend to work with him every step of the way to make sure that FEMA has the financial resources it needs to continue the important work already underway in North Carolina.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, wish to, first of all, express my support for the people of North Carolina. I believe the way we express our support and our concern is not only with kind words, which we would like to say many, but with deeds. Right now James Lee Witt and other emergency management people are responding with gallantry and are trying to get a swift assessment of damage. We want to work with you, Senator HELMS and Governor Hunt, to really be able to get emergency assistance to the communities and to do it in a way that is swift, helpful, and also affordable.

I, too, have been hit by damage in my State. Senator BOND is right. One of the first things we did together was to be in Missouri because they had been hit by floods. A short time later we were hit by ice storms and floods.

You know what is so heartbreaking: After the floods and the waters come, then the water goes down, and you just see broken dreams, the hard work of lifetimes just washed away. You go into a home, and there is the tattered photograph of the wedding picture, there is the mud-saturated picture of the graduation, and the appliances when you open the door. I think what I remember also, most of all, in addition to the tears, is the mud, the smell, and so on.

The first thing is that it breaks your heart. We want to make sure it does not break their pocketbook. That is what we can work on.

Hurt hearts. I believe the people of North Carolina will have so many communal ways that those hearts will be healed. But the immediate thing we can do is to make sure that the devastation to the pocketbook is not permanent and that they have the opportunity to restore a way of life.

So I just say to the Senator from North Carolina, Mr. EDWARDS, that he is not alone nor are those thousands and thousands of people. We have been thinking about you. We have been praying for you. Our hearts are filled with sadness that people have lost their lives. We really do not want to see the loss of their way of life.

Mr. EDWARDS. Will the Senator yield for a moment?

Ms. MIKULSKI. Yes.

Mr. EDWARDS. I want to take a moment to thank the Senator from Maryland and the Senator from Missouri for their very kind comments. I know they will, as they always have, step to the front and help the folks in North Carolina who need help so desperately.

I would add to that, I say to Senator BOND, that Senator HELMS is working very hard, the senior Senator from North Carolina, on this problem. He and I have talked about it on a couple of occasions already. We will continue to talk about it. He is working very hard on this problem. So is our Governor.

We appreciate very much your help and support. I appreciate your thoughts and prayers. This is one of those times where we need all the help and support we can get, I can promise you.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—Continued

Mr. BOND. I am prepared to enter into a colloquy with the distinguished Senator from Maine who has a matter of great importance in her State.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, let me begin by praising the terrific work done by the Senator from Missouri and the Senator from Maryland in putting together this appropriations bill. I know a lot of the issues are very difficult. They have worked together in a bipartisan way to come up with a bill that is responsible fiscally and yet meets some urgent needs of many people in our Nation. I commend them both for their efforts in this regard.

I appreciate the Senator from Missouri giving me this opportunity to engage him in a discussion on an issue of great importance to Maine and the Nation as a whole. That is the issue of providing fair Federal assistance to our homeless men, women, and children, regardless of where they live. Senator BOND and Senator MIKULSKI have been leaders in addressing housing issues affecting underserved and vulnerable populations, especially our Nation's homeless population.

Under their leadership, the Department of Housing and Urban Development homeless assistance grants have increased from $823 million in fiscal year 1998 to $975 million in fiscal year 1999. I am very pleased to note that the appropriations bill that is before us now would further increase funding for vital homeless assistance grants by providing a little more than $1 billion for these critical programs.

Senator BOND's continued dedication to this vital and often forgotten issue has served the public well, as has the commitment of the Senator from the State of Maryland. I salute them for their effort to direct the funding of the resources to those most in need.

Mr. BOND. I thank the Senator from Maine for her kind words. I know of her personal commitment to helping the homeless. I strongly support these important programs which do benefit the homeless men and women in America. I hope we can come up with a permanent solution to homelessness, especially for those persons with mental disabilities.

Ms. COLLINS. Although Congress has done a good job in recognizing the need for more funding in this area to serve this very vulnerable population, I have become extremely concerned about the process that the Department of Housing and Urban Development has used to award a particular kind of homeless grant, and that is the continuum of care grant. This has been a real problem in my State, and I suspect

the Senator from Missouri has heard from other States as well.

Mr. BOND. Unfortunately, we have had a number of Members express to us their concern about the continuum of care grant award process. Many believe that the HUD process has proven to be confusing for applicants and perhaps even incomprehensible to anyone outside the HUD compound.

Ms. COLLINS. I note that has been exactly the very unfortunate experience in my State. Let me give you a little background.

The needs of the homeless population in Maine have increased in recent years. Often when we think of the homeless, we think of large cities. In fact, there are homeless people throughout this Nation, including in rural States such as Maine.

From 1993 to 1996, Maine's homeless population grew by almost 20 percent. It is estimated that more than 14,000 people are homeless in my home State today. Despite this great and growing need, however, the Department of Housing and Urban Development denied both the applications from the State of Maine for continuum of care funding last year. In effect, the HUD competitive homeless assistance funding distributed to the State of Maine went from $3.7 million to zero. You can imagine the impact on my State.

Moreover, we were stunned by HUD's decision because Secretary Cuomo, in 1998, had awarded Maine's programs with the HUD ''best practices'' awards of excellence.

A vigorous public campaign by people in Maine and repeated efforts by the congressional delegation ultimately compelled HUD to provide $1 million to the city of Portland to renew certain projects. This money, though welcomed, was far from sufficient to allow the State to meet the needs of its homeless population.

That is the experience I wanted to share with the Senator from Missouri and the Senator from Maryland.

Mr. BOND. What happened to Maine, and other States, in the competitive award process simply should not have occurred. To me, it is quite puzzling. As many of us know, the problem of rural homelessness is complicated; it is pervasive. I live in a rural area. Rural areas have higher poverty rates and a higher percentage of the population living in inadequate housing, which are key factors contributing to homelessness. Providing service to the rural homeless is not easy. It is complicated by distance, isolation, and lack of effective communication.

Ms. COLLINS. It seems to me that HUD needs to understand the impact on the homeless, on the very people we are trying to serve, of simply shutting States out from the housing award process. HUD needs to take greater care to work with States where funding may be in peril in order to ensure that we are not hurting the homeless people of our Nation.

Contrary to what HUD seems to think, homeless men and women do not disappear. Their needs do not disappear when funding is cut off. In fact, their desperate needs still exist.

To address these problems, I have introduced a Senate bill which would require a minimum distribution of continuum of care homeless assistance funding to each State. I realize that I cannot offer that on this bill because of the rule XVI issue, but I hope the chairman and the ranking minority member will agree with me that this is an important issue.

Would the chairman agree that the goal of HUD should be to make every effort to ensure that every State can receive some homeless grant funding because every State has homeless people, unfortunately?

Mr. BOND. I certainly agree with the sentiments expressed by the Senator from Maine. I am very sympathetic to the intent of the bill. As she has pointed out, we are not able to accept it on this bill. But I do look forward to working with the Senator from Maine, and the many other Senators who expressed their concerns, to ensure that HUD does meet the homeless needs of every State.

In the past, I have been a strong supporter of using block grant approaches to the States, which I think can best serve the needs of the homeless. We look forward to working with the Senator and the authorizing committee to solve the current HUD award process problems.

I thank the Senator from Maine for bringing this very real and very compelling problem to our attention. I assure her we will continue to work to resolve the problem.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, a comment on the remarks made by the junior Senator from Maine. I, too, share her concern to ensure that the needs of the homeless are recognized, and we try to do that in our bill. As she knows, under this bipartisan coalition, we increased funding for the homeless by $45 million. We have to talk about not only more but how it is distributed.

I share the Senator's concern about the rural homeless because it is not only isolated but it is often invisible because of distance and the very culture of small towns and also, I might add, in Maine, that Yankee spirit of ''we take care of our own,'' not wanting ''to turn to charity,'' yet at the same time facing very rugged winters, some of which now, with fall weather, are on their way. So when we think about Maine, it is not all L.L. Bean catalogs and fall foliage. It is some very serious problems.

We want to work with the Senator on it. Know that we face some of these same rural issues in our own home States. I thank the Senator for bringing even more heightened visibility in our debate.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank both my colleagues for their assurances. I hope we have sent a very clear signal to HUD that it needs a funding process that ensures the needs of our homeless men and women and children, no matter where they live, are being met. It is particularly important in a State such as Maine, where our winters can be quite severe, that we provide that kind of shelter and assistance in helping people not only get a bed for the night but to put their lives back together.

I thank my colleagues very much for their assistance in this matter, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I begin my brief comments this afternoon by complimenting our colleagues, Senators BOND and MIKULSKI, for a fine piece of work on this legislation under what were less than ideal circumstances, I am sure. I know they have labored long and hard to craft a bill that will meet the needs of our fellow constituents across the country. I, for one, appreciate their labors.

I rise in the spirit of making this product even better. In particular, I rise in support of what I understand will be an amendment offered by Senator KERRY in the area of section 8 housing. I do so not only because I believe the merits of his amendment warrant our support, but also because I believe the American dream of quality affordable housing should be extended to every citizen across our country because I believe in the emphasis that we have been placing upon personal responsibility. Along with that must go the tools to ensure that every person has a chance to make personal responsibility become successful, and no one can deny that quality affordable housing is one of those basic building blocks of opportunity in our society.

Finally, I rise in support of this prospective amendment because I believe in fiscally responsible solutions to the challenges that face America. Few can argue that quality affordable housing is a challenge that continues to face our great country.

For well nigh a generation, there was a bipartisan consensus across our land for quality affordable housing for all Americans. This consensus was interrupted in 1995, when additional section 8 housing opportunities were frozen in place after more than 2 million Americans had been helped over the previous 18 years. Starting this fiscal year, we began to see a thaw in the freeze, but

unfortunately the legislation now before this body would reinstitute that freeze. It is ironic that at a time of unparalleled prosperity for so many Americans we should see a freezing of the opportunities in the area of affordable housing. While 1 million elderly are finding themselves in a position where more than 50 percent of their disposable income is spent on rent or substandard housing, 2 million families with children find themselves in this position. More than 22,000 Hoosier families in my capital city of Indianapolis alone find themselves in a position of devoting a majority of their household income to rent or to substandard housing.

As we gather, 1 million Americans find themselves on waiting lists. The question before us is, How long must they wait. In some cities—Philadelphia, Los Angeles and others—families find themselves in a position of waiting for years, waiting with dreams deferred, hopes delayed, opportunities lost, this at a time when our robust economy and market conditions are driving rents up, pricing too many American families out of the market for quality affordable housing.

My answer to the question of how long they must wait is that the time is now to act. The time is now to act to extend the opportunity of quality affordable housing to every corner of the land, to prevent this from becoming the first generation of Americans to be divided into classes of haves and have-nots. Now is the time to put flesh on the bones of personal responsibility, to ensure every family that is willing to work hard, play by the rules and save has a chance to get ahead and realize the American dream of quality affordable housing.

Now is also the time to put into place fiscally responsible solutions to the challenges that face our great land. This proposed amendment by Senator KERRY is fiscally responsible. We will be taking money that was saved from this year's budget in unused welfare-to-work vouchers and using it for 50,000 new section 8 vouchers, which are also important for making the welfare-to-work process a success.

I add my voice as strongly as I know how to Senator KERRY, to the Secretary of Housing, to Senator MIKULSKI, and my other colleagues who believe if we are to be a great nation, and not just a prosperous one but a compassionate one, we must address the unmet needs of housing for those who are less fortunate across our land. I conclude my remarks by saying: If not now, when our land is filled with plenty, then when?

I urge the adoption of this amendment. Again, I thank Senators BOND and MIKULSKI for their yeoman's work. I think we can make a good bill even better by adopting this amendment.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise in support of the VA–HUD appropriations bill. I am a member of the Subcommittee on VA, HUD, and Independent Agencies, and I know the severe funding challenges faced by Senator BOND, our chairman, and Senator MIKULSKI, our ranking member.

They and their staffs have done an outstanding job in meeting the many priorities of this bill: critical health care services for veterans, homeless assistance funding for continued research in space, and funding for important environmental infrastructure projects along the United States-Mexico border.

I can't adequately describe the pride I feel in the committee's decision to make veterans programs the highest priority in the bill. The committee provided $1.1 billion above the President's budget request for medical care for veterans. This increase will help address newly emerging health care challenges, such as the high incidence of hepatitis C among veterans, emergency care, technological advances in medicine, patient safety, and long-term and end-of-life care. I appreciate the commitment and sacrifices made by the men and women who served our country in wartime. This increase is worthy of them and worthy of the Senate.

I am proud of the committee's decision to fully fund NASA at $13.6 billion. The House dealt NASA a devastating blow in their VA–HUD bill, cutting the programs by almost $1 billion. The funding provided in this bill underscores the Senate's ongoing support for exploration of the final frontier, including the space shuttle and the international space station.

The international space station is the most ambitious scientific project ever undertaken. The efforts and resources of 14 nations are involved in the design, construction, and operation of the orbiting laboratory. Assembly of the international space station has already begun. We expect the international space station to provide unparalleled scientific research opportunities. It will enable advances in medicine, materials science and earth observation, new technologies developed in a microgravity environment, and accelerate the technology and engineering in Earth-based industries. Quite simply, the space station will maintain U.S. global leadership in space science and technology. And its successes will be felt by all of us here on Earth. The space shuttle's capabilities and versatility are unmatched by any spacecraft in the world. The space shuttle has been, and will continue to be, a critical element in space exploration well into the 21st century. The shuttle is also the vital transportation link in the assembly and utilization of the international space station. With plans, upgrades, and improvements by both NASA and industry, the space shuttle will continue to play a major role in future space exploration.

Finally, we are providing the ongoing support of the Senate for the poorest part of our Nation, the United States-Mexico border. This bill provides $50 million for critical water and wastewater projects on the southwest border, most of which will be administered by the North American Development Bank.

As an aside, when I first came to the Senate, I brought up the critical issue of environment and diseases on the border. It was at that time when the now ranking member, Senator MIKULSKI, was the chairman of the subcommittee and she said, ''This is outrageous in America and we are going to do something about it.'' That was the first funding that we got for the colonias on the border, where citizens of our country are living in filth. I appreciate that. We have added to that $50 million every year since I have been in the Senate, and now under the leadership of Chairman BOND.

Washington, DC, is a long way from the border. Recently, I visited colonias—these colonies—along our border that have no infrastructure. I visited colonias near Laredo and McAllen, TX. On rainy days, the unpaved streets in these colonias wash out, making it impossible for schoolbuses to enter the neighborhood. Children walk to school on mud-filled streets and yards, sometimes flooded with human waste that is overflowing from inadequate septic systems. Texas has nearly 1,500 of these subdivisions, with a population of nearly 350,000 people. The numbers in the other southwest border States are equally as staggering.

The $50 million we provide in this bill, added to the $300 million that has accumulated in years past, continues the commitment we have made to end this national shame. No person in the United States should live as do the people in these colonias. I appreciate Senators BOND and MIKULSKI working with me to give this matter the proper attention in our subcommittee.

I also want to mention we are working on another amendment that would deal with the phase II stormwater sewer regulations that are so important to our smaller counties around the country. I hope the EPA will work with us to try to make sure we don't put regulations on these smaller counties that they can't possibly accept and do not have the funding to do.

The VA–HUD appropriations bill is good for our Nation. I thank the chairman and ranking member for their hard work and sensitivity to the critical issues in this bill.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEWINE and Mr. HAGEL pertaining to the introduction of S. 1617 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

Mr. President, first I would like to ask unanimous consent that Senator DICK DURBIN be added to amendment No. 1744, the Byrd, Stevens, Bond, Mikulski $600 million VA–HUD amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1777

(Purpose: To make an amendment with respect to a special purpose grant for the community of Kohala in the County of Hawaii)

Ms. MIKULSKI. Mr. President, I wish to propose a technical amendment in behalf of Senator INOUYE. This amendment is simply a technical and correcting amendment. It makes a technical correction to a HUD grant previously awarded to Hawaii. It has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Maryland (Ms. MIKULSKI), for Mr. INOUYE, proposes an amendment numbered 1777.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101–507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

Ms. MIKULSKI. Mr. President, as I commented, it is technical and correcting and has been cleared on both sides.

Mr. BOND. Mr. President, we accept the amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1777) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, this is a good time to do a couple of things. We started off with a good pace and had a major amendment approved by voice vote. Then we had votes on two more amendments. We have had some wonderful speeches and some great colloquies. We are open for business. It is daylight. We want to get people here because we face a tremendous deadline with the end of the fiscal year approaching. We need to get this bill passed this week to make sure we keep these agencies funded. I ask colleagues on both sides of the aisle, please, if you have amendments, colloquies, or items we need to deal with, please bring them. Otherwise, I am ready to go to third reading in the not too distant future.

Something has been brought up which I hope we can spend some time discussing. A number of my colleagues have talked about the tremendous need for housing. They have equated that with the need for additional section 8 incremental or additional assistance.

I want to go through some of the difficult problems we face. Perhaps as I straighten out in my own mind the complexity of section 8, my colleagues will understand why we came to this point. This bill does not provide any of the 100,000 incremental section 8 vouchers requested by the President. The addition of these vouchers to the bill would cost an additional $578 million per year. Last year, we agreed to the President's absolutely necessary request for 50,000 additional section 8 vouchers. We pointed out at the time that this caused a real problem, and we would need additional money to fund them in future years. The representatives of the administration assured Members they would make provisions for that additional required budget authority.

What did we get this year from the administration? We received a request that we defer $4.2 billion in budget authority to the following fiscal year. In other words, they were not able in their budget presentation to fund existing certificates, the section 8 vouchers, before we added the incremental, and they asked that $4.2 billion be deferred. In other words, their recommendation to us was $4.2 billion less than is needed to renew section 8 vouchers on a full-year basis in fiscal year 2000. That ought to demonstrate there is a problem.

Let me explain as best as I understand it what the problem is. The section 8 account is one of the most difficult accounts for funding in the bill. Not only would the administration's request for 100,000 new incremental vouchers result in an annual cost of almost $600 million each year, it does not acknowledge or address the long-term funding needs of this account. Let me be specific. We currently fund some 3 million section 8 vouchers or assisted living units, as well as 1.5 million public housing units. Much of the cost of these 3 million units is hidden, meaning the annual cost in outlays is some $20 billion. In other words, we are paying out this year $20 billion in section 8 vouchers. We appropriate around here on budget authority. Most of the costs were accounted for in previous year's budgets when the Congress approved long-term 15-year and 20-year section 8 contracts.

Now, the budget authority was committed in future years, but they said OK, Congress, you are going to have to pay out all that money each year in outlays. What is even worse, the budget authority requirement each year goes up because as contracts expire, we renew contracts on a year-to-year basis. We have to put that budget authority in each year's budget. As these contracts expire, we have to pay for the expiring contracts as an annual recurring cost in the section 8 account.

Let me show you a chart. This is how the budget for section 8 has gone up. In fiscal year 1997, we only had to appropriate $3.6 billion in budget authority to cover the $20 billion or so, almost $20 billion in section 8 vouchers. The next year, we had to come up with budget authority of $11.1 billion. In the current year we would have had to come up with $12.8 billion, but we have adopted, because of the tight budget, the administration's proposal to defer $4.2 billion of that into fiscal year 2001.

Guess what happens. We are coming into fiscal year 2001 about $8 billion short in budget authority. If we are to fund the existing contracts next year, we are going to have to come up with $8 billion more in budget authority. The news does not get any better. The next year, we would have to come up with $15.6 billion, the next year $17.0 billion, the next fiscal year 2004, $18.2 billion.

This year, the administration has requested and we have proposed deferring $4.2 billion. So we took the easy out. The only easy out was deferring that $4.2 billion in budget authority for those portions of the section 8 vouchers

which would actually have to be funded, actually outlayed in fiscal year 2001.

That is confusing. I have worked on it for a long time. I am happy to work with any of my colleagues who have questions about it. With the help of staff, I think we can explain it. However, we made long-term commitments in budget authority. Each year, we have been spending outlays at a very high level. However, we can't get the budget authority to rise to the level needed to maintain those outlays.

What is worse, in the HUD budget submitted by OMB—this is their 10-year budget. This is the budget projection they sent us—for this year, they said budget authority is right about what is needed, close to $14 billion. But for the coming year, the next year, they have lowered that to $11.3 billion for BA.

Here is the BA need creeping up each year. Each year, it increases. The long-term projection of OMB, the President's budget, the budget of the Department of HUD, is to keep that budget authority at a flat level of $11.3 billion. What would happen if that occurred? Very simply, 1.3 million families or elderly or disabled would have to be kicked out of section 8 housing over the 10-year period. We do not have the budget authority, we do not have the funds, to continue supporting those residents who depend upon section 8 housing. That, to me, is a major problem. We have been forced, out of necessity, to defer $4.2 billion in section 8 assistance until 2001.

While we have adopted this proposal—some would call it a gimmick—let's say, because everybody seems to agree on it, this necessary budget tool for the year 2000, we have done so unwillingly and with the great concern that this will create a nearly untenable budget hole for next year, 2001, when we have to fund section 8 contract renewals by an increase of some $8 billion, for a total of $14 billion.

In fiscal year 2000, some $6.8 billion was needed for section 8 contract renewals, but in 2001 we have to make up the $2.2 billion in advance appropriations. So we are going to have to find some way to get an additional $6.8 billion and still defer the budget authority for outlays in future years to those future years.

I am extremely worried about how HUD is handling this very complicated and difficult problem. We understand that HUD has underestimated renewal needs for this year and is close to running out of section 8 renewal funds. We are very concerned that we will not be in this position when that happens next year.

The problem is, as I said in my opening statement, that HUD is a high-risk area designated by the General Accounting Office, the only Department so designated. HUD's management deficiencies are particularly acute in the section 8 area.

Part of the problem is that HUD loses some $900 million per year in its public and assisted housing programs due to fraud and abuse in the collection of rent in the assisted housing program. If HUD and its agents were able to collect this $900 million, some 135,000-plus additional low-income families could receive section 8 assistance annually. That is why we have added $10 million in this budget for the inspector general to hire outside professional help to try to identify where those funds are being lost and to find some means of recovering those because that is a tremendous loss.

Let me explain another problem. A major problem with section 8 is, while section 8 is one of the most important Federal housing programs, it is not a panacea for providing affordable housing for low-income families. While vouchers do provide choice in housing for low-income families, the fair market rent restriction is currently set at the 40th percentile of the housing market, and therefore it severely curtails housing choice. As a practical matter, this has created market distortions in the availability of section 8 housing, leaving many low-income assisted families in very-low-income neighborhoods living in substandard housing.

In a number of areas, families with vouchers are unable to use their vouchers to obtain affordable housing. I am told in St. Louis County their public housing authority has to release 100 vouchers to get 50 vouchers that are actually used because half the people who are given the vouchers cannot find housing. The lack of choice can also result in de facto redlining.

HUD has also suggested that incremental vouchers will mean the construction of new low-income housing units. I disagree. There is absolutely no evidence that incremental 1-year section 8 assistance will ever leverage construction funding. When we went from the 15- or 10-year down to 1-year, we took away the financing incentives and the basis for constructing low-income housing to fulfill section 8 needs.

I agree with HUD in that we do not have enough low-income housing units. We need to develop a housing production program with deeper targeting than the low-income housing tax credit program. This should be a theme in the next Congress. We need to continue to fund HOME and CDBG, which are used by communities to provide additional housing. We need the additional funds we put in section 202 housing to build housing for the elderly. We need to continue to work with organizations that are present in every State, and which we celebrated in Missouri on Monday with the 100,000th home through the Enterprise Foundation. Enterprise, Enlist and others are building affordable homes. Habitat for Humanity does a great job of rebuilding homes.

But, frankly, there are many problems with the availability of affordable housing that go far beyond the availability of incremental section 8 vouchers. We have not identified the means to pay for the section 8 vouchers that we have already. Unless and until we do, I fear it is a hollow promise, to add incremental vouchers when we cannot assure that those people who now have them will be able to continue to get the vouchers and continue to get that housing assistance in the future.

I assure you, this committee, and I believe everybody in Congress, wants to continue them. We are going to do everything we can to assure renewal, but right now it is a huge financial and budgetary task. We do not have the answers on how we are going to do it. Before we start adding incremental housing, I ask that somebody sit down and work with us on how we will pay for them next year, the year after, and the year after.

We are going to be revisiting this issue frequently on the floor. I wanted to give that background so people will know what I am talking about when I say we have a tremendous wave of needs coming in for budget authority for section 8. We do not have the money. There is no projection we are going to get it. Before we continue to increase that outyear bow wave, we need to have some assurance we will be able to fund it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1778

(Purpose: To increase funding for lead hazard control)

Mr. REED. Mr. President, I have an amendment at the desk which I ask be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, and Mr. TORRICELLI, proposes an amendment numbered 1778.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 12, strike ''$80,000,000'' and insert ''$100,000,000''.

At the appropriate place in title II, insert the following:

SEC. ____. (a) There is appropriated out of any money in the Treasury that is not otherwise appropriated for fiscal year 2000 for expenses necessary to carry out section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $20,000,000.

(b) Each amount appropriated or otherwise made available for each program, project, or activity relating to salaries, expenses, and program management under title I, II, or III

of this Act (other than this section) that is not required to be appropriated or otherwise made available by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated for such programs, projects, or activities by $20,000,000.

Mr. REED. Mr. President, let me thank my colleague, Senator FEINGOLD from Wisconsin, who was here before but graciously allowed me to go ahead to introduce this amendment.

Also, having come to the floor earlier today and not only commended Chairman BOND and ranking member MIKULSKI for their valiant efforts to reach priorities in very limited financial circumstances, I will announce up front I am going to propose this amendment which would increase lead funding as a means to talk about the issue, but I will withdraw the amendment in recognition of not only the serious efforts the chairman and ranking member have made, but also in recognition that last year when I came to the floor, both Senator BOND and Senator MIKULSKI were instrumental in increasing the appropriation by $20 million and, indeed, holding that appropriation at conference. So I am very confident, with their efforts, they will continue to work hard to make sure this remains a critical priority.

The problem of lead exposure to children in the United States is something that I believe is critical, one that we must address. I have been supported in that opinion by many of my colleagues.

Earlier this year, 14 of my colleagues joined me in a letter urging the chairman and the ranking member to do all they can to increase appropriations for lead abatement in this appropriations bill. Those colleagues include Senators JEFFORDS, SPECTER, LEAHY, LAUTENBERG, CHAFEE—my colleague from Rhode Island—SCHUMER, DODD, LIEBERMAN, KERRY, BOXER, KOHL, SNOWE, TORRICELLI, and DURBIN. All of them from across this country recognize the critical need to eliminate lead exposure, particularly with respect to children.

But there are two of my colleagues who deserve particular praise. Senator COLLINS and Senator TORRICELLI are cosponsors of this amendment. Senator COLLINS has been a strong and very effective advocate for this program of lead abatement.

I was pleased to join her in Providence, RI, several weeks ago for a hearing of the Public Health Subcommittee, where we looked at lead paint exposure to children in Rhode Island. It was a very good hearing. I am pleased to say I will be able to join Senator COLLINS in Maine in a few weeks to have a similar hearing.

Senator TORRICELLI and myself have been very active not only with respect to this issue but also with respect to the issue of appropriate screening and treatment for children who have elevated levels of lead in their blood systems.

I admit that over the last 20 years we have made significant progress in our society with respect to exposure to lead principally because we have banned lead paint, we have banned lead solder in food cans, and we have deleaded gasoline. This has resulted in significant reductions.

But, nevertheless, nearly a million children enter kindergarten each year with elevated levels of lead in their blood. This is a preventable problem. This is a problem, if it is not prevented, that causes serious cognitive development problems with children. This is also a problem that is not exclusive to one part of the country.

In fact, if you look at cities across the country, you will see there are elevated blood lead levels in children.

In Baltimore, for example, there is a lead poisoning rate of 27.9 percent. Almost 30 percent of the children who are tested have elevated lead levels. In Milwaukee, 22.5 percent; St. Louis, 23 percent; Chicago, 20.6 percent; Philadelphia, 38 percent; and Memphis, 12.1 percent. This is a nationwide problem. The major cause of this exposure is lead paint in the homes of these children.

Indeed, children who are in low-income circumstances, particularly children who are living in housing that was constructed before 1974, are significantly vulnerable to lead exposure and lead poisoning.

More than half the U.S. housing stock was built prior to 1978, so as a result we have thousands and thousands of units that still contain lead paint which is the source of contamination for these young children.

In fact, it has been estimated that 20 million housing units throughout the United States contain hazardous levels of lead paint.

In my home State of Rhode Island, it is estimated that about 90,000 units present moderate to high lead paint exposure risks to children who live there.

This is a very difficult and expensive problem to deal with. It has been estimated that to modify and to remediate all these homes in my own home State, it would cost about $300 million. To deal with every seriously contaminated residential unit in the United States would cost something on the order of $500 billion. But those costs also must be measured against the cost of doing nothing, the cost of allowing children to be exposed to lead paint, and those costs are dramatic and severe.

Many educators point to lead paint exposure as one of the reasons why special education costs are so high. In fact, it has been estimated that children with elevated levels of lead in their blood are seven times more likely to drop out of school before finishing high school. These costs are significant and severe. I think we have the obligation to try to remedy this problem before these children are exposed, before their academic, intellectual, and emotional development is impaired by exposure to lead.

Since 1992, the Office of Lead Hazard Control in HUD has been dealing with this issue, principally through their Lead-Based Paint Hazard Control Grant Program. They have been able, since 1993, to provide $435 million to the States—31 States and the District of Columbia—to deal with this issue.

These States have used the money for testing young people for exposure, inspecting and testing homes, modifying homes; in fact, to even relocate children who are exposed and the home cannot be modified.

I have seen the results in Rhode Island.

Since 1993, in Rhode Island, we have been able to perform lead abatement in more than 500 homes. But it costs money, the kind of resources that we need to incorporate in this bill, the kind of resources that are necessary to address a problem that spans this Nation.

My amendment would propose an increase of $20 million for the Office of Lead Hazard Control. It would be offset by an across-the-board cut in salaries, expenses, and other program management budget items in the HUD budget.

AMENDMENT NO. 1778, WITHDRAWN

Recognizing the severe constraints that the chairman and the ranking member are laboring under, recognizing the fact they are already demonstrating a commitment to provide for these resources, I withdraw this amendment in the hopes that as we go to conference, under the leadership of Senator BOND and Senator MIKULSKI, we can find additional resources to address this extremely important and critical issue that affects the health and welfare of our children.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. REED. I again thank the chairman and the ranking member and yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

FEDERAL DAIRY POLICY

Mr. FEINGOLD. Mr. President, I rise today to discuss possible legislation that would devastate family dairy farmers throughout the Upper Midwest.

I understand that the Agriculture appropriations conference committee may report a bill that contains poison pill dairy amendment that threaten the livelihood of dairy farmers throughout the United States.

I call them poison pills because they threaten to scuttle the entire Agriculture appropriations bill.

It is my duty to my constituents as a Senator from the great dairy State of Wisconsin to make my colleagues aware of these possible actions, and

their insidious effects on America's dairy industry, and the effect they may have on our ability to move legislation in these waning days of the 104th Congress.

Our current system is hopelessly out-of-date, and completely out-of-touch with reality. Fortunately for our farmers—and I am grateful for this—the USDA has proposed a rule that would begin to modernize our antiquated system.

According to the Secretary of Agriculture, the new system ''more accurately reflects the current market condition, is fairer to farmers and consumers alike, modernizes and reforms an antiquated system sorely in need of streamlining and revision.''

In fact, according to the USDA, dairy farmers would have earned 87 cents per hundredweight more for Class I milk under USDA's reforms than under the current system.

For 60 years, America's dairy policy has both imposed higher costs on taxpayers and consumers, and at the same time destroyed tens of thousands of family farms.

This destructive policy has to go. We need to restore equality to milk pricing, stop regional bickering, and work to ensure that all of our Nation's dairy farmers get a fair price for their milk. My message is simple: our Federal dairy policy is hopelessly out of date, fundamentally unfair, and in dire need of reform.

Congress created the current Federal dairy policy 60 years ago when the upper Midwest was seen as the primary producer of fluid milk. During the Great Depression, many worried that consumers in other parts of the country, including young children, did not have access to fresh milk because of inadequate refrigeration and transportation technology.

To address these concerns, Congress at that time set up the so-called Eau Claire system, under which producers were reimbursed according to their distance from the small town—I shouldn't say small town; it is a pretty good-size town for Wisconsin—the great town of Eau Claire, WI, in my home State. It is a little unfair to call this the Eau Claire system because it is a lousy system and Eau Claire is a great town. I like calling it the anti-Eau Claire system. My daughter is happily ensconced at the University of Wisconsin at Eau Claire, a huge fan of Eau Claire. But it is generally called the Eau Claire system. So be it.

This is how it works. The farther away a farmer lives from Eau Claire, WI, the more he receives for his fluid milk. Under this system, Eau Claire, WI, geographically, is ground zero when the fallout of artificially low prices lands most harshly on Wisconsin dairy farmers and their neighbors in the upper Midwest.

Back in the days of the Great Depression, apparently this system seemed to be a great idea. But like delivery in old metal milk cans, the current system is obsolete, failing to meet the needs of either producers or consumers. Six decades ago, the poor condition of America's infrastructure and the lack of portable refrigeration technology prevented upper Midwest producers from shipping their fresh milk to other parts of the country. In order to ensure an adequate milk supply in distant regions, Congress authorized higher fluid milk prices outside the upper Midwest. These higher prices are referred to as class I differentials. Let's take a look at how this system rewards producers in different parts of the country.

This chart illustrates the class I differential received by dairy farmers throughout the United States. In Eau Claire, WI, the class I differential is $1.20 per hundredweight. You will notice that it is $1.40 in Chicago. It is $1.92 in Kansas City, MO, and $3.08 in Charlotte, NC. Our friends in Florida receive $3.58 in Tallahassee and $4.18 per hundredweight in Miami for the exact same amount of milk that we produce in Wisconsin. So class I differentials are an arbitrary measure of the cost of milk production.

In fact, in recent years, when our dairy farmers have tried to sell their milk in Chicago—in Chicago, a very close distance to Eau Claire and the other Wisconsin communities compared to other places in the country—when they have tried to sell their milk in Chicago, they have been beaten out of that market by milk from the South and the Southwest. That is a sign of an archaic system. This archaic system was designed to make these regions produce milk for their own needs so children in Texas could have fresh milk, not so their producers could unfairly compete against Wisconsin dairy farmers in Chicago. Unfortunately, this system worked too well. The chief result of this system, the only real result of this system, as far as I am concerned, is that our Midwestern farmers are now subsidizing farmers in the Southeast and in the Northeast through these higher class I differentials.

Of course, a great deal has changed since the creation of the current system. We can now easily and safely transport perishable milk and cheese products between the States and throughout the country. The industry has perfected the system to such a degree that we can export cheese to countries all over the world. It seems almost comical that in an age when you can order milk through the Internet, our Federal milk pricing system continues to be based on an irrelevant factor. That factor, again, is a producer's distance from this wonderful Wisconsin community of Eau Claire, WI. That is what this whole thing is based on, how far the farmer is from Eau Claire, WI.

Unfortunately, the current system's effects on farming communities are anything but common. The current milk pricing system has been putting family dairy farms out of business at an alarming rate. Since 1980, my home State of Wisconsin has sadly lost nearly one-half of its dairy farms. This isn't starting with 2,000 or 3,000 dairy farmers. This is starting with 45,000-plus dairy farmers. We are below 25,000 now. That is since 1980 that we have experienced that kind of loss.

The trend is accelerating. Between 1990 and 1998, in those 8 to 9 years, Wisconsin lost 11,000 dairy farmers. So the overwhelming message I hear from family dairy farmers in Wisconsin and Minnesota and throughout the Midwest is that we need milk marketing order reforms. We desperately need a new dairy policy, one that does not arbitrarily penalize the Midwest and devastate the small farmer. We must replace this outdated Depression-era system with a new policy that ensures our Nation's dairy farmers get a fair price for their milk.

Ironically, one of the few changes, one of the only changes, we have had at all to Federal dairy policy over the last 60 years has accelerated the attack on small farmers. It has made it worse. Of course, I am referring to the now infamous Northeast Dairy Compact.

During the consideration of the 1996 farm bill, Congress sought to make changes in the unjust Federal pricing system by phasing out the milk price support program and reducing the inequities between the regions. Unfortunately, it didn't work. Unfortunately, because of backdoor politicking during the eleventh hour of the conference committee, America's dairy farmers were stuck with the devastatingly harmful Northeast Dairy Compact. It could happen again. The temporary fix of the compact may yet be extended again. We in the upper Midwest cannot stand for that or any change that further disadvantages our dairy farmers, the ones who are left, not the over 20,000 who are gone but the less than 25,000 who remain. We are determined to keep them in business.

The Northeast Dairy Compact accentuates the current system's inequities by authorizing six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut—to establish a minimum price for fluid milk, higher even than those established under the Federal milk marketing order. The compact not only allows these six States to set artificially high prices for their producers, it permits them to block entry of lower-priced milk from producers in competing States. Further distorting the markets are subsidies given to processors in these six States to export their higher-priced milk to noncompact States.

Despite what some have argued, the Northeast Dairy Compact doesn't even help small Northeast farmers. Since

the Northeast first implemented its compact in 1997, small dairy farms in the Northeast, where this is supposed to help, have gone out of business at a rate of 41 percent higher than they had in the previous 2 years—41 percent higher. In fact, compacts often amount to a transfer of wealth to large farms by affording large farms a per-farm subsidy that is actually 20 times greater than the meager subsidy given to small farmers.

Fortunately for America's dairy farmers, the 1996 farm bill also included language requiring the U.S. Department of Agriculture to replace the current depression-era milk pricing system with a much simpler regulatory plan. After 3½ years of study and thousands of comments from America's dairy farmers, the USDA published a final rule that consolidates the complex web of Federal milk marketing orders and also reforms the price of class I milk.

Mr. President, 59,000 dairy farmers—59,000—participated in a recent referendum, and over 96 percent of them voted in favor of USDA's final ruling.

While the USDA's reforms are a welcome improvement, they are only a modest first step in improving the current system.

Let's take a look, then, at the final rule's effect on the different milk marketing orders. This chart illustrates the producer class I benefits under the current system, and the USDA's Federal milk marketing order rule. This benefit simply multiplies the class I differential with the utilization rate, or the percentage of class I milk produced in that region. As you can see, upper Midwest producers will continue to get the short end of the stick. They will receive a 38-cent-per-hundredweight benefit under the new rule. In contrast, Northeast producers will continue to receive a high per hundredweight benefit of $1.20, and producers in Florida will receive a whopping $3.95 per hundredweight class I benefit.

Unless we follow-up on these reforms and lower the class I differentials, we will continue to lose small dairy farms throughout the United States. Loss of these farms has already devastated rural America for far too long, especially in the upper Midwest.

Mr. President, unfortunately, our Nation's dairy farmers are not out of the woods yet. Some in Congress believe that they know better than America's dairy farmers and wish to prevent these moderate reforms, or to circumvent the entire rulemaking process altogether. Who in this Congress knows more about dairy farming than 96 percent of America's dairy farmers?

As Congress considers any future dairy reforms, I urge my colleagues to recognize the national nature of milk marketing, the corrosiveness of artificial regional pricing schemes, and the need for comprehensive reforms. We must recognize the inequalities inherent in our current system and work to ensure that our Nation's dairy farmers get a fair price for their milk.

If Congress does not act quickly, our Nation's family dairy farms will continue to suffer. Let me be clear. I will use every means available to a Senator to ensure that these necessary reforms go forward and that compacts do not. America's dairy farmers deserve nothing less.

After all, approving USDA's final rule is a moderate first step to arresting the devastating effects of the current Federal milk marketing order system.

Dairy compacts are simply no way to legislate a national dairy policy. I would like to make my colleagues aware of some of the effects the dairy compacts can have on consumers and taxpayers.

Let me begin by citing from an article called ''Dairy Compacts A Sour Deal For All U.S. Farmers.'' The subheadline is, ''The Agreements Threaten to Undermine Export Growth For The Rest Of American Agriculture,'' by Dennis T. Avery, of the Hudson Institute. It says:

Enthusiasm for ''dairy compacts'' is sweeping America. Nearly 30 states now seem likely to pass legislation for such compacts, which are designed to bar dairy products from outside a state or region.

The U.S. government has already authorized such a dairy compact for New England, and dairy farmers recently staged a Washington fly-in to rally congressional support for expanding the concept.

Supporters of these compacts are trying to recreate a dairy industry of price supports and supply management. Such a vision is incompatible with reducing tariffs on other farm commodities or ending Europe's price-depressing export subsidies.

Europe dumps huge amounts of dairy products, along with wheat, foodstuffs and meat, onto the world market at prices far below cost, depressing world markets.

U.S. dairy compacts threaten to undermine export growth for the rest of American agriculture and fly in the face of liberalizing farm trade.

Free farm trade can't be arranged one commodity at a time. What U.S. dairy farmers are considering could limit the potential for lowering trade barriers on beef, pork, corn, wheat, soybeans and poultry.

Although dairy farmers have never seen themselves as exporters, perhaps they should start. After all, this is an era of high-value cheese markets, chilled concentrated and ultra-heat-treated milk, and rising demand in industrializing countries like India.

Moreover, South Korea's bonds have regained investment status, after a year of being classified as lower-rated ''junk bonds.'' Over the next three years the South Koreans will lead a parade of Asian countries back into the realm of economic growth.

At the moment, however, dairy farmers are willing to write off export markets. Producers of other commodities can't do that—exports are their only path to prosperity.

Mr. President, I also want to make my colleagues aware of the effects on consumers and taxpayers. The Washington Post said it well in an April 6, 1999, editorial entitled ''The Price of Milk'':

The government sets the price of milk in this country. That's not all bad. Prices are somewhat higher than they would be if left to the market, and some inefficient dairy farmers are kept in business. But supplies of the perishable product are adequate, and small producers are protected against what otherwise might be the predatory and harmful tactics of large buyers.

Agriculture Secretary Dan Glickman has just completed a congressionally required review of the system whereby the government plays God in the market. He has proposed some changes that would rationalize it in certain respects. But he has found the basic balance between the interests of producers and consumers about right. There may be a lesson in that as Congress struggles with the question of how much to support the prices of other commodities or the incomes of their producers.

In the 1996 farm bill, a new Republican Congress acted according to conviction, and against political interest as conventionally defined, to put farm supports on a declining path. The theory was that if farmers grew for the market rather than for the government, they and the consuming public alike would be better off. The rollback worked well for a couple of years, while prices and supports were both still high. Now, both have fallen, and even some sponsors of the legislation, if not quite wondering whether they went too far, are busily seeking extra aid.

Compelling points can be made on both sides of this argument. The economists are right that artificial price supports are costly in that they shelter inefficient producers. But supports when not excessive also protect against swings in price and production that can harm consumers and producers alike. Costs are involved in going too far in either direction.

That's more or less where Mr. Glickman came out on milk. There was a fight about milk marketing orders in the context of the 1996 bill. Midwesterners thought—still think—that their region is disadvantaged by the system in that their efficient dairymen could undersell producers in competing regions were it not for the artificially high minimum prices that the marketing orders impose. They wanted to abolish the system unless it was radically reformed in their favor. Congressmen from less efficient areas were equally determined to preserve it, even members who in other contexts were devout free-marketeers. In the end the two sides compromised by booting the issue to the secretary.

Mr. Glickman has proposed modernizing the inherited system in a number of respects, particularly with regard to the price differentials between various regions. On average, he would lower the price of milk by a couple of cents a gallon. But in general he would support the system as fair to both buyers and sellers of milk. If supports should not be excessive, neither should they be so low as to leave both sides in the milk transaction total prey to the market. That may not be an intellectually elegant standard, but it's probably right.

The dairy industry is an integral part of our Nation's culture in history.

Let's take a look at that role, if we can.

Before I do that, let me quote briefly from the New York Times article from Sunday, April 11.

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. FEINGOLD. Mr. President, I will yield for a question without relinquishing my right to the floor.

Mr. KERRY. Mr. President, for those of us who are trying to bring up amendments on this bill, will the Senator, perhaps, give us an idea of how long he might proceed?

Mr. FEINGOLD. Mr. President, I am not certain how long I will be proceeding at this point. It will be for a while.

Mr. KERRY. I thank the Senator. I thank the Chair.

Mr. FEINGOLD. Mr. President, the New York Times has written a piece about ''Bringing Markets To Milk,'' ''A Pricing Policy Was Confusing. It Still Is,'' by Mr. Weinstein. I would like to read some portions of that. He writes:

Ponder a perverse question: What public policies would pummel the poor? Here is one answer: Impose a levy that falls more heavily on them than on the rich, singling out a staple in the diet of poor families and driving up its price.

No one would seriously entertain such an idea—no one, that is, except members of Congress.

Federal milk-pricing rules dating from the 1930's drive up the price that consumers pay for milk, in effect taking money from urban parents, among others, and handing it over to rural dairy farmers.

Proponents say the rules stabilize milk prices, thereby assuring reliable supplies across the country. But opponents say the system is archaic, Byzantine and unnecessary—a giveaway to the dairy farm lobby. And it's regressive: poor families spend about twice as much of their income on milk as do other families, on average.

Consumer advocates took heart three years ago when Congress told the Agriculture Department to improve the program. But their hopes were dashed recently when the department released its proposals, scheduled to go into effect on Oct. 1.

The new rules, the department said, would be ''simpler, more market-oriented.'' But rather than taking a mallet to the program, the department wielded a toothpick. John M. Schnittker, an economist at Public Voice for Food and Health Policy, a nonprofit research group in Washington that plans to merge with the Consumer Federation of America, estimates that the current program raises the cost of milk an average of 18 cents a gallon. The department says its plan will cut prices by about 2 cents—a trim Mr. Schnittker calls ''almost an insult.''

The current rules impose a complex set of minimum prices that processors are requited to pay farmers in each of the 31 marketing regions.

The department starts by setting a base price for milk used in the manufacture of products like cheese from a survey of prices in Minnesota and Wisconsin. Then it tacks on additional charges, mostly reflecting location, to set the minimum price for so-called fluid milk.

Kenneth C. Clayton, deputy administrator of the agency that runs the system, says the controls stop milk prices from gyrating wildly and make sure that milk flows from areas where there are surplus supplies, like upstate New York and Wisconsin, to areas where there is scarcity, like Boston and Chicago.

But he concedes that those flows would occur without Government guidance. What the rules do, he says, is ''divide up the pie—insuring that dairy farmers capture more of the dollar that consumers pay to processors.'' Another set of complex rules dictates how the processors' payments are divided among farmers.

Many economists challenge Mr. Clayton's benign interpretation. Processors operate in reasonably competitive markets, the economists say, so if they are forced to pay more for milk, they have little choice but to pass on the added cost to customers. Mr. Schnittker points to studies that show consumer prices rising along with Government-imposed charges on processors.

He also challenges another rationale for the milk-pricing rules: Preservation of the family farmer. ''Two-thirds of milk production comes from only about a quarter of the nation's dairy farmers,'' he said. ''The milk-pricing rules overwhelmingly line the pockets of mega dairy farms.''

The government's overhaul would simplify things by collapsing the 31 regions into 11. But it would also make the system more complicated, by setting the base price for milk use in manufactured products according to surveys around the country, rather than just the Midwest, and by adjusting the price to take into account the milk's protein content and other qualities using complex mathematical formulas.

Add charges to take account of location and some transition rules, and out come 600-plus pages of regulations. Some economists suggest that the rule-making would fit comfortably in the playbook of the former Soviet Union.

And though the proposal would bring down average milk prices a small amount, it would leave most of the high prices intact. Indeed, the proposal would actually raise the minimum price in some places, like Chicago, a decision more political than economic.

Critics point out that this is not the first time the Agriculture Department has sided with dairy farmers over consumers. It also approved the creation of a dairy cartel among farmers in the Northeast that blocks low-price imports. Milk prices in New England rose about 20 cents a gallon after the compact went into effect in July 1997.

Ms. MIKULSKI. Mr. President, will the Senator yield for a question?

Mr. FEINGOLD. Mr. President, I will yield without relinquishing my right to the floor for a question.

Ms. MIKULSKI. Mr. President, recognizing the right of the Senator to continue to hold the floor, we are trying to figure out how we are going to manage the VA–HUD bill, which was the pending business until we yielded for the Senator's unanimous consent. Would the Senator share with me approximately how long he will continue to speak so we can organize our other speakers and amendments?

Mr. FEINGOLD. Mr. President, the answer to the question is, I intend to speak for a fair amount of time.

Ms. MIKULSKI. What is the operational definition of that?

Mr. FEINGOLD. Mr. President, that may be determined more by factors that I can't control than my own intentions.

Ms. MIKULSKI. What is the Senator talking about—5 minutes or 5 hours?

Mr. FEINGOLD. Somewhere in between, probably.

Ms. MIKULSKI. Senator, I really do need senatorial courtesy because there are 99 other Senators trying to figure out what we are going to do with the rest of the evening. If the Senator would just share that with me, if the Senator wants to talk 5 hours, that is his business. If he wants to talk 10 hours, that is his business. But the pending VA–HUD bill is my business.

Mr. FEINGOLD. My pending business that I think needs to be addressed by the Senate and the Congress is the outrageous treatment of Wisconsin dairy farmers.

Ms. MIKULSKI. Is the Senator not going to answer my question?

Mr. FEINGOLD. Mr. President, my answer to the Senator's question is that this needs to be addressed, and that is why I am here.

Mr. President, I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Mr. President, since the question has been raised, I think it is time to review what has happened on the floor of the Senate and in the Congress on this issue in the past.

What has happened on this issue is that we have fought this battle fair and square in the Senate, won the battle, and then every time we get to conference committee, somehow the will of this body is undone. In 1996, we had the only rollcall vote on the issue of the New England Dairy Compact, the Northeast Dairy Compact. I remember staying up until late at night lobbying Members, and we had a vote fair and square on whether or not we were going to set up this actually absurd notion of a New England Dairy Compact.

So what did we do? We won the vote fair and square. I think it was something like 50–46. I remember the wonderful help and support I received from the distinguished majority leader at the time, Senator Dole, in feeling it was a tough battle—one of these tough inter-regional battles—not a Republican or Democrat issue but that we had won fair and square. The House had not voted on the issue, but then they go over to the conference committee, and in the middle of the night, without any basis from the action of either House, they just stick in the conference committee the idea that the Secretary of Agriculture could create a region in New England that would establish an artificially high price for milk for only one part of the country to the disadvantage of farmers everywhere else.

That is how we got here. This was part of the so-called Freedom to Farm Act.

We had hopes that the Secretary of Agriculture, Dan Glickman, for whom I have great regard and have enjoyed working with, would understand what a mistake it would be to create this compact in the first place. We did everything we could to persuade him not to

go down this road—that it wouldn't make sense; that it wouldn't save northeastern dairy farmers; that it wouldn't help consumers, and, in fact, would hurt consumers; that it would drive up production artificially in a way that would reduce prices for dairy farmers. I believe that is exactly what happened.

Secretary Glickman is a bright guy, and he has an open mind. He watched this for a year and a half. He concluded that the New England Dairy Compact was not a good idea and proposed, along with his suggestions on changing the milk marketing order system, that we not have it anymore, that it expire.

We pointed out on the floor of the Senate on many occasions how this notion of a dairy compact, a regional economy for milk, could be applied in other situations. Perhaps we should say all the maple syrup in Vermont and States in that region should be sold, bought, and consumed in that one area and not exported to the rest of the country. Others have said we could do the same thing with blueberries. There would be a southern or Georgia peanut region, and all the peanuts grown there would have to be sold and consumed there. There would be an artificially high price for peanuts there but not anywhere else. Others carried it further. Since we associate the great city of Seattle, the State of Washington, with computers, why not have computers sold in the Northwest?

I found even more interesting the notion that country music should only be marketed in States such as Tennessee and Kentucky. I happen to be a fan of country music, so I find that troubling, although some of my younger staffers would be delighted if we had that kind of limitation on country music. I don't think they like it.

That is what this is, an artificial corruption of what should be a national dairy system. I don't mean corruption in the sense of impropriety; I mean in the sense of undercutting the notion of free enterprise in which the dairy industry should be able to participate. The Secretary reviewed it, and he concluded we shouldn't have this anymore.

There has been an effort on the Senate floor and throughout the summer on and off to attach the New England Dairy Compact to other bills, including the agricultural appropriations bill. It was a hard fought battle. I give credit to those who want to preserve the New England Dairy Compact for their willingness to continue and to fight for their cause. They thought they were going to have 60 votes. They thought they had the votes to force this on to the bill. They did not, frankly, come very close at all. As I recall, they came some seven votes short of the goal rather than one or two.

It was a decisive statement that made many in Wisconsin hope that finally, instead of just the politics of this, people would listen to the Secretary of Agriculture and realize this was not a good idea. We figured it was done. We knew we couldn't be sure because of what was done in 1996 in the conference committee. But we had hopes that this would not happen again. However, this is, unfortunately, now what is happening or what we fear could be happening.

In the conference committee, which I had a chance to observe last week for a while, there is a real possibility that the Secretary's reasonable recommendations to modify to some extent the milk marketing order systems and to discontinue the Northeastern Dairy Compact—those items may be reversed and placed in the agricultural appropriations bill even though there has been no vote in the Senate or in the House to continue the dairy compact.

Although I certainly regret having to come to the floor and proceed in this manner, I essentially have no choice. My farmers expect me to come to Washington and fight for their rights. It won fair and square on the floor. Yet somehow in conference committee these fair votes are taken away. Once again, as has been the case over and over again, dairy farmers in the upper Midwest are given the short end of the stick. It is only because these mistakes were made in terms of putting this compact together. Even the person who approved them, the Secretary of Agriculture, now sees it was not a very good idea and should be discontinued.

I say to the Senators whose bill is up—and it is an important piece of legislation—it is a matter of what is going on in the conference committee now that forces me to come to the floor and explain in more detail to my colleagues just what is at stake. I don't know how many times I will repeat this. I have already mentioned it. We had over 45,000 dairy farmers in Wisconsin around 1980. Only about 19 years later, we have fewer than 25,000. That is a huge loss not only of a way of life but of an economic base in our State. It is a tragedy for our State to have this trend continue.

Let me discuss a bit about the way the dairy industry is an integral part of our Nation's culture and history. We will look at that role.

Cheese, unlike its ancient cousin, yogurt, is not a novel food to Americans. It came over to America with the earliest settlers who made Cheddar cheese in their own homes.

Like yogurt, though, the popularity of cheese has been steadily growing. One of the most natural and oldest of food products, dating back to the domestication of animals, about 9000 B.C., cheese was once so highly esteemed it was even used as a medium of exchange. It traveled with Greeks, the Romans and with the armies of Genghis Khan. During the Middle Ages, monks in the French monasteries developed a soft-ripened cheese, starting a cheese renaissance. Centuries later, in 1851, Jesse Williams built the first commercial cheese factory in America. Herkimer, in upstate New York, grew into the cheese center of the United States until the westward expansion of the country resulted in Wisconsin gradually exceeding New York in total annual production. As pioneer wagons moved west, boats continued to carry others from across the ocean. The immigrants introduced their own favorite cheeses to America and contributed to the ''melting (cheese) pot.''

As the number of cheeses available in the United States has enlarged, so has the consumer demand. The consumption of cheese in 1975 was 14.2 pounds per person compared to 9.1 pounds in 1965.

Natural cheese is a product of milk that has been heated, pressed, and cured. In the United States, cheese is made from pasteurized cow's milk. While milk is generally used except for some varieties such as cottage cheese which uses skim milk. When milk is heated, usually with a starter of some kind, rennet or bacterial culture, it separates into soft curd and liquid whey.

After the milk has been heated, but before it has started to ripen, the soft curd may be separated from the whey and with some additional treatment made into a fresh natural unripened cheese.

Unripened cheeses contain relatively high moisture and do not undergo any curing or ripening. They are sold fresh and should be used within a few days after purchase. The gjetost and primost, however, because they contain very low moisture, may be kept refrigerated for several weeks or even months.

Cottage cheese, is low calorie cheese, is made in different sized curds. The small-curd type is usually used in salads because it holds its shape better than the larger curds which are suitable for all other purposes. To prepare creamed cottage cheese, fresh cream is mixed with the curd to give it additional moisture and flavor.

Cream cheese is of American origin and is one of our most popular soft cheeses. It is a mixture of milk and cream that is coagulated but unripened.

Unripened cheese may also be divided into soft or firm types.

Cream cheese and cottage cheese are examples of a soft unripened cheese. An example of firm unripened cheese is mozzarella.

To make natural ripened cheese, the soft curd is taken from the liquid whey and then cured by holding it at a certain temperature and humidity for a specified period of time.

Natural ripened cheeses may also be classified according to their degree of

hardness. Authorities generally group natural cheese into four distinct groups of hardness: soft, semi-soft, firm, and very hard. Hardness has to do with moisture. The older the cheese, the lower its moisture content.

Brie and Camembert, both of which originated in France, are ripened by mold. The curd is not cut nor is it pressed. Cheese lovers all over the world hold these two cheeses in the highest of esteem.

Brie is considered to be the Queen of Cheeses. There are probably more literary references to Brie than to any other cheese. Its descriptions are often accompanied by superlatives but it is a difficult cheese to buy satisfactorily because it goes from under ripened to over ripened in a matter of a few days.

It is at its peak when it has a consistency of a heavy slow-pouring liquid and a yellow sheen. Under ripe Brie is flaky and chalky. Overripe Brie is very soft and has an off-order like ammonia.

Camembert is a popular cheese in France and is widely known in the United States. It has as devoted a following as Brie and also the same ephemeral quality of being ripe for only a very short time.

Limburger and Liederkranz are examples of bacteria-ripened cheeses. The different bacteria used in the ripening process are responsible for their characteristic flavor and odor.

Included in this category are the blue-veined cheeses. There are now over fifty varieties of blue cheeses made all over the world. However, the best known and most highly prized are Roquefort, Stiliton, and Gorgonzola.

Blue cheeses are called the ''king of cheeses.'' They are made from cow's milk. Roquefort is the exception. It is made from sheep's milk and is cured in the cool damp caves of southwestern France.

Bel Paese is a popular, all purpose cheese made in Italy and under license in the United States—Wisconsin, of course. It is a table cheese as well as cooking cheese.

Brick is an original American Cheese whose name derives from either the shape of the cheese or, perhaps, from the brick originally used in pressing the curd. It is softer than Cheddar and less sharp. It is a strong cheese, but not as strong as Limburger.

Muenster, as made in France where it is very popular, is strong cheese. It is used as table cheese. However, the American kind is much more bland and is suitable for cooking as well as for a table cheese.

Port du Salut originated in a Trappist monastery in France. The French import is usually mellow with a slight edge.

The hard or firm cheese list includes the two most popular cheeses in the United States, Cheddar and Swiss.

Cheddar cheese accounts for almost half of all the cheese consumed in America. It ranges from a very mild cheese to a very sharp one depending upon how long it's been aged. A versatile cheese, suitable for most cheese dishes, it melts well.

Canadian Cheddar is imported into the United States, but English Cheddar, by law, is not. The English relative to Cheddar, the famous Cheshire is imported.

More American Cheddar cheese is made in Wisconsin than any other state. There are variations to different kinds of cheese. Colby is primarily made in the Midwest while Monterey (Jack) and Tillamook is processed on the West Coast. Colby is not as compressed as the other cheddars and it has a higher moisture content. Monterey is also a milder cheddar and has a higher moisture content. There is a more aged Monterey called ''dry Monterey'' that can be used for grating.

A large amount of Cheddar cheese sold in the United States is sold as processed American cheese.

Provolone and Cacciocavalle are spun cheeses. The curd is placed in either hot water or hot whey and then stretched into its desired shape or size. They are an important ingredient in Italian cooking. The Provolone is usually smoked.

The Edam and Gouda cheeses are the most popular cheeses imported from the Netherlands. Similar in flavor, the Edam is made from partly skim milk and the Gouda from whole milk.

In the category of very hard cheeses, Parmesan has a mild to sharp piquant flavor and is famous as a seasoning in cooking. It has the natural ability of enhancing the flavor of foods. The imported Italian Parmesan is a highly prized cheese and is used as a table cheese as well as for seasoning. The domestic varieties are primarily grated for seasoning and for cooking.

Romano is a sharper cheese than Parmesan. In Italy it is usually made from sheep's milk instead of from cow's milk. It is primarily a grating cheese but the less sharp cheese may be used as a table cheese. The domestic variety is primarily a grating cheese.

Sap Sago is a grating cheese from Switzerland to which has been added dried clover. It is made by mixing whey and skim cow's milk.

I would like to say a little more about the process of making cheeses, butter, cream, and yogurt at home.

Although animals have been milked by man almost from the dawn of civilization, there are Egyptian paintings showing cattle being milked around 2000 B.C., the use of liquid milk was almost unknown until comparatively recently.

Until the beginning of the 17th century, milk drinking was considered quite injurious to health and, in view of the low standards of dairy hygiene, the incidence of cattle plague, and the fact that milk contained dangerous pathogenic factors, especially the germs of tuberculosis and typhoid, this was probably right at the time.

It reminds me of a dairy farmer who came to see me after I was elected to the Senate. I met him in the reception area outside the Chamber. He told me he was going over to some of the former Soviet Republics to try to help farmers there learn some of the skills we have in dairy farming. He told me his goal was to make sure that the milk in one of these former Soviet Republics could not walk to the market by itself. I understood what he was saying. If you do not do this right, as we do in America, in Wisconsin, then we have to be concerned. That is one of the reasons milk might have gotten off to sort of a slow start in some of these countries, given the risks.

The fact is, many children died of tuberculosis of bovine origin up until the late 19th century. It was not until the 1930s, when pasteurization and refrigeration of milk became accepted, and when concentrated efforts were inaugurated to eradicate the disease of bovine tuberculosis, that milk became safe and acceptable. I can tell you, growing up in Janesville, WI, we were taught about pasteurization as one of the most important events in human history. When you are from Wisconsin, that is a big deal, as it is almost anywhere.

Mr. GRAMS. Will the Senator yield for a question?

Mr. FEINGOLD. Without yielding my right to the floor, I am happy to yield for a question.

Mr. GRAMS. I heard the Senator earlier talking about what is going on in the conference committee now, dealing with agricultural appropriations. The Senator talked about the Northeast Dairy Compact. As mentioned, we had a full and open debate, had a floor vote, and were able to defeat the compact—as we did 2 years ago, by the way. Also, we talked about farmers across the country, dairy farmers, recently voting for a compromise on milk marketing orders, the new orders that were put out by the USDA. It was not everything everybody wanted, but it was a compromise between the 1–B and the 1–A. But now we find out again, as happened in 1997, people are working actively inside the conference to try to insert language to basically overturn those issues that have had widespread solid support, both among the dairy farmers across the country and also Members on the floor of the Senate.

I was wondering why is this going on in the conference, in the Senator's opinion?

Mr. FEINGOLD. I thank the Senator from Minnesota for his question. I note the presence of the senior Senator from Minnesota. Minnesota has fewer dairy farmers than Wisconsin, but it has a whole lot. Together, our two States comprise a tremendous percentage of dairy production in the country. We

are adamant in this effort to try to stop what the Senator from Minnesota correctly points out is the same old trick. We won fair and square in 1997. There was not a vote in the House. They did not have a vote: should we have a New England Dairy Compact or not. We did. It was a tough vote.

I tell you, this is a tough issue, a hard issue. One thing I like about it is that it is not about Republicans versus Democrats. It is one of those rare times when everyone in the body is open to be for something not based on their party but based on what is best for their area and what is best for the country.

So we had quite a debate. We all worked together on it. As I pointed out earlier, it was a close vote, but we won—I hope I am not given the wrong number—I think with roughly a 50–46 bipartisan vote where we voted not to have the compact. It went to conference.

I was in the State legislature in Wisconsin for 10 years. We had conference committees. They were often not the most attractive moments, of course, as things that go on in conference committees get a little rough. But there was a basic understanding that unless there was some basis from one house or the other for the outcome, it could not be done.

That is not what was done in this conference committee in 1996. Without any justification, this compact, or the permission to allow the Secretary of Agriculture to put the compact into effect, was placed in. And yes, I fear—although I hope it does not happen—that is exactly what is happening again.

There was an attempt here to force the compact continuation or extension on to the Ag appropriations bill. All three of us and Senator KOHL and others worked together and many other Senators from across the country, and they did not even come close to getting the 60 votes.

So that is my concern. That is why I am out here.

Mr. GRAMS. I would like to follow up my question.

I know Senator WELLSTONE would like to be part of this debate and ask a question as well.

But I know we have some differences on the Freedom to Farm, but one thing Freedom to Farm did not do is pit one region of farmers against another, whether it was dealing with corn or soybeans or any of the other commodities. But somehow when it comes to dairy, an antiquated system, as you mentioned, needs to be changed.

We are looking at something that basically says we are going to have some winners in this country—when it comes to dairy—but we are going to have some losers. In other words, the dairy farmers in Wisconsin and Minnesota have the Government with an antiquated dairy program standing on their necks and saying: You are not going to be able to succeed because we are going to put limits on you. Yet we are going to give tremendous advantages to others.

All we are asking for is fairness, a level playing field. We are not asking for farmers in the Northeast or the Southwest to be disadvantaged. But we sure cannot support a program that says: You are going to have some farmers who are winners and some who are losers.

So how do we work this into a new dairy bill coming out of this session that is going to give our farmers just an opportunity to compete, which is all they ask for?

Mr. FEINGOLD. To answer the excellent question of the Senator from Minnesota, this makes no sense. You and I have views on the Freedom to Farm Act. I strongly oppose it. I thought it was a bad idea. In fact, the results of it are shocking.

No one has been more eloquent about this than the senior Senator from Minnesota, who has pointed out the enormous tragedy that has occurred with many farmers around the country because of that law.

But what is bizarre about it, as you point out, is that in one area, instead of going the Freedom to Farm route, they voted to keep not just Government regulation but to put in place a system of regulation and marketing that only dealt with one small region of the country where there are only a few thousand dairy farmers, when there are some 25,000 in Wisconsin and a substantial number in Minnesota. It is a complete opposite of the notion of a free market national system.

Even for those of us who oppose the Freedom to Farm Act, those of us who oppose the Freedom to Farm Act are not proposing for wheat or corn or pork or beef or anything else that there be regional markets. Whatever philosophy you have, whether it be Government supports to guarantee our farmers do not fall below a certain level, or whether you believe in a complete freedom to farm or freedom to fail, some would say—either way—this idea of a regional market for a particular commodity is an example of ridiculous Federal interference.

We need a national dairy market. Upper Midwestern farmers will do fine in a national dairy market. But one that is unfairly skewed for one region, when the underlying system is already terribly unfair, is a double whammy that has cost us far too many lives and far too many livelihoods of farmers in Wisconsin and Minnesota and throughout the upper Midwest.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FEINGOLD. I am happy to yield to the Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Minnesota, Senator GRAMS, for his questions and his work on this issue. He has really been tireless in his advocacy for dairy farmers in Minnesota.

I actually have two questions for the Senator from Wisconsin to which I would like him to respond.

The first question is whether or not the Senator, since he is out here on the floor right now, could translate this debate about the dairy compact in personal terms. In other words, there is a reason why you must be out here. If you could give other Senators a feel for what it has been like to be out at dairy farms, meet with dairy farmers, and what is happening to the families in Wisconsin and Minnesota.

My second question would be, since the Senator is out here—and I don't know what is the period of time; I know the Senator from Maryland wants to get some clarity on that, and I imagine the Senator will do what he needs to do and then move on with this bill, with the VA–HUD bill—I want to ask the Senator the other question, which is, again, the particular concern that he has about the nature of this process in the conference committee.

You are out here to basically sound an alarm. You are out here to say: Listen, I want to make it clear that in no way, shape, or form should you be able in conference committee—which is almost behind the scenes basically—to negate a vote we had already.

So I wonder whether you could deal with those: In personal terms, what this is about for dairy farmers in our States; and second, the particular point you intend to make right here on the floor of the Senate about what is happening right now in conference.

You said it before, but I think it needs to be repeated.

Mr. FEINGOLD. I thank the Senator from Minnesota.

I say no one has made it more his business to articulate what has happened to American farmers in general, particularly in the last few years. He was an inspiration to me in that regard before I got to this body. We are proud in Wisconsin, but not too proud to look west to Minnesota for that kind of inspiration at times.

Let me start with the second question. The first one involves, as you know, a lot of memories: 17 years of working with farmers.

But the second question really is always a hard one. People say to me: How can it be that you have a vote, fair and square, in the body in which you have been elected to serve, and there was no vote in the other House, and somehow this committee that is appointed to get together to resolve the differences between the Houses ends up coming up with the exact opposite of what the Senate had resolved?

You can say: Well, that's the way things always are. But that does not satisfy people. There are supposed to be

some rules, both formal and informal, about the way business is done. It has always been my understanding, unless there is some basis in one House or the other for putting something into the conference committee, it should not be put in there.

It sounds like, as they say, inside baseball. But what it really is is a cynicism that what we do out here is irrelevant to what happens in the conference committee.

So I am sounding the alarm, as you suggested. I know people hate to lose. I hate to lose. I hated to lose when we won fair and square 2 years ago. I hated to lose when we begged the Secretary of Agriculture to not do this because we thought it was a lousy idea. He did not agree. Now he admits it is not a very good idea.

I think it is time for those on the other side to understand that sometimes you win and sometimes you lose. There are rules, there is fairness, and there is no fairness to this process when we win this vote time and again on the floor of the Senate, and somehow we are still stuck with this thing because of a few people in the conference committee.

I hope it does not happen, I say to the Senator from Minnesota, but I am worried about it. I certainly feel bad that I am compelled to do this in light of the wishes of the Senator from Maryland and people who are bringing this bill forward. It is a terribly important piece of legislation. We have to act on behalf of our dairy farmers and because of what has happened in the past. Because of the fact that fairness is not applied to our issue, we have no choice but to speak. The reason I feel so strongly is that I have watched the decimation of Wisconsin's dairy farmers. I became a State senator in 1982, just 2 years after the year I like to mention as sort of the benchmark, when we had over 45,000 dairy farmers in Wisconsin. I grew up in a family and am old enough to remember, we didn't get our milk and our eggs at the store. The milk was delivered every morning by the milkman, and we got the eggs once a week by going out to farms in the area. That, to me, was the way it was done. We knew personally many of the family farmers in our area, and they were good friends of our family. It was part of our community.

There was no question in my mind, when I was elected to the Wisconsin State Senate, representing a largely rural area, that at the very top of my list had to be making sure these folks who had been providing food for us forever could continue to live. I would have been stunned and horrified to know that 17 years later I would be out here with about half of Wisconsin dairy farmers being lost.

I can trace it for the Senator from Minnesota, if he would like, through the hundreds of conversations I have had. I had them as a State senator, and I have had them as a U.S. Senator. I go to every 1 of Wisconsin's 72 counties every year and hold a town meeting. We open the door, and whoever wants to come to the town hall can come in. And in every 1 of Wisconsin's 72 counties, except for possibly Milwaukee, a farmer has come in or many farmers have come in and told me about the pressure on them because of this pricing system and, in the last couple of years, because of the overproduction that this New England Dairy Compact has caused. It varies. Sometimes they are just concerned.

But I say to the Senator from Minnesota, in the last 2 years I have had farmers I have known for 17 years, proud men and women, come to my town meetings and begin their presentation clearly, concisely, politely, but near the end of their presentation they have started to cry because they are sick and tired of not being able to pass on that farm to their kids.

That is not a very fun thing to watch—to watch a 70-year-old man who is still working his farm take the time to come to my town meeting and to try to say how he felt and to be unable to complete the presentation and to probably feel embarrassed, but it is that bad.

The hardest thing for me to hear is the farmer who says: I wanted my kids to go into farming, to go into dairy, but I cannot tell them it is a good idea. That is usually the point at which one of the farmers just can't go on. His dream, a lot of times the dream of his son or daughter, is actually to continue the family tradition, and they can't because the Federal Government is meddling in having a fair and open dairy market, the kind in which they would have done very well.

That is a brief answer, and I could go on and on.

Mr. WELLSTONE. Will the Senator yield for one final question?

Mr. FEINGOLD. I am happy to yield.

Mr. WELLSTONE. The Senator has talked about his indignation about what might happen in conference committee, and we are on the floor trying to make it clear that it will be unacceptable and we will fight it all the way, if there should be an effort to undo the vote of the Senate.

The Senator has talked in personal terms. I want to say to him as a friend—I am not trying to get psychological here—but he spoke differently than I have ever heard him speak on the floor of the Senate when he talked about some of the farmers and conversations and how people start out very eloquent and rational and then just break down crying. I have had the same thing going on right now with many of our producers, dairy and crop and livestock, across the board. That is the convulsion in agriculture right now. It is awful. We have to change it.

Could the Senator explain for people the connection between this fight, the plight of dairy farmers, and the national interests. Could he make a linkage as to why he thinks it is in the interest of our country not to have these compacts and to make sure that dairy farmers in Wisconsin and Minnesota have a fair shake and have the opportunity to be able to earn a decent living.

In other words, I can see how some would say, he is out here doing it for Wisconsin—we are doing it for our States—but what is the connection to the rest of us?

Mr. FEINGOLD. I say to the Senator from Minnesota, that really is the fundamental question. It relates closely to what he has done such an excellent job of talking about. This isn't just about whether or not we are going to have a higher price for dairy farmers in New England or somewhat lower price in Wisconsin and the age-old regional battles. Something happens that is very dangerous to our democracy when we lose these small farms. We lose the ability to have people who own their own property produce our food. I think that is dangerous.

What is happening in every sector of the economy, especially in agriculture, is the consolidation of the control of the food supply into a few hands. I think the Senator from Minnesota knows the statistics better than I do, but I think in grain, I was told that one company is going to control something like 95 percent of the grain.

The Senator from Missouri, who was on the floor before, has made the point in meetings that we have a problem in this country when we go to the store and we buy some ham and we pay more for it than the farmer was getting for the whole pig for awhile. Somebody is making the money. It is not the small farmer. Dairy is only one example of this trend.

What happens is, when you lose these small farms in places like Minnesota and Wisconsin, of course, milk is still being produced, but it tends to be produced in these very large corporate operations, whether they are in Wisconsin, but more likely in other places. I remember flying into a western State that I won't name and flying into an airport saying: What is that down there? It looked similar to the General Motors plant in Janesville. Somebody told me it was a dairy farm.

This isn't the dairy farming that I grew up to believe not only was basic to our economy but basic to our culture, basic to our democracy, and, yes, control of our own food supply. If big corporations and multinational corporations own our land and our food supply, isn't this even a question of national security? I think it is an element of national security if we own our own food product. The best way to keep owning it is to have small, individual

producers all over this country continue to survive.

To me, I don't know if that is exactly what the Senator from Minnesota was getting at, but it is a fair point that this isn't just about the upper Midwest versus New England and so on. What it is really about is, can these small operators who live in Wisconsin and Minnesota continue to exist?

Mr. WELLSTONE. Mr. President, if the Senator is going to continue to speak, then that is one thing. I don't want to hold up deliberations. I think the Senator from Maryland has a question to ask. I will just simply defer.

Ms. MIKULSKI. Mr. President, I was prepared to go on to discuss the VA–HUD bill, and I am prepared to continue to discuss the VA–HUD bill.

Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Mr. President, let me say, because the Senator from Maryland has been very patient, I am sorry I had to delay this important legislation to this point. I am going to conclude for now. Again, I regret that this is necessary. However, as a Senator from the great State of Wisconsin, I will continue to fight for a fair national dairy policy as we await the outcome of the conference and in the days to follow.

Obviously, in taking this unusual step, I am merely signaling to the Senate that there certainly will be more discussions of the same kind if this goes forward.

Before I yield the floor, I see the Senator from Minnesota. I wonder if he wanted to ask me one more question.

Mr. GRAMS. I wanted to ask a quick question if I could. What we are asking for doesn't cost money. This is not a request to give farmers in Minnesota or Wisconsin more money but to allow them the ability to compete on a level playing field. That is all we are asking for, as far as this dairy policy goes.

As you mentioned, and very well have laid out the problem, this is a program set up in 1930, completely outdated. If we were going to begin a new milk marketing program today, it would not look like anything debated in the committees at all. This is an unfair system, outdated. It has no rhyme or reason to markets or regions or producers or our dairy farmers. So we have a system now, and all we are asking for is legislation or a program that would allow our farmers to compete. We are willing to compete with anybody in any part of the country and let the chips fall where they may.

At the same time, this program will cost consumers additional money, whether it is low-income, whether it is school lunch programs, or whatever it is. So this program has a lot of negatives to it, and all we are asking for is a level playing field and competition. Is that what the Senator says?

Mr. FEINGOLD. Yes. I thank both Senators from Minnesota for joining me. Of course, the Senator is absolutely right. This is not about a guaranteed price for the farmers. It is not about any kind of legislation, some of which I might support. This is an attempt to prevent the continuation of an absurd distortion of our dairy market in the New England Dairy Compact. We are looking for fairness both in terms of the policy and the procedure of this institution. I thank the Senator from Minnesota. Again, I thank the Senator from Maryland for, I hope, understanding.

I yield the floor.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator CARL LEVIN and Senator JOHN KERRY be added as cosponsors to the Bond-Byrd-Mikulski-Stevens VA health care amendment, No. 1744.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, as you know, we intended to have an extended conversation about the VA–HUD bill. Obviously, I appreciate the Senators' needs to defend their constituents' interests, and the plight of people losing businesses, of course, is significant to us all. I wish I would have known the time so we could have been better able to organize and plan our amendments.

I know the leadership of both parties is now consulting on what is the best way to proceed for the rest of the evening in terms of amendments to be offered. I know there are amendments that are being drafted, and I also know the two leaders are discussing what is the best way to come to closure on the number of amendments to be offered. So right this minute, because we missed a certain window to offer two important amendments, we are now involved in a process. But I am reluctant to yield the floor except to Senator BOND because I am going to stick on VA–HUD, and with all of the compelling issues in that bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my very able ranking member for her efforts to move the bill forward. We certainly intend to do so. I have a clarifying amendment, a technical correction amendment.

AMENDMENT NO. 1779

(Purpose: To clarify the prohibition on using Federal funds for lobbying or litigating. This is a technical correction)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1779.

On page 111, beginning on line 4, strike out ''or be used'' and all that follows through ''litigation activity'' on line 5.

Mr. BOND. Mr. President, this is simply a technical correction the experts have told us is necessary to assure that the provisions in the law at that point are properly phrased. I know of no controversy on it. It is technical in nature. I believe it has been cleared on both sides.

Ms. MIKULSKI. Mr. President, I think we are in agreement on this amendment. I am prepared to accept it.

Mr. BOND. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1779) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I thank the Chair and all our colleagues. We have been making great progress. We are ready to move forward on several matters relating to the housing section of the bill.

I am sorry that it appears we are not ready to do so.

I renew my request to all Members who have amendments. We welcome the opportunity to look at them. On some of these amendments, we find we can work them out in a way that is very easy to accommodate the reasonable requests of our colleagues. We want to do so in every possible way. But as I believe we have said many other times, we are facing a real time deadline.

We need to get this measure passed out of the Senate, I hope, no later than tomorrow. Then we can go to conference committee and get it back and send the conference report to the President prior to September 30 so this measure will not have to be included in the continuing resolution. To do so would relieve a tremendous amount of burdens from the agencies that are covered and would certainly move forward the work of this body. We have had good discussions, and we have had very helpful discussions from a number of Members who have not offered amendments. We are not looking for more amendments, but if there are Senators who have either colloquies they wish us to include or amendments they wish to offer, we would be happy to consider them at this time.

Ms. MIKULSKI. Mr. President, I wish to convey to the Senator from Missouri that we are trying to reach the Senator from Massachusetts about his amendment. As you know, he was prepared to offer them and then he moved on to other constituent meetings because we didn't know if we were in a filibuster or not. I didn't even know, and we are sorry that we could not pinpoint the time.

I say to the Senator from Missouri, just another few moments of patience. We are contacting Senator KERRY to see if he can break free from the meetings and come to the floor to offer his amendment within the next 20 minutes or so, or shorter. In the meantime, we also know the Senator is anxious, as I am, for a unanimous consent to be hotlined with a deadline for amendments to be filed.

As I understand it, we are waiting for the majority leader to see if he is in agreement with the UC as proposed by the Democratic leader. We are waiting, one, for Senator LOTT on the UC, and Senator JOHN KERRY, the Senator from Massachusetts, to come this evening. If he can, we will keep on going. If not, I am not quite sure what the other amendments are. I know the Senator from Missouri has a whole group of constituents who are a special affinity group for him that he is anxious to get to.

Mr. BOND. Mr. President, I thank the Senator from Maryland for her help.

AMENDMENT NO. 1780

(Purpose: To require a report on the effect of the allocation of funds under Veterans Equitable Resource Allocation (VERA) formula on the rural subregions of the health care system administered by the Veterans Health Administration)

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Missouri [Mr. BOND], for Ms. SNOWE, proposes an amendment numbered 1780:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

Mr. BOND. Mr. President, I have let the clerk read the entire sense-of-the-Senate resolution because I think it makes the point. I believe there is nothing further I can add to the terms of that Senate resolution. It simply requires VA to undertake a study of rural subregions. I urge its adoption.

Ms. MIKULSKI. Mr. President, I concur with its adoption and want to congratulate the Senator from Maine, Ms. SNOWE, for this amendment. Her criteria on Veterans Equitable Resource Allocation—nicknamed VERA—is absolutely right. I hope the VA uses it as a model for looking at the delivery generally: Travel time to veterans' health care, waiting time for appointments, costs associated with additional community-based outpatients, and also not only the waiting period but what we heard in other debate is, sometimes they wait and then they are sent home, sending them back another 150 miles and coming back another 150 miles. I believe our veterans have marched long enough and they shouldn't have to march to get their health care.

This side of the aisle accepts this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1780) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, thank you very much. I thank my colleague from Maryland. I believe it is a very good amendment.

We are at this moment waiting to find out from others what the schedule will be for this evening and whether there are additional amendments to be offered.

At this point, we intend to stay on the bill. I see the Senator from Nevada is ready to speak on the bill. I withhold my suggestion on the quorum.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BRYAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. Mr. President, I rise today to talk about two important components of the legislation before us today that would severely impact the state of public housing both in my home state of Nevada and throughout our nation.

The distinguished chairman and ranking member of the subcommittee have undoubtedly worked hard to provide the needed funding for a number of critical programs in the VA–HUD appropriations bill. I commend them for their efforts. Nevertheless, I am forced to say that I am disappointed that this bill falls far short in continuing our commitment to provide affordable, quality housing to low and moderate income families.

Of particular concern, Mr. President, is the lack of funding for any new section 8 housing vouchers despite the considerable demand and need for such assistance in communities throughout the nation.

The section 8 program provides vital assistance to American families.

In 1998, 1.4 million Americans were receiving assistance under this program and countless more have been on waiting lists for months and sometimes years for this needed assistance.

Who receives assistance under the Section 8 program? According to CRS, recipients of section 8 vouchers are typically single-parent households with children under the age of 18. Most participants have income well below the poverty level, and the average household income of a recipient is well below $10,000.

Mr. President, we are all aware that the American economy has been roaring for the last few years, and we are all delighted that inflation and unemployment numbers are at record lows and job growth and housing starts are at record highs. But lost in this economic expansion and prosperity are millions of Americans who continue to struggle to make ends meet and adequately provide for their families.

The section 8 program has historically served as a lifeline to low income households, providing needed assistance to those American families seeking to raise their children in quality, affordable homes in safe, livable communities.

Last year we were successful in providing almost 100,000 new section 8 vouchers to address the substantial shortage in affordable housing, the first new vouchers in five years.

As my colleagues will recall, the authorizing legislation passed by the Senate last year authorized 100,000 new section 8 housing vouchers for the upcoming fiscal year.

And yet the legislation before us provides no new vouchers despite the growing gap between the public housing assistance needed and assistance available.

As an example of how disconcerting this issue has become in my own state of Nevada, low and moderate income families in Las Vegas, Reno and numerous other communities currently have to wait for a period of over 8 months for public housing—8 months, Mr. President.

The wait for section 8 vouchers in Nevada is even worse. That delay is

over 50 months, Mr. President. Over four years for a section 8 voucher. And yet the legislation before inexplicably does not provide any additional funding for section 8 housing vouchers despite this substantial increase in demand.

It is my understanding that there will be an amendment to this bill to provide additional vouchers along the lines of the administration's request and I look forward to supporting that effort.

Let me address another issue that I believe was inadequately addressed in the bill and that I regret to say in my view is a setback.

I was also disappointed to learn that the underlying legislation before us today seeks to zero-out HUD's highly effective Community Builders Program.

Let me say parenthetically that during the recently concluded August recess my staff and I had the chance to visit with some of the community builders to learn about their effectiveness, and in the very short time that this program has been in existence I have heard considerable feedback from local officials, community leaders, and others throughout our State in praise of the Community Builders Program.

By way of example, the eight community builders working in HUD's Las Vegas regional office have been able to bring HUD officials and community leaders together to solve local problems by developing strategies that draw resources from a multitude of Federal programs. All who are familiar with the Federal bureaucracy know it can be very difficult to bring together all the various programs with all of their intricacies and requirements and to meld those together to develop an effective program for the housing needs of our communities.

During the brief existence of this program, we have witnessed a number of success stories in both the southern and northern parts of Nevada. Let me share some recent accomplishments of the program in the Las Vegas area. Community builders in Las Vegas have partnered with southern Nevada's local office of the Bureau of Land Management to facilitate the conveyance of a large tract of vacant BLM land to the city of Las Vegas for the development of affordable housing for low-income and moderate-income residents.

Community builders are working with several housing partners to develop two to four units of single-family detached housing using technologically advanced materials and building processes to show how technology can reduce the cost and improve the quality of single-family housing.

Community builders are undertaking the first phase of development of a new 400-unit mobile home park in Pahrump, NV. Pahrump, NV, is located in my county and one of the 10 fastest growing counties in the entire country. This is being done at the same time by streamlining housing code compliance to ensure safety and yet also to reduce the cost.

Community builders in Las Vegas are working to develop a lender certification program designed to assist in the extension of mortgage programs and products to an increased number of low- and moderate-income families and individuals. These success stories in the southern part of our State have also been mirrored in northern Nevada.

For example, when BHP Copper Mine in Ely shut down mining operations, more than 400 individuals representing 12 percent of the area's workforce were laid off, dealing a devastating blow to a struggling community. The community builders in Reno immediately went to work, joining with local officials in organizing a community partnership forum with community leaders and representatives from many Federal, State, and nonprofit agencies. This effort resulted in the development of an action plan that identified solutions and opportunities for mitigating the adverse economic and housing effects caused by these massive layoffs. This initiative is being held up as a model throughout rural Nevada for rural communities to develop comprehensive local strategies responsive to economic downturns in the mining industry and the longer-term need for greater economic diversification.

I might add as an aside, we learned from two of our counties, Humboldt and Lander Counties, two counties I visited and spent time in with their county commissioner and citizens in August, those counties have also been affected as a result of a series of layoffs in the mining industry. They, too, are buffeted by worsening economic conditions.

Once again, the community builders are being called into action to assist community leaders in finding ways to stabilize rural economies and housing markets in the face of falling gold prices in the global market.

In sum, the Community Builders Program strikes me as a smart and cost-effective way to do business. By breaking down the old bureaucratic hurdles that often hinder customer service and working at the grassroot levels with communities ranging from the sprawl of Las Vegas to a rather small community such as Ely, NV, the Community Builders Program has proven highly effective in finding solutions to critical challenges facing our urban and rural communities.

It is my hope that before this legislation is passed by the Senate, these two critically important and highly successful programs are addressed in a way that will allow the Federal Government to continue its commitment to providing affordable housing to the millions of Americans who depend upon such assistance and to allow the Community Builders Program to continue its work in building successful partnerships within our communities to solve local problems.

I yield the floor.

Mr. BOND. Mr. President, I appreciate the kind words the Senator from Nevada shared. We did appreciate working with the Senator on these very important bills. I thank him for his interest.

With respect to the new vouchers, I believe I have already addressed at some length why we have not recommended any new vouchers. We do not have the resources identified to maintain the ones we have. In fact, there are $40 million worth of additional vouchers for the disabled. We put in $100 million for the Opt Out Program to protect the residents in section 8 housing where the landlords are choosing to get out of the program. We are also working through HOME and CDBG to provide additional housing facilities. I have stated those points before. I will not reiterate them at any length.

With respect to community builders, we will address this in conference. The bill would terminate HUD's Community Builders Program for all external community builders. We were originally told there were supposed to be about 200 staff. It is now up to 800. The program represents about 9 percent of the HUD staff. In fiscal year 1999, HUD is expecting to spend as much in funds for staff and support costs for this program as they will spend for the HUD's community planning and development staff, which is responsible for administering programs such as CDBG and the homeless.

I believe investing in 2-year terms for employees hired out of the normal practices of HUD is a questionable use of scarce resources. What does it say about the capabilities of existing HUD staff when the Secretary says we have to bring in people who are hired for a 2-year term outside of the normal hiring practices to explain HUD programs? It says something is going on.

Before the community builders' staff was hired, the roles were not adequately defined by HUD. It is still in the process of developing and defining the role, even though most of the positions have been filled for several months. According to the information we have from the IG, 76 percent of the external community builders' initial hiring was not in accordance with Federal selection rules. The hiring appeared to be political despite the assurances to the contrary.

The FHA Commissioner in charge of the multifamily housing has written:

> Community Builders in certain areas have misinterpreted or overstepped their role in dealing with HUD's identified multifamily projects.

In his letter, the Commissioner states:

It cannot be stressed too strongly that the Community Builders must communicate with the appropriate HUD staff.

In my view, community builders are not acting as HUD staff. They are acting in the capacity of lobbyists or public affairs representatives for HUD. HUD already has a public affairs office. The public affairs office is providing the direction to these people. The Department recently directed the community builders to reach out to the media to voice strong opposition to the House of Representatives appropriations fiscal year 2000 budget. I can state that they are also reaching out to lobby Congress to keep the community builders. I don't need to fund a group of people whose job it is, in addition to all the other normal functions of HUD, to lobby me and tell the news media how valuable they are when they are only on for 2 years and, according to the information we have, have not even in some instances been able to define the job of HUD and the roles and the programs of HUD adequately.

I don't believe there is an amendment pending. We will have more to say about that at length if it is brought up in the form of the amendment.

AMENDMENT NO. 1785

(Purpose: To provide a period of time for consultation and evaluation of any realignment plan for the VISN 12 health care delivery system)

Mr. BOND. On behalf of Senators FITZGERALD and DURBIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Missouri [Mr. BOND], for Mr. FITZGERALD, for himself, and Mr. DURBIN, proposes an amendment numbered 1785.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has (a) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented, and (b) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

Mr. BOND. Mr. President, this amendment has been cleared on both sides. There had been great concern in the Chicago area about the realignment of the VA facilities. This measure simply assures appropriate procedures are followed so all parties involved have an opportunity to express themselves.

This has been a longstanding concern with the VA. We do believe they should continue to move forward, as we said before, in closing unneeded facilities. But in doing so, it is vitally important they go through the proper processes which allow those affected to have a say and a stake in the process.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, I thank Senator BOND for working with the Senator from Illinois, Mr. DURBIN. I know Senator FITZGERALD also had a keen interest in this particular issue. I am ready to also accept this amendment and wish to note, though, this seems to be a pattern with VA, where our colleagues in the Congress have to keep giving them commonsense criteria on how to decide what is the best way to serve veterans.

We know we are in the veterans' health care business. We know we are not in the veterans' real estate business. But surely, clear criteria and talking with the people most affected would go a long way.

There was a saying in the early Polish Parliament that said:

Nothing about us without us.

I think that is the way the veterans feel. That is the way the Members of the Senate feel: Hello, Veterans Administration. Please, get to work on these criteria and follow what the Senate is telling you.

I am happy to accept this amendment and urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1785) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we thank the Senators from Illinois for working with us on what we think is a very positive step forward that will allow the VA to perhaps shift resources to serve veterans better. We are very pleased we could fashion an appropriate format for developing criteria to make sure the process is done in a fair and equitable manner.

I see the Senator from Ohio. I believe he has two amendments to offer.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1782

(Purpose: To prohibit the use of funds by the National Aeronautics and Space Administration for the establishment at any field center of a research capability that would duplicate a research capability that exists at another field center)

Mr. DEWINE. Mr. President, I send amendment No. 1782 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1782.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. 431. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of establishing at a field center of the Administration any research capability that would duplicate a research capability that currently exists at another field center of the Administration.

Mr. DEWINE. Mr. President, let me first thank my friend from Missouri, Senator BOND, and my colleague from Maryland, Senator MIKULSKI. They have produced, I believe, under some very tough, difficult circumstances, a very excellent, very fair, and very balanced bill. Members of the Senate are certainly indebted to them for the tremendous work they have put in and the product they have produced.

The amendment I have just sent to the desk is a very commonsense amendment. In fact, I believe it really builds upon the very commonsense language included in the VA–HUD appropriation bill committee report. That part of the committee report states the committee is concerned about the duplication of work being performed throughout the NASA field centers. It instructs NASA, by April 15 of the year 2000, to produce a preliminary action plan to map out what each of the field center's future roles and responsibilities will be.

The most important part of this report language states:

NASA should identify where a center has or is expected to develop the same or similar expertise and capacity as another center, including justification for this need.

I do not believe, at a time when NASA's overall funding is increasing, NASA should be duplicating any capabilities that already exist at one center at a different center. It just makes no sense. This really defies logic. My amendment would simply prevent NASA from spending any money to duplicate capabilities that already exist.

Let me say in conclusion, I appreciate that the authors of this bill are

willing to accept this amendment. Let me pledge to the authors of the bill, I will continue to work with them and continue to work with NASA to resolve this issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend the Senator from Ohio on his staunch support and advocacy of the programs at the Glenn Space Center. Because of his very strong advocacy, we included funds for the future launch program and other things that we think are vital to the long-term interests of NASA. We expect those programs will go forward. My view is, I am willing to accept this amendment and the additional amendment he proposes to ensure that NASA preserves the integrity of the mission of the Glenn Space Center.

Having said that, I have some problems. The amendment, if finally adopted into law, would be too constraining and might result in unintended consequences. We need to call NASA's attention to these problems but also give them needed flexibility that might not be there.

That said, I expect NASA to operate in good faith in maintaining the programs at the Glenn Space Center. This is critical. I expect NASA can resolve the concerns of Senator DEWINE so these provisions can be dropped in conference. I might note for my colleagues, the Senate report for NASA already states that ''each NASA center be vested with specific responsibilities and activities.''

I think we are all moving in the same direction. I believe the Senator's admonitions included in this amendment that will be accepted here should suffice.

So I urge we accept the amendment. I will urge we accept the second amendment as well.

Ms. MIKULSKI. Mr. President, I concur with the analysis offered by Senator BOND. Rather than simply repeat, I concur in his comments. I say that to the Senator from Ohio.

You have the Ames Research Center in Ohio. It has served the Nation well. It needs to be respected for what it has given to the Nation. As we look to the future of NASA, there needs to be the kind of analysis we talked about. So I concur with both the comments and the strategy offered by the Senator from Missouri.

Mr. DEWINE. Mr. President, I ask unanimous consent Senator VOINOVICH be added to this amendment and the subsequent amendment I will offer in a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I think we are ready to vote on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1782) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1781

(Purpose: To prohibit the use of funds by the National Aeronautics and Space Administration for the transfer of research aircraft from Glenn Research Center, Ohio, to any other field center)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 1781.

Mr. DEWINE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. 431, None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of transferring any research aircraft from Glen Research Center, Ohio, to another field center of the Administration.

Mr. DEWINE. Mr. President, again the chairman and ranking member have indicated they accept this amendment. I appreciate their consideration very much.

I want to say in regard to the previous amendment, I appreciate the comments. I am sure this is a matter that can be resolved in consultation with NASA. We are all trying to achieve the same thing. I fully expect this will be done.

Mr. BOND. With the same caveat added on the first amendment, this side is willing to accept the amendment. I commend the Senator for dealing with this very real concern, and I trust this will send the appropriate message to NASA.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1781) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. As though in morning business?

Mr. SCHUMER. It is on this bill. I don't need to ask unanimous consent, do I?

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. What a great body.

Mr. President, I rise today to share my concerns about the VA–HUD appropriations bill. I first thank the chairman and the ranking member for their efforts on the bill. This is a bill with many important programs that are very popular which has a limit to funding. I know how hard it is to please everybody on this bill. Under the budget caps, it is next to impossible to find the money to do what is necessary. So I appreciate that.

But I do rise to voice my concerns. I will support the amendment to be offered by the Senator from Massachusetts, Senator KERRY, if he should offer it, to add an additional 50,000 section 8 affordable housing vouchers, because this amendment is a step in the right direction. I hope the Senate will adopt the amendment and work with the House to ensure that it is part of any package sent to the President.

New York City and New York State have a severe housing shortage. It is not just in New York City. In New York City, there are over 400,000 people who need homes. In Rochester, there are nearly 20,000 families with severe housing needs. In New York City, there are over 150,000 families on public housing waiting lists alone; and 220,000 families waiting for section 8 help. The waiting list is as long as 8 years in each case.

In Syracuse, families must wait 2 and a half years before they get section 8 help. In Rochester, there are 1,700 families waiting for public housing, and 4,500 are waiting for section 8. The bill will make these families wait even longer.

The bill adds no new section 8 vouchers, and the public housing is dramatically underfunded.

New York State Comptroller Carl McCall—our excellent comptroller—issued a report in July highlighting that New York City's public housing needs over $7 billion in major repairs.

Under this bill, I fear these properties will further deteriorate, threatening the health and safety of children and seniors, the disabled and veterans who live in these communities who depend on this Congress to meet our obligations.

Our Nation has invested over $90 billion to house the poorest Americans. This bill, I believe, uses these investments as spare parts for other parts of the budget. Let's put a face on the budget.

Many of those who are helped by the housing programs that are underfunded by this budget are the most vulnerable in our society. About half of section 8 beneficiaries are children. Over 40 percent of those in public housing are children.

Last year, Congress did take a step forward. We authorized 100,000 additional section 8 vouchers in the public housing reform bill. We made progress by adding 50,000. This year, however, the Senate and the House decided the Nation does not need any more.

The hundreds of thousands of New Yorkers, and many more other Americans, waiting for safe and affordable housing need more than the bill offers.

About 5 and a half million families spend more than half their income on housing. Many of those are in New York State. Recent studies have indicated that for many of these families the situation is getting worse. The Kerry amendment will help them.

The section 8 vouchers that this amendment funds will help Congress fulfill its promise to working families, particularly families leaving welfare. If we are committed to strong communities and want to shrink the welfare rolls, new section 8 authority can only help.

If the bill was absolutely perfect for veterans, but shortchanged housing, I would be a little happier. Although I feel strongly about section 8 public housing, the bill also achieves only a bear minimum for veterans.

As other Senators have pointed out, 99 of us are on record that a full $3 billion over the President's request is needed. I agree with this and I am disappointed that the Wellstone amendment failed.

Veterans hospitals across my State have laid off hundreds of staff this year alone. Despite promises from the Department of Veterans Affairs, I believe that even more staff will have to go if this bill goes through.

So, in conclusion, I appreciate the job, the difficult job that the chairman and the ranking member face. It is not easy when there are so many important needs and so few funds. I just wish either we could find the extra money or at the very least the priorities were a little different because of housing and veterans needs that are so pressing in my State.

I thank the chairman and ranking member for their courtesy.

I yield back the remainder of my time.

Mr. BOND. Mr. President, I thank the Senator from New York for his very moving comments. I agree with him that we need more housing. I stated earlier my concerns that section 8 is not providing more housing. This is a long-term problem on which we must work. There are many challenges in the section 8 program, not the least of which is, as I said earlier, being able to continue the section 8 assistance for those who have it. So I will not pursue this discussion any longer. We will have an opportunity to do so tomorrow.

I believe we are winding up.

Mr. President, I do have one other amendment I would like to offer which simply calls on the GAO to conduct a study of possible revisions to the capital structure of the Federal Home Loan Bank System and report to the Congress not later than 1 year after the date of enactment of this act.

I am sure everybody is looking forward to having another study from GAO.

AMENDMENT NO. 1786

I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 1786.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . GAO STUDY ON FEDERAL HOME LOAN BANK CAPITAL.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the capital structure of the Federal Home Loan Bank System, including the need for—

(A) more permanent capital;

(B) a statutory leverage ratio; and

(C) a risk-based capital structure; and

(2) what impact such revisions might have on the operations of the Federal Home Loan Bank System, including the obligation of the Federal Home Loan Bank System under section 21B(f)(2)(C) of the Federal Home Loan Bank Act.

(b) REPORT TO CONGRESS—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a).

Mr. BOND. It is a simple amendment. I urge the adoption of the amendment.

Ms. MIKULSKI. Mr. President, this side has reviewed the amendment. We think a GAO study on this topic will definitely be in the national interest. I am willing to accept the amendment.

Mr. BOND. I thank the Senator.

I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 1786) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I wish to convey to the chairman of the subcommittee that the Senator from Massachusetts said he would be ready to go first thing in the morning. So I know of no other amendments this evening where the Senators are ready to offer them. My suggestion would be that we close out this evening and begin bright and early with the Kerry of Massachusetts amendments on section 8 and also the issue of housing for AIDS patients.

Mr. BOND. Mr. President, I share the Senator's hope. It does appear there will not be any further business on this bill tonight. We are awaiting the final OK from the leadership.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that all remaining first-degree amendments, other than one for each leader and a manager's package and a measure relating to Y2K by Senators DODD and BENNETT, to the HUD-VA appropriations bill be relevant or sense-of-the-Senate language. I further ask unanimous consent that all second-degree amendments be relevant to the first-degree amendment they propose to amend.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I take the floor to commend my friends, the chairman and the ranking member, for their efforts in coming forward with a bill that provides valuable funding for veterans and key housing programs.

However, I urge my colleagues to provide additional funding for section 8 vouchers. We have talked a lot about this. In my State of Hawaii, there is a 20-month wait for public housing and a 44-month wait for section 8 vouchers. Without additional funding for these programs, Hawaii's residents will only see an increase in the waiting period for public housing and section 8 vouchers. We must ensure that adequate funding is provided for these important programs which benefit so many people.

Lastly, I wish to also urge my colleagues to revisit the Community Builders Program and provide HUD with the ability to continue this valuable program. In my State, this program has provided a valuable service for Hawaii's low-income families.

Once again, I commend the chairman and ranking member for making very tough decisions in crafting this legislation. I know it was not easy, and I am pleased the committee sought additional funding for our Nation's veterans' health care system. But I hope we also understand the need for affordable housing, and I urge the committee to revisit this issue in conference.

I yield the floor.

Mr. BOND. Mr. President, I thank my good friend from Hawaii for his perceptive comments. We will be happy to discuss those issues. We appreciate the insights and look forward to working with him to attempt to deal with the specific problems he finds in his beautiful State. I do appreciate his coming to share with us his views.

Mr. LEAHY. Mr. President, I would like to take this opportunity first to applaud Senator BOND and Senator MIKULSKI for the tremendous job they have done balancing the demands of some of our most important programs with a very limited budget. The Fiscal Year 2000 VA–HUD and Independent Agencies appropriations bill which they have crafted is a good bill and stands in stark contrast to the House passed bill which included some devastating cuts to a number of very important housing and community development programs. The Chairman and Ranking Member were very responsive to my requests and concerns with the bill as were their staffs.

I do remain concerned about funding for several HUD programs and I hope that there will be an opportunity in conference to revisit these accounts and provide some additional funding. In particular, the failure to fund incremental section 8 vouchers will cause a real hardship for the thousands of families across the country on wait lists for rental assistance. In Vermont alone the wait for Section 8 rental assistance can stretch for years and some lists have been closed completely because of the extensive wait. The booming economy is great for business but not so good for low-income families who are finding themselves priced out of the housing market. More and more people in Vermont and throughout the country are paying more than 30 percent of their income for housing. Last year Congress authorized 100,000 vouchers for FY 2000. The Administration has included those vouchers in their budget request. We should include funding for those vouchers in the FY 2000 VA–HUD Appropriations bill.

I would also like to voice my concern for the funding provided for the Youthbuild program and for the Neighborhood Reinvestment Corporation. Youthbuild is a wonderful example of a program that is helping develop leadership skills in at-risk youth while providing much needed affordable housing. The program has been an unqualified success in Vermont where Youthbuild participants have constructed and rehabilitated affordable housing in Burlington's Enterprise Community. From weatherizing homes to building single and multi-family housing, Youthbuild Burlington has proven the value of this program in investing at-risk youth in their communities while building skills for the future, and meeting the critical need for quality affordable housing in Burlington. Earlier this year I joined 49 of my colleagues in a letter to Senator BOND and Senator MIKULSKI supporting a $75 million appropriation for the Youthbuild program. Unfortunately the bill we are considering includes only $42.5 million for this valuable program. The Department's ability to offer grants to new Youthbuild programs or provide additional support for existing programs would be greatly reduced by this funding level. I hope that we will be able to increase funding for Youthbuild in Conference.

The Neighborhood Reinvestment Corporation (NRC) is another important HUD program which received a significant funding cut. This bill reduces funding for the NRC by a third. The NRC has been an invaluable partner in the drive to increase home ownership in Vermont and throughout the nation. Four homeownership centers in Vermont are currently implementing the Neighborworks model of ''full cycle lending'' which has made such a difference in bringing the opportunity of homeownership to lower income families in my state. Time after time, these homeownership centers have allowed families who would not otherwise have been considered by commercial lenders, to secure mortgages for affordable homes, and helped families who would otherwise have suffered foreclosure remain in their homes. The level of funding proposed in the Senate bill would prevent 12,000 families currently in the pipeline from receiving further assistance, and would result in 8,700 fewer families realizing the dream of homeownership and 80,000 families not receiving homebuyer or foreclosure prevention counseling. I hope that we can prevent those results by providing additional funding for this valuable program in conference.

Finally, I would like to once again express my support for the Community Development Financial Institutions (CDFI) program. The Senate bill provides $80 million for this important program, $15 million below last year's level and $45 million below the President's request. The CDFI Fund is an economic development initiative that was adopted with overwhelming bi-partisan support several years ago. The program is an important investment tool for economically distressed communities. CDFI leverages private investment to stretch every Federal dollar. This program is working effectively in communities across the country, and I believe additional resources are needed to maximize the value of this important federal investment.

I look forward to working with Senator MIKULSKI and Senator BOND during conference to secure additional funding for these programs.

Mrs. FEINSTEIN. Mr. President, I rise to draw attention to FEMA's proposed Public Assistance Insurance Rule that is currently pending at the Office of Management and Budget. The rule is referenced in the report language of both the House and Senate VA–HUD Appropriations bills.

I support FEMA's efforts to reduce the costs of federal disasters. However, the proposed rule, in its current form, would require public institutions to purchase ''all hazard'' insurance for public buildings. This includes local school districts, cities, non-profit hospitals, universities and other non-profits.

California risk managers and insurance brokers have told me there currently is no insurance available to public institutions. They would be unable to obtain, at any price, the coverage required by the FEMA rule.

Even if insurance were to be available, it is highly unlikely that the individual insurers would be able to pay out in the event of a catastrophic earthquake. The financial implications for California are enormous and should be considered before implementing the proposed FEMA rule.

During Committee markup, I was told by Senator BOND that cities and counties that could not obtain hazard insurance would be exempt from the FEMA rule. FEMA says this is not the case. I believe the FEMA proposal is ambiguous in many areas and it needs to be more thoroughly examined. I am concerned that FEMA may be rushing to implement this regulation without a thorough understanding of its true impact.

The House VA–HUD bill requests a GAO study of this issue before moving forward with the proposed rule. The Senate bill makes no mention of a GAO study, and supports the proposed rule change. It is my sincere hope that we can work together to develop an approach similar to that of the House. I believe that we must have an independent analysis of this important and potentially costly issue before it is finalized.

KYOTO PROTOCOL

Mr. CHAFEE. Mr. President, pages 78 and 79 of the fiscal year 2000 VA, HUD and Independent Agencies Appropriations bill and page 83 of the accompanying Committee Report contain language regarding implementation of the Kyoto Protocol. During the debate on this appropriation last year, we agreed that EPA should not use appropriated funds for the purpose of issuing regulations to implement the Kyoto Protocol, unless and until such treaty is ratified by the United States. We also agreed that our intent was not to interfere with important and on-going voluntary energy conservation and climate change related programs and initiatives—such as the Climate Challenge program, Green Lights, Energy Star, the Partnership for a New Generation of Vehicles. These programs have reduced greenhouse gas emissions by increasing energy efficiency across a broad range of domestic industrial

sectors. These programs make sense for other reasons as well, including saving consumers and businesses money, creating export opportunities, reducing our dependence on foreign oil, and addressing local air pollution problems.

I ask the distinguished manager of the bill, Senator BOND, whether the language in the bill and the report this year maintain the agreement that we reached last year on this issue?

Mr. BOND. The Senator is correct. The language cited by the Senator reflects the agreement reached on this issue during the conference last year. Previously funded, ongoing projects and voluntary initiatives can go forward. We expect the agency to spend the money in an effective and appropriate manner.

Mr. CHAFEE. I thank the Senator.

BETHUNE-COOKMAN

Mr. MACK. Mr. President, I rise today with my friend from Florida, Senator GRAHAM, to engage the distinguished Chairman, Senator BOND, in a colloquy. Specifically, I wish to make the Chairman aware of an important priority for the State of Florida which was not funded in this bill. Last year, the public housing reform act passed by Congress contained authorization for the construction of a community services student union building at Bethune-Cookman College in Daytona Beach, Florida. Accordingly, we included this project as one of our important priorities for the legislation before us today.

Mr. GRAHAM. I join my friend from Florida in support of this project. The building will serve as a full-service facility not only for the college's 2,300 students, but also the 28,000 citizens of West Daytona Beach. The facility would allow the college to expand its long record of exemplary service to low-income and disadvantaged residents in the community. I would appreciate the Chairman working with his colleagues on the conference to find funding for this important project in FY 2000.

Mr. BOND. Mr. President, I thank my friends from Florida for their comments and I appreciate their support for the facility. Should this matter come before the conference, you can be assured I will give it due consideration. I thank my friends for bringing this matter to my attention.

Mr. MACK. I thank the Chairman for his assurances.

REUSABLE AND ALTERNATIVE WATER PROJECTS

Mr. MACK. Mr. President, I rise today with my friend from Florida, Senator GRAHAM, to engage the distinguished Chairman, Senator BOND, in a colloquy. Specifically, I wish to make the Chairman aware of two critical projects in Florida that did not receive funding in this bill. The first is the City of West Palm Beach's water reuse project. This wetlands-based potable water reuse program is critical not only to the water supply of the City of West Palm Beach but also to the Everglades restoration effort.

During dry season, the City takes water from Lake Okeechobee which is a critical primary source of water for the Everglades. West Palm Beach is attempting to eliminate this water use through their innovative water reuse project. The City has received federal support in each of the past three fiscal years. Work is progressing on schedule, but a final installment of federal funding is needed to complete the work and bring the project on line.

I would point out to the Chairman that this project is funded in the House VA–HUD and Independent Agencies appropriations bill. I would urge the Chairman to work with our House colleagues during the upcoming conference to ensure that funding for this critical project is completed in this fiscal year.

Mr. BOND. Mr. President, I appreciate the comments of my friend from Florida and understand the importance of this project to his State. I will do all I can with my colleagues in the House to secure funding for this project during the conference.

Mr. GRAHAM. Mr. President, if I could have the attention of the Chairman for a moment to address another important project to the State of Florida, the Alternative Water Source Projects. These central Florida water projects are providing valuable assistance to local governments in devising alternative and expanded water supplies for the region. To date, the federal government has provided $46.6 million toward this important effort. This project was also funded in the House of Representatives but did not receive funding in this bill. I would also appreciate the Chairman's consideration of Florida's ongoing water-related needs as this bill goes to conference with the House.

Mr. BOND. Mr. President, I thank my friend from Florida for his comments and understand the merits of this project. I would like to assure both my colleagues that I will do my best to work with the other members of the conference to provide funding for this project.

Mr. MACK. I thank the Chairman for his assurances.

WATER TREATMENT

Mr. MACK. Mr. President, I rise today with my friend from Florida, Senator GRAHAM, to engage the distinguished Chairman, Senator BOND, in a colloquy. Specifically, I wish to make the Chairman aware of an important priority for the State of Florida which was not funded in this bill. The city of Sarasota, Florida has long been working with the federal government to address its water treatment system problems. Many of the city's residents are still on septic tanks and the federal government has been interested in addressing this problem because of polluted runoff into the Sarasota Bay National Estuary.

Mr. GRAHAM. I would agree with the comments of my Florida colleague and add that the federal government has been working through the National Estuary Program to help it address this problem in previous years. During this year's appropriations process, we requested a grant out of the State and tribal assistance grant portion of this bill to continue this process. It would be my hope that the Chairman would work with us and with the other members of the upcoming conference committee to find funding for this project. It has the full support of Florida's House delegation and I would appreciate the Chairman's support as we move toward the next stage of the process.

Mr. BOND. Mr. President, I thank my friends from Florida for their comments and I am familiar with this project from previous years. If an opportunity arises in the conference to fund it, I will work with my colleagues from the House to do so. I thank my friends for bringing this matter to my attention.

Mr. MACK. I thank the Chairman for his assurances.

NORTHEAST STATES FOR COORDINATED AIR USE MANAGEMENT

Mr. LEAHY. Mr. President, I would like to engage the Chairman in a colloquy. First, let me thank the Senator from Missouri for his diligence in balancing funding for the wide variety of programs within the VA–HUD Appropriations bill under very difficult budget constraints. Under these constraints, you were able to increase funding for the Environmental Programs and Management over Fiscal Year 1999. However, one very important organization in the Northeast was not funded this year. For more than a decade, this body has supported an organization called the Northeast States for Coordinated Air Use Management or (NESCAUM) with a modest $300,000 line item. NESCAUM is a non-profit organization that provides technical assistance to the Northeast states and the nation on a host of important air quality issues. By providing recommendations for consistent regional action, NESCAUM helps both states and regulated industry avoid a costly patchwork of differing regulatory requirements. While I know that this is a very difficult year, I believe that NESCAUM provides a valuable service and is strongly supported by the Senators from our region. At a minimum, I believe the Environmental Protection Agency should be encouraged to allocate $300,000 from the Environmental Programs and Management account to NESCAUM.

Mr. BOND. I recognize that we have provided NESCAUM this support for many years. The same can be said for

several entities that do not receive line-item funding in this year's legislation. However, recognizing the broad support for NESCAUM's activities from a number of states, I concur in supporting encouraging EPA that it seek to provide NESCAUM with $300,000 of general support consistent with previous years.

Mr. LEAHY. I thank the Chairman and look forward to working with him and the Environmental Protection Agency to continue the good work of this organization. It has been a model of state collaboration. Most recently, its efforts to develop market-based approaches to air quality improvement have helped move our region toward specific steps to reduce emissions within our states.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I opposed the District of Columbia appropriations conference report for a number of reasons but the reason I speak out today is my grave concern with provisions in the report that continue to prohibit the government of the District of Columbia from engaging in needle exchange programs. These valuable programs curb the spread of HIV/AIDS by allowing injecting drug users to exchange their used, potentially contaminated needles for sterile ones. Yet, the District of Columbia appropriations conference report not only banned the use of Federal funds but prohibited the District from using its own monies to support this valuable program.

We in the Senate wisely did not include such a provision in the DC appropriations bill that passed this body, and it should not have been in the conference report.

Therefore, I opposed the conference report because it was an attack on this city's public health. AIDS is the leading cause of death for D.C. residents ages 30 to 44, an AIDS death rate seven times the national average. What this conference report did to needle exchange programs was both unnecessary and unjustifiable. Indeed, including a needle exchange prohibition in this conference report is a hazard to the public health.

The prohibition in this report is unnecessary because there was already a ban on Federal funding for needle exchange programs. This ban dates to 1989, when Congress declared that no Federal funds could be spent to support needle exchange programs until there was scientific evidence that the programs, first, could reduce the spread of HIV and, second, did not encourage drug use. There are thus two main questions facing us as we decide the fate of federal needle exchange program funding: Do these programs achieve their public health purpose of slowing the spread of a deadly, infectious disease? And do these programs compromise our drug abuse prevention efforts by encouraging illicit drug use? Science has provided answers to these questions.

A preponderance of evidence shows that needle exchange programs cause a decrease in HIV infection rates. The National Institutes of Health found that needle exchange programs reduce risk behaviors by as much as 80 percent in injecting drug users while reducing HIV infection rates by an estimated 30 percent. In addition, a 1997 study published in Lancet, the respected British medical journal, compared HIV seroprevalence over time among injecting drug users in 29 cities with needle exchange programs and 52 cities without needle exchange programs. While seroprevalence increased by 5.9 percent per year in the 52 cities without needle exchange programs, it decreased by 5.8 percent per year in the 29 cities with programs.

Similarly, in the city of Baltimore, HIV infections among IV drug users have declined 30 percent since the start of its needle exchange in 1993 while the infection rate has increased 5 percent in Baltimore County, which has no exchange program. Numerous studies also show that needle exchange programs decrease needle sharing; decrease unsafe disposal of syringes; decrease re-use and passing of syringes; and increase needle disinfection.

Needle exchanges also do not encourage drug use—they compliment our efforts to stop drug use. Needle exchange programs can be linked with greater entry of addicts into drug treatment. After using a needle exchange program for more than 6 months, 58 percent of participants report having enrolled in detox or drug treatment. In New Haven, Connecticut, drug treatment entries doubled in the three years following the opening to its needle exchange. In Tacoma, Washington, needle exchange programs constitute the largest referral source for drug treatment, accounting for 43 percent of treatment participants.

In addition, injection drug users referred by needle exchange programs are more likely to enter drug treatment and to be retained, even in the face of the greater severity of drug use and psychosocial problems common among this population. Needle exchanges therefore supply a valuable opportunity to provide additional preventive services to difficult-to-reach individuals. Furthermore, studies show that needle exchange programs decrease the frequency of injection among participants and do not tempt individuals to begin using drugs.

These overwhelmingly conclusive results have fostered wide support for improving access to sterile needles. Groups supporting needle exchange programs include: the American Medical Association, the National Institutes of Health, the National Academy of Sciences, the U.S. Department of Health and Human Services, the Centers for Disease Control and Prevention, the American Foundation for AIDS Research, the American Public Health Association, the National Association of County & City Health Officials, and the U.S. Conference of Mayors. As a National Institutes of Health Consensus Statement concludes ''There is no longer any doubt that these programs work, yet there is a striking disjunction between what science dictates and what policy delivers. . . . Can the opposition to needle exchange in the United States be justified on scientific grounds? Our answer is simple and emphatic—no.''

Because of this evidence I believe policies that inhibit the creation and expansion of needle exchange programs are unjustifiable. I am baffled and outraged by such policies. We all come to Washington to make laws that help the American people, that combat social ills and that raise the quality of life in our country. We all want to win the war on drugs. We all want to stop the spread of HIV. So then why, when we have evidence that needle exchange programs work, do we continue to put millions of citizens at unnecessary risk? Cutting funding to these programs is a death sentence to thousands of men, women, and children.

I want you all to think for a moment about those children. It is imperative to realize that needle exchange programs go far beyond aiding addicts; they protects the partners and children of addicts. 70 percent of cases of women of childbearing age with HIV are directly or indirectly linked to IV drug use, causing 75 percent of the cases of babies born HIV positive to be the result of the use of dirty needles. For this reason, the American Academy of Pediatrics supports needle exchange programs as a means of reducing the spread of HIV to infants, children and adolescents. These programs are pro-family and pro-child.

We should not be undermining the District of Columbia's local control of pubic health decisions and to setting a dangerous precedent for the many states and localities that fund needle exchange programs through a combination of local, state, and private funds. Right now more than 110 communities in 30 states use needle exchange programs to slow the spread of HIV. Despite continued lack of federal funding, needle exchange programs have expanded in terms of the number of syringes exchanged, the geographic distribution of programs, and the range of services offered. Needle exchange programs were able to do this because

they are supported by two-thirds of the American people as well as many state and local governments.

In Minnesota, needle exchange programs are an important component of efforts to decrease the transmission of HIV and to end drug use. Minnesota has two successful needle exchange programs. One program, Women with a Point, has exchanged approximately 63,000 syringes in the past 18 months while providing on-site HIV testing, referrals for chemical abuse recovery programs, information on risk reduction techniques and Hepatitis C, and case management for HIV positive injection drug users. The other, Minnesota AIDS Project, has also exchanged thousands of needles and provided users with HIV testing, needle disinfection kits, numerous services for HIV positive individuals, and information about risk reduction techniques.

We must face the reality that the second most frequent reported risk behavior for HIV infection is injecting drug use. Data from the Centers for Disease Control and Prevention indicate that approximately one-third of AIDS cases in the United States are directly or indirectly associated with injecting drug use. Moreover, according to a report in the American Journal of Public Health, 50 percent of new HIV infections are occurring among injection drug users.

We know that lowering the rate of injection-related HIV infections requires increasing the availability of drug treatment and increasing access to clean needles. We have scientific evidence that broad implementation of needle exchange programs would aid us in our battle against HIV.

In other words, we have scientific evidence that legal impediments to clean needle possession encourage high-risk behavior and do nothing to reduce drug use. We should not therefore be passing legislation that further hinders the establishment and expansion of needle exchange programs. We should instead of pushing for the removal of the Federal ban on funding—not enacting legislation that prohibits local governments, like the District of Columbia, from adopting good public health practices, practices that have been shown in communities across the United States to reduce the circulation of contaminated needles and the rate of HIV infection.

My colleagues in the Senate, President Clinton has threatened to veto this conference report because of its unwarranted intrusion into the public health of the citizens of the District of Columbia. And he is right. Colleagues, I ask you to avoid that veto, and to send this report back to the conference committee so this intrusion can be eliminated. Please join me and vote ''no'' on this conference report as it now reads.

EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES ACT

Mr. DORGAN. Mr. President, I rise today to let my colleagues know that I am a cosponsor of S. 1473, the Empowerment Zones and Enterprise Communities Act. I believe this bill is an important step in the right direction, though I still have serious concerns about the discrepancy of funding levels between rural and urban Empowerment Zones.

First, let me say I strongly support the Empowerment Zones/Enterprise Community concept. Areas that are designated as Empowerment Zones and Enterprise Communities combine tax credits and social service grants to promote long-term economic revitalization. These communities take a grassroots approach to revitalization by building partnerships with local government, non-profit groups and the private sector—thus allowing the federal government to support the work done on a local level.

The problem, Mr. President, is that Round II Empowerment Zones are not fully funded and are not receiving the same tax benefits as Round I Empowerment Zones. Will Rogers once said, ''I don't make jokes. I just watch the government and report the facts.'' I'm afraid this holds all too true for those who have struggled to see the Round II Empowerment Zones live up to their expectation. When the Griggs/Steele Empowerment Zone in eastern North Dakota was designated a Round II Empowerment Zone last year, the federal government made a commitment to help leaders in these communities create jobs and economic opportunity. Unfortunately, however, this Empowerment Zone still hasn't received one dime of federal funding. Those who live in the Griggs/Steele Empowerment Zone are now beginning to question the commitment of the federal government to make good on its promises.

I am co-sponsoring this bill because I think Congress has a responsibility to do the right thing and fully fund Round II Empowerment Zones and Enterprise Communities throughout this country. Having said that, I am very concerned about the discrepancy in funding between rural and urban areas. Like far too many proposals we debate here in Congress, this bill disproportionately grants much more funding for urban areas than rural areas. Of the $1.75 billion this legislation would provide over 9 years, urban areas receive almost 86% of the total funding. Although I recognize that we've made some progress and narrowed the gap that existed between rural and urban areas in the original proposal, I hope we can do more to help rural areas of this country currently facing so many challenges to economic prosperity.

Despite my concerns about the bill on these grounds, I am cosponsoring this legislation because I recognize that Empowerment Zones and Enterprise Communities need this funding in a timely manner to accomplish the economic revitalization the federal government promised. I will continue to work to ensure that rural Round II EZ/ECs receive the full funding and tax benefits they deserve.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 21, 1999, the Federal debt stood at $5,634,836,758,964.63 (Five trillion, six hundred thirty-four billion, eight hundred thirty-six million, seven hundred fifty-eight thousand, nine hundred sixty-four dollars and sixty-three cents).

One year ago, September 21, 1998, the Federal debt stood at $5,510,750,000,000 (Five trillion, five hundred ten billion, seven hundred fifty million).

Five years ago, September 21, 1994, the Federal debt stood at $4,685,969,000,000 (Four trillion, six hundred eighty-five billion, nine hundred sixty-nine million).

Fifteen years ago, September 21, 1984, the Federal debt stood at $1,566,880,000,000 (One trillion, five hundred sixty-six billion, eight hundred eighty million) which reflects a debt increase of more than $4 trillion—$4,067,956,758,964.63 (Four trillion, sixty-seven billion, nine hundred fifty-six million, seven hundred fifty-eight thousand, nine hundred sixty-four dollars and sixty-three cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills and joint resolutions in which it requests the concurrence of the Senate:

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

H.R. 834. An act to extend the authorization for the National Historic Preservation fund, and for other purposes.

H.R. 1231. An act to direct the Secretary of Agriculture to convey certain national forest

lands to Elko County, Nevada, for continued use as a cemetery.

H.R. 1243. An act to reauthorize the National Marine Sanctuaries Act.

H.R. 1431. An act to reauthorize and amend the Coastal Barrier Resources Act.

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

H.R. 2116. An act to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs.

H.R. 2367. An act to reauthorize a comprehensive program of support for victims of torture.

H.J. Res. 54. Joint resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

H.J. Res. 62. An act to provide that the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties, shall not have any legal effect.

The message also announced that the House disagrees to the amendment of the Senate to the bill, H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Ms. GRANGER, Mr. YOUNG of Florida, Mr. SABO, Mr. OLVER, Mr. PASTOR, Ms. KILPATRICK, Mr. SERRANO, Mr. FORBES, and Mr. OBEY as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

At 4:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed forces, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 468, An act to establish the Saint Helena Island National Scenic Area; to the Committee on Energy and Natural Resources.

H.R. 834. An act to extend the authorization for the National Historic Preservation Fund, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1231. An act to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery; to the Committee on Energy and Natural Resources.

H.R. 1243. An act to reauthorize the National Marine Sanctuaries Act; to the Committee on Commerce, Science, and Transportation.

H.R. 1431. An act to reauthorize and amend the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

H.R. 2079. An act to provide for the conveyance of certain National Forest System lands in the State of South Dakota; to the Committee on Energy and Natural Resources.

H.R. 2116. An act to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.J. Res. 54. Joint resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact; to the Committee on the Judiciary.

H.J. Res. 62. Joint resolution to grant the consent of Congress to the boundary change between Georgia and South Carolina; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1606. A bill to reenact chapter 12 of title 11, United States Code, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 22, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 380. An act to reauthorize the Congressional Award Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5268. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting a report relative to a cost comparison of Multiple Support Functions at Sheppard Air Force Base, Texas; to the Committee on Armed Services.

EC–5269. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting a report relative to a cost comparison of Multiple Support Functions at Keesler Air Force Base, Mississippi; to the Committee on Armed Services.

EC–5270. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report entitled ''Plan to Ensure Visibility of In-Transit End Items and Secondary Items''; to the Committee on Armed Services.

EC–5271. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–5272. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Saddam Hussein's Iraq''; to the Committee on Foreign Relations.

EC–5273. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to counternarcotics assistance for Columbia, Peru, Ecuador, and Panama; to the Committee on Foreign Relations.

EC–5274. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''October 1999 Applicable Rates'' (Revenue Ruling 99–41), received September 21, 1999; to the Committee on Finance.

EC–5275. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 99–40, Interest on Underpayments of Tax'' (Rev. Rul. 99–40), received September 16, 1999; to the Committee on Finance.

EC–5276. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 99-46, 1999 Marginal Production Rates'', received September 10, 1999; to the Committee on Finance.

EC–5277. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements'' (Docket No. FV99–923–1 FIR), received September 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5278. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Modoc and Siskiyou Counties, California and all Counties in Oregon, except Malheur County: Temporary Suspension of Handling Regulations and Establishment of Reporting Requirements'' (Docket No. FV99–947–1 FIR), received September 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5279. A communication from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Administrative Regulations; Submission of Policies and Provisions of Policies, and Rates of Premium'' (RIN0563–AB15), received September 21, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5280. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2,6-Diisopropylnapthalene; Temporary Exemption from the Requirement of a Tolerance'' (FRL #6381–7), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5281. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinosad; Pesticide Tolerance'' (FRL #6381–9), received September 17;

to the Committee on Agriculture, Nutrition, and Forestry.

EC–5282. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfentrazone; Pesticide Tolerances for Emergency Exemptions'' (FRL #6097–8), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5283. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebucanozole; Extension of Tolerances for Emergency Exemptions'' (FRL #6381–6), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5284. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Benzoic Acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2(4-ethylbenzoyl)hydrazide; Pesticide Tolerances'' (FRL #6380–1), received September 17; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5285. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Final Frameworks for Late Season Migratory Bird Hunting Regulations'' (RIN1018–AF24), received September 21, 1999; to the Committee on Environment and Public Works.

EC–5286. A communication from the Administrator, General Services Administration, transmitting a report relative to the Fiscal Year 2000 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC–5287. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to employment and training programs for veterans during program year 1997 and fiscal year 1998; to the Committee on Veterans' Affairs.

EC–5288. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Arkansas Abandoned Mine Land Reclamation Plan'' (SPATS # AR–029–FOR), received September 17, 1999; to the Committee on Energy and Natural Resources.

EC–5289. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report entitled ''Report of Royalty Management and Delinquent Account Collection Activities'' for fiscal year 1998; to the Committee on Energy and Natural Resources.

EC–5290. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, a report entitled ''Attacking Financial Institution Fraud: Fiscal Year 1997 (First Quarterly Report)''; to the Committee on the Judiciary.

EC–5291. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Docket No. 99F–0299), received September 16, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5292. A communication from the Director, National Institute on Alcohol Abuse and Alcoholism, transmitting, pursuant to law, a letter relative to the triennial report on alcohol and health; to the Committee on Health, Education, Labor, and Pensions.

EC–5293. A communication from the Federal Register Liaison Officer, Regulations and Legislation Division, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Management Official Interlocks'' (RIN1550–AB07), received September 16, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5294. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Pre-Disaster Mitigation Loans'' (FR Doc. 99–23051. published on September 3, 1999. 64 FR 48275). received September 16, 1999; to the Committee on Small Business.

EC–5295. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Late Season'' (RIN1018–AF24), received September 21, 1999; to the Committee on Indian Affairs.

EC–5296. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for July 1999; to the Committee on Governmental Affairs.

EC–5297. A communication from the Secretary of Energy transmitting a draft of proposed legislation relative to the Weatherization Assistance Program for Low-Income Persons; to the Committee on Energy and Natural Resources.

EC–5298. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation relative to the Big Thicket National Preserve; to the Committee on Energy and Natural Resources.

EC–5299. A communication from the U.S. Trade Representative, Executive Office of the President, transmitting a draft of proposed legislation relative to U.S. textile and apparel rules of origin; to the Committee on Finance.

EC–5300. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation relative to civil penalties for persons who harm animals used for official inspections by the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5301. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, transmitting, pursuant to law, on behalf of the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration the report of Federal Acquisition Regulation rules entitled ''Federal Acquisition Circular 97–14'' (FAC 97–14), received September 17, 1999; to the Committee on Governmental Affairs.

EC–5302. A communication from the Comptroller General, transmitting, pursuant to law, a report relative to the President of the United State's third special impoundment message relating to the United States Emergency Refugee and Migration Assistance Fund transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget; and to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–356. A resolution adopted by the City Council of Park Ridge City, Illinois relative to power plants in the State of Illinois; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT (for Mr. MCCAIN), from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers (Rept. No. 106–162).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of committee was submitted:

By Mr. MURKOWSKI, for the Committee on Energy and Natural Resources:

Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly consisted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LOTT (for Mr. MCCAIN):

S. 1611. A bill to amend the Internet Tax Freedom Act to broaden its scope and make the moratorium permanent, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERREY (for himself and Mr. HAGEL):

S. 1612. A bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1613. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for

employment in the coastwise trade for the vessel *Victory of Burhnam;* to the Committee on Commerce, Science, and Transportation.

S. 1614. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Lucky Dog;* to the Committee on Commerce, Science, and Transportation.

S. 1615. A bill to authorize the Secretary of transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Enterprize;* to the Committee on Commerce, Science, and Transportation.

Mr. LOTT (for Mr. MCCAIN):

S. 1616. A bill to require the Secretary of Veterans Affairs to develop within the Department of Veterans Affairs a system for collecting payments under the Medical Care Cost Recovery Program that utilizes collection practices similar to private collection practices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEWINE (for himself, Mr. VOINOVICH, and Mr. MCCONNELL):

S. 1617. A bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, MR. CHAFEE, Mr. BRYAN, Mr. ROCKEFELLER, and Mr. KERRY):

S. 1618. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LOTT, Mr. AKAKA, Mr. INOUYE, Mr. ROBERTS, Mr. HAGEL, Mr. BUNNING, Mr. VOINOVICH, Mr. DORGAN, and Mr. CONRAD):

S. 1619. A bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act; to the Committee on Finance.

By Mr. GORTON:

S. 1620. A bill to direct the Secretary of Agriculture to convey certain land to Federal Energy Regulatory Commission permit holders; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. 1621. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake Ponchartrain Basin, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. LINCOLN (for herself, Mr. FRIST, Ms. LANDRIEU, Mr. HUTCHINSON, Mr. BREAUX, and Mr. DURBIN):

S. 1622. A bill to provide economic, planning, and coordination assistance needed for the development of the lower Mississippi river region; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for Mr. MCCAIN):

S. 1611. A bill to amend the Internet Tax Freedom Act to broaden its scope and make the moratorium permanent, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNET TAX FREEDOM ACT OF 1999

Mr. MCCAIN. Mr. President, I am pleased to introduce legislation today which will ensure that Internet commerce remains free from burdensome, anti-consumer taxation. Simply, this bill would make permanent the moratorium on sales and use taxes for e-commerce, and would encourage the Administration to urge our world trading partners to do the same.

I believed that this was the right approach last year. However, others were concerned about the impact on so-called ''main street business'' if such a prohibition against taxation of e-commerce was implemented. Therefore, I agreed to a temporary moratorium to allow more information to be gathered and those issues to be further considered. I now believe that additional information and further analysis of Internet taxation issues confirms that indeed a complete moratorium is the right approach, and we should act now to protect the engine of our economy from unnecessary regulation and taxation.

In addition to the discussion here in the United States, protection of the Internet against international tariffs is also a topic of interest to our trade partners. It is important for us to set the tone for discussion with the international Internet community by establishing the Internet as a world-wide ''tax-free zone.''

Conslusions included in a recent study completed by the respected auditing and consulting firm Ernst & Young supports passage of this legislation. The report found that the total sales and use taxes not collected by state and local governments from Internet e-commerce transactions amounted to only ''one-tenth of one percent of total state and local sales and use tax collections.''

Further, Ernst & Young determined that the small effect of commerce transaction on sales and use tax revenues is due to several factors, including the fact that ''an estimated 80% of current commerce is business-to-business sales that are either not subject to sales and use taxes or are effectively subject to use tax payments by in-state business purchasers,'' ''an estimated 63 percent of e-commerce sales are for intangible services, such as travel and financial services, or exempt products, such as groceries and prescription drugs'' which are not subject to tax in most states.

As a result, ''. . . only 13% of total e-commerce retail sale have potential sales and use tax collection issues.'' Thus, the nearly infinitesimal effect on local revenues is not causing a financial crisis for either states or local communities.

Mr. President, what is clear is that the issues raised in relation to e-commerce transactions are really broader policy issues related to a fair and equitable tax policy in this country. Debate on this larger issue needs to take place. The discussion includes not just Internet sales or even catalog sales, but all of the ramifications of taxing sales of goods across state and international boundaries.

We must look at the costs to small businesses of administering different tax policies for each location in which it conducts business. We need to look at the effects of taxation on consumers. And, we need to consider how taxes affect the United States' position as the world leader in technology application.

I look forward to the report in April from the panel commissioned last year by Congress to explore these issues. Recent media accounts suggest that they may not reach agreement on a plan to propose to Congress. I think it is important to move forward on ensuring that the default position absent a consensus proposal is not to lift the moratorium, but to place the burden of proof on those advocating taxation of e-commerce. This places the burden on those who support taxation to provide both the rationale and a workable methodology. I will be skeptical of both, but invite them to make their case and allow the debate. This bill ensure, however, that we don't provide an incentive for inaction. This bill confirms that the right answer is to not tax unless there is a good reason to, and unless there is a fair mechanism for doing so.

I look forward to debate on what is a fair tax system in the United States, at both the national and state levels. However, while we continue that debate, we must also ensure that we do not perpetuate the problems currently ingrained in our tax system by applying them to the Internet.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1611

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

SECTION 1. MORATORIUM MADE PERMANENT; SCOPE.

Section 1101(a) of the Internet Tax Freedom Act is amended—

(1) by striking ''during the period beginning on October 1, 1998, and ending 3 years after the date of the enactment of this Act—'' and inserting ''after September 30, 1998:'';

(2) by striking ''and'' after the semicolon in paragraph (1);

(3) redesignating paragraph (2) as paragraph (3); and

(4) inserting after paragraph (1) the following:

''(2) sales or use taxes for domestic or foreign goods or services acquired through electronic commerce; and''.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that United States representatives to the World Trade Organization, and any other multilateral trade organization of which the United States is a member, should resolutely advocate that it is the firm position of the United States that electronic commerce conducted via the Internet should not be burdened by national or local regulation, taxation, or the imposition of tariffs on such commerce.

By Mr. KERREY (for himself and Mr. HAGEL):

S. 1612. A bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; to the Committee on Energy and Natural Resources.

THE MISSOURI RIVER BASIN, MIDDLE LOUP DIVISION PROJECT FACILITIES CONVEYANCE ACT

Mr. KERREY. Mr. President, today I am joined by Senator HAGEL in introducing the Missouri River Basin, Middle Loup Division Project Facilities Conveyance Act.

The bill provides for the transfer of title of irrigation project facilities and lands from the Bureau of Reclamation, U.S. Department of Interior to the Middle Loup Division irrigation districts in central Nebraska. These districts have operated the facilities there for over 35 years.

The project facilities are part of the Missouri River Basin Project, and provide water from the Middle Loup River to over 64,000 acres of irrigable land, as well as providing recreating and fish and wildlife benefits. Principal features of the projects include the Sherman Dam and Reservoir, the Arcadia Diversion Dam, the Milburn Diversion Dam, irrigation canals and laterals, drains and pumping plants.

Crops grown on these irrigated lands primarily include alfalfa, small grains, sugar beets, and corn to provide feed for a thriving livestock-feeding economy in my state of Nebraska, which includes beef cattle, hogs, and poultry.

In 1995, the Vice President indicated that the Bureau of Reclamation of the U.S. Department of Interior should transfer titles to allow local ownership of irrigation projects such as this. The Bureau has indicated to me that this project is a top candidate for title transfer to be achieved. This transfer also has the support of Nebraska's Game and Parks Commission as well as the Middle Loup Public Power and Irrigation District. When this legislation passes, Nebraska will become the first state where title transfer efforts have been successful.

Two trust funds are to be created: one by the Districts and one by Nebraska Game and Parks Commission. Those two trusts will be equally funded from the proceeds of the transfer. Details of those two trusts are as follows:

First, a ''Nebraska-Middle Loup River Community Environmental Trust'' will be created by the Districts and will be funded with the proceeds of the transfer from the power producers share of the total payments. That fund will be administered and used by the Districts for environmental and conservation enhancements, to protect lands and facilities in the area of the River Basin in which the project facilities exist, and $500,000 of the funds will be used expressly for drainage work required in the Middle Loup River valley near Loup City. The funds cannot be used for routine operation and maintenance of the project facilities.

And second, a ''Nebraska-Middle Loup River Game and Parks Trust'' will be created by Nebraska Game and Parks Commission and will be funded by the proceeds of the transfer from the District's share of the total payments. That fund will be administered and used by the Game and Parks Commission to improve and enhance fisheries and recreation opportunities and to expand knowledge of water and land resources for enhancing project operations and improving the service of project purposes. Like the other trust, funds cannot be used for routine operations and maintenance of project facilities.

The irrigation projects and facilities were constructed between 1955 and 1966 under authorities of the Flood Control Act of 1944, and are currently operated and maintained under contracts between the Bureau and the irrigation districts and power producers. The transfer will provide for total repayment of all outstanding obligations on behalf of the irrigation districts and power producers, while retaining all current uses and purposes for the projects.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1612

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Missouri River Basin, Middle Loup Division Facilities Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(2) DISTRICT.—The term ''District'' means—

(A) the Farwell Irrigation District, a political subdivision of the State of Nebraska;

(B) the Sargent Irrigation District, a political subdivision of the State of Nebraska; and

(C) the Loup Basin Reclamation District, a political subdivision of the State of Nebraska.

(3) DISTRICT TRUST.—The term ''District Trust'' means the Nebraska-Middle Loup River Community Environmental Trust established under section 5(a)(2)(B)(v).

(4) GAME AND PARKS COMMISSION TRUST.—The term ''Game and Parks Commission Trust'' means the Nebraska-Middle Loup River Game and Parks Commission Trust established under section 5(a)(2)(B)(vi).

(5) PROJECT.—The term ''Project'' means Sherman Reservoir, Milburn Diversion Dam, Arcadia Diversion Dam, related canals and other related lands, water rights, acquired land, distribution and diversion facilities, contracts, personal property, and other associated interests owned by the United States and authorized under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665), and the Act of August 3, 1956 (70 Stat. 975, chapter 917).

(6) REPAYMENT AND WATER SERVICE CONTRACTS.—The term ''Repayment and Water Service Contracts'' means all repayment and water service contracts between the Commissioner and the District relating to the Project.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TRUST.—The term ''Trust'' means—

(A) the District Trust; and

(B) the Game and Parks Commission Trust.

SEC. 3. CONVEYANCE OF THE PROJECT.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Districts, by quitclaim deed, assignment, or patent, the interest of the United States in the Project, in consideration of payment to the Secretary—

(A) by the Districts, of an amount not to exceed $3,000,000, determined in accordance with the Bureau of Reclamation document entitled ''Framework for Title Transfer'' and the memorandum of agreement between the Commissioner and the Districts under section 5; and

(B) by the Western Area Power Administration, of $2,000,000.

(2) TIMING.—The conveyance under paragraph (1) shall be made concurrently with the making of the payment under paragraph (1)(A), but the payment under paragraph (1)(B) shall be made from capacity and energy charges at Pick-Sloan Missouri Basin Program firm power rates received in fiscal year 1999 or any subsequent fiscal year in which the amount of power sale revenue received exceeds the amount of interest and operation and maintenance obligations of the Western Area Power Administration by at least $2,000,000, to the extent of the excess.

(3) SATISFACTION OF OBLIGATIONS AGAINST THE PROJECT.—The payment under paragraph (1)(A) shall constitute full and complete satisfaction of all obligations against the Project, the Districts, and the Western Area Power Administration existing before the date of the conveyance or thereafter relating to the Project, including—

(A) future obligations for additional drainage under section 5(a)(2)(iv);

(B) obligations under any contracts entered into between the United States, the Districts, and the Western Area Power Administration or its predecessors; and

(C) any obligation that may have been required by the Act of December 22, 1944 (58 Stat. 887, chapter 665) or other related Federal law.

(4) SATISFACTION OF OBLIGATIONS FOR IRRIGATION BENEFITS.—The conveyance of the Project and the payment of the consideration under paragraph (1) shall constitute full satisfaction of any and all obligations of the Districts or of the Pick-Sloan Missouri

Basin Program firm power users or the Western Area Power Administration for irrigation benefits of the Project or for any other benefits conveyed to the Districts.

(b) CONTAMINATED PROPERTY.—

(1) REMEDIAL ACTION.—The Secretary shall convey the Project without regard to whether all necessary remedial action required under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) on any part of the Project has been completed.

(2) CONTINUING OBLIGATION TO COMPLETE REMEDIAL ACTION.—Notwithstanding any law to the contrary, the United States shall remain during and subsequent to the conveyance obligated, at the expense of the United States, to complete any required remedial action.

(c) EXTINGUISHMENT OF OBLIGATIONS BETWEEN THE COMMISSIONER AND THE DISTRICTS.—Effective on the date of the conveyance, all obligations between the Commissioner and the Districts relating to the Project and the Repayment and Water Service Contracts are extinguished.

(d) PAYMENT OF NEPA STUDY COSTS.—The Commissioner and the Districts shall each pay 50 percent of the costs associated with compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(e) CREDITING OF CERTAIN ITEMS TOWARD PAYMENT UNDER SUBSECTION (a)(1)(A).—There shall be credited toward the payment under subsection (a)(1)(A)—

(1) the amount of any payment made by the Districts before the date of the conveyance for compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) in excess of 50 percent of the cost of compliance;

(2) the amount of any payments made by the Districts under contracts with the Commissioner between January 1, 1999, and the date of the conveyance;

(3) the present value of future operation and maintenance costs required for historic preservation on Project land at Sherman Reservoir; and

(4) any other amount specified in the memorandum of agreement between the Commissioner and the Districts under section 5.

(f) ADDITIONAL DRAINAGE.—

(1) IN GENERAL.—Of the $2,000,000 paid by the Western Area Power Administration under subsection (a), $500,000—

(A) shall be deposited in the fund referred to in section 5(a)(3); and

(B) shall be available for additional drainage projects.

(2) NONREIMBURSABILITY.—The amount deposited under paragraph (1) shall be nonreimbursable and nonreturnable.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than $500,000 for the additional drainage projects.

SEC. 4. LIABILITY.

Effective on the date of conveyance of the Project, the United States shall not be liable for claims, costs, damages, or judgments of any kind arising out of any act, omission, or occurrence related to the Project except for such claims, costs, or damages arising from acts of negligence committed by the United States or by employees, agents, or contractors of the United States before the date of conveyance for which the United States is liable under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

SEC. 5. COMPLETION OF CONVEYANCE.

(a) IN GENERAL.—The Secretary shall not make the conveyance under section 3 until the following events have been completed:

(1) Compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Execution of—

(A) memoranda of agreement between the Commissioner and the Districts describing the purchase price and other terms and conditions of the conveyance consistent with this Act; and

(B) an agreement by the Districts to manage the Project in a manner substantially similar to the manner in which the Project was managed before the conveyance and in accordance with applicable Federal and State laws, including—

(i) preserving on a permanent basis the right of the State of Nebraska Games and Parks Commission to develop, provide, and protect the public interest in Project fish, wildlife, and recreation facilities related to the Projects;

(ii) providing for protection of cultural resources at the Project after the conveyance consistent with applicable law that authorizes the Districts or others with responsibility to protect significant historic features in situ or otherwise;

(iii) providing that the Districts shall annually make payments to local governments in the amounts in which the Commissioner made payment to the local governments under chapter 69 of title 31, United states Code (commonly known as ''payments in lieu of taxes'') for fiscal year 1999;

(iv) providing for—

(I) a plan for additional drainage work in the Middle Loup Valley as specified in the memoranda of agreement under paragraph (1); and

(II) the funding of the additional drainage work;

(v) providing for the establishment by the Districts of an organization to be known as the ''Nebraska-Middle Loup River Community Environmental Trust'' and to be organized under State law to preserve, protect, enhance, and manage the Project by—

(I) stabilizing surface and ground water supplies;

(II) conserving water and land resources;

(III) carrying out essential drainage projects using funds deposited under section 3(f); and

(IV) expanding knowledge of water and land resources for enhancing Project operations and improving the service of Project purposes; and

(vi) providing for the establishment by the Nebraska Game and Parks Commission of an organization to be known as the ''Nebraska-Middle Loup River Game and Parks Trust'' and to be organized under State law to—

(I) improve and enhance fisheries and recreational opportunities; and

(II) expand knowledge of water and land resources for enhancing Project operations and improving the service of Project purposes.

(3) DEPOSITS IN THE DISTRICT TRUST.—On receipt of the payments under section 3(a)(1), the Secretary shall deposit in the District trust—

(A) $2,000,000 of the amount received under section 3(a)(1); and

(B) the entire amount received under section 3(a)(2).

(4) NO TAX; NO EFFECT ON RATES.—No payment under this Act—

(A) shall be subject to Federal or State income tax; or

(B) shall affect Pick-Sloan Missouri Basin Program firm power rates in any way.

(5) USE OF FUNDS.—

(A) FUNDS DEPOSITED UNDER SECTION 3(F).—The Trusts shall by their charters prohibit the use of any funds deposited under section 3(f) for routine operation and maintenance work by the Districts, the Game and Parks Commission, or any of the participating agencies of the Trusts.

(B) OTHER FUNDS.—Funds received by a Trust from a District or any other source may be used for any purpose.

(6) ASSISTANCE FOR DRAINAGE WORK.—The Game and Parks Commission Trust shall provide for direct priority assistance to the Districts for drainage work in the Middle Loup River Valley under conditions requiring greater trust fund investments than are available from the Trust.

(b) REPORT.—If the conveyance under section 3 is not substantially completed on or before December 31, 2000, the Secretary and the Districts shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the status of the conveyance describing the matters remaining to be resolved before completion of the conveyance and stating the anticipated date for the completion of the conveyance.

(c) FUTURE BENEFITS.—

(1) IN GENERAL.—Effective on the date of the conveyance under section 3, the Districts shall not be entitled to receive any further benefits under reclamation law not otherwise available attributable to its status as a reclamation project under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(2) NO FLOOD CONTROL COMPONENT.—After the date of the conveyance under subsection 3, the Project shall no longer have a flood control component.

By Mr. LOTT (for Mr. MCCAIN)

S. 1616. A bill to require the Secretary of Veterans Affairs to develop within the Department of Veterans Affairs a system for collecting payments under the Medical Care Cost Recovery Program that utilizes collection practices similar to private collection practices, and for other purposes; to the Committee on Veterans' Affairs.

BETTER MEDICAL COST COLLECTIONS

Mr. MCCAIN. Mr. President, I am introducing legislation today to increase the funding available to the Department of Veterans Affairs (VA) without requiring an additional appropriation from the Congress for that chronically short-changed agency. The bill would improve VA's ability to collect insurance costs from third-party providers, generating new financial flows to the VA and benefiting all American veterans.

My colleagues are well aware that the President's budget request for the VA—scandalously, the fourth year in a row of effectively flat budget requests for the agency—falls fully $3 billion short of what is needed for veterans' medical care in fiscal 2000, according to some of our most prominent veterans service organizations. Congress has tried to make up for this shortfall, but budget caps and competing priorities have made that effort exceedingly difficult. I previously wrote to the Chairman of the VA–HUD Appropriations Subcommittee and the Chairman of the

Appropriations Committee to urge them to add fully $3 billion in funding for veterans medical care. Nonetheless, I congratulate the Appropriations Committee for adding $1.1 billion in new money for veterans medical care.

The 1997 Balanced Budget Act gave VA the authority to retain collections from private insurers for veterans health care as part of an agreement to free VA funding. However, VA has proven incapable of effectively collecting these private insurance payments. In fiscal 1996, VA sought recovery of about $1.6 billion it was owed by private insurers but recovered only $563 million, or 35 percent of the billed amount and a 3 percent decrease in collections from the previous year. That decline continued in fiscal 1997, when collections totaled $524 million, and in fiscal 1998, when collections totaled about $562 million. A 1998 Coopers and Lybrand study comparing VA and private-sector cost-recovery confirmed that VA's medical collection program is ineffective confirmed that VA's medical collection program is ineffective and delinquent. In short, the VA loses hundreds of millions of dollars in revenue every year that could be used to provide enhanced services to America's veterans, rather than be written off by government book-keepers.

The Independent Budget prepared by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars explicitly calls for Congress to give VA the authority to privatize its Medical Care Cost Recovery (MCCR) program. This legislation would mandate that VA privately contract for those collections for a period of three years, during which the VA would develop an internal process to improve medical cost recovery.

I am open to suggestions from other Members of Congress and our veterans service organizations regarding other means to improve VA cost collection firm private insurers, and I note the Appropriations Committee's requirement for a VA study on this issue. However, I believe this legislation offers a near-term way to collect these much-needed funds.

Our veterans are being short-changed by their government, which pledged to support and care for them in exchange for their honorable service. I was proud when the Senate passed legislation Senator Wellstone and I sponsored to add $3 billion in budget authority for the VA earlier this year. Unfortunately, we could not come up with a matching appropriation, although I applaud the increased funding for VA health care contained in the VA–HUD Appropriations bill. But we can empower the VA to improve its Medical Care Cost Recovery program in a way that increases VA revenues, thereby enhancing care for America's veterans. I hope every Member of Congress would agree that they have earned it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1616

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

SECTION 1. DEVELOPMENT WITHIN DEPARTMENT OF VETERANS AFFAIRS OF SYSTEM OF COLLECTIONS UNDER MEDICAL CARE COST RECOVERY PROGRAM USING PRIVATE COLLECTION PRACTICES.

(a) DEVELOPMENT OF PROPOSAL.—(1) The Secretary of Veterans Affairs shall develop a proposal for a system within the Department of Veterans Affairs for the collection of payments from third party payers under the Medical Care Cost Recovery Program of the Department which system shall, to the maximum extent practicable, utilize procedures for the collection of payments from third parties similar to the procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(2) In developing the proposal, the Secretary shall consider a variety of procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(b) USE OF PRIVATE COST-RECOVERY ENTITIES DURING DEVELOPMENT.—(1) Notwithstanding any other provision of law, the Secretary shall, during the period referred to in paragraph (3), provide for the collection of payments from third party payers under the Medical Care Cost Recovery Program solely through appropriate private entities with which the Secretary contracts for that purpose.

(2) The fee paid a private entity for the collection of payments under a contract under this subsection shall be a contingent fee based on the amount of payments collected by the entity under the contract.

(3) The period referred to in this paragraph is the period beginning as soon as practicable after the date of the enactment of this Act and ending on the date that is six months after the date on which the Secretary commences collections under the Medical Care Cost Recovery Program through a system within the Department under this section.

(c) SAFEGUARDS.—The Secretary shall take appropriate actions to ensure that any collection practices utilized under this section do not impose unwarranted financial or other burdens upon veterans who receive medical care from the Department of Veterans Affairs.

(d) SUBMITTAL OF PROPOSAL.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the proposal developed under subsection (a). The report shall include—

(1) a description of the system covered by the proposal; and

(2) an assessment by an appropriate entity independent of the Department of the potential effectiveness of the collection procedures under the system in comparison with the effectiveness of the collection procedures of the private entities utilized under subsection (b).

(e) IMPLEMENTATION OF PROPOSAL.—The Secretary shall implement the system covered by the proposal submitted under subsection (d) commencing 90 days after the date on which the Secretary submits to Congress the proposal on the system under that subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated for the Department of Veterans Affairs such sums as may be necessary for purposes of developing the proposal for a system required by subsection (a) and implementing the system under subsection (e).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. CHAFEE, Mr. BRYAN, Mr. ROCKEFELLER, and Mr. KERRY):

S. 1618. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes; to the Committee on Finance.

MEDICARE WELLNESS ACT

Mr. GRAHAM. Mr. President, I rise today, along with my colleagues, Senator JEFFORDS, Senator CHAFEE, Senator BRYAN, Senator ROCKEFELLER, and Senator KERRY to introduce the Medicare Wellness Act. The Medicare Wellness Act represents a concerted effort by myself and my distinguished colleagues to change the fundamental focus of the Medicare program.

It changes the program from one that simply treats illness and disability, to one that is also proactive. It enhances the focus on health promotion and disease prevention for Medicare beneficiaries.

Mr. President, despite common misperceptions, declines in health status are not inevitable with age. A healthier lifestyle, even one adopted later in life, can increase active life expectancy and decrease disability. This fact is a major reason why the Medicare Wellness Act has support from a broad range of groups, including the National Council on Aging, Partnership for Prevention, American Heart Association, and the National Osteoporosis Foundation.

The most significant aspect of this bill is its addition of several new preventative screening and counseling benefits to the Medicare program. The benefits being added focus on some of the most prominent, underlying risk factors for illness that face all Medicare beneficiaries, including: screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing loss, expanded screening and counseling for osteoporosis, and screening for cholesterol.

The new benefits added by the Medicare Wellness Act represent the highest recommendations for Medicare beneficiaries of the U.S. Preventive Services Task Force—recognized as the gold standard within the prevention community. Attacking these prominent

risk factors will reduce Medicare beneficiaries' risk for health problems such as stroke, diabetes, osteoporosis, heart disease, and blindness.

The addition of these new benefits would accelerate the fundamental shift, that began in 1997 under the Balanced Budget Act, in the Medicare program from a sickness program to a wellness program. Prior to 1997, only three preventive benefits were available to beneficiaries: pneumococcal vaccines, pap smears, and mammography.

Other major components of our bill include the establishment of the Healthy Seniors Promotion Program. This program will be led by an interagency work group within the Department of Health and Human Services. It will bring together all the agencies within HHS that address the medical, social and behavioral issues affecting the elderly and instructs them to undertake a series of studies which will increase knowledge about and utilization of prevention services among the elderly.

In addition, the Medicare Wellness Act incorporates an aggressive applied and original research effort that will investigate ways to improve the utilization of current and new preventive benefits and to investigate new methods of improving the health of Medicare beneficiaries.

Mr. President, this latter point is critical. The fact is that there are a number of prevention-related services available to Medicare beneficiaries today, including mammograms and colorectal cancer screening. But those services are seriously underutilized.

In a study published by Dartmouth University this spring (The Dartmouth Atlas of Health Care 1999), it was found that only 28 percent of women age 65–69 receive mammograms and only 12 percent of beneficiaries were screened for colorectal cancer. These are disturbing figures and they clearly demonstrate the need to find new and better ways to increase the rates of utilization of proven, demonstrated prevention services. Our bill would get us the information we need to increase rates of utilization for these services.

Further, our bill would establish a health risk appraisal and education program aimed at major behavioral risk factors such as diet, exercise, alcohol and tobacco use, and depression. This program will target both pre-65 individuals and current Medicare beneficiaries.

The main goal of this program is to increase awareness among individuals of major risk factors that impact on health, to change personal health habits, improve health status, and save the Medicare program money. Our bill would require the Medicare Payment Advisory Commission, known as MedPAC, to report to Congress every two years and assess how the program needs to change over time in order to reflect modern benefits and treatment.

Shockingly, this is information that Congress currently does not receive on a routine basis. And this is a contributing factor to why we find ourselves today in a quandary over the outdated nature of the Medicare program. Quite frankly, Medicare hasn't kept up with the rest of the health care world.

While a vintage wine from the 1960s may be desirable, a health care system that is vintage 1965 is not. We need to do better.

Our bill would also require the Institute of Medicine (IOM) to conduct a study every five years to assess the scientific validity of the entire preventive benefits package. The study will be presented to Congress in a manner that mirrors The Trade Act of 1974.

The IOM's recommendations would be presented to Congress in legislative form. Congress would then have 60 days to review and then either accept or reject the IOM's recommendations for changes to the Medicare program. But Congress could not change the IOM's recommendations.

This ''fast-track'' process is a deliberate effort to get Congress out of the business of micro-managing the Medicare program. While limited to preventive benefits, this will offer a litmus test on a new approach to future Medicare decision making.

In the aggregate, The Medicare Wellness Act represents the most comprehensive legislative proposal in the 106th Congress for the Medicare program focused on health promotion and disease prevention for beneficiaries. It provides new screening and counseling benefits for beneficiaries, it provides critically needed research dollars, and it tests new treatment concepts through demonstration programs.

The Medicare Wellness Act represents sound health policy based on sound science. Before I conclude, I have a few final thoughts.

There are many here in Congress who argue that at a time when Medicare faces an uncertain financial future, this is the last time to be adding new benefits to a program that can ill afford the benefits it currently offers.

Normally I would agree with this assertion. But the issue of prevention is different. The old adage of ''an ounce of prevention is worth a pound of cure'' is very relevant here.

Does making preventive benefits available to Medicare beneficiaries ''cost'' money? Sure it does. But the return on the investment, the avoidance of the pound of cure and the related improvement in quality of life is unmistakable.

Along these lines, a longstanding problem facing lawmakers and advocates of prevention has been the position taken by the Congressional Budget Office, as it evaluates the budgetary impact of all legislative proposals.

Only costs incurred by the Federal government over the next ten years can be considered in weighing the ''cost'' of adding new benefits. From a public health and quality of life standpoint, this premise is unacceptable.

Among the problems with this practice is that ''savings'' incurred by increasing the availability and utilization of preventive benefits often occur over a period of time greater than 10 years. This problem is best illustrated in an examination of the ''compression of morbidity'' theory developed by Dr. James Fries of Stanford University over 20 years ago.

According to Dr. Fries, by delaying the onset of chronic illness among seniors, there is a resulting decrease in the length of time illness or disability is present in the latter stages of life. This ''compression'' improves quality of life and reduces the rate of growth in health care costs. But, these changes are gradual and occur over an extended period of time—10, 20, even 30 years.

With the average life expectancy of individuals who reach 65 being nearly 20 years—20 years for women and 18 years for men—it only makes sense to look at services and benefits that improve quality of life and reduce costs to the Federal government for that 20 year lifespan.

In addition to increased lifespan, a ten year budget scoring window doesn't factor into consideration the impact of such services on the private sector, such as increased productivity and reduced absenteeism, for the many seniors that continue working beyond age 65. The bottom line is, the most important reason to cover preventive services is to improve health.

As the end of the century nears, children born now are living nearly 30 years longer than children born in 1900.

While prevention services in isolation won't reduce costs, they will moderate increases in the utilization and spending on more expensive acute and chronic treatment services.

As Congress considers different ways to reform Medicare, two basic questions regarding preventive services and the elderly must be part of the debate.

(1) Is the value of improved quality of life worth the expenditure? And,

(2) How important is it for the Medicare population to be able to maintain healthy, functional and productive lives?

These are just some of the questions we must answer in the coming debate over Medicare reform.

While improving Medicare's financial outlook for future generations is imperative, we must do it in a way that gives our seniors the ability to live longer, healthier and valued lives. I believe that by pursuing a prevention strategy that addresses some of the most fundamental risk factors for chronic illness and disability that face seniors, we will make an invaluable

contribution to the Medicare reform debate and, more importantly, to our children and grandchildren.

Finally, Mr. President, I would be remiss in pointing out that the Medicare Wellness Act represents the first time in this Congress that Republicans and Democrats have gotten together in support of a major piece of Medicare reform legislation. This bill represents a health care philosophy that bridges political boundaries. It just makes sense. And you see that common sense approach today from myself and my esteemed colleagues who have joined me in the introduction of this bill.

Mr. President, I encourage my colleagues to join us on this important bill and to work with us to ensure that the provisions of this bill are reflected in any Medicare reform legislation that is debated and voted on this year in the Senate.

Mr. JEFFORDS. Mr. President, I am pleased to join my colleague, Senator GRAHAM, to introduce the Medicare Wellness Act of 1999. This legislation will modernize Medicare benefits and improve the preventive care received by our nation's seniors.

The Medicare program was designed in 1965 to provide seniors with access to the same health care services enjoyed under private health insurance plans. Medical science has grown by leaps and bounds in the decades since that time. Most of the private sector acted swiftly to cover preventive benefits when they realized that it is cheaper to screen for an illness and treat its early diagnosis than to pay for drastic procedures in a hospital later on. Congress has been too slow in extending to Medicare beneficiaries the same advances in quality care enjoyed throughout the rest of the health care system.

The Medicare Wellness Act adds to the Medicare program those benefits recommended by the U.S. Preventive Services Task Force. These include: screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing loss, expanded screening and counseling for osteoporosis, and cholesterol screening. These are some of the most prominent risk factors facing Medicare beneficiaries. If these symptoms are addressed regularly, beneficiaries will have a head start on fighting the conditions they lead to, such as diabetes, lung cancer, heart disease, blindness, osteoporosis, and many others.

Beyond the eight new preventive benefits under this bill, the Institute of Medicine (IOM) will conduct a study every five years to assess the scientific validity and cost-effectiveness of the preventive benefits package. When presented to Congress, the study will recommend what, if any, preventive benefits should be added, or removed from the Medicare program. By facing such regularly scheduled considerations of preventive benefits, Congress will do a much better job of keeping the Medicare program up to date with the rapid advances in medical science.

The Medicare Wellness Act also instructs the Secretary of Health and Human Services to coordinate with the Centers for Disease Control and Prevention and the Health Care Financing Administration to establish a Risk Appraisal and Education Program. This program will target both current beneficiaries and individuals with high risk factors below the age of 65. Outreach to these groups will offer questions regarding major behavioral risk factors, including the lack of proper nutrition, the use of alcohol, the lack of regular exercise, the use of tobacco, and depression. State of the art software, case managers, and nurse hotlines will then identify what conditions beneficiaries are at risk for, based on their individual responses to the questions, and inform them of actions they can take to lead a healthier life.

Any modern health care professional can tell you that effective health care addresses the whole health of an individual. A lifestyle that includes proper exercise and nutrition, and access to regular disease screening ensures attention to the whole individual, not just a solitary body part. It is time we reaffirm our commitment to provide our nation's seniors with quality health care.

I want to thank my colleagues, Senators GRAHAM, CHAFEE, BRYAN, ROCKEFELLER, and KERRY for their dedication to the idea of changing Medicare from a sickness program to a wellness program.

Mr. President, I yield the floor.

By Mr. DEWINE (for himself, Mr. LOTT, Mr. AKAKA, Mr. INOUYE, Mr. ROBERTS, Mr. HAGEL, Mr. BUNNING, Mr. VOINOVICH, Mr. DORGAN, and Mr. CONRAD):

S. 1619. A bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act; to the Committee on Finance.

CAROUSEL RETALIATION ACT OF 1999

Mr. DEWINE. Mr. President, I rise this afternoon on behalf of my colleague, Senator HAGEL, as well as Majority Leader LOTT, Senator AKAKA, Senator INOUYE, Senator ROBERTS, Senator BUNNING, Senator VOINOVICH, Senator DORGAN, and Senator CONRAD, to introduce the Carousel Retaliation Act of 1999. This bill would create a powerful mechanism to protect our Nation from illegal foreign trade practices.

These are the facts. Today, our Nation is being injured by the refusal of some foreign countries to comply with World Trade Organization, WTO, dispute settlement rulings. Let me repeat that. Other countries are failing to comply with the rulings of the WTO. As many of my colleagues know, the WTO has a very detailed process for handling trade disputes between member nations. Unfortunately, some member nations are simply undermining this entire process by refusing to comply with the final dispute settlement decision, even after losing their cases on appeal.

Noncompliance with dispute settlement rulings severely undermines open and fair trade. As many of our farmers, cattle ranchers, and large and small businessowners know firsthand, this is having a devastating impact on their efforts and attempt to maintain or gain access to important new international markets.

In an effort to secure compliance, the dispute settlement process provides the winning nation the authority to retaliate. The winning nation, after a decision has been made, can legally retaliate. That is what the provision is; they can retaliate against that losing nation. They can do so if, at the end of a reasonable period of time, the losing country does not abide by the final decision. Retaliation usually begins with the estimation of damages caused by the refusal, followed then by WTO authorization to impose penalty duties on the offending country's exports. However, even with retaliation, some nations are still refusing to comply.

The European Union has made it clear that it is willing to live in perpetuity with the present U.S. retaliation lists, which is why the WTO ruled in both the pending beef and banana trade cases that the United States can impose retaliatory tariffs on European imports. We are doing that. Moreover, they are entertaining the possibility of subsidizing their affected domestic targets to counter our WTO-authorized action. Not only are they ignoring what the ruling was, not only are they ignoring our retaliation, now they are turning around and preparing to subsidize these particular products. Both of these trade cases that I have mentioned took several long years to work through the dispute settlement system and were undertaken, frankly, at great expense to the U.S. Government and to the private sector in our country.

The European Union's actions are establishing a very dangerous precedent. If they are successful, then other nations can be expected to follow a similar course. Something simply must be done. Something must be done to increase the likelihood of compliance, or we risk losing more than a WTO case; we risk losing American jobs. Therefore, it is important that the WTO's dispute settlement process be strengthened. That is what this bill does, and that is what we are talking about today.

Our proposed Carousel Retaliation Act will help ensure the integrity of

the WTO settlement dispute process because it will provide a powerful mechanism that will place considerable pressure on noncompliant countries to comply. The measure will shake these noncompliant countries up and it will complicate any effort they undertake to counter U.S. retaliatory measures. Specifically, our bill would amend the U.S. Trade Act of 1974 by requiring the U.S. Trade Representative to periodically carousel—or rotate—the list of goods subject to retaliation when a foreign country or countries have failed to comply with a WTO ruling. Let me add that this is very clearly consistent with WTO rules.

Under our bill, the retaliation list would be carouseled, or rotated, to affect other goods 120 days from the date the first list is made, and then every 180 days thereafter. The bill provides the U.S. Trade Representative the authority to make exceptions. The representative would not have to do this if, 1, it could be determined that compliance is imminent; or, 2, if both the U.S. Trade Representative and the affected petitioners agree that carouseling in that particular case is not necessary. Currently, the U.S. Trade Representative has the authority to carousel retaliation lists, but is not required to do so. What our bill does is change the law and requires the Trade Representative to do this.

The WTO is one of the most important means for American businesses and producers to open foreign markets, liberalize commerce, resolve disputes, and ensure more open and fair trade. American farmers and agribusiness, for example, are major net exporters, posting exports of more than $57 billion in 1997. But frankly we can do more and better, and we must. Of the nearly 50 complaints filed by the United States in the WTO, almost 30 percent involved agriculture. If countries fail to comply with WTO rulings, American agriculture and other U.S. sectors in need of trade relief will suffer greatly. The American Farm Bureau Federation, the National Cattlemen's Beef Association, the American Meat Institute, the U.S. Meat Export Federation, and the Hawaii Banana Industry Association support the bill.

The ''Carousel Retaliation Act,'' candidly, is tough, but it is meant to be tough. It is the right response to chronic noncompliance with WTO rules.

Again, I commend my colleague, Senator HAGEL, who is on the floor at this moment, and Senators LOTT, AKAKA, INOUYE, ROBERTS, BUNNING, VOINOVICH, DORGAN, and CONRAD for their dedication to this issue.

I urge my colleagues to join this effort to protect our Nation from illegal foreign trade practices and cosponsor the ''Carousel Retaliation Act.''

I thank the Chair.

I see my colleague from Nebraska is on the floor. I suspect he would like to talk about this bill as well.

Thank you very much. I yield the floor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1619

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

SECTION 1. REVISION OF RETALIATION LIST OR OTHER REMEDIAL ACTION.

Section 306(b)(2) of the Trade Act of 1974 (19 U.S.C. 2416(b)(2)) is amended—

(1) by striking ''If the'' and inserting the following:

''(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the''; and

(2) by adding at the end the following:

''(B) REVISION OF RETALIATION LIST AND ACTION.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in section 301(c)(1) (A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

''(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

''(I) the Trade Representative determines that implementation of a recommendation made pursuant to a dispute settlement proceeding described in clause (i) by the country is imminent; or

''(II) the Trade Representative together with the petitioner involved in the initial investigation under this chapter (or if no petition was filed, the affected United States industry) agree that it is unnecessary to revise the retaliation list.

''(C) SCHEDULE FOR REVISING LIST OR ACTION.—The Trade Representative shall, 120 days after the date the retaliation list or other section 301(a) action is first taken, and every 180 days thereafter, review the list or action taken and revise, in whole or in part, the list or action to affect other goods of the subject country or countries.

''(D) STANDARDS FOR REVISING LIST OR ACTION.—In revising any list or action against a country or countries under this subsection, the Trade Representative shall act in a manner that is most likely to result in the country or countries implementing the recommendations adopted in the dispute settlement proceeding or in achieving a mutually satisfactory solution to the issue that gave rise to the dispute settlement proceeding. The Trade Representative shall consult with the petitioner, if any, involved in the initial investigation under this chapter.

''(E) RETALIATION LIST.—The term 'retaliation list' means the list of products of a foreign country or countries that have failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.''.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I wish to thank my distinguished colleague and friend from Ohio for his leadership on the ''Carousel Retaliation Act.''

I am a free trader, but I am also a fair trader. Trade is our economic future. It is especially so in agriculture. Trade is our strongest engine of economic growth.

I, as have many of my colleagues, have fought for legislative reform on unilateral sanctions policies that hurt our trade, trade reform, fast-track authority for the President, and other trade-related legislation.

Free trade is a two-way street. Unfortunately, throughout the world the instinct for protectionism still remains strong. If trading partners take advantage of us, we can't simply remain passive and permit American exporters—especially farmers and ranchers—to continue to take a beating in foreign markets.

Trade is a two-way street. Free, fair, and open trade is a two-way street. Access to markets improves all people's standard of living. Some of our trading partners believe this. Some people talk about it, and some people actually do something about it. Unfortunately, many of our trading partners' rhetoric is stronger than their actions. That is why I am an original cosponsor of this bill.

As you heard from my colleague, Senator DEWINE, this bill would require the U.S. Trade Representative to periodically review a retaliation list of foreign products from countries that fail to comply with the World Trade Organization rulings or do not reduce trade barriers against the United States. Different products would be rotated on and off the list every few months until the offending countries made the right changes in trade policy.

That is what we as a community of nations of civilized people decided to do when we formed the World Trade Organization. That is what the World Trade Organization is about—to sort through disputes in trade. If we cannot rely on the World Trade Organization to make tough decisions, settle those disputes, and then enforce the WTO rulings, then what good is the organization?

If the members of the World Trade Organization find some rulings against their own self-interest and not in compliance with what they think is right, or if they believe they must pick and choose which WTO rulings they will enforce and live with, then we don't have much of an open, fair, and free trade organization that today is known as the World Trade Organization. It is a myth and it is a charade unless we all comply with the WTO rulings and enforce the rulings. That is the only way it will work.

The policy of targeted tariffs is prompted, quite honestly, by the European Union's ban on American beef. There is no scientific evidence to support the European Union's contention that using growth-enhancing hormones in cattle poses any health threat to humans. There is no scientific evidence at all.

But yet, even though we have won case after case in the World Trade Organization, the European Union continues to walk through this charade of artificial tariffs and barriers. The hormone argument is a very flimsy excuse, at best, for straight out, raw protectionism. The WTO's recent position vindicating their position was essentially a slap on the wrist for the EU, and still the EU is trying to delay compliance with even this token penalty.

If the EU keeps playing games with the United States in the hormone-enhancing beef issue, this policy of targeted tariffs will provide us with a flexible, effective way to respond. No one wants to take this kind of action. But each one of us in this body represents hard-working constituents who seek to improve their communities, enhance the growth of their families, give the world opportunities, and playing by the rules. That is what we are talking about here—playing by the rules straight out, to be honest.

Again, I don't look forward to working on this bill to implement it if, in the interest of open, fair, and free trade, we must resort to this kind of activity. American farmers and ranchers are hurting partly because of weak export markets. It is not because they are not producing quality products. We produce quality products. But it is because of politics and protectionism.

I strongly support this bill. I am proud to be an original cosponsor. I am sorry we have to take this measure, but it is necessary. And the world must understand that the United States will do whatever it takes to support our producers and to assure, as best we can, that the world improves all people's lives, all people's standard of living, hope, opportunity, and economic growth if we continue to make progress with free, open, fair trade.

By Mr. GORTON:

S. 1620. A bill to direct the Secretary of Agriculture to convey certain land to Federal Energy Regulatory Commission permit holders; to the Committee on Energy and Natural Resources.

MOUNT BAKER SNOQUALMIE NATIONAL FOREST LEGISLATION

• Mr. GORTON. Mr. President, in recent years, I have become increasingly frustrated with the inability of the Forest Service to complete work on several small hydroelectric projects located on the Mount Baker/Snoqualmie National Forest in my State. The Service's inability to make important decisions on these renewable energy resources is based on an inaccurate interpretation of the President's Northwest Forest Plan (''ROD'') which has stopped these projects from going forward.

The President's Northwest Forest Plan states clearly that multipurpose uses of the federal forests are not precluded, and that the plan must follow existing law applying to such uses. Yet, since its adoption in 1994, the Forest Service has and continues to paralyze the development of small hydroelectric projects by ignoring laws applying to multipurpose. This inaction has delayed and stifled review of such projects by the Federal Energy Regulatory Commission—the agency responsible for issuing federal licenses for hydroelectric projects.

Forest Service interpretation of the ROD intrudes directly on the ability of the Commission to perform its hydroelectric licensing function of balancing development and nondevelopment issues. Both the Commission, when determining consistency with the purpose of a national forest under Section 4(e) of the Act, and the Forest Service, when determining whether to issue a special use permit, must apply existing law fairly. Forest Service inaction on pending projects (some of which have been under review for over a decade) prevents FERC from completing its licensing responsibilities.

In terms of federal forest management, the six small hydroelectric projects proposed for the Mount Baker/Snoqualmie National Forest are virtually inconsequential. All are located well above areas affecting anadromous fish, and would occupy a total of 10 to 40 acres each, with most of the sites being untouched except for the portions needed for project facilities. Adverse impacts to fish, wildlife or other environmental resources are subject to mitigation by FERC and the Forest Service.

Project proponents in my state have spent millions of dollars to secure approval of six projects located in the Mount Baker/Snoqualmie National Forest, including project design and environmental analysis necessary to gain approval from the Forest Service and FERC. In spite of the fact that the 1994 ROD instructs the Forest Service to use ''transition'' provisions to approve pending projects, it has not done so, and continues to add project review requirements not allowed by the ROD or existing law. As a result, the Forest Service is stopping FERC from making timely licensing decisions on these projects. Shifting standards of review and delay by the Forest Service have deprived project proponents of their right to rely upon clear standards for project approval before expending funds in reliance on such standards.

Many aspects of these projects were found to be in compliance with prior forest regulations and other environmental laws, and are being subjected to duplicative and inconsistent review. Provisions of the ROD developed for application to extremely large-scale timber harvest are not meant to impact small-scale hydroelectric projects. Timber management regulations are totally disproportionate with the scale of any potential environmental impacts of small scale hydroelectric facilities. In fact, the ROD itself explicitly recognizes that uses other than timber harvest do not require the same level of restrictions.

The Forest Service continues to use the ROD as a reason for imposing new study requirements, increasing mitigation demands, and ignoring agreements on project compliance with forest plan standards and FERC requirements. Each new requirement adds onerous financial burdens on project proponents, delays project approval, and undermines the regulatory need for an end to project review so a final licensing decision can be made by FERC.

Actions by the Forest Service have placed that agency in direct conflict with FERC, a result not intended by the ROD. FERC's jurisdiction over hydroelectric project licensing is unaltered by the ROD, which itself calls for increased interagency cooperation, not confrontation.

Mr. President, I have tried in recent years through my position as Chairman of the Senate Interior Appropriations Subcommittee responsible for funding the Forest Service's annual budget to get some answers from this agency as to why it was holding up these hydroelectric projects. In 1995, I inserted language directing the Forest Service to ''conduct an expeditious review'' of projects covered by the ROD. In subsequent hearings, I have continued to ask agency witnesses for a status report. To date, none of the responses from the Forest Service have satisfied my concerns or adequately addressed this issue.

For this reason, I am introducing legislation today that would expedite the hydroelectric project review process. It will require the Forest Service to convey to permit holders and license applicants for these projects at fair market value the parcels of land necessary for development of these projects. While I would prefer and am still hopeful that this issue can be resolved in negotiations between the project proponents and the agency, clearly this process is broken and needs to be fixed. This legislation should serve as a catalyst for resolving outstanding hydroelectric project review issues. Project proponents deserve at least that much.•

By Ms. LANDRIEU (for herself and Mr. BREAUX)

S. 1621. A bill to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality restoration projects for Lake

Pontchartrain Basin, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

THE LAKE PONTCHARTRAIN BASIN RESTORATION ACT OF 1999

• Ms. LANDRIEU. Mr. President, today I rise on behalf of myself and my colleague, Senator JOHN BREAUX to introduce legislation that would restore and maintain the ecological health of the Lake Pontchartrain Basin—one of the largest estuarine systems in the United States. Known for its slow flowing rivers and bayous, tranquil swamps and lush hardwood forests, the Pontchartrain Basin contains the most diverse topography in the State of Louisiana.

The Pontchartrain Basin is a 5,000 square mile watershed encompassing 16 parishes in southeast Louisiana and 4 Mississippi counties. The vast wetlands and marshes that surround the Basin's waters provide essential habitat for countless species of fish, birds, mammals, reptiles and plants. At the center of the Basin is the 630 square mile Lake Pontchartrain, which is surrounded by 1.5 million residents, making it the most densely populated area in Louisiana. Lake Pontchartrain is just one part of a vast ecological system called the Pontchartrain Basin. The Basin also includes Lake Maurepas and Lake Borgne. These three contiguous water bodies make up the largest estuary system in the Gulf Coast region, and their wetland fisheries contribute over $35 million to the local economy and provide the abundance of fresh seafood that has made southeastern Louisiana famous.

Since the 1940's, increased population, urbanization, and land use changes have altered or destroyed much of the Pontchartrain Basin's valuable ecological resources. The Lake's south shore—once a famous gathering ground for swimmers, has been closed since the late 1960's because of pollution and other conditions caused by stormwater and wastewater discharges, oil and gas development and some agricultural activities. Natural occurrences such as shoreline erosion, hurricanes, and land subsidence combined with sea level rise also have harmed the Basin's sensitive ecology.

Mr. President, we introduce the ''Lake Pontchartrain Basin Restoration Act of 1999,'' with the purpose of restoring and maintaining the unique ecology of this nationally significant watershed. This important legislation would establish a well coordinated and technically sound management program for the restoration and sustainable health of the Pontchartrain Basin ecosystem.

This legislation would also: coordinate the restoration efforts of federal, state and local agencies and organizations in the restoration of the Basin; authorize and provide resources for restoration projects in the Pontchartrain Basin; and establish a Lake Pontchartrain Basin Restoration Program within the U.S. Environmental Protection Agency.

We believe this is a nationally significant watershed restoration effort that deserves our support. The Pontchartrain Basin is the center of Southeastern Louisiana's unique cultural heritage—providing valuable habitat for wildlife and countless recreation opportunities for sportsmen and other outdoor enthusiasts. The area is brimming with a diverse population of people bound by a common interest: The desire for clean and healthy waters in the Pontchartrain Basin. Over the last decade, the restoration of the Lake Pontchartrain Basin has become one of the strongest grassroots watershed clean-up efforts in the nation.

Mr. President, I would also like to publicly acknowledge the Lake Pontchartrain Basin Foundation, the University of New Orleans and the Regional Planning Commission for the Louisiana parishes of Orleans, Jefferson, St. Bernard, St. Tammany and Plaquemines, for their efforts in developing this important legislation. We strongly urge our colleagues to support this measure as well.•

By Mrs. LINCOLN (for herself, Mr. FRIST, Ms. LANDRIEU, Mr. HUTCHINSON, Mr. BREAUX, and Mr. DURBIN):

S. 1622. A bill to provide economic, planning, and coordination assistance needed for the development of the lower Mississippi River region; to the Committee on Environment and Public Works.

THE DELTA REGIONAL AUTHORITY ACT OF 1999

Mrs. LINCOLN. Mr. President, today I am introducing the Delta Regional Authority Act of 1999, which is aimed at improving the economy of the Mississippi Delta region, the poorest region in the country.

The lower Mississippi Delta region, following the course of the Mississippi River, stretches from southern Illinois to the Delta of the Mississippi and the Gulf of Mexico. According to the latest Census figures, communities in the Delta region of seven States—Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana—face a poverty rate of 22 percent while the national average is 12 percent.

This legislation seeks to build on efforts begun more than a decade ago, when Congress created the Lower Mississippi Delta Development Commission. Under the leadership of former Arkansas Senator Dale Bumpers, the Commission was charged with studying the unique problems of the Delta region and recommending a course of action. I refer my colleagues to Senator Bumpers' statement, which appears on page S25689 of the September 27, 1988 CONGRESSIONAL RECORD, in which he introduced legislation authorizing the Commission. The Commission submitted its report, ''Realizing the Dream . . . Fulfilling the Potential,'' in 1990. The Chairman of the Commission, former Arkansas Governor Bill Clinton, called the report a ''handbook for action.''

The report highlighted problems facing the Delta, whose economy has traditionally been based on agriculture. The report noted the Delta faced high unemployment, low levels of income and education, welfare dependency, poor health care and housing, along with serious shortcomings in transportation infrastructure. Unfortunately, a decade after the report was issued, these problems still exist. While Congress took one bold step toward solving these problems when we passed welfare reform, there is still much to be done.

In particular, this bill seeks to improve the infrastructure of the Delta region. It is common knowledge that when industries seek to expand and build new facilities, they look at the availability of roads, water systems and other infrastructure. The Federal Government has tried to foster development in these areas by providing Federal grant monies, but we haven't approached the economic problems in the region with an appropriate understanding of the unique demographic and geographic challenges that face the Delta.

Education programs are available, but if there's no technical assistance to help people actually access the grant resources, then the programs are essentially wasted. We can encourage young folks to pursue higher education and start their own businesses, but if there is no basic infrastructure, if transportation and other resources are inadequate, how can they succeed? For instance, in many areas of the Arkansas Delta there are no copy shops, computer repair stores, or office supply stores. These basic offerings that we take for granted in larger cities simply are not available and that is why creating a central location for technical assistance is so vital. We may not be able to put copy shops in place, but we can provide help that will be only a phone call or an e-mail away.

Currently, many communities in the Delta have problems gaining federal grants for two reasons. First, they often don't have the technical expertise to complete the grant applications. Second, they often don't have enough money to meet the local matching requirement. The Delta Regional Authority created by this legislation will be authorized $30 million annually to provide technical assistance in the grant application process. In effect, local communities across the seven state region will have one-stop shopping when they need assistance completing grant applications and accessing resources for economic development. Second, the Delta Regional Authority will be authorized to provide money to help

grant applicants meet the federal match. Certainly the matching dollar requirement in the grant application process is important to demonstrate the community's commitment to the project, but we shouldn't exclude the very communities who need grant assistance the most.

The Delta Regional Authority will function along the same lines as the Appalachian Regional Commission. But it will operate entirely independently of the ARC. The Delta Regional Authority's mission will be to help create jobs, attract industrial development and grow the local economies by improving infrastructure, training the workforce and building local leadership.

I would like to thank staff of the Appalachian Regional Commission, who worked very closely with us in drafting this legislation. Special thanks also is due to the National Association of Development Organizations, the Lower Mississippi Delta Development Center and many local economic development groups who provided suggestions and input. Last, but certainly not least, I would like to commend Representative MARION BERRY, who represents my home in the First Congressional District of Arkansas, who has introduced companion legislation in the House of Representatives. I certainly hope that today's introduction of legislation is the first step toward making the Delta Regional Authority a reality.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1622

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Delta Regional Authority Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the lower Mississippi River region (referred to in this Act as the ''region''), though rich in natural and human resources, lags behind the rest of the United States in economic growth and prosperity;

(2) the region suffers from a greater proportion of measurable poverty and unemployment than any other region of the United States, resulting in a drain on the national economy and diminishing national wealth;

(3) the greatest hope for economic growth and revitalization in the region lies in the creation of jobs, the expansion of businesses, and the development of entrepreneurial local economies;

(4) the economic progress of the region requires an adequate physical infrastructure, a skilled and trained workforce, enhanced local leadership and civic capacity, and greater opportunities for enterprise development and entrepreneurship;

(5) a concerted and coordinated effort among Federal, State, and local agencies, the private sector, nonprofit groups, and community-based organizations is needed if the region is to share in the prosperity of the United States;

(6) economic development planning on a regional or multicounty basis offers the best prospect for achieving the maximum benefit from public and private investments; and

(7) improving the economy of the region requires a special emphasis on those of the region that are most economically distressed.

(b) PURPOSES.—The purposes of this Act are—

(1) to promote and encourage the economic development of the region—

(A) to ensure that the communities and people in the region have the opportunity to participate more fully in the prosperity of the United States; and

(B) to ensure that the economy of the region reaches economic parity with that of the rest of the United States;

(2) to establish a formal framework for joint Federal-State collaboration in meeting and focusing national attention on the economic development needs of the region;

(3) to assist the region in obtaining the basic infrastructure, skills training, local leadership capacity, and opportunities for enterprise development that are essential for strong local economies;

(4) to foster coordination among all levels of government, the private sector, community organizations, and nonprofit groups in crafting common regional strategies that will lead to broader economic growth;

(5) to strengthen efforts that emphasize regional approaches to economic development and planning;

(6) to encourage the participation of interested citizens, public officials, groups, agencies, and others in developing and implementing local and regional plans for broad-based economic and community development; and

(7) to focus special attention on areas of the region that suffer from the greatest economic distress.

SEC. 3. DELTA REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle F—Delta Regional Authority

"SEC. 382A. DEFINITIONS.

''In this subtitle:

''(1) AUTHORITY.—The term 'Authority' means the Delta Regional Authority established by section 382B.

''(2) REGION.—The term 'region' means areas in the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined under section 4 of the Lower Mississippi Delta Development Act (Public Law 100–460; 42 U.S.C. 3121 note).

''(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in—

''(A) acquiring or developing land;

''(B) constructing or equipping a facility; or

''(C) carrying out other community or economic development or economic adjustment activities.

"SEC. 382B. DELTA REGIONAL AUTHORITY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the Delta Regional Authority.

''(2) COMPOSITION.—The Authority shall be composed of—

''(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

''(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

''(3) COCHAIRPERSONS.—The Authority shall be headed by 2 cochairpersons, which shall be—

''(A) the Federal member, who shall serve—

''(i) as the Federal cochairperson; and

''(ii) as a liaison between the Federal Government and the Authority; and

''(B) a State cochairperson, who—

''(i) shall be a Governor of a participating State in the region; and

''(ii) shall be elected by the State members for a term of not less than 1 year.

''(b) ALTERNATE MEMBERS.—

''(1) STATE ALTERNATES.—Each State member may have a single alternate, appointed by the Governor from among the members of the cabinet or the personal staff of the Governor.

''(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

''(3) QUORUM.—A State alternate shall not be counted toward the establishment of a quorum of the Authority in any instance in which a quorum of the State members is required to be present.

''(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (b), and no voting right of any Authority member, shall be delegated to any person—

''(A) who is not a Authority member; or

''(B) who is not entitled to vote in Authority meetings.

''(c) VOTING.—

''(1) IN GENERAL.—Except as provided in section 382I(d), decisions by the Authority shall require the affirmative vote of the Federal cochairperson and of a majority of the State members (not including a member representing a State that is delinquent under subsection (g)(2)(C).

''(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

''(A) a modification or revision of a Authority policy decision;

''(B) approval of a State or regional development plan; and

''(C) any allocation of funds among the States.

''(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

''(A) a responsibility of the Authority; and

''(B) conducted in accordance with section 382I.

''(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the State or Federal representative for which the alternate member is an alternate.

''(d) DUTIES.—The Authority shall—

''(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

''(2) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional outcome targets);

''(3) provide for an understanding of the needs and assets of the region through research, demonstration, investigation, assessment, and evaluation of the region, in cooperation with Federal, State, and local agencies, universities, local development districts, and other nonprofit groups, as appropriate;

''(4) review and study, in cooperation with the appropriate agencies, Federal, State, and local public and private programs in the region;

''(5) recommend any modification or addition to a program described in paragraph (4) that could increase the effectiveness of the program;

''(6) formulate and recommend interstate compacts and other forms of interstate cooperation;

''(7) work with State and local agencies in developing appropriate model legislation;

''(8) encourage the formation of, build the capacity of, and provide support for, local development districts in the region;

''(9) encourage private investment in industrial, commercial, and other economic development projects in the region;

''(10) serve as a focal point and coordinating unit for region programs;

''(11) provide a forum for consideration of problems of the region and proposed solutions for those problems; and

''(12) establish and involve citizens, special advisory councils, and public conferences to consider and resolve issues concerning the region.

''(e) INFORMATION.—In carrying out the duties of the Authority under subsection (d), the Authority may—

''(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute the proceedings and reports on actions by the Authority as the Authority considers appropriate;

''(2) authorize, through the Federal or State cochairperson, or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony shall be taken or evidence shall be received under oath; and

''(3) arrange for the head of any Federal, State, or local department or agency to furnish to the Authority such information as may be available to or procurable by the department or agency;

''(4) adopt, amend, and repeal bylaws and rules governing the conduct of Authority business and the performance of Authority functions;

''(5) request the head of any Federal department or agency to detail to the Authority such personnel as the Authority requires to carry out functions of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

''(6) request the head of any State department or agency or local government to detail to the Authority such personnel as the Authority requires to carry out functions of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

''(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

''(A) making arrangements or entering into contracts with any participating State government; or

''(B) otherwise providing retirement and other employee benefit coverage;

''(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

''(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, cooperative agreements, or any other arrangement with—

''(A) any department, agency, or instrumentality of the United States;

''(B) any State (including a political subdivision, agency, or instrumentality of the State); or

''(C) any person, firm, association, or corporation;

''(10) establish and maintain a central office and field offices at such locations as the Authority may select; and

''(11) take such other actions and incur such other expenses as are necessary or appropriate.

''(f) FEDERAL AGENCY COOPERATION.—Federal agencies shall—

''(1) cooperate with the Authority; and

''(2) provide such assistance in carrying out this subtitle as the Federal cochairperson may request.

''(g) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Administrative expenses of the Authority shall be paid—

''(A) by the Federal Government, during the period beginning on the date of enactment of this subtitle and ending on September 30, 2000; and

''(B) after September 30, 2000 (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government)—

''(i) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

''(ii) by the States in the region represented on the Authority, in an amount equal to 50 percent of the administrative expenses.

''(2) STATE SHARE.—

''(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

''(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A) to determine the share of administrative expenses of the Authority to be paid by a State.

''(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

''(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

''(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

''(h) COMPENSATION.—

''(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

''(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

''(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

''(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

''(3) STATE MEMBERS AND ALTERNATES.—

''(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

''(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Authority.

''(4) DETAILED EMPLOYEES.—

''(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

''(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

''(ii) the Authority.

''(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

''(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

''(5) ADDITIONAL PERSONNEL.—

''(A) COMPENSATION.—

''(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

''(ii) EXCEPTION.—Compensation described under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

''(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

''(i) the carrying out of the administrative functions of the Authority;

''(ii) direction of the Authority staff; and

''(iii) such other duties as the Authority may assign.

''(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

''(i) CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

''(A) the member, alternate, officer, or employee;

''(B) the spouse, minor child, partner, or organization (other than a State or political subdivision thereof) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

''(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment;

has a financial interest.

''(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

''(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or

other determination, contract, claim, controversy, or other particular matter presenting a conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

''(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

''(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

''SEC. 382C. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

''(a) IN GENERAL.—The Authority may approve grants to States and public and nonprofit entities for projects, approved in accordance with section 382I—

''(1) to assist the region in obtaining the job training and employment-related education, leadership, business, and civic development (with an emphasis on entrepreneurship), that are needed to build and maintain strong local economies;

''(2) to provide assistance to severely distressed and underdeveloped counties that lack financial resources for improving basic services;

''(3) to fund—

''(A) research, demonstrations, evaluations, and assessments of the region; and

''(B) training programs, and construction of necessary facilities, and the provision of technical assistance necessary to complete activities described in subparagraph (A); or

''(4) to otherwise achieve the objectives of this subtitle.

''(b) FUNDING.—

''(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

''(A) entirely from appropriations to carry out this section;

''(B) in combination with funds available under another Federal or Federal grant program; or

''(C) from any other source.

''(2) PRIORITY OF FUNDING.—To best build the foundations for long-term, self-sustaining economies and to complement other Federal and State resources in the region, Federal funds available under this subtitle shall be focused on the activities in the following order or priority:

''(A) Basic infrastructure in distressed counties.

''(B) Job-related infrastructure.

''(C) Job training or employment-related education.

''(D) Leadership and civic development.

''(E) Business development, with emphasis on entrepreneurship.

''(3) FEDERAL SHARE IN GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines to be appropriate.

''SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

''(a) FINDING.—Congress finds that certain people, States, and local communities of the region, including local development districts, are unable to take maximum advantage of Federal grant programs for which the people are eligible because—

''(1) they lack the economic resources to supply the required matching share; or

''(2) there are insufficient funds available under the applicable Federal grant law authorizing the program to meet pressing needs of the region.

''(b) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (c), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by the applicable law, not to exceed 80 percent of the costs of the project except as provided in section 382F(b).

''(c) CERTIFICATION.—

''(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

''(A) meets the applicable requirements of the applicable Federal grant law; and

''(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

''(2) CERTIFICATION BY AUTHORITY.—

''(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this subtitle in accordance with section 382I—

''(i) shall be controlling; and

''(ii) shall be accepted by the Federal agencies.

''(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

''SEC. 382E. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

''(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term ''local development district'' means an entity that is—

''(1) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit and citizen groups to contribute to the development and implementation of programs in the region;

''(2) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

''(A) by the Governor of each State in which the entity is located; or

''(B) by the State officer designated by the appropriate State law to make the certification; and

''(3) is—

''(A) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

''(B) a nonprofit agency or instrumentality of a State or local government;

''(C) a nonprofit agency or instrumentality created through an interstate compact; or

''(D) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subparagraphs (A) through (C).

''(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

''(1) IN GENERAL.—The Authority may make grants for administrative expenses of local development districts.

''(2) CONDITIONS FOR GRANTS.—

''(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

''(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

''(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

''(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—Local development districts—

''(1) shall operate as lead organizations serving multicounty areas in the region at the local level; and

''(2) shall serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

''(A) are involved in multijurisdictional planning;

''(B) provide technical assistance to local jurisdictions and potential grantees; and

''(C) provide leadership and civic development assistance.

''SEC. 382F. DISTRESSED COUNTIES AND ECONOMICALLY STRONG COUNTIES.

''(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this subtitle, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

''(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped;

''(2) as economically strong counties, counties in the region that are approaching or have reached economic parity with the rest of the United States; and

''(3) as isolated areas of distress, areas located in an economically strong county that have high rates of poverty or unemployment.

''(b) DISTRESSED COUNTIES.—

''(1) IN GENERAL.—The Authority shall allocate at least 50 percent of the appropriations made available under section 382N for programs and projects designed to serve the needs of distressed counties in the region.

''(2) FUNDING LIMITATIONS.—The funding limitations under section 382D(b) shall not apply to projects providing basic services to residents in 1 or more distressed counties in the region.

''(c) ECONOMICALLY STRONG COUNTIES.—

''(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this subtitle for a project located in a county designated as an economically strong county under subsection (a).

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants

to fund the administrative expenses of local development districts under section 382E(b).

''(B) MULTICOUNTY PROJECTS.—The Authority may approve additional exceptions to the funding prohibition under paragraph (1) for—

''(i) multicounty projects that include participation by an economically strong county; and

''(ii) any other type of project, if the Authority determines that the project could bring significant benefits to areas of the region outside an economically strong county.

''(C) ISOLATED AREAS OF DISTRESS.—

''(i) IN GENERAL.—An isolated area of distress shall be eligible for assistance at the discretion of the Authority.

''(ii) DETERMINATION.—A determination of eligibility of an isolated area of distress for assistance shall be supported—

''(I) by the most recent Federal data available; or

''(II) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

''SEC. 382G. DEVELOPMENT PLANNING PROCESS.

''(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit on such schedule as the Authority shall prescribe a development plan for the area of the region represented by the State member.

''(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall—

''(1) reflect the goals, objectives, and priorities identified in the regional development plan under section 382B(d);

''(2) describe—

''(A) the organization and continuous process for development planning of the State, including the procedures established by the State for the participation of local development districts in the development planning process;

''(B) the means by which the development planning process of the State is related to overall State-wide planning and budgeting processes; and

''(C) the method of coordinating planning and projects in the region under this subtitle and other Federal, State, and local programs;

''(3)(A) identify the goals, objectives, priorities, and expected outcomes of the State for the region, as determined by the Governor;

''(B) identify the needs on which those goals, objectives, priorities are based; and

''(C) describe the development strategy for achieving and the expected outcomes of those goals, objectives, and priorities; and

''(4) describe how strategies proposed in the plan would advance the objectives of this subtitle.

''(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

''(1) consult with—

''(A) local development districts;

''(B) local units of government; and

''(C) citizen groups; and

''(2) take into consideration the goals, objectives, priorities, and recommendations of the entities identified in paragraph (1).

''(d) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

''(2) REGULATIONS.—The Authority shall develop guidelines specifying minimum goals for public participation described in paragraph (1), including public hearings.

''SEC. 382H. PROGRAM DEVELOPMENT CRITERIA.

''(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance presented to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

''(1) the relationship of the project or class of projects to overall regional development;

''(2) the per capita income and poverty and unemployment rates in the area;

''(3) the financial resources available to the applicants for assistance seeking to carry out the project;

''(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

''(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic and social development of the area served by the project; and

''(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

''(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist a person or entity in relocating from 1 area to another.

''(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced so as to substitute funds authorized by this subtitle.

''SEC. 382I. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

''(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed for approval by the Authority in accordance with section 382B(e)(3).

''(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

''(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member and the Federal cochairperson that the application—

''(1) reflects an intent that the project comply with any applicableState development plan;

''(2) meets applicable criteria under section 382H;

''(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

''(4) otherwise meets the requirements of this subtitle.

''(d) VOTES FOR DECISIONS.—The certification by a State member of an application for a grant or other assistance for a specific project under this section shall, when joined by an affirmative vote of the Federal cochairperson for the application, be considered to satisfy the requirements for affirmative votes for decisions under section 382B.

''SEC. 382J. CONSENT OF STATES.

Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

''SEC. 382K. RECORDS.

''(a) RECORDS OF THE AUTHORITY.—

''(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority financed with Federal funds.

''(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States (including authorized representatives of the Comptroller General).

''(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—Recipients of Federal assistance under this subtitle shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Authority.

''(2) AVAILABILITY.—All records described in paragraph (1) shall be available for audit by the Comptroller General of the United States and the Authority or their duly authorized representatives.

''SEC. 382L. ANNUAL REPORT.

''Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

''SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle $30,000,000 for each of fiscal years 2001 through 2005, to remain available until expended.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) shall be used for administrative expenses.''.

ADDITIONAL COSPONSORS

S. 391

At the request of Mr. KERREY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 407

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 407, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

S. 486

At the request of Mr. ASHCROFT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 562

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor

of S. 562, a bill to provide for a comprehensive, coordinated effort to combat methamphetamine abuse, and for other purposes.

S. 702

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 702, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 736

At the request of Mr. LIEBERMAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Virginia (Mr. ROBB), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 736, a bill to amend titles XVIII and XIX of the Social Security Act to ensure that individuals enjoy the right to be free from restraint, and for other purposes.

S. 1028

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1035

At the request of Mr. FEINGOLD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1035, a bill to establish a program to provide grants to expand the availability of public health dentistry programs in medically underserved areas, health professional shortage areas, and other Federally-defined areas that lack primary dental services.

S. 1197

At the request of Mr. ROTH, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1239

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1269

At the request of Mr. MCCONNELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1269, a bill to provide that the Federal Government and States shall be subject to the same procedures and substantive laws that would apply to persons on whose behalf certain civil actions may be brought, and for other purposes.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CRAPO), the Senator from California (Mrs. BOXER), the Senator from Texas (Mr. GRAMM), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as ''National Military Appreciation Month.''

S. 1446

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1449

At the request of Mr. CONRAD, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1449, a bill to amend title XVIII of the Social Security Act to increase the payment amount for renal dialysis services furnished under the medicare program.

S. 1459

At the request of Mr. MACK, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1473

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 1473, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes.

SENATE RESOLUTION 118

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Mrs. MURRAY), the Senator from Ohio (Mr. VOINOVICH), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of Senate Resolution 118, A resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 179

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. ASHCROFT), the Senator from Maine (Ms. SNOWE), the Senator from Ohio (Mr. VOINOVICH), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Resolution 179, a resolution designating October 15, 1999, as ''National Mammography Day.''

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

BYRD (AND OTHERS) AMENDMENT NO. 1744

Mr. BOND (for Mr. BYRD, for himself, Mr. BOND, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. GRASSLEY, Mr. BINGAMAN, Mr. JOHNSON, Mr. SPECTER, Mr. MURKOWSKI, Mr. WELLSTONE, Mr. SMITH of NH, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. AKAKA, Mr. CONRAD, Mr. KERREY, Mr. BIDEN, Mr. LEAHY, Mrs. BOXER, Mr. HAGEL, Mrs. MURRAY, Mr. JEFFORDS, Mr. SARBANES, Mr. HUTCHINSON, Mr. REID, Mr. KERRY, Mr. ROBB, Mr. BUNNING, Mr. BRYAN, Mr. KENNEDY, Mr. ROBERTS, Mr. ASHCROFT, Ms. SNOWE, Ms. COLLINS, Mr. COVERDELL, Mr. HARKIN, Mr. ABRAHAM, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, Ms. LANDRIEU, and Mr. FRIST) proposed an amendment to the bill (H.R. 2684) A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 7, beginning on line 23, strike ''$18,406,000,000'' and all that follows through ''*Provided*,'' and insert ''$19,006,000,000, plus reimbursements: *Provided* That of the funds made available under this heading, $600,000,000 is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement (as defined in the Balanced Budget and Emergency Deficit Control Act of 1985) is transmitted by the President to Congress: *Provided further*,''.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1745

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself, Mr. MOYNIHAN, and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, H.R. 2684, supra; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4___. STUDY.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport noise to Congress, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration.

(b) AREAS OF STUDY.—The study shall examine—

(1) the selection of noise measurement methodologies used by the Administrator of the Federal Aviation Administration;

(2) the threshold of noise at which health impacts are felt; and

(3) the effectiveness of noise abatement programs at airports around the United States.

(c) RECOMMENDATIONS.—The study shall include specific recommendations to the Secretary of Transportation and the Administrator of the Federal Aviation Administration concerning new measures that should be implemented to mitigate the impact of aircraft noise on communities surrounding airports.

TORRICELLI AMENDMENT NO. 1476

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4___. RIGHT TO KNOW ABOUT AIRPORT POLLUTION.

(a) FINDINGS.—Congress finds that—

(1) the serious ground level ozone, noise, water pollution, and solid waste disposal problems attendant to airport operations require a thorough evaluation of all significant sources of pollution;

(2) the Clean Air Act (42 U.S.C. 7401 et seq.)—

(A) requires each State to reduce emissions contributing to ground level ozone problems and maintain those reductions; and

(B) requires the Administrator of the Environmental Protection Agency to study, in addition to other sources, the effects of sporadic, extreme noise (such as jet noise near airports) on public health and welfare;

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) establishes a regulatory and enforcement program for discharges of wastes into waters;

(4) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) establishes primary drinking water standards and a ground water control program;

(5) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) regulates management and disposal of solid and hazardous waste;

(6) a study of air pollution problems in California—

(A) has determined that airports are significant sources of air pollution; and

(B) has led to the creation of an airport bubble concept; and

(7) the airport bubble concept is an approach that—

(A) treats an airport and the area within a specific radius around the airport as a single source of pollution that emits a range of pollutants, including air, noise, water, and solid waste; and

(B) seeks, by implementation of specific programs or regulations, to reduce the pollution from each source within the bubble and thereby reduce the overall pollution in that area.

(b) PURPOSE.—The purpose of this section is to require the Administrator to conduct—

(1) a feasibility study for applying airport bubbles to airports as a method of assessing and reducing, where appropriate, air, noise, water, and solid waste pollution in and around the airports and improving overall environmental quality; and

(2) a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AIRPORT BUBBLE.—The term ''airport bubble'' means an area—

(A) in and around an airport (or other facility using aircraft) within which sources of pollution and levels of pollution from those sources are to be identified and reduced; and

(B) containing a variety of types of air, noise, water, and solid waste sources of pollution in which the aggregate of each type of pollutant from the respective sources is regulated as if the various sources were a single source.

(d) STUDY OF USING AIRPORT BUBBLES.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine the feasibility of regulating air, noise, water, and solid waste pollution from all sources in and around airports using airport bubbles.

(2) WORKING GROUP.—In conducting the study, the Administrator shall establish and consult with a working group comprised of—

(A) the Administrator of the Federal Aviation Administration (or a designee);

(B) the Secretary of Defense (or a designee);

(C) the Secretary of Transportation (or a designee);

(D) a representative of air quality districts;

(E) a representative of environmental research groups;

(F) a representative of State Audubon Societies;

(G) a representative of the Sierra Club;

(H) a representative of the Nature Conservancy;

(I) a representative of port authorities of States;

(J) an airport manager;

(K) a representative of commanding officers of military air bases and stations;

(L) a representative of the bus lines that serve airports who is familiar with the emissions testing and repair records of those buses, the schedules of those lines, and any problems with delays in service caused by traffic congestion;

(M) a representative of the taxis and limousines that serve airports who is familiar with the emissions testing and repair records of the taxis and limousines and the volume of business generated by the taxis and limousines;

(N) a representative of local law enforcement agencies or other entities responsible for traffic conditions in and around airports;

(O) a representative of the Air Transport Association;

(P) a representative of the Airports Council International–North America;

(Q) a representative of environmental specialists from airport authorities; and

(R) a representative from an aviation union representing ground crews.

(3) REQUIRED ELEMENTS.—In conducting the study, the Administrator shall—

(A) collect, analyze, and consider information on the variety of stationary and mobile sources of air, noise, water, and solid waste pollution within airport bubbles around airports in the United States, including—

(i) aircraft, vehicles, and equipment that service aircraft (including main and auxiliary engines); and

(ii) buses, taxis, and limousines that serve airports;

(B) study a statistically significant number of airports serving commercial aviation in a manner designed to obtain a representative sampling of such airports;

(C) consider all relevant information that is available, including State implementation plans under the Clean Air Act (42 U.S.C. 7401 et seq.) and airport master plans;

(D) consider the air quality implications of airport and ground and in-flight aircraft operations, such as routing and delays;

(E) assess the role of airports in interstate and international travel and commerce and the environmental and economic impact of regulating airports as significant sources of air, noise, water, and solid waste pollution;

(F) propose boundaries of the areas to be included within airport bubbles;

(G) propose a definition of air pollutant emissions for airport bubbles that includes hydrocarbons, volatile organic compounds, and other ozone precursors targeted for reduction under Federal air pollution law;

(H) develop an inventory of each source of air, noise, water, and solid waste pollution to be regulated within airport bubbles and the level of reduction for each source;

(I) list and evaluate programs that might be implemented to reduce air, noise, water, and solid waste pollution within airport bubbles and the environmental and economic impact of each of the programs, including any changes to Federal or State law (including regulations) that would be required for implementation of each of the programs;

(J) evaluate the feasibility of regulating air, noise, water, and solid waste pollutants in and around airports using airport bubbles and make recommendations regarding which programs should be included in an effective implementation of airport bubble methodology; and

(K) address the issues of air and noise pollution source identification and regulation that are unique to military air bases and stations.

(4) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(e) STUDY OF EMISSION STANDARDS FOR AIRPLANE ENGINES.—

(1) IN GENERAL.—The Administrator shall conduct a study of air pollutant emission standards established by the Environmental Protection Agency for airplane engines to determine whether it is feasible and desirable to strengthen the standards.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results and recommendations of the study required by this subsection.

(f) PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act,

and annually thereafter until the reports under subsections (d) and (e) are submitted, the Administrator shall submit to Congress a report that details the progress being made by the Administrator in carrying out subsections (d) and (e).

(g) FUNDING.—The Administrator shall carry out this section using existing funds available to the Administrator.

WELLSTONE (AND OTHERS) AMENDMENT NO. 1747

Mr. WELLSTONE (for himself, Mr. JOHNSON, and Mr. SMITH of New Hampshire) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. The amount appropriated or otherwise made available by this title under the heading ''VETERANS HEALTH ADMINISTRATION'' is hereby increased by $1,300,000,000.

CONRAD AMENDMENT NO. 1748

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a)(1) The amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'' is hereby increased by $12,000,000.

(2) Of the amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'', as increased by paragraph (1), $12,000,000 shall be available for renovations and environmental improvements at the Department of Veterans Affairs Medical Center in Fargo, North Dakota.

(b) Notwithstanding any other provision of this Act, the aggregate of the amounts appropriated or otherwise made available by this Act for the travel expenses of the departments, agencies, commissions, corporations, and offices covered by this Act is hereby reduced by $12,000,000.

CLELAND AMENDMENTS NOS. 1749–1754

(Ordered to lie on the table.)

Mr. CLELAND submitted six amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1749

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a)(1) The amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'' is hereby increased by $12,400,000.

(2) Of the amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'', as increased by paragraph (1), $12,400,000 shall be available for renovations and environmental improvements at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

(b) The aggregate amount appropriated or otherwise made available by this Act, other than the amount appropriated under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'', is hereby reduced by $12,400,000.

AMENDMENT NO. 1750

On page 31, line 17, strike ''$110,000,000'' and insert ''$112,000,000''.

On page 31, line 23, insert before the period the following: '', and including $2,000,000 for the expansion and modernization of the Tubman African American Museum in Macon, Georgia''.

On page 76, line 8, strike ''$5,000,000'' and insert ''$3,000,000''.

AMENDMENT NO. 1751

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a)(1) The amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''NATIONAL CEMETERY ADMINISTRATION'' is hereby increased by $1,500,000.

(2) Of the amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''NATIONAL CEMETERY ADMINISTRATION'', as increased by paragraph (1), $1,500,000 shall be available for the construction of a national cemetery in the Atlanta, Georgia, metropolitan area.

(b) The amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''OFFICE OF INSPECTOR GENERAL'' is hereby reduced by $1,500,000.

AMENDMENT NO. 1752

On page 31, line 17, strike ''$110,000,000'' and insert ''$112,000,000''.

On page 31, line 23, insert before the period the following: '', and including $2,000,000 for the National Institute for Community Empowerment in Atlanta, Georgia''.

On page 44, line 15, strike ''$95,910,000'' and insert ''93,910,000''.

AMENDMENT NO. 1753

On page 83, line 12, strike ''$3,250,000,000, to remain available until expended,'' and insert ''$3,259,200,000, to remain available until expended, of which $9,200,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' and shall be available to the Atlanta region for modeling and monitoring of combined sewer overflows as part of the comprehensive watershed restoration strategy, and''.

AMENDMENT NO. 1754

On page 31, line 17, strike ''$110,000,000'' and insert ''$112,770,000''.

On page 31, line 23, insert before the period the following: '', and including $2,770,000 for the demolition and environmental mitigation of the Swift Building in Moultrie, Georgia''.

On page 44, line 15, strike ''$95,910,000'' and insert ''93,140,000''.

KERRY (AND OTHERS) AMENDMENT NO. 1755

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. CHAFEE, Mr. BROWNBACK, Ms. SNOWE, Mr. LIEBERMAN, Mr. LEAHY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, H.R. 2684, supra; as follows:

On page 78, line 20, strike ''$1,885,000,000'' and insert ''$1,897,000,000''.

On page 78, line 21, before the colon, insert the following: '', and of which not less than $12,000,000 shall be derived from pro rata transfers of amounts made available under each other heading under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' and shall be available for the Montreal Protocol Fund''.

KERRY AMENDMENT NO. 1756

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 28, line 2, strike ''$225,000,000'' and insert ''$239,000,000''.

On page 44, line 15, strike ''$95,910,000'' and insert ''$81,910,000''.

SMITH (AND OTHERS) AMDNDMENT NO. 1757

Mr. SMITH of New Hampshire (for himself, Mr. NICKLES, and Mr. INHOFE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 7, line 23, strike ''$19,006,000,000'' and insert ''$19,215,500,000''.

On page 8, line 10, insert after the colon the following: ''*Provided further*, That of the funds made available under this heading, $5,000,000 shall be available for the Homeless Providers Grant and Per Diem (GPD) program:''.

On page 14, line 21, strike ''$90,000,000'' and insert ''$100,000,000''.

On page 73, line 22, strike ''$423,500,000'' and insert ''$199,000,000''.

On page 74, beginning on line 9, strike ''*Provided further*,'' and all that follows through ''section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)):''.

FEINSTEIN AMENDMENTS NOS. 1758–1759

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1758

At the appropriate place, insert the following:

SEC. _____. UNDERGROUND STORAGE TANKS.

Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

AMENDMENT NO. 1759

At the appropriate place, insert the following:

SEC. _____. UNDERGROUND STORAGE TANKS.

Not later than May 1, 2000, in administering the underground storage tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.), the Administrator of the Environmental Protection Agency shall develop a plan (including cost estimates)—

(1) to identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (including regulations);

(2) to identify underground storage tanks in temporary closure;

(3) to determine the ownership of underground storage tanks described in paragraphs (1) and (2);

(4) to determine the plans of owners and operators of underground storage tanks described in paragraphs (1) and (2) to bring the underground storage tanks into compliance or out of temporary closure; and

(5) in a case in which the owner of an underground storage tank described in paragraph (1) or (2) cannot be identified—

(A) to bring the underground storage tank into compliance; or

(B) to permanently close the underground storage tank.

BOND AMENDMENT NO. 1760

Mr. BOND proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 112, strike line 3 and all that follows through line 4 on page 113.

KERRY AMENDMENT NO. 1761

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 18, line 3, strike ''$10,855,135,000'' and insert ''$10,566,335,000''.

On page 18, line 4, strike ''$6,655,135,000'' and insert ''$6,366,335,000''.

On page 18, line 19, insert before the colon the following: '': *Provided further*, That of the total amount provided under this heading, $288,800,000 shall be made available for incremental section 8 vouchers under section 558 of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276; 112 Stat. 2614): *Provided further* That the Secretary of Housing and Urban Development may not expend any amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, for tenant-based assistance under the United States Housing Act of 1937 to help eligible families make the transition from welfare to work until March 1, 2000''.

BINGAMAN AMENDMENT NO. 1762

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 84, line 10, insert after ''(S. 1596)'' the following: '', of which $500,000 shall be available to the City of Bayard, New Mexico, to construct a new wastewater treatment facility for the City of Bayard, the Village of Santa Clara, and the Fort Bayard State Hospital''.

KERREY AMENDMENTS NOS. 1763–1765

(Ordered to lie on the table.)

Mr. KERREY submitted three amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1763

On page 78, line 21, after ''studies.'' insert the following, '': *Provided*, That within funds available, $120,000 shall be provided to the Fontenelle Forest Association for the Missouri River Ecology Institute.''

AMENDMENT NO. 1764

On page 31, line 23, after ''Act'', strike ''.'' and insert in lieu thereof '': *Provided further*, That within the funds provided, $1,500,000 shall be available for the North 27th Street Project in Lincoln, Nebraska''.

AMENDMENT NO. 1765

On page 31, line 23, after ''Act'', strike ''.'' and insert in lieu thereof '': *Provided further*, That within the funds provided, $750,000 shall be made available for Project Jericho in Omaha, Nebraska.''

SMITH AMENDMENT NO. 1766

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

At the appropriate place in the bill, insert:

''The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of no less than 90 additional calendar days.''

STEVENS AMENDMENT NO. 1767

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 28, line 25 after the word ''Council,'' insert ''$4,000,000 for the Special Olympics 2001 World Winter Games''.

SPECTER AMENDMENTS NOS. 1768–1769

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1768

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) The amount appropriated by this title under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'' is hereby increased by $14,500,000.

(b) Of the amount appropriated or otherwise made available for the Department of Veterans Affairs under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'', as increased by subsection (a), $14,500,000 shall be available for construction of a long term facility at the Department of Veterans Affairs Medical Center in Lebanon, Pennsylvania.

AMENDMENT NO. 1769

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) Using amounts available under subsection (b), the National Cemetery Administration shall provide for the construction of a national cemetery in Southwestern Pennsylvania in an amount not to exceed $12,000,000.

(b) The amounts available to the National Cemetery Administration for purposes of subsection (a) are the amounts appropriated under the heading ''DEPARTMENTAL ADMINISTRATION'' under the subheading ''CONSTRUCTION, MAJOR PROJECTS'' and allocated for the advance planning fund of the Department of Veterans Affairs.

GRAMM AMENDMENT NO. 1770

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 45, line 9, strike ''$16,000,000'' and insert in lieu thereof, ''$19,493,000''.

HUTCHISON AMENDMENT NO. 1771

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. _____. PROMULGATION OF STORMWATER REGULATIONS.

(a) FINDING.—The Senate finds that the Administrator of the Environmental Protection Agency has not sufficiently addressed the concerns of local governments concerning the Phase II stormwater regulations that are scheduled to be promulgated on October 29, 1999.

(b) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the regulations described in subsection (a) until the Administrator submits to the Committee on Environment and Public Works of the Senate a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold);

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the

Federal Water Pollution Control Act (33 U.S.C. 1342); and

(5) a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

McCAIN AMENDMENT NO. 1772

(Ordered to lie on the table.)

Mr. BOND (for Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) DEVELOPMENT OF PROPOSAL.—(1) The Secretary of Veterans Affairs shall develop a proposal for a system within the Department of Veterans Affairs for the collection of payments from third party payers under the Medical Care Cost Recovery Program of the Department which system shall, to the maximum extent practicable, utilize procedures for the collection of payments from third parties similar to the procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(2) In developing the proposal, the Secretary shall consider a variety of procedures utilized in the private sector for the collection of payments for health care costs from third parties.

(b) USE OF PRIVATE COST-RECOVERY ENTITIES DURING DEVELOPMENT.—(1) Notwithstanding any other provision of law, the Secretary shall, during the period referred to in paragraph (3), provide for the collection of payments from third party payers under the Medical Care Cost Recovery Program solely through appropriate private entities with which the Secretary contracts for that purpose.

(2) The fee paid a private entity for the collection of payments under a contract under this subsection shall be a contingent fee based on the amount of payments collected by the entity under the contract.

(3) The period referred to in this paragraph is the period beginning as soon as practicable after the date of the enactment of this Act and ending on the date that is six months after the date on which the Secretary commences collections under the Medical Care Cost Recovery Program through a system within the Department under this section.

(c) SAFEGUARDS.—The Secretary shall take appropriate actions to ensure that any collection practices utilized under this section do not impose unwarranted financial or other burdens upon veterans who receive medical care from the Department of Veterans Affairs.

(d) SUBMITTAL OF PROPOSAL.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the proposal developed under subsection (a). The report shall include—

(1) a description of the system covered by the proposal; and

(2) an assessment by an appropriate entity independent of the Department of the potential effectiveness of the collection procedures under the system in comparison with the effectiveness of the collection procedures of the private entities utilized under subsection (b).

(e) IMPLEMENTATION OF PROPOSAL.—The Secretary shall implement the system covered by the proposal submitted under subsection (d) commencing 90 days after the date on which the Secretary submits to Congress the proposal on the system under that subsection.

SNOWE AMENDMENT NO. 1773

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary on means of modifying the VERA formula, or implementing other reforms, in order to improve the access of veterans to health care in rural areas.

LEVIN AMENDMENTS NOS. 1774–1776

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1774

On page 77, line 21, after ''$642,483,000'', insert the following: ''of which not less than $3,000,000 shall be available to gather data and conduct studies relating to agriculture, recreation, economic development, human health, ecological impacts, and other land use issues for the Kalamazoo River watershed revitalization project,''.

AMENDMENT NO. 1775

On page 77, line 21, strike ''$642,483,000'' and insert ''$641,483,000''.

On page 84, line 6, strike ''$100,000,000'' and insert ''$101,000,000''.

On page 84, line 10, before the semicolon, insert the following: '', of which $1,000,000 shall be available for the renovation and replacement of the water system of the city of Benton Harbor, Michigan''.

AMENDMENT NO. 1776

On page 31, line 17, strike ''$110,000,000'' and insert ''$111,000,000''.

On page 31, line 23, insert before the period the following: '', and including $1,000,000 for the Muskegon, Michigan Housing Commission for use in developing duplex units''.

INOUYE AMENDMENT NO. 1777

Ms. MIKULSKI (for Mr. INOUYE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101–507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

REED (AND OTHERS) AMENDMENT NO. 1778

Mr. REED (for himself, Mrs. COLLINS, Mr. TORRICELLI, and Mr. CHAFEE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 42, line 12, strike ''$80,000,000'' and insert ''$100,000,000''.

At the appropriate place in title II, insert the following:

SEC. ____. (a) There is appropriated out of any money in the Treasury that is not otherwise appropriated for fiscal year 2000 for expenses necessary to carry out section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $20,000,000.

(b) Each amount appropriated or otherwise made available for each program, project, or activity relating to salaries, expenses, and program management under title I, II, or III of this Act (other than this section) that is not required to be appropriated or otherwise made available by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated for such programs, projects, or activities by $20,000,000.

BOND AMENDMENT NO. 1779

Mr. BOND proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 111, beginning on line 4 strike out ''or be used'' and all that follows through ''litigation activity'' on line 5.

SNOWE (AND OTHERS) AMENDMENT NO. 1780

Ms. SNOWE (for herself, Ms. COLLINS, and Mr. HAGEL) proposed and amendment to the bill, H.R. 2684, supra; as follows:

On page 17, between lines 14 and 15, insert the following:

SEC. 108. (a) SENSE OF SENATE.—It is the sense of the Senate that it should be the goal of the Department of Veterans Affairs to serve all veterans equitably at health care facilities in urban and rural areas.

(b) REPORT REQUIRED.—(1) Not later than six months after the date of the enactment

of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

DEWINE (AND VOINOVICH) AMENDMENTS NOS. 1781–1782

Mr. DEWINE (for himself and Mr. VOINOVICH) proposed two amendments to the bill, H.R. 2684, supra; as follows:

AMENDMENT NO. 1781

On page 113, between lines 16 and 17, insert the following:

SEC. 431. None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of transferring any research aircraft from Glenn Research Center, Ohio, to another field center of the Administration.

AMENDMENT NO. 1782

On page 113, between lines 16 and 17, insert the following:

SEC. 431. None of the funds appropriated or otherwise made available for the National Aeronautics and Space Administration by this Act may be obligated or expended for purposes of establishing at a field center of the Administration any research capability that would duplicate a research capability that currently exists at another field center of the Administration.

CRAIG AMENDMENT NO. 1783

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. 4___. PESTICIDE TOLERANCE FEES.

None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 30939, or any similar proposals.

SESSIONS AMENDMENT NO. 1784

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, H.R. 2684, supra; as follows:

On page 77, line 21, after "$642,483,000,", insert the following: "of which not less than $175,000 shall be available for a study conducted by the Geological Survey of Alabama of the fracturing of coalbed methane reservoirs in Alabama,".

FITZGERALD (AND DURBIN) AMENDMENT NO. 1785

Mr. BOND (for Mr. FITZGERALD (for himself and Mr. DURBIN)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has (a) consulted with veterans organizations, medical school affilittes, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented, and (b) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

BOND AMENDMENT NO. 1786

Mr. BOND proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . GAO STUDY ON FEDERAL HOME LOAN BANK CAPITAL.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the capital structure of the Federal Home Loan Bank System, including the need for—

(A) more permanent capital;

(B) a statutory leverage ratio; and

(C) a risk-based capital structure; and

(2) what impact such revisions might have on the operations of the Federal Home Loan Bank System, including the obligation of the Federal Home Loan Bank System under section 21B(f)(2)(C) of the Federal Home Loan Bank Act.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a)."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, September 22, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Government Affairs Committee be permitted to meet on Wednesday, September 22, 1999 at 10:00 a.m. for a hearing regarding the Department of Justice's Investigation of Charlie Trie.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, September 22, 1999 at 10:00 a.m. to conduct a hearing on S. 1587, a bill to amend the American Indian Trust Fund Management Reform Act of 1994 to establish within the Department of the Interior an Office of Special Trustee for Data Cleanup and Internal Control and; S. 1589, to amend the American Indian Trust Fund Management Reform Act of 1994.

The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, September 22, 1999 at 9:00 a.m. to mark up S. Res. 172, a resolution to establish a special committee of the Senate to address the cultural crisis facing America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 22, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet at 10:00 a.m. on Wednesday, September 22, 1999, in open session, to receive testimony on the National Security requirements for continued training operations at the Vieques Training Range.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF COUNCIL BLUFFS, IOWA EAGLE SCOUT AWARDS

• Mr. GRASSLEY. Mr. President, I recognize and congratulate the following

young men who recently achieved the rare and honored distinction of being presented the Eagle Scout Award. The wide range of knowledge that they have gained in earning this award reflects dedication and accomplishment in many different fields of human endeavor that will benefit the Council Bluffs, Iowa community in which they live.

These new Eagle Scouts include Joshua Reinders, son of Greg and Jackie Reinders; Paul McGrath, son of Ray and Marsha McGrath; Steven DeLong, son of Don and Melissa Delong; Gregory Versch, son of Mark and Rebecca Versch; and Roland Whitt, son of Tillman and Susan Whitt.

All of these young men and their families are to be commended for their community involvement and service.●

THE LIFE OF FREDERICK P. ROSE

● Mr. MOYNIHAN. Mr. President, I rise to celebrate the life of Frederick P. Rose who died last week at the fine age of seventy-five, after a life that enhanced the lives of so many others. He was, of course, a member of the celebrated Rose family which rose, if you like (and he would have done!) with New York City itself, ever upwards and onwards. His craft was building—he was a graduate engineer—his art was friendship, but his genius lay in the way he would use his own wealth and epic energies to engage the support of legions of friends in the widest range of civic enterprise. The range was exceptional, from the New York Public Library, to the American Museum of Natural History, to Yale University. As his richly-detailed obituary in The New York Times records, most often his gifts were anonymous, although eventually most were known, for how could we not notice how things changed around him.

He was for all this rather a private person, devoted to family, his wife Sandra, their children and grandchildren, his brothers Daniel and Elihu. These and also the musicians and chess players and plain fun-loving folk with whom he cavorted through three-quarter's century of the life of New York with a grace rarely imagined and yet more rarely attained.

We whom he leaves behind take consolation in Yeats' lines:

Think where man's glory most begins and ends,
And say my glory was I had such friends.

I ask unanimous consent to have his full obituary printed in the RECORD.

The obituary follows:

[From the New York Times, Sept. 16, 1999]

FREDERICK P. ROSE, 2D-GENERATION BUILDER AND A MAJOR PHILANTHROPIST, IS DEAD AT 75

(By Charles V. Bagli)

Frederick P. Rose, a highly successful builder who poured his energy into two dozen major apartment projects and an equal number of institutions that adorn the New York skyline, from Lincoln Center to Rockefeller University and the Children's Aid Society, died Tuesday night. He was 75.

He died at his home in Rye, N.Y., after a brief illness, his family said.

A second-generation member of a New York real estate dynasty, Mr. Rose could be found until earlier this year supervising construction of a 50-story apartment house, the Belvedere, at 29th Street between Fifth and Madison Avenues.

It was the latest project for Rose Associates, which owns or manages 12,000 apartments in New York and four million square feet of commercial space.

At the same time, and with equal enthusiasm, he was overseeing construction of the $150 million Frederick Phineas and Sandra Priest Rose Center for Earth and Space at the American Museum of Natural History, the giant sphere that houses the new Hayden Planetarium. Mr. Rose not only wrote a $20 million check for the planetarium but also was the project leader for the trustees.

''He was a builder in every sense of the word, not just of buildings, but of institutions,'' said Ellen Futter, president of the American Museum of Natural History.

Over the years, Mr. Rose also donated $5 million to the Metropolitan Museum of Art, $15 million to the New York Public Library and $18 million to Lincoln Center; in all, he gave away more than $95 million.

A forceful man with a reputation for keeping his word, Mr. Rose could breeze into a meeting, as he did earlier this year with his longtime friend and partner, Charles Benenson, and within minutes size up the situation and agree to a $24 million real estate deal for land on 44th Street, near Third Avenue, for a 51-story apartment house.

Mr. Rose was still building tall buildings while his nephew, Joseph B. Rose, current chairman of the New York City Planning Commission, labored to change the zoning laws to bar oversized towers in Manhattan.

Although the Rose family's buildings were known more for efficiency than architectural detail, Mr. Rose was most proud of building two towers that won awards for design: the Bankers Trust Building at 280 Park Avenue, near 48th Street, and a 40-story apartment house at 45 East 89th Street.

His interests ranged widely.

Mr. Rose always carried a stack of foreign currency and American dollar bills, which he would fold into intricate origami figures of birds, cows and walruses and present to his delighted friends.

At the end of a stuffy board meeting at Lincoln Center, Mr. Rose would often stroll over to a piano and play a few songs for the amusement of the other directors. He played golf up to four times a week and, last year hired a national chess champion to sharpen his skills.

Mr. Benenson, who had been a partner in many of Mr. Rose's real estate deals since the early 1960's, said he called his friend two months ago, suggesting that they raise $100,000 from each of 10 people for the refugees in Kosovo.

The next day, Mr. Benenson recalled, the developer called back and said, ''O.K., we'll do it through the American Jewish Committee, because we want to show the world that Jewish people are helping Muslims.''

''Two or three days later,'' Mr. Benenson concluded, ''we had $1.4 million.''

An engineer by training, Mr. Rose wrote in a 1994 journal commemorating the 50th anniversary of his graduation from Yale University that the central focus of his life had been his family. He wrote that he had been on the boards of 35 organizations, from Con Edison to Yale University. He took pride in being a builder.

Finally, he wrote: ''I don't read trash, watch TV or have an interest in spectator sports. This leaves time for active participation in things I enjoy: music, chess, tennis, golf, travel, skiing and friendship.''

Mr. Rose's insistence on providing advice and hiring consultants for projects to which he had contributed sometimes rankled other developers, but institutions and their directors embraced him.

Until recently, Mr. Rose was chairman of the real estate company started by his father, Samuel B. Rose, and his uncle, David Rose, in the Bronx around the time he was born, in 1923. The two brothers built small apartment houses in the Bronx before moving into Manhattan a decade later. Samuel had three sons, Daniel, Elihu and Frederick, all of whom joined the company after World War II. Frederick's son, Adam, is now president of Rose Associates.

Mr. Rose married his teen-age sweetheart, Sandra Priest of Rye, in the early 1940's. She survives him, along with a daughter, Deborah Rose; two sons, Jonathan F. P. Rose and Adam R. Rose, both of New York; two brothers, Daniel and Elihu, and three grandchildren, Ariel, Rachael and Sarah.

Mr. Rose served in the construction battalions of the Navy Seabees during World War II, rising to the rank of lieutenant before he returned to New York and Rose Associates. He took charge of design and construction, while Daniel did the planning and finances and Elihu took over management of the family's apartment houses.

Mr. Rose built more than 2,000 units of middle-income housing under the state's Mitchell-Lama program, as well as the family's first office tower, at 280 Park Avenue.

But unlike some developers who showed up in the gossip columns during the 1980's and 1990's, Mr. Rose and his family avoided publicity. He usually contributed money to charities anonymously, and word of the donations rarely leaked out until years later.

''He built good-quality housing and he was devoted to community service,'' said Robert I. Shapiro, a real estate broker who knew Mr. Rose.

A longtime opponent of rent control, Mr. Rose converted more than 3,000 apartments in Manhattan during the early 1990's to condominiums and co-ops. Many people in the industry thought it was a risky move, given the recession.

But unlike many landlords at the time who were struggling with enormous loans, the Rose family had buildings that were largely free of debt, and the conversion went off without a hitch.

''He secretly believed he was the finest construction superintendent in the city,'' said his brother Daniel, who is now chairman of Rose Associates. ''He liked to kick the bricks.''

Mr. Rose applied the same energy enthusiasm and discipline to his philanthropic work as his professional work, his brother said. When Mr. Rose, along with his wife, gave $15 million to Lincoln Center, he also helped engineer the construction of the Rose Building, a 31-story tower that houses rehearsal space and dormitories for the Juilliard School of Music and offices for the School of American Ballet and the New York Philharmonic.

''He had a mercurial mind and it was fun trying to keep up with him,'' said Beverly Sills, the chairwoman of Lincoln Center. ''He was a man of the world in every sense of the word. I'm really going to miss him.''●

ORDER FOR RECESS

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Thursday, September 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BOND. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow at 9:30 a.m. On Thursday morning, it is expected the Senate will resume consideration of the Interior appropriations bill to complete the last remaining issue on that legislation prior to final passage. In order to resume the oil royalties issue, it may be necessary to have several procedural votes in the morning. All Senators should be prepared for early morning votes on Thursday in order to complete the Interior appropriations bill. Again, those votes are expected to begin shortly after 9:30 a.m.

In addition, the Senate will resume consideration of the VA–HUD appropriations bill, with the hope of finishing that legislation as well. Votes will, therefore, occur early tomorrow morning and throughout the day.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BOND. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:04 p.m., recessed until Thursday, September 23, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 22, 1999:

DEPARTMENT OF THE TREASURY

GREGORY A. BAER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE RICHARD SCOTT CARNELL, RESIGNED.

DEPARTMENT OF STATE

MARY CARLIN YATES, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

THE JUDICIARY

JOEL A. PISANO, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY VICE MARYANNE TRUMP BARRY, ELEVATED.

JAMES M. LYONS, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN P. MOORE, RETIRED.

ALLEN R. SNYDER, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE PATRICIA M. WALD, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 8036:

To be lieutenant general

MAJ. GEN. PAUL K. CARLTON, JR., 0000.

HOUSE OF REPRESENTATIVES—*Wednesday, September 22, 1999*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 22, 1999.

I hereby appoint the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

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

PRAYER

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

We pray, O gracious God, that all the good values of daily living will come to us and nurture us along the way. While we pray for the wonders of faith and hope and love, our prayer is that our lives will be encouraged by the marvelous gifts that have come from You, our creator and redeemer, and from the lives of those near to us.

May we, O God, so live our lives in response to these blessings that our words and deeds will be marked by a spirit of thanksgiving and praise, of appreciation and adoration for all the wondrous benedictions we have received and for the kindness and generosity of our colleagues, our family and our friends.

In Your name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LEE) come forward and lead the House in the Pledge of Allegiance.

Ms. LEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WORLDWIDE HEROIN CRISIS

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

Mr. GILMAN. Mr. Speaker, the world is now awash in deadly heroin. Last week, the New York Times reported that Afghanistan now produces three-quarters of the world's supply of opium, the basic ingredient for heroin. Production is soaring under Taliban control, and another 270 tons of heroin may be available from the coming bumper opium crop in Afghanistan.

In addition, we have Burmese heroin aplenty, and here at home we are awash in Colombian heroin that is purer, cheaper, and ever more deadly than we all have seen in the past.

Today, the United States heroin market, especially along the East Coast, is dominated by this Colombian heroin, while Europe is facing the massive Asian flood of heroin; and with a recent new twist, our European friends are also seeing more and more Colombian cocaine as well.

All of this opium and heroin production flourishes, especially where there is no government or weaker, ineffective government unable or unwilling to control illicit narcotics. This is a collective challenge for the international community which must and has an obligation to face collectively for the benefit of our children.

NEW WORLD BILL COLLECTORS

(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 U.N. says we owe them a billion dollars and if we do not pay we will lose our vote. The U.N. also said they accepted three new member countries. All three are smaller than the hometowns of my colleagues. One has 8,000 people.

Now, if that is not enough to tax our peacekeeping, check this out. These three countries will have three votes. We will still have one vote.

Beam me up, Mr. Speaker. The truth is the United Nations owes Uncle Sam $6 billion for saving their international assets year in and year out.

I say it is time for Congress to tell these New World bill collectors to shove their debt up their charter. Think about that.

I yield back the big vote we will lose at the United Nations.

BROAD-BASED TAX RELIEF IS BEST ANSWER

(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, the average working family in Nevada toiled until May 14 of this year just to pay their tax bill. Now, this seems not only unbelievable but unconscionable, as well. However, it is true, and here is why:

Mr. Speaker, Americans are paying a record-high 21 percent of their gross domestic product in taxes, the highest since World War II according to the Congressional Budget Office.

The average U.S. household will pay approximately $5,307 more in taxes to their Government than it needs over the next 10 years according to the Congressional Research Service.

The typical American working family pays more than 38 percent of its income in total taxes, more than it spends on food, clothing, and shelter combined. The average household pays $9,445 in federal income taxes alone, which is twice what it paid in 1985.

Is it any wonder that Americans feel as though they are working harder than ever but cannot seem to get ahead?

Broad-based tax relief is the best answer. Working families should not be working for Washington. Rather, Washington should be working for families.

I yield back any change we have in our pockets.

GUN SAFETY LEGISLATION

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

Ms. DELAURO. Mr. Speaker, another week in America, another mass shooting. Seven people killed at Ft. Worth, Texas, four of them children. Every day 13 children are killed by guns in America. Yet, this Congress does nothing.

Opponents to gun safety laws say that no law could have prevented the Ft. Worth tragedy. They may be right. But just because we cannot save all of

the children does not mean we should not try to save any of our children.

Hundreds of children have died since the tragedy at Columbine High School, when Congress promised to act.

Today I join my colleagues to pay tribute to some of those children and to urge the congressional leadership to pass gun safety legislation in their memory.

April Bonita Turner, age 18, killed by gunfire on April 20, 1999, Washington, D.C.; Courtney Bradley, age 18, killed by gunfire on April 22, 1999, St. Louis, Missouri; James Walton, age 16, killed by gunfire on April 22, 1999, St. Louis, Missouri; Pierre David, age 18, killed by gunfire on April 28, 1999, Detroit, Michigan; Sheldon Jones, age 17, killed by gunfire on April 28, 1999, Washington, D.C.; Tonetta Smith, age 16, killed by gunfire on April 29, 1999, Washington, D.C.

NATIONAL MINORITY ENTREPRENEURS OF THE YEAR

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

Mrs. WILSON. Mr. Speaker, tonight in Washington, D.C., the country will recognize nine national minority entrepreneurs of the year. Of those nine, two come from Albuquerque, New Mexico.

Miguel Rios started Orion International Technologies in 1985 and has grown that company to 140 employees and $9 million in revenue providing engineering and systems integration services for lasers at White Sands Missile Range and Air Force Research Laboratory. He is one of the Nation's top Hispanic high-tech firms.

Tito Bonano started Beta Corporation in 1993 to provide radioactive waste management services and has branched into computer services, as well. Both of these national minority entrepreneurs of the year formerly worked at Sandia National Laboratories in Albuquerque, and Tito has also had his business named as one of the top 10 of New Mexico's Flying 40, the fastest growing high-tech firms.

We are all proud of them as Americans and as New Mexicans and we honor them today.

YOUTH VIOLENCE PLAGUES OUR INNER CITIES

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

Ms. LEE. Mr. Speaker, youth violence has plagued our inner cities for years. Legislators, community activists, parents, and teachers have all called for a comprehensive solution.

Homicide is the leading cause of death among black males age 15 to 24. Unfortunately, now gun violence is now happening everywhere. We must pass gun safety legislation now. Access to guns by children and criminals should end.

Let us remember all children who have been killed by gunfire. I call to the attention of my colleagues those who have been killed since the Columbine tragedy:

Pablo Vega, age 18, killed by gunfire on May 4, 1999, Detroit, Michigan; Ernest Troche, age 17, killed by gunfire on May 8, 1999, Bridgeport, Connecticut; Salvador Galioto, Jr., age 13, killed by gunfire on May 9, 1999, Milwaukee, Wisconsin; Tyquan Miller, age 9, killed by gunfire on May 16, 1999, Richmond, Virginia; Brad Crouse, age 15, killed by gunfire on May 19, 1999, Hillsboro, Wisconsin; Edward Belton, age 18, killed by gunfire on May 21, 1999, St. Louisiana, Missouri; George Camacho, age 14, killed by gunfire on May 22, 1999, San Bernardino, California.

PRESIDENT RELEASES FALN TERRORISTS

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

Mr. PITTS. Mr. Speaker, last week the President of the United States released the FALN terrorists from prison onto the streets. These terrorists committed heinous crimes and were convicted of robbery, sedition, and conspiracy. We even have pictures of them actually making bombs. The President somehow trusts these terrorists that they will now do the right thing.

Mr. Speaker, when it comes to the American taxpayers deciding for themselves how to spend their own money, the President does not trust them. The President prefers to continue letting the bureaucracy in Washington dictate how Americans' hard-earned money is spent.

This is what President Clinton said earlier this year: ''So the question is, what do we do with the surplus? We could give it all back and hope you spend it right.''

How about that? The President can only hope the American people would do the right thing. That is outrageous, Mr. Speaker. The President trusts FALN terrorists. He trusts the federal bureaucracy here in Washington. But he does not trust the American people with their own money.

What is next? The Unabomber on the street?

GUN SAFETY LEGISLATION

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

Ms. SCHAKOWSKY. Mr. Speaker, in my hometown of Evanston, Illinois, I have been to three funerals in recent months. I have cried with grieving parents bearing their children because of senseless gun violence. To honor the memories of those children, I pledge my support for gun safety legislation and continue the roll call of names of children who have been killed by gunfire since Columbine:

Susie King, age 11, killed by gunfire on May 23, 1999, West Lampeter, Pennsylvania; Lee Brown, age 16, killed by gunfire on May 27, 1999, Forest Park, Georgia; Armando Garcia, age 16, killed by gunfire on May 28, 1999, San Bernardino, California; Angela Yglesias, age 18, killed by gunfire May 28, 1999, Detroit, Michigan; Antonio Munoz, age 17, killed by gunfire on May 30, 1999, Providence, Rhode Island; Iris Turull, age 3, killed by gunfire on May 31, 1999, Bronx, New York; Daron Mitchell, age 18, killed by gunfire on May 31, 1999, Akron, Ohio; Allen Darrington, age 17, killed by gunfire on June 1, 1999, Kansas City.

ELIMINATION OF THE MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, is it right, is it fair that under our tax code married working couples pay more in taxes just because they are married? Is it right, is it fair that 21 million married working couples pay higher taxes than identical couples with identical incomes who live together outside of marriage? Of course it is wrong.

Let me introduce to my colleagues Michelle and Shad Hallihan, public school teachers from Joliet, Illinois. They suffer the marriage tax penalty. Twenty-one million married working couples pay an average $1,400 more in higher taxes just because they are married.

Now, $1,400 in Joliet, Illinois, where Shad and Michelle live, is one year's tuition at Joliet Junior College. It is 3 months of day-care at a local child care center. It is also several months' worth of car payments.

This Republican Congress believes we should eliminate the marriage tax penalty. We passed legislation as part of the Financial Freedom Act, our tax cut, to eliminate the marriage tax penalty for a majority of those who suffer it, people like Michelle and Shad Hallihan.

My colleagues, the question is will the President join with us? Does he want to spent the money here in Washington, or does he want to eliminate the marriage tax penalty?

Mr. President, sign the tax cut. Let us eliminate the marriage tax penalty for Michelle and Shad Hallihan.

HOW MANY MORE CHILDREN'S LIVES WILL END BY GUNFIRE?

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

Mrs. LOWEY. Mr. Speaker, how many more children's lives will be ended by gunfire? How many more tears will parents shed?

□ 1015

Mr. Speaker, it is time to act. We must pass gun safety legislation now.

Mr. Speaker, I am here to continue the roll of names of children who have been killed by gunfire since Columbine:

Dominic E. Johnson, age 16, killed by gunfire on June 1, 1999, St. Louis, Missouri;.

A.J. Flores, age 13, killed by gunfire on June 2, 1999, Grand Prairie, Texas;.

William Floyd, age 18, killed by gunfire on June 2, 1999, Washington, D.C.;.

Ricky Salizar, age 12, killed by gunfire on June 2, 1999, Roswell, New Mexico;.

Rodney Nelson, age 17, killed by gunfire on June 3, 1999, Detroit, Michigan.

DEFEAT H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

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

Mr. GUTKNECHT. Mr. Speaker, for 62 years dairy farmers in the upper Midwest have been placed at a competitive disadvantage. For 62 years we have received less for our milk simply because we are closer to Eau Claire, Wisconsin. No other product in America is priced based on where it comes from and what it goes into, only milk.

In response to this, a couple of years ago Congress authorized the Secretary of Agriculture to come up with modest reforms. Dairy farmers have spoken. They voted in a plebescite to endorse Secretary Glickman's modest proposal.

Mr. Speaker, out in the Midwest we have an expression: A deal is a deal; and a bargain is a bargain.

The farmers have spoken, but unfortunately we are going to have a great debate today to undo those modest reforms.

Mr. Speaker and colleagues, please as we listen to this debate today, we should vote our consciences, not the special interests, defeat H.R. 1402.

THIS CONGRESS WILL NOT PASS REAL GUN SAFETY LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I stand here to offer the names of dead children, the names of children who were killed by guns since Columbine. I represent the mothers whose tears will not dry and the fathers who have broken hearts because of the loss of their children because this Congress will not pass real gun safety reform.

So this morning, Mr. Speaker, I am here to continue the roll of our dead children:

Robert J. Prough, age 13, killed by gunfire on June 4, 1999, Beaver Dam, Wisconsin;

Maurice Jiles, age 18, killed by gunfire on June 5, 1999, Gary, Indiana;

Joseph Sweeney, age 18, killed by gunfire on June 5, 1999, Washington, D.C.;

Lawanza Robinson, age 18, killed by gunfire on June 16, 1999, Detroit, Michigan;

Blaine Reeves, age 15, killed by gunfire on June 9, 1999, Atlanta, Georgia;

Raphael Rivera, age 14, killed by gunfire on June 10, 1999, Harrisburg, Pennsylvania;

Shannon Smith, age 14, killed by gunfire on June 14, 1999, Phoenix, Arizona;

Brandon Williams, age 3, killed by gunfire on June 15, 1999, Hollywood, Florida.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. A study from the General Accounting Office reveals that President Clinton's trips last year to Africa, China, and Chile cost more than $72 million. The President's six-nation tour of Africa required advanced, 10 separate advance, trips to arrange the itinerary, 1300 military and civilian officials, more than 200 White House aides, 13 helicopters and enough equipment to require 98 air cargo missions, all at a cost of $43 million. A 10-day trip to China costs nearly $19 million, and a 4-day regional summit in Chile had a $10.8 million price tag. Of the 72.1 million total for these three trips, 84 percent was charged to the Defense Department.

At a time when Bill Clinton is gutting defense budgets and asking for military personnel to do more with less it is offensive that he draws tens of millions of dollars for presidential trips that yield very little. Instead of perpetuating the 13-year downward defense spending cycle this administration has continually promoted, Clinton should build up America's military that he so readily uses.

Does not it appear excessive to pin $72 million on three trips billed as goodwill tours? Bill Clinton gets my ''Porker of the Week Award.''

WHO WOULD HAVE THOUGHT THERE WOULD EVER BE A CONGRESS LIKE THIS ONE?

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

Ms. NORTON. Mr. Speaker, who would have thought that our country would ever see so much gun carnage? Who would have thought that the killings would spread from districts like mine to districts of all my colleagues? Who would have thought there would ever be a Congress like this one who would have done nothing about the killing of children like those whose names I read killed since Columbine?

Lee Martindale, age 14, killed by gunfire on June 17, 1999, St. Louis, Missouri;

Roshon Hollinger, age 5, killed by gunfire on June 20, 1999, Atlanta, Georgia:

Darryl Hall, age 13, killed by gunfire on June 22, 1999, Jacksonville, Florida;

Khari Bartigan, age 18, killed by gunfire on June 23,1999, Boston, Massachusetts;

Deslond Glenn, age 17, killed by gunfire on June 24, 1999, Fort Worth, Texas;

Fred Warren, age 18, killed by gunfire on June 25, 1999, Miami-Dade County, Florida;

Chau Tran, age 17, killed by gunfire on June 26, 1999, Lansing Michigan;

Richard Rogers, age 16, killed by gunfire on June 29, 1999, Fort Wayne, Indiana.

PUTTING EVERYDAY AMERICANS AHEAD OF BIG GOVERNMENT

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

Mr. SCHAFFER. Mr. Speaker, government confiscates too much money from the American family. In my view, the Republican tax relief package currently sitting on the President's desk improves the fairness of the Tax Code.

For example, it reduces the marriage tax penalty which seems to me an obvious step in the right direction. It also gets rid of the estate tax, or as it is commonly known, the death tax. It will also make it easier for people to keep the family farm or the family business when an owner dies. It also makes it easier for people to obtain health insurance, a measure that will make a real difference in the lives of millions. It will also make it easier for families to save for their children's education, certainly something that should warm the hearts of those who wanted greater fairness in a tax code.

The Tax Code is unfair, but the President has threatened to veto our tax relief package maybe even today. I hope he will reconsider, Mr. Speaker, and put the everyday Americans ahead of big government.

WHILE REPUBLICANS ARE TAKING CARE OF BILLIONAIRES, WHO IS TAKING CARE OF OUR CHILDREN?

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

Ms. WOOLSEY. Mr. Speaker, there are other ways to take care of our children as well as gun control. The Republicans have tried for the past month to sell their $792 billion tax package to the American people, but American people are smarter than that. They know that the Republican tax plan is designed mainly to take care of billionaires. What American people want to know is: Who is taking care of our children?

They also know that our Republican colleagues are not taking care of our children. Our children do not need tax breaks for the wealthiest 1 percent of Americans, they do not need corporate tax breaks. Our children need the surplus invested in their future by protecting Medicare, Social Security, and paying down our national debt. They also need gun control for their safety.

So I ask my Republican colleagues, while they are taking care of billionaires, who is taking care of our children?

THEY TALK ABOUT GUN CONTROL BUT CONSISTENTLY REFUSE TO DO ANYTHING ABOUT CRIME CONTROL

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

Mr. ROGAN. Mr. Speaker, first I want to say to my friends on the other side of the aisle who have been reading a list of names: I think that is entirely appropriate that we remember the names of children who died by gun violence at the hands of criminals. But that tells part of the story. Perhaps it would be appropriate today if we also read the names of liberals in this Chamber who have consistently voted against building more prisons to house violent criminals; the names of liberals who consistently vote against tough-on-crime measures, the names of liberals who today support a President of the United States who grants clemency to terrorists.

We ought to read the names of innocent victims who have defended themselves against gun violence over the years. Let us read the names of women who have defended themselves against rape, or defended children in their home. Let us remember the names of the Founding Fathers who intended every law-abiding American to have that right of defense against gun violence. Let us hold people accountable for illegal actions, and let us hold politicians accountable that talk about gun control out of one side of their mouth, then consistently refuse to do anything about crime control.

MOO DOO ECONOMICS

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

Mr. KIND. Mr. Speaker, I am pleased to announce today the creation of a new Federal program that will subsidize aqua farmers that raise lobsters to sell to consumers, and the amount of the subsidy will depend on the distance these lobster farmers are from Boston and Maine. Sound silly and ridiculous? Well, it is of course, but welcome to the world of our Federal dairy policy. Milk is the only product produced in this country that faces price discrimination based on where it happens to be produced and what it is used for, and that distance is based on a city in the heart of my congressional district, Eau Claire, Wisconsin.

But today, Members of Congress have the ability to allow reform, much needed, long overdue reform, of that antiquated, depression-era policy to go forward by voting no on 1402 and saying good-bye finally to the ''old moo-doo'' economics that we have been operating under since the great depression.

AMERICANS WANT THEIR CHANGE BACK

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

Mr. TIAHRT. Mr. Speaker, recently I was in Wichita, Kansas, at a fast food restaurant, and the person in line ahead of me ordered $4 worth of food. He handed over a $5 bill to the cashier, and they expected their change back, as would every American. They overpaid their food order, and they expected their change.

Mr. Speaker, America has overpaid the cost of government, and they expect their change. What the Republicans have done is pay for the cost of the Federal Government, lock up all Social Security payments, protect Medicare payments, pay down the publicly-held debt, and after we have spent all that money and set aside all that money we still have overpaid the cost of government.

Mr. Speaker, America deserves their change back, and that is exactly what our tax relief package does. It gives America back their change.

Mr. Speaker, I hope the President will not veto Americans right to get their change back, from their overpaid bill.

MORE TAX RELIEF FOR THE RICH

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

Mr. WYNN. Mr. Speaker, I rise today to support the President's veto of the Republican tax proposal because it is a disgrace.

We hear the Republicans come up and say we want tax relief for Americans, but when we look at the facts and when we go behind the rhetoric, what we find is that this is more tax relief for the rich. Over 60 percent of the benefits in this tax package go not to the average American, not to the school teachers and the policemen, but they go to the very wealthy. They go to the people who are already doing very well in this society, the people who are making a killing on the stock market. The 20 percent of the wealthiest Americans in this country will get the lion's share of the benefits. That is not right.

We will hear my Republican colleagues talk about the marriage penalty, and we should not penalize married couples. Mr. Speaker, I agree with that, but what about the tax relief for the rich and the estate tax? Only 2 percent of Americans pay estate taxes, the wealthiest 2 percent in America. They have to have an estate over a million dollars in order to get estate tax relief, and that is who they want to give a tax break to.

Look further. What do we find? More special interest tax breaks throughout this $800 billion monstrosity.

We can have reasonable tax relief, but we should pay down the debt, improve Medicare, provide prescription drugs, and invest in education not give more tax relief for the rich.

□ 1030

ILLEGAL DRUGS SHOULD REMAIN ILLEGAL, EVEN IN OUR NATION'S CAPITAL

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

Mr. BARR of Georgia. Mr. Speaker, some are urging President Clinton to veto the fiscal year 2000 D.C. appropriations bill, not because it spends too little, not because it spends too much, but, get this, because it simply contains a provision that says the District of Columbia can take no steps to legalize mind-altering drugs.

Now we know that about 70 percent of D.C. voters want to legalize drugs, including the current and, of course, the former mayor. That comes as no surprise. What would come as a surprise is if President Clinton vetoes this bill because it simply says illegal drugs remain illegal in our Nation's capital. Hopefully, the President, rather than listen to these folks, will listen to America's parents, police officers and his own drug policy head, General Barry McCaffrey; sign this D.C. appropriations bill and remind the District

of Columbia that it remains part of the Union and subject to federal antidrug laws.

EMERGENCY FARM ASSISTANCE

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

Mr. HAYES. Mr. Speaker, over the past several months, I have traveled my district, the 8th District of North Carolina, and spent dozens of hours listening to farmers and ranchers tell me about the state of the farm economy.

In February, I, with the help of the gentleman from Illinois (Mr. EWING) and the Committee on Agriculture, hosted a field hearing in Laurinburg to learn farmers' concern about the current crop insurance program and what changes they felt needed to be implemented to achieve meaningful reform.

The Committee on Agriculture took the comments of my farmers and the comments from other farmers around the country and passed a bill which addresses their concerns and will strengthen crop insurance and provide better risk management tools for farmers and ranchers.

Crop insurance is just one recent example of how the Committee on Agriculture takes a grass-roots approach in learning about a problem and then, with a bipartisan effort, efficiently works to solve it.

Congress is once again being called upon to listen to what is going on in farm country and respond in a timely and effective manner. After hearing from my farmers, I introduced a bill last week, H.R. 2843, the Emergency Assistance for Farmers and Ranchers Act of 1999. In addition, I call on Members to help pass the emergency spending bill necessary for flooding and drought in crop areas this week.

WHEN TAX DOLLARS ARE USED FOR MORE GOVERNMENT PROGRAMS, THE LIBERALS ARE SILENT

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

Mr. WELDON of Florida. Mr. Speaker, if Republicans want to provide tax relief to American families, the liberals are outraged. What about the national debt, they shout? But when it comes to more Washington spending, suddenly, the liberals are silent. Not a word is spoken by the liberals about the debt when more spending and bigger government is being debated. Suddenly, it is as if the national debt never existed.

This feigned concern about fiscal discipline and the national debt by the same people who have spent the past 40 years expanding government and accumulating that debt is obviously insincere. Tax relief never, but more government spending, sure. That is the pattern and we see it day in and day out. The less revenue the Government takes in, the less social engineering, the less redistribution of wealth and the fewer new Government programs the left can oversee. That is why they hate tax relief so much.

THE GOVERNMENT SHOULD NOT KOWTOW TO SPECIAL INTERESTS, INCLUDING DAIRY CARTELS

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

Mr. ROYCE. Mr. Speaker, the price Americans pay for a gallon of milk is dependent upon how far they live from Eau Claire, Wisconsin. Now, this is moodoo economics. In 1996, Congress passed and I supported the Freedom to Farm Act, which directed the Department of Agriculture to create a more market-oriented dairy program. Yet today some in Congress want us to take a step backwards away from reform.

Today's bill would create a costly, burdensome bureaucracy. Dairy cartels are economically inefficient. They are protectionist. They are unfair. They cost the consumer $1 billion a year. Government should not be subsidizing businesses. We do not do it for computer chip factories or convenience stores. So instead of protecting dairy cartels, we ought to protect America's 250 million American taxpayers and consumers, and I urge my colleagues to oppose H.R. 1402. Stop milking our taxpayers. Do not kowtow to special interests.

IF THE PRESIDENT VETOES THE REPUBLICAN TAX BILL, HE RAISES THOSE TAXES BACK TO THE LEVEL THEY WERE BEFORE

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

Mr. COLLINS. Mr. Speaker, I ask, Is today the day the President is going to raise taxes on married couples, increase the income tax rates, tax educational savings, tax families who want to keep family members in their home who are now of senior age, those who want to purchase health insurance, those who want to purchase long-term care insurance? Is today the day he is going to reinstate the death tax, the alternative minimum tax?

That is right, Mr. Speaker. The Congress has lowered the tax burden on American families, American workers and American business by $792 billion. If the President vetoes that tax bill, he raises those taxes back to the level they were before the Congress lowered taxes on American workers, American families, and American businesses.

CONSOLIDATION OF MILK MARKETING ORDERS

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 294 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1402.

□ 1036

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders, with Mr. HASTINGS of Washington in the Chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

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

Mr. Chairman, as all Members know, dairy policy debates are contentious and are characterized more often than not by regional as opposed to ideological differences.

The House Committee on Agriculture has endeavored to provide Members on all sides of this issue ample notice and a fair process in which to debate their views and represent the interests of their constituents.

H.R. 1402, as reported, addresses several perceived weaknesses of the final decision of the U.S. Department of Agriculture as well as current law. During committee consideration, several amendments were included to deal with concerns over price volatility, manufactured product formula pricing, and price support.

Mr. Chairman, I know Members are split on dairy policy. I am also aware that there is no great sense of camaraderie within the industry on this issue. This is a modest bill which makes some modest changes in the federal dairy program. I urge all Members to support this legislation.

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

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

Mr. Chairman, I rise in strong support of H.R. 1402.

Mr. Chairman, we have a considerable variety of federal programs meant to guarantee a healthy agricultural sector for our Nation. Year after year, Congress has reaffirmed its commitment to build, redesign and improve policies that promote it. The more I think about these different programs and their purposes, the more I come to the conclusion that the key to a strong system for farming and ranching is the maintenance of policies that support cooperative effort.

I am very excited that we have the opportunity to debate this issue today. Because whether we are talking dairy or cotton or sheep or hogs or corn, the problem is price. We have to find ways for our producers to get more of the agricultural dollars, and the long-term solution from the producer standpoint is cooperation, cooperation in the traditional sense of cooperatives and cooperation now soon to be in a nontraditional sense in which corporate America recognizes it is in their best interest to do whatever is necessary to see that more of the consumer dollars go to the producer's pocket.

Mr. Chairman, dairy farmers are extremely vulnerable as stand-alone price-takers. Being a highly perishable commodity, raw milk can be kept on the farm for only so long before it becomes worthless. This fact is what has given rise to the need for a federal pricing system. The federal milk marketing order system promotes the opportunity for dairy producers to get a fair deal from the processor and does so without setting strict, unaltered minimums. Instead, regulated prices fluctuate each month according to changes in the market. The key benefit of the program then is not in price enhancement but in the promise of uniformity that takes away the processor's opportunity to play one producer off against another.

Mr. Chairman, this program promotes producer cooperation. Without that cooperation, the producer has little chance of bargaining for a fair deal with a processor who can wait while the milk deteriorates in the tank. With cooperation, we have a shot at a healthy dairy sector and we will continue to have a safe, abundant and reliable supply of milk.

While most processors would not choose to conduct business in that way, and do not, the program then and the enhanced cooperation that results from situations in which some do is the problem we attempt to address today. The program then, and the enhanced cooperation that results, works to the benefit of the processor and of the consumer, as well as of the men and women who go out to the barn two and three times a day to get the cows milked.

Mr. Chairman, in marking up this bill, the committee adopted an amendment to require forward pricing under the order program. While I opposed that amendment, it has become even more clear to me, since the committee acted, that the provision is a very fundamental challenge to the milk marketing system, and one that will undermine cooperative effort at the very time that we should be promoting it. At the appropriate time, I will offer an amendment to limit the program in a way that will allow forward contracting to go forward without crippling the system.

Mr. Chairman, discussions of federal milk marketing orders nearly always divide along regional lines, and the rulemaking we debate today is no exception. The gentleman from Texas (Mr. COMBEST), and the gentleman from California (Mr. POMBO), chairman for the Subcommittee on Livestock and Horticulture, have done an excellent job of facilitating a fair debate on this matter; and I am grateful for their leadership in bringing the bill to the floor.

Mr. Chairman, USDA did a great deal of work in developing the rule on milk marketing order reform. The farm bill required little more than a consolidation of orders, a reform which by itself was considered to be an important step at the time. In addition to providing for order consolidation, the Department has used this rulemaking as an opportunity to base manufacturing class prices on milk components rather than on Grade B prices, and it establishes several surplus production regions as basing points for determining minimum prices.

H.R. 1402 is designed to preserve all of these reforms and to make reasonable adjustments to Class I price differentials. It represents responsible progress towards an improved system and should be viewed as such against the backdrop of our current program.

I want to thank the chairman for allowing me the time to address the committee regarding this important legislation, and I am grateful for his assistance in helping move this bill forward.

In spite of these accomplishments, there are two areas where USDA badly missed the mark. We need to pass H.R. 1402 to complete the reform process in a manner that does not adversely affect our nation's existing milk marketing system.

Mr. Chairman, this bill is supported by dairy farmers from much of the United States because it is so important to ensuring a successful completion of the milk marketing order reform process directed by the 1996 Farm Bill. By requiring USDA to use Option 1A price differentials in implementing order reform, H.R. 1402 will fulfill the Farm Bill's mandate. It is clear that important portions of the Final Rule issued by the Administration lack the Congressional and public support needed to be sustainable.

Mr. Chairman, this point was made abundantly clear by communications from Congress and public views filed during the comment period. Last year, nearly 240 Members of the House wrote to USDA expressing their support for Option 1A. According to USDA documents of the 4,217 public comments that were received regarding the Class I pricing structure, 3,579 of them were in favor of Option 1A.

In spite of these overwhelming expressions of public sentiment, USDA did not listen. Its decision gives rise to the need for Congress to act further.

Mr. Chairman, in understandable efforts to simplify a complex issue, many have characterized Option 1B—the option chosen by the Department—as reform, and Option 1A as the status quo. This characterization is simply incorrect.

Mr. Chairman, Option 1A is not the status quo. For many years, it was a goal of Upper Midwest dairy organizations to encourage a consolidation of milk marketing orders—so much so that the Farm bill's requirement for consolidation was that region's main accomplishment in the Dairy section of that bill. Option 1A would accomplish that goal to the same degree as Option 1B. Under the old rhetoric then, even with Option 1A, the Final Decision would be a significant accomplishment. But apparently the debate has shifted and we are faced with a new measure of success.

It was also a goal of the Upper Midwest to bring an end to the accepted notion that each Order's Class I differential is related to its distance from Eau Claire, Wisconsin. Option 1A recognizes three surplus zones as the basis for determining Class I prices. In Texas, this result itself means a significant lowering of the differential and therefore of prices received by producers. Option 1A will reduce income for Texas Producers as well as producers in many other parts of the nation. So, again, under the old rhetoric and the old standards of success for the Upper Midwest, Option 1A represents a significant victory and a change from the status quo.

Mr. Chairman, producers who are supporting Option 1A were prepared to accept these changes in Federal Orders that would have made the system more equitable for the Upper Midwest. The Final Decision, however, will result in a substantial negative impact on dairy producer income in Texas and in many other areas. In short, the Final Decision goes too far and unduly threatens the value of dairy farm investment in the United States.

Mr. Chairman, in addition to focussing on Class I differentials, I have devoted considerable attention to another controversy relating to the Final Rule: the manufacturing milk pricing formulas. Several witnesses at the Subcommittee on Livestock and Horticulture's hearings this year raised concern that these formulas will have a significant negative impact on all producer prices. For this reason, I offered an amendment that was adopted by the Agriculture Committee to provide an interim solution to this problem. Section 2 of the Committee substitute requires that USDA initiate a new rulemaking for developing Class III (cheese) and Class IV (butter & nonfat) pricing formulas. While that rulemaking is pending, the Final Decision's formula is modified in a manner that will partially ease the negative impact of the Final Rule's formula on dairy farmer income.

Mr. Chairman, for many years, a problem with the Federal order system has been its incompatibility and risk management tools known as forward contracts. Such contracts are often used by producers of other agricultural commodities. In an effort to maintain a sensitivity to market forces, Federally regulated milk prices are reset each month in response to market movements. Finding a way to allow producers and handlers the option to enter into log-term price relationships without undermining that system has been a great challenge.

During the Committee's consideration of H.R. 1402, Mr. DOOLEY offered an amendment that was adopted by the Committee to require USDA to allow forward pricing. I opposed the amendment at the time because I did not feel it contain sufficient safeguards, however I have been working closely with Chairman POMBO to develop improvements. To that end, we have developed an amendment that will allow forward pricing to go forward on a limited basis. Under the amendment, the forward pricing program would expire as of December 31, 2004, and would apply only to non-Class I milk. The amendment also requires USDA to submit an interim report to Congress on the operations of the program.

Mr. Chairman, USDA did a great deal of work in developing the rule on milk marketing order reform. The farm bill required little more than a consolidation of orders—a reform which, by itself, was considered to be an important step at the time. In addition to providing for order consolidation, the Department has used this rulemaking as an opportunity to base manufacturing class prices on milk components rather than on Grade B prices, and to establish several surplus production regions as basing points for determining minimum prices. H.R. 1402 is designed to preserve all of these reforms and to make reasonable adjustments to Class I price differentials. It represents responsible progress towards an improved system and should be viewed as such against the backdrop of our current program.

Again, Mr. Chairman, thank you for allowing me the time to address the Committee regarding this important legislation. I am grateful for your assistance in helping move this bill forward.

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

Mr. COMBEST. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. POMBO), chairman of the subcommittee which has jurisdiction over dairy policy.

Mr. POMBO. Mr. Chairman, I thank the gentleman from Texas (Mr. COMBEST) for yielding me this time.

Mr. Chairman, I would like to just take a couple of minutes to hopefully try to explain to my colleagues how we arrived at the position that we are in in terms of this legislation. A couple of years ago when we passed the Freedom to Farm Act, as part of that legislation, as part of the farm bill, we directed USDA to go in and look at the dairy program, to redo the milk marketing orders and the rules that we play by, and they spent a considerable amount of time in public hearings, in internal work, to try to come up with a plan that they felt would work.

I think all of my colleagues realize that the current dairy program is extremely complicated. A lot of times it does not make a lot of sense to a lot of Members, and to those of us that have spent a huge amount of time working on dairy policy it does not make a lot of sense to us either. It has been extremely difficult to work our way through 60 years of dairy policy and try and come up with something that is going to operate, something that is going to work and something that will be a transition period for America's dairy farmers to go away from a command-and-control, government-knows-best dairy policy into a more free-market policy, which I believe is the majority of our goal that we would like to achieve.

□ 1045

That transition that we are in the middle of right now, USDA came out with their recommendation, and some people cheered it and others were extremely opposed to it because of the changes that they made. What the Committee attempted to do was to come up with a compromise piece of legislation, legislation that would give us the ability to transition away from the government-run dairy policy into a more free market dairy policy.

The bill that we will have before us today is part of that transition. I do not like everything that is in the legislation. In fact, there are many things in there that I dislike. But I do believe it is a reasonable transition.

One of the important things in our part of this legislation that the gentleman from Texas (Mr. STENHOLM) talked about before was the ability to do forward contracting. I do believe that this is part of the future of dairy in this country, and it is an important tool that our dairy farmers ought to be able to use. Mr. Chairman, with the gentleman from Texas (Mr. STENHOLM), I am introducing an amendment that I believe puts safeguards into that particular part of the legislation. I urge my colleagues to support that amendment.

Mr. PETERSON of Minnesota. Mr. Chairman, I ask unanimous consent to control the time previously controlled by the gentleman from Texas (Mr. STENHOLM).

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

There was no objection.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, following the gentleman from California (Mr. POMBO), I am one of those that has been down on the Subcommittee on Livestock and Horticulture working on this issue over the last number of years, and it has been frustrating, to say the least. I would just like to say to my colleagues, I understand they are getting a lot of pressure from farmers and co-ops and so forth, but for those that believe in the free market and believe in free trade and pushed the GATT and NAFTA, I would just say to them, how can they continue to defend a system whose time has passed.

There was a good reason back in 1937 why we set up the system we have now, because we wanted to keep fluid milk close to the population centers, but times have changed. We have interstate highways, we have refrigeration, we have a lot of things that we did not have back in 1937, and because of that, it is time to change this policy.

The Department has done a good job, they have gone out across the country, listened to everybody, put together a program that I do not like completely because it does not go far enough, but it is a step in the right direction, and that is what we asked them to do back in 1996. So we ought to follow through on that commitment, and we ought to not pass this bill and let the work that the Department put together become the law of the land.

The other thing that people ask me all the time is why is it that it looks like Minnesota and Wisconsin against the rest of the country on this. Well, people need to understand that this bill focuses on the class 1 differentials, which are just part of the picture in dairy farming. In the Midwest, 85 percent of the milk that we produce goes into manufacturing. The reason that we are concerned about this current policy is that it is not based on economics.

The current Class I differentials were put in place when Tony Coelho, who was the head of the Dairy Subcommittee, legislated them and basically locked all of the dairy industry in a room in 1985 and forced them to come up with these legislative Class I differentials that are in the statute. What we are trying to do here is to change those differentials so that they require more what the economics of the dairy industry are.

What our concern in the Midwest is that we are a manufacturing market and when the government pushes people to produce more because of government policies, that excess milk gets dumped into our manufacturing market and it affects our price, and that is why we are concerned about this.

The other thing that is an issue in all of this is that California has had their own system, which is similar to a compact that was set up in the northeast area, and they have entered into this because this new system is going to make the manufacturing price of milk closer to what their price is, and they have been using this as an advantage to lure some of the manufacturing industry to their State because of the

way the Federal policies have been set up in the past, and they are outside of that Federal system.

So what we are trying to do with this is get the whole industry more on a level playing field, get it to more mirror economics, and it is the right direction to go. I understand where some of the co-ops and farmers are coming from because the economics of the current situation favors their business structure, but it is not the right thing for the country. Again, I say to people, if they are supporting this, if they believe in the free market and free trade, how can we set up a system where we are going to put up barriers within this country and favor one farmer over another, or price milk based on how it is going to be used at one price or another. This is what the Soviet Union tried, it did not work, and it is not the best thing for this country.

So I urge that we defeat this bill.

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

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I thank my colleague from Texas for yielding me this time.

I would say to my colleagues that the gentleman from Minnesota (Mr. PETERSON) and I have spent 9 years almost on the Committee on Agriculture, on the Subcommittee on Livestock and Horticulture, trying to make some sense and bring this order to the Federal milk market order system; trying, we believe, to allow farmers to have the chance to succeed by getting the Federal Government out of their way. But, for 62 years, we have had this program that sets up milk cartels, 34 of them currently, around the country, and part of the reform that is going into place in the next couple of weeks will reduce the number of marketing orders to 11. As we get into this process, there are certainly changes that will occur in the differential.

Mr. Chairman, H.R. 1402, which we are debating today, seeks to derail these long overdue reforms to the milk market order system. But let me be honest, these are the most modest of reforms that are being blocked today. For decades, the U.S. dairy policy has discriminated against some dairy producers based on their distance from Eau Claire, Wisconsin. I think it is time to say enough is enough.

We looked at data, the Committee on Agriculture did, to show that some 60 percent of dairy producers in this country would benefit from the reforms the USDA is about to put in place, and there are all types of numbers around, but this is a consensus of the numbers. So why do we want to stand in the way of some 60 percent of U.S. producers who are likely to gain from this change in this order?

As we, most of us, believe in free trade, asking countries around the world to tear down trade barriers, we in this country have one of the largest trade barriers within our own country, and that is this Federal milk market order system. I just cannot understand how my colleagues can continue to defend this depression-era system that says that milk is going to be priced based on its distance from Eau Claire, Wisconsin, and that we are going to pay producers a different amount of money, depending upon how the milk that they sell is used.

So today we will have a chance to debate this, and I am looking forward to a healthy debate.

Mr. PETERSON of Minnesota. Mr. Chairman, could I inquire as to how much time we have remaining on our side?

The CHAIRMAN. The gentleman from Minnesota (Mr. PETERSON) has 21 minutes remaining.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KIND), who has been a leader on this issue.

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

I rise to urge my colleagues to oppose H.R. 1402 on final passage. This is a debate, quite frankly, that I am sure no one has looked forward to. It seems to be a perennial thing that goes through this United States Congress, and it is unfortunate in many respects. I think this is bad legislation based on policy reasons, but also based on procedural reasons.

First, the procedure, Mr. Chairman. Back in 1996, my predecessor, Steve Gunderson, who was then chairing the Dairy Subcommittee, was going to write some legislation in the Freedom to Farm bill to reform this depression-era milk-pricing system that exists in this country. But there was an agreement reached, an understanding reached back then that instead of having legislation go forward under Freedom to Farm, they were going to let the regulatory and rule making process at the Department of Agriculture take its course. Over the next few years, the Department of Agriculture held countless hearings across the country, took testimony from experts in the field, from dairy producers, and proposed a reform that is due to take effect on October 1.

This is a very small, gradual reform, but a reform that heads in the right direction in leveling the playing field and creating a fair and more equitable dairy policy for all of the producers in this country. But now, here we are in the eleventh hour, just a few short days before that reform is to take effect, with this legislation that would effectively stop that reform. This is unfortunate, because I believe people's words in this House should stand for something, and agreements should count for something. I am afraid that if we cannot rely on each other's promises and agreements that are reached, I shudder to think what the environment is going to be like in this chamber on a whole host of other issues.

But there are policy reasons to oppose this as well. Milk is the only product that faces price discrimination in this country based on where it is produced and what it is used for. There is no other product that faces this same type of discrimination, and under the current policy, that subsidized rate is based on distance from a beautiful city in the heart of my congressional district, Eau Claire, Wisconsin. It does not make any sense.

For those Members, especially rural Members, who constantly complain about the disparity in reimbursement rates under the Medicare formula, how can they continue to defend a dairy program that effectively does the same thing, based on geography in this country. For those Members who are strong advocates of fair trade with other countries around the world, how can they continue to defend a dairy policy that effectively creates trade barriers within our own country. It is comparable to setting up a new Federal program that would subsidize aqua farmers for raising lobsters based on distance from Boston and Maine or farmers that are growing oranges and get a higher subsidized rate based on how far they are from Florida or even high-tech companies, giving them a competitive advantage because they are further away from the Silicon Valley.

The point is that under our current economic system, there are going to be comparative advantages for producers, especially in agriculture, that the government should not interfere with.

Mr. Chairman, if my colleagues cannot vote ''no'' on H.R. 1402, I am going to be offering an amendment today which will stop pitting region against region, farmer against farmer, family against family. It is a pooling program where the Class I differentials, what the farmers get for the milk they produce for drinking purposes, would be pooled and then distributed equally and fairly to all of the producers around the country, regardless of where they happen to be producing that milk. I think that is a fair, equitable and a common sense approach which would finally end this constant regional fighting and civil war over dairy policy that we have in this chamber all too often.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who is very involved in agriculture policy.

Mr. GUTKNECHT. Mr. Chairman, I thank the Speaker for allowing us to have time to debate this on an equal footing.

Mr. Chairman, today we are engaged in a great debate on a Federal policy that defies rational economic policy

and just plain common sense just as Anton Scalia a couple of years ago described the Federal milk marketing order system as ''byzantine.''

I doubt if there are more than a handful of Members on the floor of this House, in fact, I think if we had a quiz, I suspect all would fail if we were asked to describe in detail exactly how the milk marketing order system works. But we do know that it defies any logical or economic sense.

Currently, the gentleman from Wisconsin (Mr. KIND) and myself, as well as some other Members, have Russians who are visiting in our districts, and we are going to be hearing today about the milk marketing order system being almost a Soviet-style price scheme.

But it is interesting that even in Russia today they are allowing markets to set the price of milk, and yet we are engaged in this debate today as to whether or not we will allow some modest reforms that Secretary Glickman came up with to go into effect.

□ 1100

Mr. Chairman, we are going to hear some interesting things today. Among them, some people are claiming this is going to cost the milk industry $200 million. That is not what the USDA said. That is not what the consensus of economists who have looked at that have said. They say at maximum it is going to cost dairy farmers $3 million. That is the worst it is going to be.

Let me read a quote from the USDA. If the modest reforms the Secretary wants to put in place October 1 were in effect this year, let me read this quote, ''Over all Federal orders, the average blend price would have averaged 15 to 20 cents per hundred weight higher if Federal Order reform had been in place over the last 12 months and nearly all farmers would have been better off.''

Mr. Chairman, we are not talking about making bold changes that are going to drive dairy farmers in some parts of the country out of business, we are talking about modest reforms we are going to allow to go into place. The current policy is indefensible. We should defeat H.R. 1402. We should allow the reforms to go into effect.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a new Member who has been a real leader on this issue.

Ms. BALDWIN. Mr. Chairman, for nearly 6 decades Wisconsin dairy farmers have been victims of a discriminatory pricing system that devalues their product, destroys their economic well-being, and threatens their very way of life. There are literally thousands of dairy farmers that I could tell Members about, but I would like to tell Members a little bit about one family farm, Dwayne and Janet.

Dwayne and Janet operate a family farm in northern Green County in my congressional district. Dwayne's family has operated a dairy farm for four generations, over 100 years. Dwayne, Janet, and their sons work hard to manage their herd of 45 cows. They work between 90 and 100 hours per week. They do not take vacations.

They are very worried about their future. Dwayne and Janet have watched farming decline in their township for the last 20 years. The number of dairy farmers in their township has declined from 55 to now 29. All Dwayne and Janet want is a level playing field. Dwayne and Janet know that other dairy farmers in other parts of the Nation are getting more for their milk simply by virtue of how far they live from Eau Claire, Wisconsin.

Dwayne and Janet still count themselves as lucky so far, but because they have seen their neighbors go out of business, they wonder if they are next.

H.R. 1402 is bad for Dwayne and Janet and all other Wisconsin dairy farmers. The Department of Agriculture has offered a fair reform plan. It is not everything we want, but it is a step in the right direction toward a more fair system, a system which can offer some hope for family farms and to people like Dwayne and Janet.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the original author of H.R. 1402.

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

Mr. Chairman, I am glad we are dealing with this issue today. It clearly is an issue that the House has been divided on for some time, but it has been overwhelmingly divided in favor of H.R. 1402. Last year, 238 Members of the House and 62 Senators wrote the Secretary and asked the Secretary to stay with the Option 1A pricing structure. The Secretary ignored that and came back with a different structure.

This year 228 Members have joined me as cosponsors of this legislation. This House is overwhelmingly supportive of commonsense dairy policy for American farming families.

My good friend, the gentleman from Minnesota, just said, I believe, that the USDA estimates that there would be maybe a $3 million loss to American farming families. The estimates that I see are $200 million, and in fact, in my district alone, the Seventh District of Missouri, in southwest Missouri, most of our milk is marketed on the fluid market. The Secretary's rule would reflect a 49 cent per hundred weight decrease in fluid milk. This means that in the Seventh District, there would be a $4 million loss. If we have a $4 million in the Seventh District of Missouri, which is not any longer in the top 10 dairy-producing districts of the country, even though for years and for generations it was, there is no way we are going to have a $3 million loss nationwide.

Mr. Chairman, this is the difference in farming families continuing to farm in the majority of our States. Forty-five States are negatively affected. An average dairy farm in those 45 States, a small dairy farm of around 100 cows, would lose between $6,000 and $15,000 a year, depending on the other market factors.

On dairy farm after dairy farm, the difference in $6,000 a year to $15,000 a year is the difference in whether they continue to maintain that farm, whether their family continues to be in this business, whether there is a fresh supply of milk produced reasonably close to consumers.

There is a reason that every bottle of milk has a date on it. The reason is that this is a highly perishable product. It does not have tremendous shelf life. It needs to be produced close to the people that consume it. Option 1A continues that policy that continues that kind of production. I urge my colleagues to support this bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN), a member of the Committee on Agriculture and the Subcommittee on Livestock and Horticulture, and a leader on this issue.

Mr. HOLDEN. Mr. Chairman, I rise today in support of H.R. 1402, legislation to mandate the implementation of Option 1A of the Federal Milk Marketing Order System.

In Pennsylvania, dairy is the largest agricultural enterprise, representing a $1.5 billion industry. Pennsylvania is the fourth largest dairy State in the country. Dairy is important to Pennsylvania and the entire Northeast because of the particular contribution it makes in both dollars and jobs.

Over the past 2 years, I have worked with a majority of my colleagues in support of replacing the Federal Milk Marketing Order System with what is known as Option 1A. That is why I strongly opposed the rule proposed by the Secretary, a modified Option 1B. If implemented, it penalizes dairy producers to the tune of at least $200 million per year. In Pennsylvania alone, that loss will be about $20 million a year, based on a reduction in Class 1 differentials.

It discriminates in providing a fair and equitable price to dairy farmers in most regions of the country. In both the short and long run, it will hurt consumers by reducing supplies of locally-produced fluid milk and drive up prices at supermarkets.

The bill before us today will implement a widely-supported Option 1A which will provide equitable pricing for fluid milk, ensure affordable dairy products to consumers, and prevent the further erosion of the economic well-being of many small communities. It will ensure that our Nation's dairy farmers receive a fair pricing system

and consumers have an adequate supply of fresh dairy product.

I encourage my colleagues to join the 229 cosponsors and vote in support of H.R. 1402.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CALVERT), a member of the committee.

Mr. CALVERT. When I was in the restaurant business, Mr. Chairman, I had to work hard to get the lowest prices, the best workers, and the most bang for my buck. If I was not competitive I risked going out of business, plain and simple. This is the American way. H.R. 1402 would revert us back to a dairy market system that is quite simply anti-American, anti-business, and anti-consumer.

I have some of the most efficient and successful dairy farmers in this country, probably the largest dairy district in the United States. They watch their expenses, they make a great product, and if given the chance, they would be highly successful in an unregulated market.

We are just talking about a modest change here today, Mr. Chairman. We are just trying to change a system that prices milk based upon the distance from Eau Claire, Wisconsin. What business in America would do that? I would encourage all Members to take a close look at this.

With current technology and transportation, it has changed this country and we no longer need to run a system that way. Oppose H.R. 1402 and let us get back to the American way.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS), who has also been a leader in dairy policy.

Mr. SANDERS. Mr. Chairman, I thank my friend, the gentleman from Minnesota, for yielding time to me.

Mr. Chairman, I rise in strong support of our Nation's dairy farmers, in strong support of H.R. 1402, and in strong opposition to the poison pill amendments that have been offered.

This legislation is critical for the survival of dairy farms in the State of Vermont and all over this country. It would implement the Class 1 milk price structure known as Option 1A as part of the final rule to consolidate Federal Milk Marketing orders. It would protect family farmers all over America who in recent years have seen a significant drop in the price that they get for their milk.

In fact, today in terms of inflation-accounted for prices, farmers today are receiving 35 percent less in real dollars than they received 15 years ago, which explains why all over America we are seeing family farms going out of business, we are not seeing young people getting into farming, and we are seeing the industry becoming dominated by larger and larger agribusiness corporations, rather than small family-owned farms.

Option 1A is supported by 229 Members of the House. The reason for that is that the economics is very clear that Option 1A will help 45 out of the 50 States.

Let me suggest to Members the options that we have. If present trends continue, in my view, what dairy agriculture will look like 10 years from today is that a handful of agribusiness corporations will control the production and distribution of dairy products. The alternative is to maintain, as best we can, family-owned farms all over this country who protect our environment, who protect our rural economies, who provide fresh product to the people in the various communities.

Does America really want a handful of corporations to determine the price of dairy product? Does America really want to lose family farms all over the country and see our green land converted into parking lots, or are we going to fight as hard as we can to protect family farmers, who provide us with fresh, high quality product?

I would urge Members of the House, the 229 who are supporting this excellent legislation, to stand firm against the amendments that are being offered which would ultimately undermine the goals of this legislation. Let us stand with the family farmers who work 7 days a week, 12 hours a day, producing the quality of food that we desperately want and need to maintain.

Mr. COMBEST. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH), a member of the committee.

Mr. SMITH of Michigan. Mr. Chairman, I am a dairy farmer from Michigan. I am supportive of H.R. 1402. It implements one of USDA's proposals known as Option 1A.

Briefly, let me try to explain to our nondairy Members roughly what we are talking about. We started pricing milk back in 1937 because there was unfair bargaining between dairy farmers and the processors of milk. The processors of milk had the bargaining advantage and could rip off those dairy farmers simply because milk is perishable and is lost if not purchased. They could do anything they wanted to with you because your milk will spoil if not picked up, so the dairy processor had monopoly power over the individual dairy farmer. So government became involved in pricing milk.

It is interesting that today there are still about 200 dairy farmers producers for every one processor as there was in 1937, so some pricing structure needs to stay in place if we are to continue producing an adequate supply of milk in this country. These two changes USDA came up were their two top proposals on how to involve the government; namely, Option 1A and Option 1B. Option 1A has less change from the current system; Option 1B has a more dramatic change.

But I would suggest to Members, there are already very dramatic changes that include going from 31 milk marketing orders to 11 orders in this country, Also both proposals dramatically change the way we price milk and change the way we classify milk. It is very important, I think, in making this transition that we go with the less drastic change that is Option 1A.

Members ask why roughly 87 percent of our milk is sold through cooperatives. It is because dairy farmers are over the barrel and do not have the ability to bargain effectively as individuals. They do have cooperative bargaining rights that will be helped with the passage of this bill. I think it is very important that we pass this bill and go with Option 1A.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

□ 1115

Mr. SHOWS. Mr. Chairman, our dairy farmers are not numbers and statistics to be shuffled around like a spreadsheet without care and concern. Our dairy farmers are part of the American farm family. They are men and women who work hard every day. Farming is not as much a career as it is a way of life. It is a way of life that touches every life in America.

In my district, in the 4th District of Mississippi, we have over 300 dairy farmers, more than 24,000 dairy cows, and a total value of agricultural crops and livestock products of over half a billion dollars. Dairy farming matters to the communities and towns and lives of Mississippians.

All Americans, whether in the big cities, main streets of our towns, or roads of the countryside are touched by the hard work and care given to supplying fresh and wholesome milk to our tables.

Milk does not just appear on the refrigerator shelves of our markets. It gets there through hard work.

The American Government is wrong in attempting to enact policy that is not fair and equitable to all our dairy farmers. It is wrong to suggest some places matter more than others. All our farmers work hard, pay their dues, and give back to their communities and supply us with the highest quality, safest, best, and most economical food supply on the planet.

Fairness across the board must prevail. Let us pass H.R. 1402 today and move forward as one American farm family serving one America.

I would like to remember the 1–A and 1–B. 1–B stands for bad. Let us remember 1–A.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in common sense tripartisan opposition to the bill before us today.

Mr. Chairman, we need to cut to the chase and listen to Minnesota's governor, Jesse Ventura, who body slammed this bill during recent testimony before the House Committee on Agriculture.

Governor Ventura, in his common sense, no-nonsense direct way put it best when he said, ''What we need, without question, is to end the nonsense that has the price of milk tied to how far the cow is from Eau Claire, Wisconsin. Now that there are refrigerated trucks'' in America, ''it makes sense to abandon 50-year-old thinking and find a new way to look at the 'millennium' dairy industry, one that reflects today's economic realities and is at least fair.''

Governor Ventura is absolutely right, and we all know it. If H.R. 1402 passes, it would derail long-overdue reforms to our Nation's Depression-era milk pricing regulations. As Governor Ventura further explained, and as we all know, Secretary Glickman has come up with a plan to correct some of the 50-year-old problems, but H.R. 1402 would torpedo that plan.

The current system, as has been said today, is based on outdated realities of milk production, consumption, and transportation; and it has caused drastic distortions in milk production in this country.

I urge my colleagues to be fair, use Norwegian horse sense on this dairy policy, use Jesse Ventura common sense. Vote for a level playing field across America. Vote no on H.R. 1402.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY), a member of the Subcommittee on Livestock and Horticulture, and a real leader on this issue.

Mr. DOOLEY of California. Mr. Chairman, I rise in strong opposition to H.R. 1402, and I do so because it is time for us to move in a direction that takes us away from a program that was developed during the depths of the Great Depression.

As I have often said, it was Secretary of Agriculture Henry Wallace that introduced this program, many our farm programs, as a temporary solution to deal with an emergency. We no longer have an emergency in the dairy industry.

We have some of the highest milk prices that we have seen in history, yet, we are still trying to promulgate and continue a policy that is not going to allow this industry to become increasingly competitive so we can provide consumers with a lower cost product and allow U.S. dairy farmers to become more competitive internationally.

When we get right down to it, the issues are very simple. When we look at the cost of production of milk in the United States, there is a great disparity. If we look in the southeast of this country, it costs about $17.50 a hundred-weight to produce milk. We go to the northeast, it is in the $14, $14.50 a hundred-weight. We go to Wisconsin and Minnesota, they can produce milk at $12.25 a hundred-weight. We go to the Pacific Coast, they can produce it out there for a little over $11 a hundred-weight.

We have in the United States, family farmers, dairy farmers that are able to produce milk at a third of the cost as other parts of the country. Yet, we are continuing a policy that is not going to allow those dairy farmers in those areas where they have a relative advantage to realize that advantage and opportunity.

There is no other sector of our economy, no other agriculture commodity that we are growing that we have a farm policy that dictates that we are going to require consumers and processors to pay more for milk that does not have any direct correlation to market prices. That is what we are doing here.

If we do not oppose H.R. 1402, we are going to ensure a policy where the Government is dictating what consumers and processors are going to have to pay for milk. When we are moving into a world which we understand and we have to become increasingly market oriented, we ought to allow the marketplace to dictate where milk is going to be produced.

We should not have a federal policy that is going to ensure that we are going to have cows in the southeast where it is a very high cost of production when we know that there are family farmers in other regions of the country that can provide the same product at a lower price that can deliver that product to consumers through transportation of other means.

Government should not be prejudicing whether or not a producer, a dairy farmer, is going to be supplying milk to a particular market because of the fact of how far they live from Eau Claire, Wisconsin.

This policy is out of date; it is time to move on. It is time to allow the dairy farmers of this country which had the greatest opportunity and ability to produce milk at the lowest prices to realize that advantage, to realize that opportunity, and allow the marketplace to work.

Mr. COMBEST. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of H.R. 1402 which would direct the Secretary of Agriculture to implement the Class I milk marketing structure known as Option 1–A that will put some sense back in the system that they are trying to change that has worked for so long.

If my colleagues look at my diagram, they will see what bleeds red, almost the whole part of the country, except some parts of California and the upper Midwest. Although I have great respect for my colleagues on the other side of the debate, in this case, they are dead wrong.

This map was made by the Department of Agriculture. The red part of the map, which is the vast majority of the country, shows the farmers that get hurt. If we do not pass H.R. 1402, we will have all the milk in this country produced in a couple areas.

The next thing they will be asking us to do is reconstitute it so they can ship it. Mr. Chairman, do my colleagues know the difference between fresh orange juice and concentrate? That is where we are going in the milk business if we do not pass H.R. 1402.

We have had in my area one hauler that went from 140 stops to 40 stops. That is what is happening to the family farm. Option 1–A of H.R. 1402 will help us delay that.

I had a lady come into a meeting that I was at a while ago and she said, I came and I had to go home. Her son sent me a little letter. His mom had told him I could vote on this. He said, ''Mr. Voterman, my mom says you can help us. Please help my Grandpa Jack's cows.''

The CHAIRMAN. The Chair would advise Members that the gentleman from Texas (Mr. COMBEST) has 14 minutes remaining. The gentleman from Minnesota (Mr. PETERSON) has 6½ minutes remaining.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI), a member of the Committee on Agriculture.

Mr. BALDACCI. Mr. Chairman, there are a lot of formulas, there is a lot of gobbledegook, and a lot of things that maybe a lot of people have a hard time understanding. But the basic fact is that this legislation would preserve the present system. Under the alternative that the Department has promulgated and that the detractors of this legislation are presenting, it would take $200 million out of the pockets of dairy farmers. It would take $200 million out of those dairy farmers pockets.

It would be there to help people who are further up the chain other than the dairy farmer in the family farms that are spread throughout this country.

So one thing is very clear. If my colleagues support the current level of funding that is going on and the arrangements that are in place right now, then they will support this legislation. If they want to support taking $200 million away from those dairy farmers and further jeopardizing their livelihoods, because we all know whatever we want to call it, people are

working off the farm to stay on the farm. They are trying to raise their kids in a quality of life situation that not too many people have an opportunity for.

In our State of Maine, $95 million a year is coming from dairy revenues. We are down to 600 small farms now. We used to have twice that number. Most people are telling me, John, the only thing that is constant in the business is how much we get for our milk. Everything else is going up by telegraph. Everything that we get is staying flatline, and we are having a hard time struggling to stay there.

That is where most of the dairy farmers are in our State of Maine and throughout the northeast. Nobody is getting rich at the present formula that is put in place.

But one thing is very clear. If my colleagues want to take $200 million, which is what the Department has estimated would come from the implementation of their policies, would reduce farm income by $200 million, then vote against this legislation.

If my colleagues support the small dairy farmers throughout this country and they support family farms, then they are going to vote for this legislation which has over 228 Members that are supporting this in a bipartisan fashion to support the implementation of the 1–A program that has been supported by over three quarters to almost 80 percent of the dairy farmers throughout this country. That has been the support that has really registered here in Washington and something that we need to reinforce.

So I am proud to be one of the cosponsors of this legislation, and I encourage my colleagues to support this.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Texas (Chairman COMBEST) for so graciously providing this opportunity for balanced debate.

I would ask those watching today and listening to remember three points as this debate takes place: number one, we are going to hear a lot today about how family farms in general and dairy farmers in particular are hurting. No one knows that better than I. In the district that I represent, we have seen a massive decline in dairy farming. By this time tomorrow, Wisconsin will have lost five dairy farms. We have lost more dairy farms in the last 10 years than nearly every other State ever had.

I understand that our farmers are hurting. But as we hear about how dairy farmers are hurting, do not forget that they are hurting under the current system, the system which the supporters of H.R. 1402 seek to reimpose. It will not help them one iota.

Point number two to remember, we are going to hear a lot about numbers and about losses. The supporters of H.R. 1402 are going to have their charts. Remember this: the USDA has debunked every one of those numbers. The USDA just recently came out with a report which shows what would have happened if the Secretary's proposed reforms had been in effect over the last year. The doomsday scenarios that we are hearing about are false. They are badly misleading.

Point number three, we are going to hear a lot about the coalition of Members who support this bill, and it is broad, and it is bipartisan. It is 229 Members. Would this be the first time that people inside the Beltway have been wrong? I ask my colleagues, just because they have 229 Members does not make them right.

I do not put my faith inside the Beltway. I put my faith in a different coalition, a broad coalition, a coalition that spans every part of the spectrum. Those standing against H.R. 1402 range from Americans for Tax Reform to the AFL–CIO, Citizens Against Government Waste to the Consumer Federation of America, the Teamsters, the Caucus of Black State Legislators, the Grocers Association, the Food Marketing Institute.

We have had newspapers from every part of the country opining against raising the price of milk which is what H.R. 1402 would do.

□ 1130

We have heard from the Washington Post, The New York Times, the Chicago Tribune, paper after paper, group after group outside the beltway is saying do not do this. Do not raise the price of milk that consumers have to pay. Do not push farmers out the door.

I urge my colleagues to stand today not within the beltway but with groups outside the beltway opposed to 1402.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a member of the committee.

Mr. ETHERIDGE. Mr. Chairman, I thank the ranking member for yielding me this time.

This morning I am proud to join my colleagues in this final push to pass legislation that will allow dairy farmers to survive and to ensure that consumers have access to a fresh milk supply, a fresh supply of milk at the local level.

Enough is enough. It is time that Congress do what a majority of the Members have demonstrated they want done, and that is pass Option 1–A. Every step of the way we have proven that we have the support to do the right thing for the dairy farmers of this country and the consumers of America by passing Option 1–A.

Folks, we are at a crossroads in America today for agriculture. Consolidation is killing the American farmer, and enough is enough. Consumers are going to feel the pain when a few corporations control agricultural production in this country. Too many people today think that food comes from the grocery store. They fail to realize that whatever the product may be, it is produced by a farmer somewhere in this country.

I know that I speak for many Members of this House when I say we are committed to ensuring that these hardworking Americans and their children have an opportunity to succeed in agriculture in the 21st century. But, first, we must bring stability to the national dairy policy.

Option 1–A provides a modest reform for the national system of pricing fluid milk that is fair both to the producer and to the consumers throughout this country. The Department's proposal, on the other hand, would, in my opinion, substantially lower prices for farmers that they get for their fluid milk in about 41 States in this country, forcing many of the dairy farmers out of business. No matter what we hear, that is true. And when farmers go out of business, competition declines and consumers pay. That is a fact, no matter how we want to change it.

Option 1–A is fair both to consumers and to the farmers. And I am tired of folks who keep telling me to let the free market system work. It is not working for the farmer. They are going broke. We have just heard my colleague from Wisconsin saying they are going out of business, and that is a State that has a lot of dairies. In my State we have so few left we can hardly find them. We have to do something to stop it, and this morning we have an opportunity to do something.

We are probably going to pass a $10 billion relief package in some form for our farmers before this year is out, I trust.

But folks, dairy compacts and option 1–A is the disaster relief package my dairy farmers need to survive, and that's a relief package that won't cost the taxpayers one dime.

I want to commend the gentleman from Missouri and the Chairman and the Ranking Member of the Agriculture Committee for their hard work in bringing this bill to the floor, and I urge my colleagues to support this important bill for our nation's dairy farmers.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, we have heard more rhetoric today about everything that is going on here. I have heard one of my colleagues get up this morning and say that if we all took a quiz on this that we would all fail. This is probably one of the more simple things that I have had to deal with since I have been up here.

We have a program in place today that allows most of the producers of milk in this country to receive essentially the same price, but there is a

wide variance in the cost of production. So what we are trying to do today is overturn a program that says if it costs, as my friend from California said a moment ago, $17 to produce milk in the Southeast and $12 to produce it in the upper Midwest, what we are trying to do is overturn a program that says that the place that has the cheapest cost of production, we are going to give a dollar per hundred-weight raise; and where it costs more to produce it, we are going to ask for a decline in the price. It makes absolutely no sense to do what we are doing.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, a lot of folks have been calling our office, other Members that do not represent dairy States, asking what is going on here. Well, I would like to give Members who do not represent dairy States a little insight as to what this whole pricing formula is all about. If Members think our Tax Code is complicated, wait until they look at dairy.

Out of the Code of Federal Regulations the method for determining the basic formula price for milk and the blend price is as follows:

The basic formula price for milk equals last month's average price paid for manufacturing grade milk in Minnesota and Wisconsin plus current grade AA butter price times 4.27 plus current nondry milk price times 8.07 minus current dry-buttermilk price times 0.42 plus current cheddar cheese price times 9.87 plus current grade A butter price times 0.238 minus last month's grade A butter price times 4.27 plus last month's nondry milk price times 8.07 plus last month's dry-buttermilk price times 0.42 minus last month's cheddar cheese price times 9.87 plus last month's grade A butter price times 0.238 plus present butter fat minus 3.5 times current month's butter price times 1.38 minus last month's price of manufacturing grade A milk in Minnesota-Wisconsin times 0.028.

That is the basic formula price. Now let us go to the blend price, which gets us closer to what the farmer actually gets.

The blend price is the basic formula price plus .12 times percent of milk used for cheese and powder and butter plus basic formula price plus .30 times percent of milk used for ice cream and yogurt plus the basic formula price plus 1.04 plus .15 times the distance from Eau Claire, Wisconsin, divided by 100 times the percent of milk used for fluid milk.

My colleagues, this is the pricing formula set in law 62 years ago; and this is what we are living under now. The USDA is proposing very modest reforms toward a market-based system so that farmers can farm based on their own merit, not based on where the heck they live in proximity to Eau Claire, Wisconsin.

This is the formula. This is how they determine how a farmer basically gets the price for milk. This is more complicated than our U.S. Tax Code, yet the proponents of H.R. 1402 want to keep this price system in place. That is what this debate is about. When we listen to these numbers about $200 million being lost, those are bogus numbers. The USDA, the Food and Agricultural Policy Research Institute concluded on consensus numbers that, at worst, farmers are going to lose $2.8 million a year but, on average, 60 percent of America's dairy farmers are going to do better under the USDA's plan.

So this $200 million figure, Members should not believe the hype. At worst they are going to lose $2.8 million. The decimal point needs to be moved a couple slots to the left.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in strong support of H.R. 1402. It is a Federal response to a national problem, and it reflects what Congress had intended when it required milk market order reform.

In 1996 through the Freedom to Farm Bill, Congress voted to reform the milk marketing order program. Congress directed the Secretary to reduce the number of marketing orders and phase out the Federal product purchase without compromising the basic pricing structure on which dairy farmers depend.

Again in 1998, a majority of Members from the House and Senate signed letters to Secretary Glickman appealing to him to implement a Federal milk pricing policy that did not significantly lower milk producer prices. Unfortunately, the administration ignored the will of Congress and the desire of the majority of dairy producers and announced the final dairy plan that drastically phases down the Federal pricing program, costing producers nationwide millions in lost farm revenue.

Dairy producers are expected to lose $200 million or more annually when the administration's plan, the modified Option 1–B Class I price differential is enacted. I urge my colleagues to support the 1–A option and to support this bill.

Today, Congress has the opportunity to show support for agriculture and an interest in improving farm income during a time of financial turmoil for farmers by voting for H.R. 1402.

Simply put, Option 1–A reforms the milk marketing order system, reduces volatility, and continues to assure there will be enough fresh milk in all markets of our nation. It does so by keeping in place transportation differentials, a system that has worked for many years, guaranteeing us an adequate supply of fresh, wholesome milk. As the government withdraws from the purchase of dairy products to balance the market, we need to leave in place those mechanisms that assure us a continued supply.

Some may argue that the producers themselves voted for the Administration's plan through the producer referendum in August and we should honor their wishes. In no way should the producers affirmative vote be considered as support for the lower Federal Order Class prices proposed by Secretary Glickman. It was a vote under duress. The Secretary gave the producers no choice. It was either his way or no way at all. Producers voted for his plan in efforts to keep the Federal Order system intact as producers await the enactment of H.R. 1402.

Farmers from across the country are counting on our support. More than 225 members of the House have promised their dairy farmers their support in Congress. Don't be fooled by misleading tactics. This is simply a bill to keep our farmers in business. I urge every member to support H.R. 1402.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me this time, and in this short time I have, Mr. Chairman, we have heard a lot of comment on what support there is and what expert evidence there is and support for Option 1–A.

I just want to point out four simple facts, and they are this: That since the passage of the 1996 farm bill, the Secretary of Agriculture has ignored all of the experts, and has been on a biased march to debunk the dairy marketing process in the United States.

Consider that USDA took public comments on many proposals it put forth; and, in the final analysis, comments filed by the dairy industry and dairy experts ran better than 8 to 1 in favor of Option 1–A. The Department empowered a price structure committee composed of many industry experts to make recommendations to the Secretary. This committee recommended Option 1–A. They were ignored.

The Department's own internal dairy division experts recommended Option 1–A. They were overruled. Option 1–B was then advanced. Three hundred Members of the House and Senate sent a letter, concerned about the path USDA was pursuing, wrote to the Secretary and told him that they supported Option 1–A. They were ignored as well.

Experts in the industry and out of the industry know that Option 1–A is the fair and equitable way.

Mr. COMBEST. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I have been here 17 years. If I am here 1700 years, I will not be able to explain the complexities of dairy pricing. But I can tell my colleagues this, the supporters of 1402 are not willing to stand idly by while others would relegate the

family farm to the status of forgotten Americans.

Let me tell my colleagues about the consumers, because we are all vitally interested in the consumers. If we do nothing, if we allow this present trend to continue, pretty soon we will have the production of milk concentrated in the hands of just a very few. And when that happens, just watch what happens to the price.

We have an obligation in this House, in this Congress, to provide some assistance to the family dairy farms, and Option 1–B would rob them of $200 million of income. That is totally unacceptable.

Let me give my colleagues another twist on this. Why is the environmental community so sensitive to the plight of the family dairy farms? It is not just because they are an endangered species, which they are, but it is because if we witness the demise of the family dairy farms, we will have more of that scourge of America urban sprawl, and that is not healthy for anybody.

This bill is about protecting our struggling family farmers and ensuring that they get a fair price for the milk they produce for the benefit of us all.

USDA's modified Option 1–B would reduce what return dairy farmers see for their investment at a time when many dairy farmers are already struggling. The dairy farmers' share of consumer dollars spent for milk has been decreasing since 1980. In fact, the percent of the consumer milk dollar going to farmers dropped approximately 20% from 1980 to 1997.

Dairy farmers nationwide stand to lose $200 million a year if the Agriculture Department's Modified Option 1–B pricing plan is for fluid milk is adopted. While farmers would see a reduction in income under the modified Option 1–B plan, this change would have little effect on the price consumers pay for milk because processors and grocery stores are unlikely to reduce prices.

The number of dairy farms and farmers has been declining over the last several years. New York has lost approximately 6,000 dairy farms in the last ten years. Any reduction in farmers' incomes will mean that more producers leave the farm.

Farmers are vulnerable to volatile market conditions because milk is perishable; farmers can't just tell the cows to stop producing milk in order to wait out low prices. Option 1–A gives dairy producers more stability and helps to ensure that they receive a fair price for milk.

Milk prices under the modified Option 1–B will be insufficient to cover the cost of producing milk on many family-sized farms, forcing many of these farmers out of business and leaving few producers with control of the dairy market. This will result in greater concentration of the dairy industry in the hands of a few and higher prices for the consumer.

I urge my colleagues to vote for Option 1–A and H.R. 1402.

Mr. PETERSON of Minnesota. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. OBERSTAR), the dean of the Minnesota delegation and a leader on dairy issues.

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

The existing policy is doing exactly what the preceding speaker said, driving the family farm out of existence. We have lost half of the dairy farms of East Central Minnesota in the last 10 years because of policies that are in place, and that would be changed by the Secretary's order.

It is time to end the milk cartels, the regional dairy compacts. It is time to free up the most productive dairy farmers in America, those in the Minnesota-Wisconsin milksheds. It is time to reduce the milk marketing orders from 31 to 11, as USDA proposes. It is time to vote for fair trade at home in the dairy sector and preserve the family dairy farm.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

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

Perhaps some very troubling but, I think undeniable, important facts. As my colleague, the gentleman from New York (Mr. SWEENEY) suggested, the Department had hearings but the Department did not listen. Of the 4,217 comments placed into the hearing record, 3,579, nearly 85 percent of them, supported 1–A. Again, as my colleague so correctly noted, the industry, the Ag Department's own internal price structure committee accepted and recommended 1–A.

□ 1145

As well, the Congress has voted on this time and time again. During the 1996 farm bill, we considered proposals that would have dramatically altered the price structure and the market order system, but we rejected each and every one of those.

To my friends that say that Congress is now reneging on the deal, let me read the report language from the 1996 farm bill: ''The minimum price for class I fluid milk shall be the same or substantially similar to those set forth in the 1985 farm bill.'' This 1402 is totally consistent with congressional intent.

Let me just make a couple of other points. I am pleased to let Governor Ventura know that, under 1402, or 1–B, neither uses Eau Claire, Wisconsin, as the sole basing point for Class I differentials. So he can go to bed happy tonight.

Also, when we talk about market orientation, both 1–B, the Department's plan, and our bill, 1402, use the market price of cheese as the driving force for class I. So that my opponents here and other opponents can continue not to worry about that, as well.

Also, the Ag Department's analysis, the Secretary's analysis, was totally debunked by every reputable economist and organization that analyzes the dairy industry. They used a totally false premise with respect to class III prices when they came up with the calculation of $2.2 million. I wish it were true, quite honestly. Otherwise, we would not have to be here.

1402 is consistent with congressional intent. It is good for dairy farmers across this country. The House needs to adopt the bill today.

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

Mr. Chairman, I just would say to my colleagues one more time, we have got a pretty good debate here today, but for those of my colleagues that have supported free trade, that believe in the free market, I just say to them, how can they defend a system where we are benefiting one farmer in America over another farmer? We are setting up barriers in this country where we are saying we should take them down in the world. So I would say, how can they defend a program that does that?

The second thing I would say, we have had a lot of talk today about how we are losing family farmers. And that is true. We are leaving them in every area of this country. But we need to understand that we have been losing those farmers under the existing program which House File 1402 continues. So how in the world are we going to save family farmers if we are going to keep the same program that has caused us to lose them up to this point?

Mr. COMBEST. Mr. Chairman, I yield the balance of our time to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the chair of the Committee on Agriculture for yielding me the time.

Mr. Chairman, earlier the gentleman from Pennsylvania (Mr. SHERWOOD) had a chart and he said, if this thing is defeated, these areas are going to be bleeding red. But if we think about it, what it really says is that for 62 years they have had an advantage and our farmers in the upper Midwest have been bleeding red.

The gentleman from Alabama (Mr. RILEY) said that in some areas it costs more to produce milk and so we have to have big differentials. But in some areas of the country it costs more to grow wheat. In some areas it costs more to grow corn. And if it costs too much, they do not produce corn in those areas. But in no other area does the Federal Government step in and artificially try to set the prices.

Mr. Chairman, I want to thank the gentleman from Wisconsin (Mr. RYAN) because I think what he read just made my point. In fact, I rest my case. Can anyone in this room, can anyone in this body, can anyone in this country say that they honestly understand the way milk marketing orders are set? Can anyone honestly say that it makes

any sense, either economic or policy or politically, can anyone honestly defend this price-fixing cartel?

Shortly after the Soviet flag came down for the last time over the Kremlin, an editorial was written here in the United States and the headline was ''Markets are more powerful than armies.'' What a beautiful line.

Let us take a small step away from this Soviet-style pricing scheme. Let us listen to common sense. Let us listen to our farmers, not to special interests. Let us defeat H.R. 1402.

Mr. GILMAN. Mr. Chairman, I commend Mr. BLUNT for bringing this legislation to the floor today, and giving me the opportunity to speak on behalf of our Nation's dairy farmers, in support of H.R. 1402.

In my home State of New York, agriculture is the largest industry with an annual farm value of products over $3 billion. The State's dairy industry, over 8,000 farmers, accounts for approximately 60 percent of the farm receipts.

With abundant rainfall, productive soil, and proximity to the Nation's largest markets, the outlook for the future of New York's dairy farmers is one of great potential.

However, in a recent meeting with Brian Ford, a dairy farmer from Orange County, NY, it was once again made clear to me, that our Nation's farmers continue to struggle; a struggle made even harder by the inability of the Department of Agriculture to respond to their needs, by moving forward with a plan that reduces farm income in 45 States.

Although our Nation's dairy farmers overwhelmingly support reform, the present class 1 pricing formula will force them to lose at least $200 million annually.

Accordingly, H.R. 1402 will require the Secretary of Agriculture to implement the class 1 milk price structure known as option 1–A, as part of the implementation of the final rule to consolidate Federal milk marketing orders.

A strong agricultural industry is not only beneficial to the farm and food industry, but to the economy of every State, hundreds of local communities, and our consumers. America's small family farms rely on us to provide them with a strong foundation. Since 1993, the United States has lost 25 percent of its domestic dairy operations; a trend that must be stopped.

Accordingly, I urge my colleagues to support H.R. 1402.

Mr. HAYES. Mr. Chairman, over the past few months, I have traveled around my district and listened to farmers and ranchers tell me about the state of the farm economy—low commodity prices, drought, hurricanes. I also heard from my dairy farmers telling me of their dwindling dairy industry in North Carolina. A business which once thrived with as many as 400,000 milk cows, is now down to 75,000 cows—losing 5,000 in the last 3 years alone.

I tell you these things about our dairy industry in North Carolina to give you some insight into our current situation. I want you to know, however, that while it is becoming increasingly difficult for our dairy farmers, there are still 478 farms employing hundreds of people and providing consumers in North Carolina with fresh milk every day.

I come to the floor today to voice my strong support for H.R. 1402. Option 1–A is not only vital to the survival of the dairy industry in many regions, it is also good for consumers. Economic studies show that locally produced milk is cheaper for consumers because they don't have to pay the cost of shipping milk from surplus areas. Option 1–A is also good for consumers because it ensures that milk will get quickly from the cow to the consumer; therefore, it will have a longer shelf-life.

The bottom line here is that North Carolinians want and deserve fresh milk. I, along with 230 of my colleagues, believe that the freshest milk is the milk that doesn't have to travel a thousand miles to get to our constituents. By voting against option 1–A, Members would be voting to put hundreds of more dairy farmers out of business—ensuring that milk will indeed have to be transported in year-round from farms all over the United States.

I urge you to vote in favor of option 1–A and in favor of fresh milk and the family farm.

Mr. VENTO. Mr. Chairman, I rise in vigorous opposition to H.R. 1402. This legislation threatens to keep this Nation's dairy system shrouded in an antiquated, Depression-era policy that discriminates against our Nation's dairy farmers because of the area in which they produce milk products.

Mr. Chairman, this bill should not have reached the floor today. It flies in the face of a commitment that we made in the 1996 Freedom to Farm bill that granted the Secretary of Agriculture limited authority to develop a market based policy for our Nation's dairy farmers. Since the majority failed to let this House address this issue legislatively, we left it upon the Secretary of Agriculture to replace the current 70-year-old pricing structure whose original goal was to facilitate milk production across the nation when the United States lacked the intricate transportation network and modern refrigeration technology that we possess today.

Because this Nation lacked the ability to reach all areas of the country within a day, it was necessary to guarantee dairy farmers a minimum price within 31 regions for the fluid milk they produced in order to encourage milk production in regions that otherwise would not have a regular milk supply. The minimum milk prices paid to producers were based on the producers distance from Eau Claire, WI. This curious pricing scheme accounted for the regional inequities experienced by producers. If it ever made any sense, events and developments have long rendered this law useless for achieving equity.

This may have worked for farmers 70 years ago, but today this Byzantine dairy policy is punishing our small dairy farmers. Under current law and under this legislation, small dairy farmers who live in an area of traditionally high milk production are being put out of business because of a government requirement that other dairy farms must be paid a higher price for the same identical product based on their geographic location. I find it incomprehensible that the greatest nation on earth, the center of freedom and democracy, is maintaining such a market place disparity to farm producers, the very family farmers who are responsible for allowing us to put food on our tables.

H.R. 1402 not only forces more dairy farmers out of business, it also places the United States at a disadvantage at the upcoming World Trade Organization Ministerial meeting in which the United States hopes to achieve its trade objectives during multilateral trade negotiations. At a time when the U.S. trade deficit is at an all time high, the United States cannot afford to extend this competitive disadvantage that our farmers already experience at home to markets abroad. How can we as a nation negotiate with our trading partners for free and open markets when we persistently refuse free trade between regions within our own country? Our farmers and our Nation cannot afford to maintain this protectionist method of structuring the milk market in this progressive era of global trade. A vote for this legislation means stunting the growth and development of this nation all in the name of regionalism and money for parochial interests.

This should not be a regional issue. This should be an issue of equity. Equity for all our dairy farmers. Times are tough in the agricultural industry today, and we are only exacerbating these problems by following the creed of divide and conquer. It is my sincere hope that Members today can show a degree of fairness, look at this issue as it affects the Nation as a whole and vote against this legislation.

Mr. NUSSLE. Mr. Chairman, I rise today in strong opposition to H.R. 1402. This legislation would deny dairy farmers in my congressional district and throughout the Upper Midwest much-needed, free-market-oriented reforms and would continue to threaten their ability to do business while giving an unfair advantage to other dairy farmers throughout the country.

Rreforms of this Nation's Depression-era milk pricing regulations are long overdue. The current system, which H.R. 1402 would preserve, is based on outdated realities of milk production, consumption, and transportation, and has caused drastic distortions in milk production, as a result.

Currently, U.S. dairy policy discriminates against Upper Midwestern dairy producers based on the region where they produce their milk. Specifically, federal pricing regulations dictate the price of fluid milk based on distance from Eau Clair, WI. In the days before modern refrigeration, interstate highway systems, and other innovations, this policy made sense. Those days are gone, and today, this policy makes about as much sense as Microsoft pricing computers based on how far an individual resides from its corporate headquarters in Redmond, WA.

The USDA's final rule makes modest steps toward pricing equity and toward a system that would allow producers to compete more fairly in the domestic marketplace. The nation's leading dairy economists, at the request of the House Agriculture Committee, conducted an analysis of USDA's pricing reforms and showed that about 60 percent of the nation's dairy producers would fare better under USDA's final rule than they would under the status quo, which would be mandated by H.R. 1402.

Additionally, H.R. 1402, if enacted, would cost consumers as much as $1 billion annually in higher milk and dairy product prices. That cost is regressive, falling most heavily on low-

income consumers, who use more of their income for food and more of their food budget for dairy products. USDA estimates that the federal nutrition programs, such as WIC, Food Stamps, and the School Lunch Program will take at least a $190 million hit over 5 years under H.R. 1402, and likely more.

Further, while the United States continually encourages the World Trade Organization to open agricultural markets to increased competition, our domestic dairy policies are being attacked as anti-competitive and trade-distorting.

In summary, I believe there are numerous reasons to oppose this bill. H.R. 1402 continues a system that props up dairy farmers in some regions of the country at the financial expense of efficient dairy farmers in Iowa and the Upper Midwest in a pricing manner that does not exist for any other product in the United States. This legislation is an added burden to taxpayers and a regressive tax increase on low-income families. Finally, this legislation represents a twisted one-size-fits-all federal mandate and a pro-isolationist trade policy which could lock U.S. dairy farmers out of the world market. For all of these reasons, I oppose H.R. 1402 and I hope my colleagues will vote to allow dairy farmers to produce for the market, and not for government programs.

Mr. LARSON. Mr. Chairman, I rise today in strong support of H.R. 1402, which would require the Secretary of Agriculture to implement the new Federal Milk Marketing Order proposal known as Option 1–A.

As you know, the 1996 Farm bill mandated the Department of Agriculture to reform the Federal Milk Marketing Orders, which determine the price of most dairy products. In response, USDA issued two proposed reforms, known as option 1–A and option 1–B. During consideration of this rule, USDA heard directly from more than 200 members of this body supporting the implementation of option 1–A. Their Final Rule published on March 28, 1999, noted that the 4,217 comments received since the change was proposed, more than 3,500 of them were in support of option 1–A.

We are here today because despite clear and overwhelming support for option 1–A, USDA has chosen to move forward and implement a plan that would devastate small dairy farmers throughout the country. The proposal put forward by USDA would specifically cost dairy farmers in my district more than $360,000 per year, representing a loss of 66 cent per hundredweight on class I fluid milk and a loss of 24 cents per hundredweight on class III milk. In Connecticut, and in most of New England, our dairy farms are small family run businesses, and vital to our region's economy.

In New England, we have even banded together to form the Northeast Interstate Dairy Compact, twice approved by this body, to foster this shrinking industry and to address the unique problems of dairy production in the region. Protecting these small family businesses has also been an integral part of protecting open space and local communities' conservation and environmental reclamation programs. Many other states in the Mid-Atlantic, Southeast, and Southwest have followed New England's lead and begun ratifying their own compacts. If USDA moves forward and implements option 1–B, few if any of these dairy producers would survive.

I have heard repeatedly from other members and the USDA that there was overwhelming support among dairy producers for their reform proposal in their recently conducted referendum. But I have also heard from the dairy community that they felt cornered into that vote, forced to support the Federal Order system at the risk of termination rather than the proposed change.

So I rise in support of this bill, to protect small American farmers, and in support of the Stenholm/Pombo amendment, which would clarify language about forward contracting for dairy producers. I urge my colleagues to support this bill, and oppose any poison pill amendments that may be offered as attempts to prevent fair and meaningful dairy reform.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to H.R. 1402. Frankly, I find it ridiculous that we are even discussing this bill here today. We all know that free markets are far preferable to out-dated government price control schemes, yet we are discussing a bill to block even modest market-oriented dairy policy reforms.

The free market has served American producers and consumers exceptionally well. Car prices are not determined according to the distance that they are manufactured from Detroit, software prices are not set by the distance that they are produced from Silicon Valley, and orange prices are not established according to the distance from Florida to where they are grown. Instead, the free market is allowed to determine the prices for these products. Not coincidentally, these industries are thriving. Conversely, milk prices are determined by the distance of the producer from Eau Claire, Wisconsin, and small dairy farmers across the country are struggling to survive. It should be clear that the free market provides the best system for determining prices in America, no matter the product.

The Department of Agriculture's milk marketing order reforms, though certainly less market-based than I had hoped, represent a common-sense step toward simplifying the pricing of milk. Dairy farmers across the country voted in support of this reform by 97 percent. Ignoring this vote, H.R. 1402 would essentially maintain the status quo in milk pricing and force dairy farmers to continue to struggle under the current antiquated government restraints. For the sake of farmers and consumers, I urge you to oppose H.R. 1402 and support market-oriented dairy reforms.

Mr. BALLENGER. Mr. Chairman, today we will have the unique opportunity to cast a vote which will save the family dairy farmer, while ensuring that Americans continue to enjoy the highest possible quality of milk. H.R. 1402, which would require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1–A, will ensure that tens of thousands of American family dairy farms are not put out of business. Option 1–A does this by extending for one year the dairy price support program, as well as maintaining current minimum prices for fluid-use farm milk. H.R. 1402 will enable the American family dairy farmer to survive and hopefully prosper in the years ahead.

While most industry in the United States continues to ride the wave of the largest economic boom in history, in my district, many family dairy farmers have been forced to give up their 4th and 5th generation farms. This is deplorable. Without the enactment of this legislation, more will go out of business—and for what reason—so all the milk produced in this nation will be produced by large Midwestern dairies. Fewer producers will mean less competition and higher prices. Don't believe the numbers that are being circulated by our upper Midwestern colleagues—Option 1–B will cost consumers in quality and price down the road.

Let me give you some numbers which point to the huge significance of this legislation for my state. Last year in North Carolina, the dairy industry generated an estimated $572 million in economic activity. North Carolina has 10 Grade A milk processing plants. The total milk produced in the state last year amounted to 146 million gallons. As of July 1, 1998, there were 478 commercial dairy farms in the state. Cash receipts for the sale of milk by dairy farmers amounted to $187 million. Last year, there were 75,000 milk cows in the state, each producing an average of 1,947 gallons of milk. And Iredell county, which is part of my congressional district, has 71 farms which produced almost 5 million gallons of milk in the month of December last year, making it far and away the largest milk producing county in the state.

Without H.R. 1402, the economy of North Carolina faces a loss of over half a billion dollars in economic activity, a loss of almost 500 dairy farms, and the devastation of commercial and family farming. Don't vote to devastate the livelihoods of these farmers by opposing H.R. 1402. Please support H.R. 1402 to ensure more low cost, high quality milk production in North Carolina and in the United States.

Mr. McGOVERN. Mr. Chairman, I rise today in support of H.R. 1402—a bill which requires the Secretary of Agriculture to implement the Class I milk price structure. This price structure, known as Option 1–A, is important to dairy farmers in Massachusetts, and I am proud to cosponsor this legislation. While the volume of dairy production in Massachusetts does not come close to equaling the production of some of the Midwestern states, dairy is an important industry in my state and district, and I fully support this effort to provide a stable pricing structure for this volatile industry.

The U.S. Department of Agriculture will soon issue a final Class I milk price structure. The USDA proposed price structure, Option 1–B, will cost dairy farmers at least $200 million annually, placing an even greater burden on an industry that is already reeling from drought. H.R. 1402 would keep the Class 1 differentials at levels similar to those today. These levels were established to assure an adequate supply of milk for fluid use and guarantee a minimum price for producers based on supply and demand conditions. Despite overwhelming support from dairy producers and the Members of Congress who represent these farmers, USDA has

continued with its planned implementation of Option 1–B. This bill will ensure that our dairy producers are not forced into bankruptcy because of a flawed price structure dictated by the large farms in Midwestern America.

At this point, I would like to insert into the record a letter from Massachusetts State Representative Michael J. Rodrigues, who represents the Fall River/Westport region. This letter documents the importance of the Option 1–A pricing structure to the dairy producers in Massachusetts.

Mr. Chairman, this bill is important not only to dairy farmers in Massachusetts, but also to those throughout the Northeast and Southeast. Without the stability of this pricing structure, dairy production in these areas will decline until the business is unprofitable and ceases to exist except on large dairy farms in the Midwest. H.R. 1402 will help prevent these closures by setting a minimum price for milk for these regions. This bill gives dairy farmers a chance to succeed and prosper. I urge my colleagues to support H.R. 1402 and vote for this important bill.

COMMONWEALTH OF MASSACHUSETTS,
HOUSE OF REPRESENTATIVES,
Boston, MA, September 20, 1999.

Congressman JAMES MCGOVERN,
Cannon Building,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: The dairy industry is moving through a period of great change. The 1996 FAIR Act has been the key impetus to this change and is the result of fundamental changes in the agricultural sector of the economy. A significant part of these changes is the greater volatility in milk prices farmers receive.

Volatility in prices creates difficulties not only for dairy farmers but also for those who purchase milk for manufacturing product. From a business perspective, price volatility presents difficulties in financial planning. If a farmer or a company cannot depend on a stable price, financial planning becomes much more difficult.

Often not considered in the debate is the impact on manufacturers of dairy products such as ice cream, cheese, and butter. Massachusetts has a considerable amount of dairy product manufactures. For example, Massachusetts consistently ranks second or third in the country in the manufacture of ice cream. Part of the reason for this high ranking is a stable milk supply, which is the result of stable milk prices to dairy farmers. Of course, the other reason is that Baystaters enjoy a good bowl of high quality ice cream.

With one of the highest costs of production in the country, Massachusetts dairy farmers, and indeed, Northeastern dairy farmers, face an uncertain future. The Northeast Dairy Compact has offered that safety net which, for many farmers, is the make-or-break factor in whether or not to sell out to developers. If the Northeast Dairy Compact is not reauthorized, many Massachusetts dairy farmers will likely sell out. As the local supply of milk declines, dairy product manufactures will likely move to areas of more available milk supplies and with this move, jobs will move as well.

Your support of the Northeastern Dairy Compact is critical to the viability of the dairy product manufacturing industry not to mention the vitality of the dairy farmers in Massachusetts, who work so hard not only to produce milk, but also to maintain the open space and aesthetic qualities that are so important to the character of Massachusetts as a New England state.

Sincerely,

MICHAEL J. RODRIGUES,
State Representative.

Mr. CRANE. Mr. Chairman, having spent quite some time on a farm in my earlier years, I can certainly understand the concerns of those who are advocating enactment of H.R. 1402. With all the risks and uncertainties agricultural producers face on a regular and not-so-regular basis, it is hardly surprising that dairy farmers would rather not add another unknown quantity to the list of things with which they must concern themselves. Also, there is a natural tendency to fear the unknown simply because it is unfamiliar.

But while it may be tempting to think that the devil you know is preferable to one that you don't, there is a problem with that line of reasoning in this instance. Should it prevail today, members of this body may have a devilishly difficult time explaining, much less justifying, it in the future. That being the case, I would urge my colleagues to consider some facts and figures before they cast their vote on H.R. 1402.

Most obvious, not to mention significant, is the fact that our current system of milk marketing orders and price differentials is over 60 years old, a relic born long before the interstate highway system came into being or refrigeration trucks made their presence felt. Back then, the argument went as follows: for America's children to be able to drink wholesome fresh milk every day, dairy farmers had to be in business nearby. But now the circumstances are entirely different. Not only can milk be shipped safely over long distances but, in many cases, it can be obtained from out-of-state more cheaply than from neighboring sources. As a consequence, what once may have benefited youngsters now adds to the price their parents pay for their milk.

Estimates of the cost of the present milk pricing system to consumers start at $674 million per year, with several approaching or even exceeding $1 billion annually. Not only that, but if milk price supports are extended for another year, as H.R. 1402 now provides, and the existing milk pricing system is essentially retained, America's taxpayers will be adversely affected as well. Because those provisions of H.R. 1402 will keep the price of milk consumed by participants in this nation's food stamp, child nutrition and supplemental feeding programs, they will not realize approximately $53 million a year in savings that should result from implementation of the USDA's Final Rule on milk marketing orders and price differentials. Also, there is evidence that dairy farmers themselves would not benefit as much as they might expect if H.R. 1402 becomes law. According to a recent estimate extrapolated from data developed by the University of Iowa's Farm and Agricultural Policy Research Institute (FAPRI), 59% of America's dairy farmers would fare better if the USDA's Final Rule takes effect.

That last figure, in particular, is a telling statistic. But it is by no means the only reason it would be best to reject H.R. 1402 for the sake of America's dairy farmers. Even more compelling, to my way of thinking, is the potentially negative impact enactment of H.R. 1402 could have on the prospects for enhancing the export of American agricultural products in the years ahead.

As I need hardly remind my colleagues, this nation's agricultural producers have been disproportionately disadvantaged by foreign trade barriers for many years now. That being the case, a key objective in the next round of trade negotiations is to achieve greater market access for all United States exports of agricultural commodities and value-added foods. But how successful can we be in achieving that objective if we are perceived to be asking other nations to do things we are unwilling to do ourselves?

Let me be a bit more specific. From my vantage point as chairman of the Trade Subcommittee of the House Ways and Means Committee, it appears that the provisions of H.R. 1402 run directly counter to the negotiating objectives of the United States in those upcoming trade talks which get underway in Seattle on November 30th of this year. Instead of telling our would-be trading partners that we practice what we preach, those provisions would give them ammunition they could use to resist opening their markets to our exports. In the past, countries with the most troublesome trade barriers have tried to shield their unfair trade practices by continuing to define them as being within the "blue box" category of export subsidies that are beyond the reach of multilateral disciplines. If we insist on maintaining market distorting pricing mechanisms and commodity subsidies of our own, as H.R. 1402 would do, those countries will see little reason—and have no incentive—to change their position. The result: markets for American agricultural products will not open up as we would like, the promise of the 1996 Freedom to Farm Act will not materialize as we have hoped, and American farmers will not be as well off as they have expected.

Mr. Chairman and colleagues, I trust we will not make that mistake. For the sake of the consumer, the taxpayer and, yes, the dairy farmer himself or herself, I hope we will not go down the antiquated, out-of-date, inconsistent with the free market path that H.R. 1402 would take us. Rather than cling to a past that was not all that kind to dairy farmers anyway, let us look to the future and to the prospect of larger, more efficient markets, not just for dairy products, but for all the exportable agricultural goods produced in this country.

We have the land, the skill, the experience and the technology to feed not just ourselves, but people all over the world at prices, few, if any others, can match. Indeed, we are truly blessed and it would be a shame if we did not count our blessings and put them to the best possible use, not exclusively to serve the interests of agricultural producers, but also to benefit those who process, distribute, sell, prepare and/or consume all kinds of agricultural commodities.

Mr. Chairman, I urge my colleagues to vote "no" on H.R. 1402 so that the USDA's Final Rule on milk marketing orders can take effect on October 1st of this year. That Rule may not

be perfect, but compared to status quo alternative contemplated by H.R. 1402, it is a significant step in the right direction.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in Part A of House Report 106–324, is considered as an original bill for the purpose of amendment and is considered read.

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

H.R. 1402

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

SECTION 1. REQUIRED USE OF OPTION 1A AS PRICE STRUCTURE FOR CLASS I MILK UNDER CONSOLIDATED FEDERAL MILK MARKETING ORDERS.

(a) USE OF OPTION 1A.—In implementing the final decision for the consolidation and reform of Federal milk marketing orders, as required by section 143 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7253), the Secretary of Agriculture shall price fluid or Class I milk under the orders using the Class I price differentials identified as Option 1A ''Location-Specific Differentials Analysis'' in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4809), except that the Secretary shall include the corrections and modifications to such Class I differentials made by the Secretary through April 2, 1999.

(b) EFFECT ON IMPLEMENTATION SCHEDULE.—The requirement to use Option 1A in subsection (a) does not modify or delay the time period for actual implementation of the final decision as part of Federal milk marketing orders specified in section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277; 112 Stat. 2681–30).

(c) IMPLEMENTATION OF REQUIREMENT.—

(1) EXPEDITED IMPLEMENTATION.—The Secretary of Agriculture shall comply with subsection (a) as soon as practicable after the date of the enactment of this Act. The requirement to use the Option 1A described in such subsection shall not be subject to—

(A) the notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the notice and comment provisions of section 553 of title 5, United States Code;

(B) a referendum conducted by the Secretary of Agriculture pursuant to subsections (17) or (19) of such section 8c;

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(D) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(2) EFFECT ON MINIMUM MILK PRICES.—If the Secretary of Agriculture announces minimum prices for milk under Federal milk marketing orders pu4rsuant to section 1000.50 of title 7, Code of Federal Regulations, before the date on which the Secretary first complies with subsection (a), the minimum prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the months for which the prices have been announced.

SEC. 2. NECESSITY OF USING FORMAL RULEMAKING TO DEVELOP PRICING METHODS FOR CLASS III AND CLASS IV MILK; MODIFIED MANUFACTURING ALLOWANCE FOR CHEESE.

(a) CONGRESSIONAL FINDING.—The Class III and Class IV pricing formulas included in the final decision for the consolidation and reform of Federal milk marketing orders, as published in the Federal Register on April 2, 1999 (64 Fed. Reg. 16025), do not adequately reflect public comment on the original proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802), and are sufficiently different from the proposed rule and any comments submitted with regard to the proposed rule that further emergency rulemaking is merited.

(b) FORMAL RULEMAKING.—

(1) REQUIRED.—The Secretary of Agriculture shall conduct rulemaking, on the record after an opportunity for an agency hearing, to reconsider the Class III and Class IV pricing formulas included in the final decision referred to in subsection (a).

(2) IMPLEMENTATION.—A final decision on the formula shall be implemented not later than 10 months after the date of the enactment of this Act.

(3) EFFECT OF COURT ORDER.—The actions authorized by this subsection are intended to ensure the timely publication and implementation of new pricing formulas for Class III and Class IV milk. In the event that the Secretary is enjoined or otherwise restrained by a court order from implementing the final decision under paragraph (2), the length of time for which that injunction or other restraining order is effective shall be added to the time limitations specified in paragraph (2) thereby extending those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is effective.

(c) FAILURE TO TIMELY COMPLETE RULEMAKING.—If the Secretary of Agriculture fails to implement new Class III and Class IV pricing formulas within the time period required under subsection (b)(2) (plus any additional period provided under subsection (b)(3)), the Secretary may not assess or collect assessments from milk producers or handlers under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, for marketing order administration and services provided under such section after the end of that period until the pricing formulas are implemented. The Secretary may not reduce the level of services provided under that section on account of the prohibition against assessments, but shall rather cover the cost of marketing order administration and services through funds available for the Agricultural Marketing Service of the Department.

(d) EFFECT ON IMPLEMENTATION SCHEDULE.—Subject to subsection (e), the requirement for additional rulemaking in subsection (b) does not modify or delay the time period for actual implementation of the final decision referred to in subsection (a) as part of Federal milk marketing orders, as such time period is specified in section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277; 112 Stat. 2681–30).

(e) MODIFIED MANUFACTURING ALLOWANCE FOR CHEESE.—

(1) MODIFICATION OF ALLOWANCE.—Pending the implementation of new pricing formulas for Class III and Class IV milk as required by subsection (b), the Secretary of Agriculture shall modify the formula used for determining Class III prices, as contained in the final decision referred to in subsection (a), to replace the manufacturing allowance of 17.02 cents per pound of cheese each place it appears in that formula with an amount equal to 14.7 cents per pound of cheese.

(2) EXPEDITED IMPLEMENTATION.—The Secretary of Agriculture shall implement the modified formula as soon as practicable after the date of the enactment of this Act. Implementation and use of the modified formula shall not be subject to—

(A) the notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the notice and comment provisions of section 553 of title 5, United States Code;

(B) a referendum conducted by the Secretary of Agriculture pursuant to subsections (17) or (19) of such section 8c;

(C) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(D) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) EFFECT ON MINIMUM MILK PRICES.—If the Secretary of Agriculture announces minimum prices for milk under Federal milk marketing orders pursuant to section 1000.50 of title 7, Code of Federal Regulations, before the date on which the Secretary first implements the modified formula, the minimum prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the months for which the prices have been announced.

SEC. 3. ONE-YEAR EXTENSION OF CURRENT MILK PRICE SUPPORT PROGRAM.

(a) EXTENSION OF PROGRAM.—Subsection (h) of section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended by striking ''1999'' both places it appears and inserting ''2000''.

(b) CONTINUATION OF CURRENT PRICE SUPPORT RATE.—Subsection (b)(4) of such section is amended by striking ''year 1999'' and inserting ''years 1999 and 2000''.

(c) ELIMINATION OF RECOURSE LOAN PROGRAM FOR PROCESSORS..—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is repealed.

SEC. 4. DAIRY FORWARD PRICING PROGRAM.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new section:

''SEC. 23. DAIRY FORWARD PRICING PROGRAM.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall establish a program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

''(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy all regulated minimum milk price requirements of paragraphs (A), (B), (C), (D), (F), and (J) of subsection (5), and subsections (7)(B) and (18), of section 8c.

''(c) APPLICATION.—This section shall apply only with respect to the marketing of federally regulated milk (regardless of its use) that is in the current of interstate or foreign commerce or that directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.''.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in Part B of that report. Each amendment may be offered

only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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

It is now in order to consider Amendment No. 1 printed in Part B of House Report 106–324.

AMENDMENT NO. 1 OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 1 offered by Mr. GREEN of Wisconsin:

Page 3, beginning line 3, strike section 1 and insert the following new section:

SECTION 1. REQUIREMENTS APPLICABLE TO REFERENDA REGARDING FEDERAL MILK MARKETING ORDERS.

(a) NATIONAL BASIS OF REFERENDUM.—Section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new sentence: ''In the case of the issuance or amendment of an order relating to milk or its products, the referendum required by this subsection shall be conducted on a nationwide basis among all milk producers operating in areas covered by Federal milk marketing orders and the results of the referendum shall be tallied on a nationwide basis.''.

(b) TERMINATION OF BLOC VOTING.—Section 8c(12) of the Agricultural Adjustment Act (7 U.S.C. 608c(12)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new sentence: ''In the case of a referendum relating to milk or its products, a cooperative association of producers may not vote in the referendum on behalf of milk producers who are members of, stockholders in, or under contract with, such cooperative association of producers.''.

(c) APPLICATION OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall apply with respect to the referendum required by subsection (d) and any other referendum relating to milk or its products commenced under section 8c(19) of the Agricultural Adjustment Act (7 U.S.C. 608c(19)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, on or after the date of the enactment of this Act.

(d) REFERENDUM ON USE OF OPTION 1A OR OPTION 1B.—

(1) REFERENDUM REQUIRED.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall conduct a referendum among dairy producers whose operations are located within areas covered by Federal milk marketing orders to determine whether producers would prefer that the Secretary price fluid or Class I milk under the orders using the Class I price differentials identified as Option 1A or Option 1B in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4809), including such corrections and modifications to such options made by the Secretary through April 2, 1999.

(2) IMPLEMENTATION OF RESULTS.—The Secretary shall implement the favored option in the referendum as part of each Federal milk marketing order (other than any order covering the State of California).

The CHAIRMAN. Pursuant to House Resolution 294, the gentleman from Wisconsin (Mr. GREEN) and the gentleman from Texas (Mr. STENHOLM) each will control 10 minutes.

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

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the problems with the debate that we are going to have today is that, as my colleagues may have already heard, we are going to be dealing with a very complex, very difficult subject, milk marketing orders. A lot of terms and a lot of images are going to be tossed around, and a lot of Members and a lot of interest groups are going to be arguing that they know what is in the best interest of a family dairy farm.

This amendment, the amendment that I offer today, will ensure that, whatever we do today, it is supported by the dairy farmers themselves, not co-ops, not manufacturers, not associations, not Members of Congress, not inside-the-beltway interests, but the dairy farmers themselves.

As we will also hear reference to today, back in August, dairy producers all across America were asked to vote up or down on the modest, very modest reform plan offered by Secretary Glickman. Overwhelming results: over 95 percent of the dairy producers today and over 90 percent in each region of the Nation said that they favor the Glickman reform.

So why are we here? I would argue that farmers have spoken loud and clear. They want reform. Well, my colleagues, we are here because the large co-ops and some regional money interests do not like the results, and they seek today to overturn those results and overturn what the farmers I believe really want.

Now, to cover themselves they offer a weak excuse. They say that the vote that they cast in August was not a true vote and it was not a true vote because they did not have a choice between 1–A and 1–B. Instead, it was up or down on the Glickman reform, it was either the Glickman reform or termination of milk marketing orders.

Well, where have they been for the last 6 decades? That has been the system in place since 1937. Those of us who oppose 1402 did not create it. These are not our rules. These are the rules that we have had to play by for 60 years. The votes have always been cast in such a fashion.

But today we have an opportunity through this amendment to take the anti-reformers at their word. This amendment that I offer creates democracy. It asks dairy farmers their opinion. It turns to them for votes.

This amendment says that before this all-seeing, all-wise Congress overturns the result of the August referendum and reimposes its Soviet-style dairy system, we must have a real vote of dairy farmers.

What a radical idea, no taxation without representation.

Secondly, this amendment turns the vote over to dairy farmers themselves, all the dairy farmers covered by milk marketing orders. Instead of having an order-by-order vote, which is patchwork voting, this amendment recognizes that all dairy farmers, and we are going to hear this over and over again, all dairy farmers, all consumers have an interest, have a national stake in what we do today.

Third, this terminates block voting. A dirty secret in this process is that farmers actually do not have the vote. Instead, co-ops do. Co-ops have the right to vote their members. Just like feudal lords had the right for centuries to vote their tenants, husbands had the right to vote for their wives, co-ops have the right to vote for their member farmers. Lord forbid that our dairy farmers get to express their own opinion.

Fourth, this amendment does precisely what the supporters of 1402 say they want, a true choice, a true vote. We allow dairy farmers, under this amendment, to choose either 1–A or 1–B.

We have heard a lot of rhetoric about dairy farmers not getting a real vote in August. Today, with this amendment, we have the opportunity to give them a real vote, a real choice.

I do not rely on the Members out here, the 229 Members inside the Beltway, to make these choices. I put my faith in dairy farmers. I ask my colleagues to support this.

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

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we have heard some statements made that are not very factual. To suggest that dairy farmers have not already voted on this because their cooperatives have expressed themselves totally ignores two main facts. One, of all of the milk produced in the United States, 82 percent of it is produced by farmers who belong to cooperatives.

It is very true that there are a few cooperatives that differ with this legislation, and they happen to be mostly from one region of the country; and I

understand that. I hate to hear people continue to suggest that we are maintaining Soviet-style legislation because that is not true either under 1–A or 1–B, which is the argument today. That is not a true statement.

Is it a Government program? Absolutely. Has it worked perfectly? Absolutely not. But it is the overwhelming consensus of opinion by those who commented on this some 4,217 dairy farmers and their organizations, 3,579 supported 1402.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN) who has had a major effect in this debate, and been a major force.

Mr. RYAN of Wisconsin. Mr. Chairman, it really comes down to this: proponents of H.R. 1402 are saying that the vote that happened in August was a cooked vote, that it was not an honest vote, that they did not get all the choices to vote on what they wanted.

Well, that is what we are trying to give. Let us be very clear about what 1402 does with the latest self-executing amendment. It denies the farmer any choice as to their fate. It says that H.R. 1402, the status quo, will be crammed down their throat with no say-so, no plebiscite, no choice from the farmer.

What this amendment simply does is it lets every individual farmer, not the co-ops, not the processors, not the big businesses, the farmers get to choose do they want it.

Well, the vote that took place in August was one that passed with overwhelming majority. It was a choice between the USDA's rule and Option 1–B. I understand the proponents of 1402 disregard this vote, so we are coming to them with another vote.

If 1402 is what my colleagues think all the farmers in this country want, then they should not be afraid of letting them decide themselves whether they want it. Let us move this debate beyond the Beltway, beyond the co-ops and go directly to the people.

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

Mr. Chairman, I believe the gentleman from Wisconsin (Mr. RYAN) unintentionally misspoke concerning the vote that occurred. The farmers had a choice of the Secretary's proposal of 1–B or nothing was the choice that was voted on.

Mr. Chairman, I yield to the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, yes. I apologize. I thought that is what I had said.

The point is it is understandable that the proponents of H.R. 1402 disregard the vote that just took place by the farmers in August. So what we are simply saying is, okay, let us have a real vote; let us have a vote with the dairy farmers to choose whether or not they want 1402 before it is implemented, before it is passed down on to the farmers with no say-so.

□ 1200

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SWEENEY).

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

Mr. Chairman, as my colleagues know, I find the arguments of the sponsors of this amendment to be a little suspect. These gentleman, I believe, have every good intention, but they will also speak today on behalf of the Boehner amendment, an amendment which the dairy farmers have voted on. The dairy farmers overwhelmingly, 90 percent of them, in August rejected that proposal which would gut the milk marketing order; so, I am very skeptical of their position on this.

But let me say this: At a time when we should be empowering farmers to work together through cooperatives to get better prices, this amendment directly undercuts cooperative bargaining. This amendment would implement Option 1–B while another referendum is conducted by the Department of Agriculture.

Farmers join cooperatives to increase the size and effectiveness of their voice, and block voting on the part of cooperatives is representative democracy at its best. In a time of agricultural crisis, we should not be advocating ways to limit the ability of cooperatives to speak for its members, whether it be in the marketplace or in the regulatory impacts. This amendment would be a bad precedent, and I urge a ''no'' vote on Green-Ryan.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this amendment seeks to pull the mask off the antireformers, and we are hearing a bit of that in the rhetoric of my colleague from New York. Either my colleagues respect the overwhelming vote of dairy farmers in August, those that we all say we are here to serve, or they should change that voting system to get the real voice of dairy farmers. This amendment seeks to do that. It seeks to give us what many of us here are calling for, a real choice.

As my colleagues know, so many of us here pay lip service to the family farm. We say we want to save it, we want to save Americana, we want to protect the family farm as a part of our economy and our culture; and yet apparently, we do not trust those same family farmers we say we want to protect. We do not trust them to have a voice. Instead we take the voice away from them.

One wonders if perhaps those who do not support this amendment are afraid of what they might hear. They are afraid of what the farmers may tell them.

This is the moment of truth, this amendment: Who lines up for dairy farmers and who lines up for others, for special interests? Who really wants to hear from dairy farmers and give them the opportunity to decide what is best for them, and who believes that they know better?

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

Mr. STENHOLM. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me attempt to make it as clear as we possibly can what that vote was in August, approved by from 90 percent to 100 percent of those who were voting in various referenda. Dairy farmers voted to impose upon themselves the Federal market order system. That was the vote, because if they had voted no, they would have joined with those who will later today and in some of the rhetoric already today are suggesting that dairy farmers do not want a Federal milk marketing order system.

What most of this discussion is about is whether we have 1–A or 1–B, and I readily admit that the intricacies and the complexity of dairy market order makes for great fun on the floor of the House, but it does work for the purpose of which it was intended and that is to provide a stabilizing force for dairy products all over the United States.

Now the issue of whether to have another vote, I hope we will not forget for a moment somebody will have to pay for that and that the people that will pay for that will again be dairy farmers through the system of which we will be asking to vote. Under normal circumstances, I would be in favor of that; but we have already voted. This is an amendment by those who oppose 1402, attempting to muddy the waters somewhat in a very sincere way, and I would just say to my colleagues:

I hope that they will oppose this amendment, it is well-intended, it is unnecessary, it is costly, and it is being slightly misrepresented by those who advocate it from the standpoint of that vote in August because dairy farmers were confronted there with a vote of approving 1–B and the recommendation of USDA or having no Federal order in their region. Given that choice, they voted for the Federal order and support us in our endeavor to pass 1402 today.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

I find it interesting that my esteemed colleague is against this amendment because holding a referendum of dairy farmers would prove costly, and yet my colleague and the supporters of 1402 seek to overturn a referendum we have already paid for. Apparently that one was not so costly; it was worth throwing away to them.

My colleagues cannot have it both ways. Either we are going to turn to our dairy farmers or we are not. Either we are going to respect the results of a referendum or we are going to change the referendum to get a true vote.

Remember this: 1402 not only reverses the results of the August referendum, but it would take away the right to vote by dairy farmers before this change takes place.

Dairy farmers have had the right to vote on the Federal order system since 1937. We are taking the step, those who support 1402 and vote against this amendment, they are taking the step for the first time in 62 years imposing a system without giving dairy farmers the right to vote. I think that is outrageous.

Wherever one stands on 1402, wherever one stands on 1–A, 1–B, Glickman reform, to take away the right to vote before we do so is wrong. It is antifarmer, it is anti-family farmer, it is a slap in the face of family farms all across this Nation, those who would benefit and those who would be hurt by 1402.

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

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding this time to me. I rise in opposition to the amendment. Even though I agree with many of the arguments of my colleague from Wisconsin (Mr. GREEN) makes, his amendment is not all that simple. There are many major changes that are made in the system by this particular amendment that I do not agree should be done by an amendment on the House floor without the full knowledge and without the hearing process, without everything that it takes to rewrite dairy policy.

This has been a very difficult bill to get through because it does make major changes and has been very hard because there are so many different ideas region to region across the country. One of the most difficult things in all this is to hear from people, to get the members educated on that so they understand what they are voting on. This particular amendment makes major changes in dairy policy in a so-called simple amendment that is being added onto this bill. Because of that, I rise in opposition to this amendment.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. COMBEST), chairman of the full House Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, I understand very much the gentleman's concerns about the dairy policy, the proponents of this amendment, and I would say that the committee, now the full House, is considering basically whether to implement 1–A or not. I believe we know where our constituents stand on this issue, I believe we know how they have spoken with us. I do not believe it is necessary to implement what we believe is a strong majority of the House by holding another referendum. Either Members support 1–A or they do not. It is not necessary to go through some bureaucratic procedure in order to get to the end point.

So, Mr. Chairman, I would oppose the amendment.

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

I would urge our colleagues to strongly oppose this amendment. Listen to the chairman of the full committee, the chairman of the subcommittee, me as the ranking member of the committee. The committee has acted on this. We recommend very strongly 1402, an overwhelming vote, not a unanimous vote. So I would urge the opposition to this amendment.

Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. GREEN).

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

Mr. GREEN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. GREEN) will be postponed.

It is now in order to consider amendment No. 2 printed in part B of House Report 106–324.

AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 2 offered by Mr. STENHOLM:

Page 7, strike line 19 and all that follows through line 10 on page 8, and insert the following:

"SEC. 23. DAIRY FORWARD PRICING PILOT PROGRAM.

''(a) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of enactment of this section, the Secretary of Agriculture shall establish a temporary pilot program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

''(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy—

''(1) all regulated minimum milk price requirements of paragraphs (B) and (F) of subsection (5) of section 8c; and

''(2) the requirement of paragraph (C) of such subsection regarding total payments by each handler.

''(c) MILK COVERED BY PILOT PROGRAM.—The pilot program shall apply only with respect to the marketing of federally regulated milk that—

''(1) is not classified as Class I milk or otherwise intended for fluid use; and

''(2) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

''(d) DURATION.—The authority of the Secretary of Agriculture to carry out the pilot program shall terminate on December 31, 2004. No forward price contract entered into under the program may extend beyond that date.

''(e) STUDY AND REPORT ON EFFECT OF PILOT PROGRAM.—

''(1) STUDY.—The Secretary of Agriculture shall conduct a study on forward contracting between milk producers and cooperatives and milk handlers to determine the impact on milk prices paid to producers in the United States. To obtain information for the study, the Secretary may use the authorities available to the Secretary under section 8d, subject to the confidentiality requirements of subsection (2) of such section.

''(2) REPORT.—Not later than April 30, 2002, the Secretary shall submit to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report containing the results of the study.''.

The CHAIRMAN. Pursuant to House Resolution 294, the gentleman from Texas (Mr. STENHOLM) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. POMBO) be permitted to control 10 minutes of the time in support of the amendment.

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

There was no objection.

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

Mr. Chairman, the amendment Mr. POMBO and I offer today represents a step into forward contracting for dairy industry producers and handlers. At the outset, I want to point out to my colleagues that if the Pombo-Stenholm amendment is not adopted, then forward pricing will not likely come soon to the dairy industry. The committee's bill provision allows for a wide experiment where a more modest effort is justified. With the modifications we offer producer acceptance for the program can be secured. If the Pombo-Stenholm modifications are not adopted, producers will abandon forward pricing, and there will be no program.

Mr. Chairman, by failing to make special account of the coordination challenges, the provisions reported by the Committee on Agriculture fails to fully take account of the milk marketing order system and the need of dairy producers to rely on cooperative effort to maximize their income.

Mr. Chairman, dairy farmers are extremely vulnerable as stand alone price

takers. Their product is uniquely perishable, and the system we have has grown out of the fact that the processing industry has the unique advantage where negotiations with producers are concerned. While one can say what they want about the appropriateness of the particulars of the milk market order system, one fact is clear, that milk marketing orders give dairy farmers an opportunity they would otherwise lack to engage in mutually beneficial cooperative action for price.

Mr. Chairman, much of the debate of this bill focuses on the class 1 differentials. While the differentials matter in terms of promoting geographically diverse milk production, the key to the success of the milk marketing order program is it is focused on uniform prices. The idea that the orders promote the establishment of market-based prices that are paid uniformly to each producer regardless of the use to which his or her milk is put.

Mr. Chairman, put quite simply, the committee's bill's provisions regarding forward pricing represents a fundamental threat to the uniform pricing feature of the Federal milk marketing order system. This development is troubling to me because without uniform pricing, producers will have little choice but to abandon the cooperative effort that has sustained the dairy production industry.

Consider the situation where dairy producers have a choice between selling to a producers' cooperative or selling to a proprietary fluid milk processor. With the marketing system we have today, the producer can make a rational choice given the best opportunities available considering the farm's location and the location of the facilities. Because of uniform pricing there is an inducement to join the cooperative, consolidating with other producers in a manner that gives them the strength of common marketing. As a co-op, they together bear the additional costs of being prepared to process milk into a storable farm by building plants, of finding new markets, and of creating opportunities in other ways.

□ 1215

If a fluid plant were permitted to use the forward-pricing provisions, however, then it could begin to offer prices that are below the Class I price required under the order system but above the price the cooperative pays, the cooperative which bears those costs which make it effective in strengthening the producer's market position.

Mr. Chairman, it is easy to see what happens next. The rational producer has to do what is best for his or her operation, processors are restored to the position of being able to play each producer off against the other, and our system's effectiveness in promoting cooperative effort collapses.

Mr. Chairman, I agree that forward pricing can be an important risk management tool. Our amendment is designed to allow its use by producers and handlers on milk other than Class I for 5 years. We believe this is a reasonable compromise. I urge my colleagues to oppose the Dooley amendment and support the Stenholm-Pombo amendment.

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

Mr. RYAN of Wisconsin. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. RYAN) is recognized for 20 minutes.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. RYAN) for yielding me this time.

Mr. Chairman, the issue is one of free markets, in my view. Will we allow producers on a volunteer basis to enter into a private contract with a private processor? The Stenholm amendment says that if one happens to be a producer selling to a fluid milk bottler, the answer to that question is no.

The underlying bill, H.R. 1402, would increase the power basically of dairy cartels and, in the long run, the underlying bill not only would hurt producers because of over-supply, in my view, but it also hurts consumers, and it would do so through higher prices, and it would do so through higher price volatility.

Subsidies create excess production. Creating surplus dairy products eventually will create products that will be dumped into the markets and ultimately the Government will be asked to step in and buy surplus dairy products, and Congress did just that over a decade ago in the 1980s; and it cost Americans $17 billion, causing many to say that we should stop milking our taxpayers.

The Dooley amendment, if adopted, would help alleviate basically this situation by allowing producers and processors to contract for price and supply. Under that type of an arrangement, in my view, everyone is a winner, including the consumer. So let us work to implement free market reforms.

There is a reason why Citizens Against Government Waste, why groups like Americans for Tax Reform and Taxpayers for Common Sense oppose the underlying legislation, and I urge my colleagues to do the same and to oppose this amendment as it is currently drafted.

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

Mr. Chairman, this amendment has been put together as an effort to bring forward contracting as a tool, as an option, to America's dairy farmers. The original bill that was introduced to allow forward contracting for dairy farmers in this country was a bill that we introduced, and I have always been a big supporter of that because I believe that forward contracting is an extremely important tool that our Nation's dairy farmers should have.

They should have the ability to contract with someone on the outside, some corporation, some business, some processor out there, to contract for the sale of their milk over a long period of time to manage their risk on their particular operation. I believe that very strongly. I think the future for America's dairy farmers will include the ability to do forward contracting.

As we move forward with this particular bill, it became very apparent that a number of our producers, a number of our dairy farmers throughout the country, were dead set opposed to doing forward contracting. They did not want that tool, they did not want that ability, and our opportunity to bring forward contracting to America's dairy farmers, I believe, was very threatened.

I salute the gentleman from Texas (Mr. STENHOLM) for working with me over the past couple of months to come up with this amendment that is, in some ways, a compromise that allows us to bring forward contracting to two-thirds of the dairy producers that are out there, to give them the opportunity to manage their risk with doing forward contracting.

It is not perfect. It is a pilot program. It gives us the ability to try this over the next couple of years and prove that it will work. I believe it will work, but without this amendment passing we will not have forward contracting as part of the ultimate bill; and I believe that that will be a bigger risk for America's dairy farmers.

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in opposition to the Stenholm-Pombo measure and would also like to speak in support of my amendment to theirs.

What we are trying to do here is to provide dairy farmers with a risk-management tool, a tool that will allow them to manage some of the wide fluctuations in milk prices that occur throughout a year. This is an important opportunity that would allow a dairy farmer to voluntarily enter into a contract with a private processor.

Now that sounds like something that is very reasonable, because as a farmer myself that is something I do almost every day, is I enter into a contract with someone that is going to purchase my cotton, my alfalfa, or whatever else I might be producing. It is somewhat remarkable that in our dairy laws today we have a prohibition that actually makes it illegal for a dairy farmer

to enter into a private contract voluntarily in order to set a price.

This amendment that we are dealing with at the current time is one that is a step in the right direction because it allows us to have a pilot program that will allow dairy farmers to contract forward on the milk that they are going to sell for manufacturing purposes. If we are, in fact, going to have a legitimate and comprehensive pilot program, we ought to expand it to all classes of milk. Why should we limit it solely to that milk that is going to be used for cheese or other manufacturing purposes? We ought to also be allowing the dairy farmer the option to manage his risk, if he is going to sell his milk to be used for fluid purposes; and that is what is at stake here, and that is why we ought to oppose Stenholm-Pombo, because I think it is important that as policymakers that we really do define what the appropriate role of Government is.

How can we, in good conscience, say that the appropriate role of Government is to preclude dairy farmers from voluntarily entering into a contract with a processor of their choice? It just does not make any sense.

So for all my colleagues that do not know a lot about dairy policy, that are listening, this is a very simple amendment. I ask my colleagues to oppose Pombo-Stenholm and support my amendment.

I would also say that this is a measure that makes so much sense that all the dairy cooperatives in the United States already are using forward contracting. In fact, I have some letters here that are put out by Dairy Farmers of America that talk about the benefits of forward contracting. They say that the benefits of forward contracting is to protect profit margins. It establishes a known price for future production. It allows management of income in volatile markets.

Now, if we have the dairy cooperatives of the United States that are already promoting to their producers the use of forward contractors why, again, would we as Members of Congress decide that it is inappropriate and it in fact should be illegal to allow dairy farmers to enter into a forward contract for the sale of fluid milk to a private processor? That makes no sense.

Vote against Stenholm-Pombo. Vote for the Dooley substitute.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from California (Mr. POMBO) for yielding me this time.

Mr. Chairman, let me start out by saying if one supports co-ops, and most all of the dairy farmers in this country sell their milk through co-ops, then you should support the Stenholm-Pombo amendment.

Eighty-seven percent of our milk in this country is sold through the cooperative system. The reason buyers of milk from the farmers would like us to vote down the Stenholm-Pombo amendment is simply because they can undercut the effectiveness of the cooperative to help farmers. What this amendment helps correct is an amendment passed in committee on a vote of 20 to 23, with 6 Members absent. A very close vote in committee. Some were convinced by the philosophical debate that the gentleman from California (Mr. DOOLEY) puts forward.

It sounds good on the surface but what it does, is undercut the effectiveness of the co-ops by letting the manufacturers and the purchasers of the milk go around the co-op, to buy milk directly from the farmers. Thus they have better negotiating power with the co-op, by getting several farmers to leave the co-op and sell directly to the dairy by promises of benefits. A dairy that does not have to deal directly with the co-op for a significant amount of milk increases their bargaining power and reduces the co-op's ability to serve the majority of the people that they represent in getting a fair price for their milk.

Help keep farmer cooperatives strong and vote against the Dooley secondary amendment and for Pombo-Stenholm.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. RYAN) for yielding time.

Mr. Chairman, I rise in opposition to the Pombo amendment and in favor of the Dooley amendment. I believe that my dairy farmers should have the right to forward contracting with the processors. I believe that they have to have this tool to manage the risks of fluctuating prices. Those who support this amendment seek to, as my colleague just alluded to, reverse the results of the Committee on Agriculture.

Secondly, I find it interesting that those who are supporting the Pombo amendment say that farmers are vulnerable with respect to processors. That is interesting because farmers in Classes II, III, and IV can already engage in forward contracting. Apparently they are not vulnerable but somehow those in Class I are.

It is also interesting that farmers are suddenly vulnerable with respect to the processors, but they are not vulnerable with respect to the co-ops. We heard in the debate on the previous amendment that they were not vulnerable with the co-ops; they had strengths with the co-ops in their bargaining. Suddenly they are vulnerable.

Quite frankly, in response to the previous speaker, I am not worried about the large co-ops. I think the votes today prove that the large co-ops can take care of themselves very well. They do not need our protection. Our dairy farmers do.

I think the ones who are really vulnerable today are the dairy farmers, not vulnerable with respect to the co-ops, not vulnerable with respect to the processors, but vulnerable with respect to us here inside the beltway as we seem poised to overturn the results of the August referendum and reimpose a Soviet-style system.

Mr. STENHOLM. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas (Mr. STENHOLM) has 6 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to repeat some of what the gentleman from Michigan (Mr. SMITH) mentioned a moment ago because he was right on target. If we ask any farmer today, and we are going to talk a lot about this over the next several days and weeks, about the problem we are having with the price we are receiving, now I have done a lot of analyzing of what can farmers do to enhance price and it comes down to a pretty simple question.

Either we farmers, whether it is dairy we talk about today or whether it is fruit, vegetables, beef producers, hog producers, the only thing that producers can do is to bind themselves together in order that they might become an economic unit that can have market power in this tremendously changing marketplace.

My dairymen at home are telling me, the large dairies are saying, if the Dooley amendment should pass, we will have no choice but to do what the advocates of this amendment want done: allow a few producers to go cut their own deals to the expense of everybody else. That can already be done. That is the American system. But why should we make it the legal system more than it already is? That is the fundamental question.

The proponents of this amendment really honestly believe that is what they want to do and I respect that. I respect that, but then I come back to the problem of which we are going to be called on to spend billions of dollars in a few days supplementing the income of corn producers, rice producers, cotton producers, wheat producers. Why? Because the price is too low.

□ 1230

That is the fundamental choice; and why I point out to my colleagues, to those that want to forward contract under current law, they can already do so and they will be able to do so. It is called the future's market. Any producer that believes they would like to forward price because it is better may do so every day today. If one chooses to do that as an individual because one believes one can get a better price, one may do so.

The problem with allowing one to do as this amendment suggests ignores the fact that our cooperatives play a very vital role for their dairy community that often gets overlooked by those who choose to contract out. It is called market balancing. Whenever one gets short-term surpluses of milk in any given regional order, somebody has to take that and move it some place at whatever cost it takes. That is what gets overlooked if this amendment should pass in the form in which they propose it to those who oppose the amendment. It will do irreparable harm to the dairy industry's quest at price enhancement, of taking what we now have and allowing dairy farmers to work with the processors, not against them, to get more of the consumers' price into the dairy farmers' pockets.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Wisconsin for yielding me this time.

Mr. Chairman, I rise today in opposition to the Stenholm amendment and in support of the Dooley amendment. I truly believe that if we really want to do everything we can to enable our dairy farmers to survive in current market conditions, we need to do two things, one of which is to allow us to move forward this reform from USDA that moves us to a more market-oriented pricing system rather than a government price-controlled system. Even though it is very incremental, it is a step in the right direction.

The other important thing, we can do is to do everything within our power to empower the individual producer with more risk-management tools so that they have more control over their own destiny. There is a very important risk-management tool that is available to farmers that have the luxury of dealing with co-ops and that is called forward contracting. In fact, we have a pilot options program taking place right now in a variety of counties throughout Wisconsin that allow producers to enter into options or future contracts. The concept is simple. If they can lock in on a predictable price and a revenue return that they can rely upon, then they will not be subject to the vagaries of the marketplace and the wild, cyclical ride that we have seen throughout the dairy industry and throughout most of the agriculture industry, with drastic price fluctuations. This risk-management tool gives those individual producers who are willing to crunch their own numbers and determine what their individual cost of production is, to enter into private contracts placed on future prices.

Now, if they know that their cost of production is say 11 bucks per hundredweight and they can lock in on a future contract of 12 bucks per hundredweight, they are going to be making a buck profit per hundred-weight. And that is a tool that our farmers in the region are just now starting to utilize. That is why I am in favor of the Dooley amendment. It would expand future contracting beyond cooperatives.

I think we should be empowering these farmers regardless of the access they have to co-ops. There are many producers around the country that do not have access to co-ops. In Wisconsin, we have roughly a little more than 80 percent of our dairy farmers that do have co-ops that they can forward contract with. But there are roughly 20 percent that want to be able to do this with private entities, and that is more true in other parts of the region that do not have a lot of co-ops to join and forward contract with.

So if we are really going to help our family farmers today, I would encourage my colleagues to oppose the Stenholm amendment, support the Dooley amendment, and allow forward contracting for producers, regardless of where they happen to be producing and regardless of whether or not they can join a co-op or deal directly with a private entity.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Wisconsin (Mr. RYAN) has 10½ minutes remaining; the gentleman from California (Mr. DOOLEY) has 6½ minutes remaining; the gentleman from Texas (Mr. STENHOLM) has 3 minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

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

I rise in strong opposition to the Stenholm amendment and in support of the Dooley amendment. The Stenholm amendment is a bad idea. It takes away something that we just put into this legislation to give every dairy farmer in the country something they badly need to do.

Farmers across the country complain about their inability to manage risk, to deal with the fluctuation in prices. Forward contracting allows them to do that. It allows processors to offer producers or their cooperatives a predetermined price for their milk over a specified period of time. Producers can voluntarily accept a price based on the processor's offer or continue to pay prices based on Federal milk order prices set each month in their order. This is simply another risk-management tool that should be offered to all farmers. There is nothing that says a producer must take a processor's offer or that he cannot continue to be paid for his milk the way his grandfather's father was paid. The forward contracting provisions in this bill are completely voluntary.

The amendment to exclude fluid milk from the forward contracting provisions of this bill will leave the majority of my dairy-producing constituents without the same risk-management tools that others have. I represent a heavy Class I utilization area. I hear my farmers' complaints about price volatility very frequently. If they are not offered the same ability to forward contract as other dairy producers, they will be severely disadvantaged in their ability to manage their risk and lock in a price for their product.

Dairy cooperatives can offer their producers forward contractors, but the Agriculture Marketing Agreements Act of 1937 severely limits proprietary processors from offering producers forward pricing. This legislation is necessary to enable all dairy processors, cooperative and proprietary alike, to offer forward contracts.

Class I milk must be included in this bill's forward contracting provisions if we are to put the entire industry on an equal footing in helping farmers manage their operations profitably.

Oppose the Stenholm amendment and support the Dooley amendment.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. GUTKNECHT) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1059) ''An Act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''

CONSOLIDATION OF MILK MARKETING ORDERS

The SPEAKER pro tempore. The Committee will resume its sitting.

The Committee resumed its sitting.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a champion in the milk marketing reform debate.

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

I want to see if I can put this into terms that more Members can understand. Last year, I was at the Houston County Fair, and I have done this at other fairs, but this was a specific example where I was meeting with some dairy farmers and we were talking about dairy prices and I asked some of

them, well, how much was your milk check last month. If you ask the farmers themselves, many times they do not know. But if you ask the farm wives, they can tell you. They know how much that milk check is month to month. What this debate is about is are we going to allow some of those people to take some of the bumps out of the road.

The reason I tell the story is last year and then again this year, we have seen prices go from $20 a hundredweight down to about $12 a hundredweight, and depending on the circumstances, either side of those two numbers. They are happy when the price is $20 a hundred-weight, but they are all hurting when the price is $12. We have seen this roller coaster ride.

What we are talking about is a risk-management tool whereby the dairy farmers, and let us talk about those farm wives, the ones who get the checks, who pay the bills, they are the ones who really know what is happening with the business end of most dairy farms; let us let them have that option, whether they go to the co-ops or whether they go to a for-profit producer or processor. Let us let them have the option of contracting.

So I rise in opposition to the Stenholm amendment; I rise in support of the Dooley language, because all we are saying is whether one sells their milk to a co-op or whether one sells their milk to a for-profit, they ought to have the option of taking some of those bumps out of the road. I say to my colleagues, the co-ops, in my opinion, have done a miserable job of advancing this basic notion. I think if people begin to understand it is available and if there is a competitive pressure out there, both the co-ops and the for-profits are going to move to help farmers utilize this risk-management tool.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, once again, I just want to touch on a few of the arguments that some of the supporters of this amendment have made in terms of it undermining the ability of farmers to participate in cooperative efforts.

I think as a Member of Congress, I probably am a member of more agriculture cooperatives than any other member of the 435 in our body. I market my cotton through a cooperative. We market a whole host of other products through cooperatives. I believe in the cooperative system.

But I also believe very strongly that as a farmer, I should have the right to voluntarily enter into a contract to market my product. And when we talk about this is undermining the cooperative system, there is nothing in the proposal that I am advancing that would undermine that.

What we are undermining, if we pass the Stenholm-Pombo legislation, is we are undermining the right of a farmer; we are undermining the right of a farmer to voluntarily enter into a contract in order that they may be better able to manage the risks associated with the volatility in milk prices.

Now, that makes so much common sense that I, quite frankly, am surprised we are even having a debate on this issue. Why should we think that it is the appropriate role of government, once again, to deny farmers the right to enter into a contract. Could we imagine going into another sector of our industry and saying that we are going to deny the producer of orange juice or oranges the ability to enter into a forward contract with Sunkist who is a cooperative or Minute Maid and say, it is your right to enter into a forward contract if your oranges are going to be used for a fruit cocktail mix or something like this, but it is against the law for you to enter into a forward contract if you are going to sell your oranges for juice that is going to end up in the bottle for fluid consumption.

That is absolutely absurd. But yet, that is what we are trying to do with this amendment is that we are going to say that it is all right for a farmer to voluntarily contract to sell their milk for cheese or butter or powder but if they want to enter into that same contract to sell their milk as fluid production to end up in a bottle, we are saying it is against the law.

The Federal Government has no right to intercede in the affairs of a private entity and a farmer from entering into voluntarily a contract.

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

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from California (Mr. DOOLEY) has 30 seconds remaining.

Mr. DOOLEY of California. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, if I could follow along from the conversation of my colleague from California was having. Understand that under current law, dairy farmers cannot go out and sell their milk, because the Federal program, the Federal milk market order system says that one can only sell one's milk within a particular region for a particular price to a particular buyer. That is the first problem.

Then, with the amendment that we have on the floor currently we are saying that if one wants to have forward contracting, one can have it if one has Class II or III milk, but if one has fluid milk, one cannot forward contract. So we are forcing dairy farmers into a position where they only have one place to sell their milk and that is through their co-ops.

I am a big supporter of co-ops. I think they do an awful lot to help farmers of all different types. But we have corn producers, soybean producers, vegetable producers all over this country who do what every single day? They forward contract with buyers for their commodities.

Now, if it is good enough for all of these other commodities, why is it not good enough to allow dairy farmers the freedom to go out and contract on their own?

Mr. POMBO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would have to agree with the statement that the gentleman from Ohio (Mr. BOEHNER) just said, but I think it needs to be expanded upon a little bit so that all of my colleagues can understand the problem that we have.

Right now, it is not possible for a dairy farmer to go out and forward contract their milk with anyone except for their co-op.

□ 1245

What this amendment is doing is it is saying that two-thirds of the milk that is being produced, they will be able to go out and forward contract with anyone that they want.

The debate that we are having, and the Dooley amendment will bring up later, is whether or not to make it 100 percent of the milk or two-thirds of the milk. The problem that we have is that we do have a 60-odd-year-old law that the dairy farmers have become used to, that they have become dependent upon, and a certain amount of dependency has grown up around that current law that is on the books, so obviously there is a lot of fear when we get into any major change in the way milk is marketed.

If Members truly believe that forward contracting is part of the future for marketing milk in this country, then they have to support this amendment, because by doing it as a pilot program, by doing it on a somewhat limited scale is the only way we are going to be able to use this program, prove it works, prove to the dairy farmers that it is a tool that they need, that they should use for the future.

I believe that the only way we are going to see forward contracting in the future is if Members support this amendment and if they oppose the Dooley amendment later.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me address some of the points my colleague, the gentleman from California, just mentioned. The current law we have, which has been in

place for 62 years, has been the primary reason why we have lost 11,000 dairy farmers in Wisconsin since 1990.

We have heard a lot over the last few months about giving farmers the ability to manage their own risk. Farming is a very volatile industry. There are ups and there are downs, and we need to help farmers have the ability to manage their own risk, to make sure that they can survive from year to year.

This is what it comes down to. The coops can forward contract, so a farmer in a coop has that ability. The coops have a government-sanctioned competitive advantage over all other processors: They can forward contract. If we look at the coop literature, we will see they promote forward contracting as a wonderful tool of risk management.

What the Stenholm-Pombo amendment seeks to achieve is to stop anybody else from offering forward contracts. The coops want to keep their competitive advantage, so they are the only ones who can give forward contracts to the dairy farmer. What we are trying to achieve by defeating the Stenholm-Pombo amendment and by passing the Dooley amendment is simply this: Let the farmer decide if they want to or who they want to forward contract with.

If for one reason or another a farmer does not join a coop, a right they have today, why should we be denying them the ability to forward contract, which is the best management tool they have in their arsenal? What we are doing if we pass the Stenholm-Pombo amendment and defeat the Dooley amendment is basically telling that dairy farmer who for one reason or another is not in a coop, you are out of luck. You cannot forward contract. Forward contracting, as I think everyone is acknowledging here on the floor debate, is an excellent tool of risk management.

The coops are very big and they are getting bigger. I support coops. I have many in my district that I represent. However, as we are going to discuss in a future amendment, coops are not required to pay the minimum price for milk to their producers. So we have a system whereby the coops have a competitive advantage, being the only ones who can offer forward contracting, but it is also very interesting to note that the coops do not have to pay the minimum price of milk to their own producers.

So our farmers are being put into a catch-22. If they want this risk management tool, they have to join the coop. If they join the coop, they very well will not get the minimum price of milk. They might get prices below the minimum prices.

What we are trying to do is liberalize and give more freedom to the dairy farmer, give them the chance to self-contract, forward contract, on their own.

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

Mr. Chairman, the gentleman from Wisconsin is accurate in one aspect, and that is that current dairy policy is responsible for, one, putting a lot of dairy farmers out of business, and two, for keeping a lot of dairy farmers in business. It is inefficient. It has, I believe, all of the bad elements of what happens when government gets involved with regulating private business.

But having said that, I believe that it is extremely important that we continue on with the transition between a government-run, regulated dairy industry into a free market industry. One of the ways of doing that is by allowing forward contracting, by allowing individual dairy farmers to go out and contract for the future how much they are going to get for their milk.

I truly believe that the only way that we are going to advance that debate further, that we are going to advance the ability for dairy farmers to have the chance to forward contract on their milk, is by passing this amendment.

Having said, I ask my colleagues to support the Stenholm-Pombo amendment and to oppose the Dooley amendment.

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

Mr. Chairman, I think one key point needs to be made. To all of those who oppose my amendment because of the complexities, because of the continuation of the Federal Market Order System, to those who also were interested in another referendum in the previous vote that we will be taking in just a moment, let me remind all of our colleagues, if they are concerned about what dairy farmers want us to do today, dairy farmers voted 90 percent plus in August to support the Federal Milk Marketing Order System, warts and all.

I repeat, if Members are concerned about what dairy farmers want us to do today, they preferred Option 1B with the Federal order system versus nothing, which the advocates will have an amendment to eliminate all of the dairy program as the last amendment today.

But the relevant point on this amendment, if Members are concerned about what dairy farmers in all regions of the country have already spoken loudly and clearly on in a referendum, in a vote, in which every dairy farmer, through their cooperative, had a chance to vote, they said, we prefer the Federal Market Order System versus nothing. That was the choice that was made.

That point needs to be indelibly in our minds today because a lot of the rhetoric we have heard today is talking about something that somebody other than dairy farmers would like to see done. That is something that I hope we will keep in mind as we support my amendment.

Personally, I am very nervous about even my amendment, the effect, but I am willing to try. That was the deal that I made with the gentleman from California (Mr. DOOLEY). I was willing to have an experiment, time-limited, to see whether or not we could use, in all milk other than Class 1, we could use forward contracting to enhance producer income.

I am still willing to try that. I hope my colleagues will join with me in support of my amendment, oppose the Dooley amendment, and let us get on with passing H.R. 1402, which is the overwhelming opinion of the overwhelming majority of dairy farmers in the United States what we should do today.

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

AMENDMENT NO. 3 OFFERED BY MR. DOOLEY OF CALIFORNIA TO AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

Mr. DOOLEY of California. Mr. Chairman, I offer an amendment to the amendment.

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

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

Part B amendment No. 3 offered by Mr. DOOLEY of California to Part B amendment No. 2 offered by Mr. STENHOLM:

On page 2 of the amendment, beginning line 3, strike ''that—'' and all that follows through ''is in'' on line 6 and insert ''that is in''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from California (Mr. DOOLEY) and a Member opposed each will control 5 minutes.

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

Mr. DOOLEY of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture.

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

Mr. Chairman, this is a simple matter of fairness. The authority in the bill reported by the Committee on Agriculture for dairy farmers to enter into private contracts with processors is completely voluntary. If the farmer decides they want to enter into a contract, it is agreeable to both sides, they can do so, completely voluntary.

According to the experts within the Department of Agriculture, it may be impossible to implement a forward contracted program if fluid milk is excluded. Therefore, I do support the Dooley amendment to the Stenholm-Pombo amendment.

Specifically, Mr. Chairman, the amendment that was offered by my colleague, the gentleman from Texas,

seeks to make the authority to forward contract a pilot study. I can support that. Unfortunately, the amendment also says that unlike the farmers who sell their milk for manufactured dairy products, if they sell their milk to a bottler, fluid milk bottler, they cannot negotiate for a better price.

If the goal is to establish a pilot, I do not believe that it is wise to prohibit the farmer participation based on how that product will be sold. The authority for a farmer to contract for the sale of their product guarantees their income and ultimately reduces price volatility that has plagued this industry and consumers. I do support the Dooley amendment, and if it passes, I support the underlying amendment.

Mr. Chairman, I believe it is responsible for us to give all of the possible options of marketing to all of our farmers to best provide them the best risk management they can possibly have in times of very depressed agricultural conditions.

The CHAIRMAN pro tempore. Does any Member seek time in opposition to the amendment offered by the gentleman from California (Mr. DOOLEY)?

Mr. STENHOLM. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume. Let me make another point for all of our colleagues here. There is nothing in my amendment that precludes any dairy farmer or any cooperative from negotiating a better price for fluid milk. Nothing in the amendment keeps them from doing that. What they cannot do is negotiate a price that is less than, less than the order price. That is why I oppose the Dooley amendment.

I will make a few observations. This is interesting to me, because California dairy producers do not vote in Federal referenda because they have a much better referendum in California, or at least that is what California dairy farmers say. Again, we have a very divided industry, and we have been through this for a long time. It is split almost fifty-fifty, between dairy farmers in California that have a different opinion.

But it is interesting, when we heard a moment ago that the price of milk can be produced for $11 in California, and we talk about consumers, well, the consumer price for milk in Los Angeles is $2.99 as of September 22, 1999. In Dallas, Texas, it is $2.50. In Minneapolis, Minnesota, it is $2.99.

Again, we have been hearing all about this profit, the pricing, and what we can and cannot let dairy farmers do. But the bottom line from the consumer standpoint, we cannot make a logical argument that the consumer is benefiting from the California price to the dairy farmer, but the dairy farmers in California that object to their system because they feel like they are being penalized is a valid one.

Again, let me remind my colleagues that the order and the rules of the Federal order that we are discussing were overwhelmingly approved in every region of the country. California did not vote because they are not a part of the Federal order system.

□ 1300

But every other region, 90 percent of the dairy farmers agreed that the federal order system, as imperfect as most of them believe it is, under the bill that we attempt to correct today or the order of the USDA recommendation, 96 percent, 98 percent in the southeast, in the northeast 90.5 percent, 93.1 percent of the producers all across the Nation agree. They agree with the basic tenet of the amendment that I offer of a pilot project. As the chairman said, we are willing to try this to see whether or not it might work, but to do it in a limiting way.

To the argument of suggesting that this does not make sense, separating Class I and other classes, let me again remind my colleagues that the purpose of which I offer my amendment and the purpose of which the gentleman from California (Mr. DOOLEY) offers his are diabolically opposed.

I feel very strongly that if we allow individuals to contract in dairy, which is much different than we have in cotton, and I belong to a few cooperatives myself, but in dairy, if one has a large number who choose to contract out for another extra nickel, and one has a balancing problem in one's region in which suddenly one has milk that has to be moved somewhere at a loss, the folks that have made the contract benefit from this, and every other dairy farmer within the cooperative will be hurt accordingly.

Now, maybe that is not right. Some would say, and I guess the argument of those today and the proponents to my amendment say, that is the way it ought to be. But it is a fundamental change. I would submit to my colleagues, if they are concerned about dairy farmers, they cannot ignore the vote in August in which they said overwhelmingly we accept the warts of this because we believe doing without the program will do us more harm.

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

Mr. DOOLEY of California. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, as has been pointed out earlier in this conversation, one of the real needs for farmers of all types in the current economic environment is better risk-management tools. One of the things we tried to do over the last couple of years and we will consider before this year is over is an expanded crop insurance package.

But what we are talking about in this amendment is empowering dairy farmers by giving them risk-management tools so that they can better manage the risk and the fluctuations in price on their own farm.

Now, the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. POMBO) who have the underlying amendment are saying, well it is okay if one sells one's milk for cheese or for powder. We are going to allow one to forward market and contract that particular product. But if one is going to sell one's milk for fluid consumption to a bottler, let us say a supermarket down the street, that is not okay.

Now, it defies me to understand why it is okay to have forward marketing for cheese and powder but not for fluid milk.

Now, we happen to be in a situation today where farmers last year, the dairy farmers, got probably, overall, the highest prices they ever received. This year, they are likely to get the second highest prices they have ever received.

What we are saying with this amendment is, even though we have got high prices, and maybe a dairy farmer would like to go out and lock in that higher price with his local supermarket, he is unable to do that under current law and under the underlying amendment.

That is why the amendment being offered by the gentleman from California (Mr. DOOLEY) I think makes all the common sense in the world. At a time of higher prices, why do we not empower dairy farmers themselves to go out and lock in a price for a substantial length of time if they want?

What we are basically saying with the underlying amendment is that dairy farmers are not capable of doing this on their own. Well, I think they are. They have done a marvelous job in surviving under a complex system for 62 years. If we begin to unleash the shackles that the Federal Government has put around them, my guess is that dairy farmers are going to have a great opportunity to succeed even more.

So I rise in support of the Dooley amendment and congratulate the gentleman from California (Mr. DOOLEY) for offering it, along with the chairman of the committee, in saying that let us empower farmers, let us make this common-sense reform that allows a dairy farmer to go out and protect himself and his family and most importantly his farm.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from California (Mr. DOOLEY) and the gentleman from Texas (Mr. STENHOLM) each have 30 seconds remaining. The gentleman

from Texas (Mr. STENHOLM) has the right to close.

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

Mr. Chairman, I urge the strongest opposition to the Dooley amendment. It is basically whether my colleagues are going to vote with dairy farmers, as they have already told us by a 90 percent vote that they agree with my basic amendment, they oppose the Dooley amendment. I hope my colleagues will stick with the dairy farmers of America all across this Nation overwhelmingly. Ninety percent say let us stick with my amendment. Oppose the Dooley amendment. Support H.R. 1402.

Mr. DOOLEY of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I just ask my colleagues just to apply a little common sense in their votes on this amendment. All we are asking for is to allow dairy farmers the ability and the right to enter into a voluntary contract to sell their fluid milk.

One cannot have a more compelling argument than was put in the information that was put out by the Dairy Farmers of America, one of our largest co-ops, when they were promoting forward contracting. They said, ''For the first time in history, you can manage future price risks on your dairy using the same proven tools that have been available to other commodities for many years.''

This amendment, the Dooley amendment, is going to provide those tools, those risk-management tools to dairy farmers. Let us give them the ability to manage prices in a volatile market.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. DOOLEY) to the amendment offered by the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 294, further proceedings on the amendment No. 3 offered by the gentleman from California (Mr. DOOLEY) to the amendment No. 2 offered by the gentleman from Texas (Mr. STENHOLM) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Part B Amendment No. 1 offered by the gentleman from Wisconsin (Mr. GREEN), Part B Amendment No. 3 offered by the gentleman from California (Mr. DOOLEY), and Part B Amendment No. 2 offered by the gentleman from Texas (Mr. STENHOLM).

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

AMENDMENT NO. 1 OFFERED BY MR. GREEN OF WISCONSIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Wisconsin (Mr. GREEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 323, not voting 8, as follows:

[Roll No. 430]

AYES—102

Armey
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Bereuter
Berkley
Biggert
Blagojevich
Blumenauer
Boehner
Boswell
Brown (OH)
Calvert
Carson
Chabot
Cox
Crane
Davis (IL)
Davis (VA)
Delahunt
DeMint
Dooley
Dreier
Evans
Ewing
Frank (MA)
Ganske
Goss
Green (WI)
Gutknecht
Hall (OH)
Hobson
Hostettler
Hyde
Jackson (IL)
Johnson, Sam
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Leach
Linder
Lipinski
Luther
Maloney (NY)
Manzullo
Markey
Matsui
McDermott
McIntosh
Meehan
Menendez
Miller (FL)
Minge
Moakley
Napolitano
Nethercutt
Nussle
Oberstar
Obey
Pallone
Pascrell
Payne
Peterson (MN)
Petri
Pomeroy
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanford
Sawyer
Schakowsky
Sensenbrenner
Sessions
Shays
Shimkus
Souder
Spratt
Strickland
Stupak
Sununu
Tancredo
Thune
Vento
Visclosky
Weller
Wu

NOES—323

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Olver
Ortiz
Owens
Oxley
Packard
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryun (KS)
Salmon
Sanders
Sandlin
Saxton
Schaffer
Scott
Serrano
Shadegg
Shaw
Sherman
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Stabenow
Stark
Stearns
Stenholm
Stump
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Coble
Dickey
Doolittle
Fowler
Ose
Scarborough
Tauzin
Weygand

□ 1331

Messrs. FARR of California, GEORGE MILLER of California, RILEY, QUINN, BUYER, DIXON and CANADY of Florida changed their vote from ''aye'' to ''no.''

Messrs. ROGAN, RUSH and EWING changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. OSE. Mr. Chairman, I was inadvertently detained and was therefore not present to vote today for rollcall No. 430. Had I been present, I would have voted "no."

PARLIAMENTARY INQUIRY

Mr. COMBEST. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman will state his inquiry.

Mr. COMBEST. Mr. Chairman, I just wanted to make sure because there is some confusion. The next vote occurs on the Dooley amendment to the Stenholm amendment?

The CHAIRMAN pro tempore. The gentleman is correct. The next vote occurring will be a vote on the Dooley amendment to the Stenholm amendment.

AMENDMENT NO. 3 OFFERED BY MR. DOOLEY TO AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 3 offered by the gentleman from California (Mr. DOOLEY) to Amendment No. 2 offered by the gentleman from Texas (Mr. STENHOLM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 155, noes 270, not voting 8, as follows:

[Roll No. 431]

AYES—155

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bereuter
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Callahan
Calvert
Campbell
Canady
Capps
Carson
Chabot
Clay
Clement
Combest
Conyers
Costello
Cox
Crane
Cummings
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLay
DeMint
Dixon
Doggett
Dooley
Dreier
Duncan
Ehlers
Evans
Ewing
Frank (MA)
Gallegly
Ganske
Goodlatte
Goss
Granger
Green (WI)
Gutierrez
Gutknecht
Hefley
Hilleary
Hobson
Hostettler
Hyde
Inslee
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Largent
LaTourette
Leach
Linder
Lipinski
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Matsui
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Miller (FL)
Minge
Moakley
Moore
Moran (KS)
Moran (VA)
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Ose
Oxley
Pallone
Pascrell
Paul
Payne
Pease
Peterson (MN)
Petri
Porter
Portman
Pryce (OH)
Ramstad
Regula
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanford
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Smith (NJ)
Smith (WA)
Souder
Stupak
Sununu
Tancredo
Terry
Thune
Tierney
Traficant
Vento
Visclosky
Wamp
Waters
Waxman
Weller
Wilson
Wu
Wynn
Young (AK)

NOES—270

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bateman
Bentsen
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Camp
Cannon
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clayton
Clyburn
Coburn
Collins
Condit
Cook
Cooksey
Coyne
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doyle
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Norwood
Olver
Ortiz
Owens
Packard
Pastor
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Shadegg
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

NOT VOTING—8

Coble
Dickey
Doolittle
Fowler
Latham
Metcalf
Scarborough
Tauzin

□ 1340

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

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LATHAM. Mr. Chairman, on rollcall No. 431, I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 2 OFFERED BY MR. STENHOLM

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 4 printed in Part B of House Report 106–324.

□ 1345

AMENDMENT NO. 4 OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN pro tempore (Mr. GILLMOR). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 4 offered by Mr. GUTKNECHT:

Add at the end the following new section:

SEC. ___. LIMITATION ON BLENDING OF PROCEEDS FROM THE COLLECTIVE SALES OR MARKETING OF MILK AND MILK PRODUCTS.

Notwithstanding section 8c(5)(F) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(F)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the consolidation of Federal milk

marketing orders pursuant to section 143 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7253), effective beginning on the date of the enactment of this Act, the Secretary of Agriculture shall prohibit a cooperative marketing association referred to in such section 8c(5)(F) from blending the net proceeds attributable to Federal minimum prices of all sales or marketings of milk and its products in all markets in all use classifications in order to make distributions in accordance with the contract between the association and its producers. The prohibition does not prohibit the blending of market-based premiums.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Minnesota (Mr. GUTKNECHT) and a Member opposed to the amendment each will be recognized for 20 minutes.

Does the gentleman from Maine (Mr. BALDACCI) seek the time in opposition?

Mr. BALDACCI. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Maine will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

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

The amendment that I am offering, I think the short title we should use: The Truth in Milk Marketing Amendment, and I do not think most Members, and I know that speaking for myself, I was not aware until just a few months ago that in fact, even though we have a milk marketing order system, that many dairy farmers around the United States, and I have a chart here, and this is a chart provided by the USDA; this is not a chart that we made up, but it talks about the average 1998 Federal order in the mailbox prices by the Federal milk marketing order system, and what it shows is, for example, in places like the Southeast and the Southwest, even though the FMMO blended price was supposed to be one thing, the actual price, the average price, that dairy farmers in those regions was something less.

Let me just share with my colleagues some of the numbers. For example, in the middle Atlantic States, the price was supposed to be an average of $15.17, but actually was only $14.90. In Carolina, it was supposed to be $16.14, but the price they got in the mailbox was $16.08. Go down into the Southeast, and we start to see the real differences. For example, in the Southeast the FMMO price was supposed to be $16.13, but actually the dairy farmers in that area got an average mailbox price of only $15.36.

Now, Mr. Chairman, I think that that is evidence that there is something wrong with the system, and let me explain what is wrong with the system. In effect the co-ops are exempt from paying the minimum milk marketing order price.

All I am saying with my amendment is that whether one is a for-profit or they are a co-op, they have to pay the minimum blend price, and I think this is a consummately fair amendment. In fact, I would say not only do most Members not know that this is happening, I suspect that most dairy farmers do not know. I think if those of my colleagues are from different regions, if they ask their dairy farmers are they getting what the milk market order price is, most of them would say, well, of course. But in truth in their mailbox they are not actually getting it.

Reblending is not transparent. Producers do not know what happens to the money, how it is used, or what costs underlie the reblending amount.

Mr. Chairman, this is an important amendment. If my colleagues really care about the dairy farmers in our areas, then they ought to at least vote for this amendment and say that we are going to have truth in milk marketing whether they sell their milk to a co-op or they sell their milk to a for-profit processor.

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

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

Mr. Chairman, this amendment takes away the right of farmer-owned cooperatives to re-blend net revenues before distributing the proceeds of sales to cooperative members.

Dairy producers who join cooperatives do so in order to have a secure, reliable market for their milk 365 days a year. They look to the cooperative to market their milk and to build whatever facilities are needed to accomplish this, whether it be cheese, butter, or powder plants. The facilities either manufacture the farmers' milk into products or receive and store the milk for a day then ship to bottlers when it is needed. These facilities are part of the total marketing plan of cooperatives.

Mr. Chairman, dairy producers own these cooperatives lock, stock and barrel, expect the cooperatives to pay them what is left after the marketing and processing costs are covered both monthly and the milk check and any profits derived are paid at the end of the year in a thirteenth check. This sometimes is called reblending, meaning the cooperative may not always pay above the Federal order price in a given month but does pay out the dividends after all the marketing costs are covered.

Farmers give the right to reblend their cooperative because they want the cooperative to be a financially sound and viable business entity that can guarantee that market year round in times of surplus production as well in times that are tight. This right of reblending is vital to the type of cooperative dairy supply marketing and other entities. Mr. Chairman, taking away the right of the cooperatives to reblend, which this amendment does, severely restricts and limits the ability of the cooperative to assure the members of a secure market for their product.

This amendment interferes with the ability of a cooperative to run its business and pay its members. A similar proposal was defeated by a three to one ratio in the Committee on Agriculture during the markup of 1402.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I am pleased to join my colleague on a bipartisan basis in supporting this amendment. This amendment illustrates one of many very complex, Byzantine features of dairy policy in the United States. There is probably no other area of Federal agricultural policy which has the flawed fundamental unfair characteristics that exist in the dairy programs. It is archaic, it flows from economic conditions that existed 65 years ago, it flows from problems that we had with refrigeration and transportation 65 years ago that do not exist today.

How can we in America be urging the rest of the world to engage in a market-oriented, free trade policy when we fail to recognize this policy in the dairy sector in our own country? It is absolutely crazy, it is shameless, and we have the same people in this Chamber that have been strong advocates and supporters of programs ranging from NAFTA, to GATT, to opening up trade with China, normal trade relationships with that country, even with Cuba, that are staunchly defending archaic dairy policies that are a throwback to almost the last century.

The time has come that we have to forthrightly address the problems of dairy policy in the United States, and when we tried to do that in Congress, we were told wait, let us give the administration the chance to do this, it would not be as political, we would not be forced to vote on the basis of our constituencies.

So we gave the administration this option, and what has happened? The administration has come back with a policy, and now in this bill we are trying to defeat that policy.

Again, it is crazy, and what else is crazy about this? We see Members of Congress representing dairy farmers. The gentleman from Minnesota (Mr. GUTKNECHT), myself from Minnesota, the gentleman from Maine (Mr. BALDACCI) representing dairy farmers; we are squabbling with one another. And at the same time, people throughout this country know that American agriculture is in deep trouble; and this includes our dairy farmers.

Mr. Chairman, the economics of farming are destructive. They are consuming tens of thousands of American

families every year, and here we are forced to scrap over the scraps.

If we expect to have a dairy policy and a food policy that serves the best interests of this Nation, Mr. Chairman, it is time to get rid of this archaic program, it is time to take amendments like that from the gentleman from Minnesota (Mr. GUTKNECHT) and pass them in this Chamber.

Mr. BALDACCI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. SMITH), a member of the committee.

Mr. SMITH of Michigan. Mr. Chairman, things are seldom what they seem. I mean everybody talking from both sides of the aisle wants to help our dairy farmers. Sometimes we see a difference between different areas of the country. That is why we argue about 1A and 1B.

On this amendment I would like to suggest that it may be well intentioned but what it does in effect is to prohibit co-ops from subtracting their cost of doing business as a co-op from the proceed of total co-op milk sales and then take what is left and distribute it to farmers.

So when the gentleman from Minnesota (Mr. GUTKNECHT) suggests we should have an amendment that forces every co-op to pay the Federal order price, then the question must be asked: How are the co-ops going to manage their affairs; how are they going to pay for the expenses of that cooperative? The effect on co-ops that do not enjoy an over-order price, (those co-ops that have not been able to negotiate a higher price than the Federal order price), would be to disallow the co-op from paying for their cost of doing business from milk sale receipts.

So by passing this amendment, we are going to put some co-ops out of business or otherwise jeopardize the co-op operation. The way it has been working for the last 40 years is to allow these co-ops to subtract their cost of doing business, and then divide up what is left to their members. It is a reasonable way for these co-ops to continue to operate efficiently. I hope we vote down the amendment and keep co-ops strong.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my colleague for yielding time.

In response to the gentleman who spoke just before me, he pleaded with Members to keep co-ops strong; I think co-ops are doing just fine. I think that has become very clear today.

My colleagues are hearing a few recurring themes today. One of them is they are hearing over and over again through the amendments that are being brought forward, they are seeing a distinction between those who choose to stand up for family dairy farms and those who choose to stand up for large dairy interests.

Earlier today, we took away from dairy farmers the right to vote on this change in milk marketing orders, a right that they have had for 62 years. Today we took that away.

□ 1400

Just a little while ago, we denied to farmers, with respect to Class I fluid milk, the right to forward contract, the risk-management tool that so many other businesses have, that nearly every other commodity has. We have done that.

Today, with this amendment, what we are learning is that some co-ops, not all by any means, I am a supporter of co-ops, but at least some co-ops are underpaying family dairy farmers. That is the dirty little secret.

In fact, according to USDA, I am reading from a USDA publication here, farmers from New England, southeast Texas, and the Southwest plains were paid on average 80 cents less than the minimum milk price in their respective regions, solely because their co-ops are not required to pay producers the minimum price for their milk.

So what we are seeing today, at a time when we are all talking about how much family dairy farms are hurting, we are seeing that we have an opportunity to help them, to protect them.

Now those who sponsor and support 1402, they say that family farmers are in need of protection from food processors. They say that family farmers are in need of protection. The supporters of 1402 also say that family farmers need protection from the right to vote for themselves, but apparently they do not need protection from a few large co-ops which by every reasonable measure are underpaying them.

Mr. Chairman, if there were a movie theme to this vote today, it would be the Empire Strikes Back, because a few large interests are thwarting the needs, the concerns and the wishes of family dairy farms all across America.

Mr. BALDACCI. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Maine (Mr. BALDACCI) has 16 minutes remaining.

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

Mr. Chairman, I will just take a few minutes of that 16 minutes and basically discuss the value of a cooperative. We have placed market forces in the world economy on top of small farmers. We have allowed small farmers to group together in terms of being able to get into a cooperative where similar farmers can pool their resources to be able to add value to their natural resources so that they can come up with additional resources so that they can stay on the farms and stay in farming. Those are the cooperatives that are giving small farms an opportunity to stay in business. Those cooperatives are not the empire strikes back. Those cooperatives are small, family independents getting together to pool their resources and to try to be able to compete in a processing world where they are adding value to those natural resources, something that we support.

We just had a small farms commission report come back and tell us that a lot of our policies that have been a part of our Federal Government over the years have encouraged farms to get bigger and bigger and bigger or get out of business.

This is one of the few areas in the recommendations, of 146 recommendations, that they said to work with farmer-owned cooperatives, to give them the tools and resources so that they can band together to add value to their natural resources, so they are not just dependent on fluid milk, so that they can try to process, add value to it; to compete in a global world market force and not just to allow individual farmers to go out on their own; to be able to negotiate prices with a dairy interest and large corporations, in some cases multinational corporations; to think that they are somehow going to get a fair deal and to purport that the small cooperatives, farmer-owned cooperatives, are somehow going to destabilize those market forces is not being accurate.

What we are referring to here is more like a credit union, in the international finance world, in allowing them to be able to have at least some opportunities to take care of the small farmers and be able to allow them to group together. That is what is being attacked today. The ability of them to be able to group together, to band together in cooperatives, to improve their marketing position is being attacked.

Milk receipts are the only source of revenue for farmer-owned dairy cooperatives; and under the amendment cooperatives would be unable to make investments such as milk trucks and milk processing equipment. This similar amendment was dealt with in the committee, and I wish that the House would concur and vote down this amendment.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, this amendment does not seek to do anything against the co-ops. It is not an anti-co-op amendment. It is a pro-farmer amendment. Since 1995, since we have been reporting mailbox prices, the following areas have consistently received less than the federal

order blend price; the Southeast, the Southwest plains, Texas and the Great Basin regions. In most cases of these underpayments, they occur in an area where there is little competition for milk. In other words, there is basically one predominant cooperative. This is especially the case in the Southeast, in Texas and the Southwest plains where producers have few, if any, alternative markets.

Now, as cooperatives continue to consolidate there is a greater likelihood that dairy producers will receive less than the blended price, less than the price at the minimum. Now, this is the case. The gentleman from Maine (Mr. BALDACCI) is right in saying that sometimes farmers do not have any choice but to go to a co-op.

Well, that monopoly and the ability to pay less the minimum price is precisely what is going on at the bottom line of American dairy farmers who are in the co-ops. So what we have in place today is a system where the beautiful irony of this bill, where we are trying to raise differentials for the very farmers in these co-ops, we have the co-ops who are paying below the minimum prices. It is because the farmers have nowhere else to go but to the co-op.

All we are saying with this amendment is, make sure the farmer who is in the co-op, who has nowhere else to go but the co-op, gets at least the minimum price for the milk they produce.

Now, the co-ops will say they need to pay below minimum prices for other needs, for other expenditures. Well, that is a very fuzzy, very gray area. We do not know where that money is going. We do know that that money is not going to the farmers who are enrolled in these co-ops.

The beautiful irony is this: this debate is about trying to fight for more money, more differentials, for dairy farmers in the co-ops. Yet we are supporting a system today that allows them to get less than the minimum price in the co-ops.

Mr. GUTKNECHT. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for yielding additional time.

Mr. Chairman, in just a few days, or a week or two, this Congress will likely pass a multibillion dollar bill designed to intervene and help struggling farmers. Yet, we have right before us, right now, an amendment that is a simple way to intervene on behalf of some farmers, those who have relatively weak bargaining power with respect to their large co-op. This is a simple, easy way to intervene and to make their lot better. It does not cost billions. It is not going to grab headlines, but it is a way that we can help out, a direct way, a simple way.

Let me also return to a discussion or a focus on the vote itself on this amendment. This is one of those amendments, in my view, that dairy farmers all across America will be watching closely when they see the results, because this is one of those amendments that really distinguishes a voting Member on which side they are on.

This one says whether one is on the side of a small dairy farmer with relatively weak bargaining power or whether or not one is on the side of a large co-op. In many cases, as my colleague from Wisconsin has pointed out, where they essentially have a monopoly, it cannot be both ways. My colleagues are for one or for the other, and when this vote is cast, dairy farmers will know.

Mr. BALDACCI. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, oftentimes when we get into discussions like we have been going through on this amendment, I am reminded of the infamous words of Will Rogers when he observed that it ain't people's ignorance that bothers me so much. It is them knowing so much that is the problem.

When we start talking about the advantages and disadvantages of various dairymen in various regions, the numbers just do not hold up.

Several times today we have had it pointed out that the problem is with the Class I differentials. In the average mailbox price, which is what farmers put in their pockets every week, the average mailbox price last year for the whole year of 1998, in the upper Midwest, was $15.29 in the region where the gentlemen who offered this amendment do reside, $15.29; in the area of Texas where they object to the system of which we have a different advantage, $14.82, 47 cents less.

Now, there are all kinds of different reasons for this. The complexities of the federal order have been discussed and quite amusedly because it is very complex, designed to be so because it is designed to do one thing and one thing only and that is price milk fairly, component by component, so that the farmers and the consumers within an order are treated fairly by something that can be repetitive week after week, month after month, year after year.

I am well aware that there will always be some of us farmers that will feel like that we are being wronged by our cooperative, and that is true. Sometimes cooperative management is like individual farm management in which they do not make all the right decisions; but I really question, and I guess my opposition to this amendment as to most of the amendments today and something that we offer, as the gentleman said, when this vote is cast dairy farmers will know and recognize who is on their side.

Most of the dairy farmers in the region in which the gentlemen are talking have already spoken loudly and clearly in a referendum that they prefer the federal order system, works and all, they prefer 1–B over 1–A; but the bottom line is if farmers anywhere, any time, in the future, are going to do anything about price, it is going to have to come through cooperative effort, in the traditional sense in which cooperatives will do a better job of working for our dairy farmers than they currently are and in a nontraditional sense in which those of corporate America who have opposed parts of this legislation today are going to have a change of heart and to realize that cooperative effort can also mean them working with dairy farmers in order to see that the efficiencies of the marketplace will reward the producers as it does the consumers today.

That is what this is all about. I hope we will oppose this amendment, as we did the previous Dooley amendment, and we will continue in the quest of passing 1402.

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

Mr. Chairman, this amendment is just about basic fairness. If everyone has to play by the same rules and the rules are known upfront, business practices will change, and everyone will play by the rules. The problem with the system as it is today, we have one set of rules for the for-profits and another set of rules for co-ops. I do not know of any other game in America, baseball, football, pick the game, where some of the participants play by one set of rules and other participants play by a different set of rules. I think that is just unfair.

I do not care who is right or who is wrong. What I am just simply saying is that this is wrong, and I have to say to my friend and colleague, the gentleman from Maine (Mr. BALDACCI), I do not know how anyone can go back to their constituents and say last year the federal milk marketing order price that should have been received was $15.61 on average; but if milk was sold to a co-op, it was only $14.89. I do not know how that is explained. I cannot explain that.

The same is true in Texas. I would say to the gentleman from Texas (Mr. STENHOLM), last year the average Texas milk producer should have received $15.37; but because of a different set of rules, they received an average of only $14.72. That is a difference of 65 cents per hundred-weight. Now, that may not seem like much to those of us here in Washington, D.C.; but I will say if someone is out there milking 60 cows and getting up every day 365 days a year, 65 cents on average over an entire year is a lot of money, and that is the difference.

□ 1415

It gets even worse. In some parts of the country, the difference is as much as $1.07 per hundred-weight of milk. Now, maybe people can go home and explain that. Maybe we can go home and say well, I know you are getting less for your milk than you should be under the milk marketing order system, but maybe one day you will get even, maybe one day you will get fair.

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

Mr. GUTKNECHT. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, it is the marketplace that makes the difference between Texas and the upper Midwest. It is the marketplace. It is not the Federal order that does that.

Mr. GUTKNECHT. Mr. Chairman, reclaiming my time, we are not talking about the difference between Texas and the upper Midwest. That is the big issue. We are talking about what the milk marketing order price is supposed to be in Texas as opposed to what actually farmers got in their mailbox.

The gentleman from Maine (Mr. BALDACCI) made the comment, well, we are talking about small, farmer-owned co-ops. I just want to disabuse people of that notion. We are talking about very large co-ops. We are talking about co-ops with 40,000 plus members, co-ops that have assets of billions and billions of dollars. So we are not talking about small little creameries operating in the Midwest, we are talking about big businesses, and they are not paying the farmers the price that they are supposed to.

Mr. Chairman, the co-ops today control 82 percent of all of the milk processed in America today. This is not small business, this is big business.

This is really about fairness. It is about truth. It is about truth in milk marketing; and if we really believe in the milk marketing order system, I cannot understand why one could not vote for this amendment to make certain that every farmer, whether one lives in Texas or Maine or Minnesota, whether one sells their milk to a for-profit processor or whether one sells their milk to a co-op, one is going to get at least the minimum milk marketing order price.

It is basic fairness. It is saying the rules are going to be the same and that everybody is going to play by the same set of rules.

Mr. Chairman, I hope people will support this amendment.

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

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

Just to go over the points that were made earlier in the debate, a cooperative is farmers banding together so that they have a place in the marketplace. Farmers individually do not have the strength that they do collectively. If farmers are going to be able to stay on their farmland and continue to do what they are going to be doing, all of the research shows us that we have to encourage farmer-owned opportunities of value-added in processing their products for a world marketplace. And we have to encourage farmers to band together and form cooperatives, so that they have an opportunity very similar to a credit union. The strength of the cooperatives is in the individual members.

This amendment seeks to destabilize that relationship and allow each member to fractionalize and go off on their own, and they are destabilizing the cooperative relationships and the financial soundness of that cooperative. We want to strengthen cooperatives. They are not forcing farmers to join them. Farmers do not have to join them if they do not want to join them. It only seeks to weaken the cooperatives, and this is the one opportunity that farmers have to stay on the farm and be able to raise their families in a quality of life that is second to none. This is something that farmers want to be able to do. This amendment seeks to weaken that.

I would encourage the membership in this body to vote down this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT) will be postponed.

It is now in order to consider Amendment No. 5 printed in Part B of House report 106–324.

AMENDMENT NO. 5 OFFERED BY MR. KIND

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 5 offered by Mr. KIND:

Add at the end the following new section:

SEC. __. NATIONAL POOLING OF CLASS I RECEIPTS UNDER FEDERAL MILK MARKETING ORDERS.

Notwithstanding the terms of Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture shall provide for the national pooling of receipts from fluid or Class I milk.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 10 minutes.

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

Mr. KIND. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am offering an amendment that is very common sense and straightforward. None of us here today relishes having a debate where we have to pit region against region in this country, farmer against farmer, family against family. It should not be that way.

My amendment would establish a different way of approaching our national dairy policy, recognizing that there is going to be a need for support for small family farmers because of the volatility of the current marketplace. But it also recognizes there is no economic justification for a price differential based on any location of the country, and also based on what the milk is used for.

So what I am proposing in my amendment is a national pooling of the Class 1 differentials, what farmers receive for the milk they produce for consumption purposes. Class I differentials would be pooled and then equitably and fairly distributed to all of the producers, regardless of what region of the country they happen to be producing in. That would eliminate the need for this regional conflict, the constant struggle that we face perennially here in this Congress, of pitting farmer against farmer, and I think it is probably the fairest and most practical approach.

Mr. Chairman, I understand why the system was created during the Great Depression in 1937, to deal with milk shortages in other regions, but now with the interstate transportation system and refrigerated cars, we can transport milk across the country with relative ease so there is no further economic justification to continue the depression-era, government-controlled policy.

So, in an attempt to try to eliminate this regional conflict as it exists today and to treat all producers equitably and fairly, I am offering this amendment.

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

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

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

Mr. Chairman, I rise in strong opposition to this amendment which would do even further damage to farmers across the Nation than the Option 1–B does. It ignores one of the most important benefits of the milk marketing order program, and that is to ensure a stable supply of locally produced milk.

This is an important aspect of dairy policy since milk is very difficult to preserve over long periods of time, to ship over long distances, so the idea is to incent farmers in areas throughout the country where there is a need for Class I fresh fluid milk. Milk is very bulky, very expensive to ship long distances. Shipping milk over 1,000 miles would add approximately 30 cents a gallon to the cost, 25 percent of the average raw milk cost.

Also, it is important to note that regions of the country with the lowest Class I milk differentials like the upper Midwest have the highest farm milk prices, so that while, when we look at the price that the farmer receives throughout the country, on paper, it looks like the Northeast, Southeast receive higher differentials, and they do. The actual mailbox price that the farmer receives is highest in the Midwest. So this would further skew the payment to the farmer and to the detriment of farmers throughout the country.

So I would urge my colleagues to oppose this amendment, to stay with the base bill. It is a good approach to this issue. It has been demonstrated with the other amendments and the other votes we have had earlier today, there is strong support for H.R. 1402, and I would urge my colleagues to reject this amendment, stay with the main bill.

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

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I just want to refer to the comments of my colleague from New York just a few moments ago. I agree with virtually every point he made except the last one, and I do want to make a slight correction there. Let me also say at the outset, it is unfortunate that at the time when we really need dairy farmers working together to find new markets, new opportunities and more revenue, at the very time we should be working together, we have region pitted against region.

I just want to point out, the gentleman made mention of the fact that the average mailbox price in the upper Midwest is the highest in the country. That is not exactly correct. Our average price last year in the mailbox in the upper Midwest was $15.27. In some areas, for example in Florida, the average mailbox price was $17.43.

So there are differences. But here is what we are talking about, and this gets very complicated, and I am not sure I completely understand it. But we have 4 different classifications for milk. Class I milk is fluid milk that goes into bottles or containers that is milk for drinking. Class II is spoonable milk. That goes into ice cream and yogurt. Class III is cheese, and Class IV is powdered milk.

Now, we talked earlier today about why many of us think the system is unfair because it still is based on how far it comes from Eau Claire, Wisconsin. I mean we can argue about that, but when we look at the chart, that is basically the way that the various categories come out. Worse than that, it is also priced on what it goes into. Now, because 85 percent of the milk we produce in the upper Midwest ultimately goes into Class III or cheese, we get a lower price. So we are closer to Eau Claire, Wisconsin and it goes into cheese, so we are punished twice.

Now, we are very efficient and the demand in the competition is higher in the upper Midwest, so in terms of mailbox we come out a little better than we would under the milk marketing order price system. But this is really about saying whether one's milk goes into cheese or whether it goes into yogurt or whether it goes into fluid milk, one ought to reblend those prices nationwide so that everybody gets the benefit of being next to a large market and the fluid market.

I think this is a fair amendment. I think it is reasonable, and I hope that we will adopt it.

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM), a member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, here again, it is important that we stay focused on the bill. When we talk about one basing point, Eau Claire, Wisconsin, in the bill in both 1–A and 1–B, we change that, for the reasons of which the gentleman has accurately expressed that it no longer is applicable. That is done. That is what the Secretary recommended. We are changing the basing point to 3 in order that the Federal order and the manner in which it, as the gentleman has just accurately described, Class I, II, III, IV milk is priced fairly region-to-region, with some consideration being given to distances in order that the market system may work fairly for each of our 50 States. That is what this is all about.

The amendment of the gentleman from Wisconsin is another what we call a gutting amendment, because it attempts to undo that. It attempts to say that we are going to have one giant, big order, and for those that believe that that is the way it ought to be, I respect that. It is a very logical feeling from those that somehow believe that they are being unfairly treated with the current system.

But I would encourage the dairy farmers in the upper Midwest to listen carefully to their leadership, to look carefully as to whether or not if they should win, would they truly be better off? I think the answer is a clear no, a clear no. But, those who offer the amendment believe that it is a clear yes, and that is why we have votes on this floor.

I remind my colleagues again, particularly those from the upper Midwest, your dairy farmers voted 96.1 percent to accept the Federal order. Now, many of them perhaps prefer 1–B over 1–A, and that is a perfectly logical position for some to have in that region, given what they think they believe. But I will submit to you that there is very little proof anywhere that individual dairy farmers anywhere in the United States will do better if we vote this system out or particularly if we support this amendment.

□ 1430

So I would encourage a ''no'' vote on this amendment. The base bill takes into consideration most of what is being discussed and desired by this amendment, but not all. I would urge a no vote.

Mr. KIND. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a freshman Member of this House and someone who has distinguished herself as a real champion of family farmers.

Ms. BALDWIN. Mr. Chairman, the Kind amendment could end the regional fighting that we have endured for too long in dairy pricing. It would help every dairy farmer in every region of the country equally.

The amendment is simple. It would take all of the different prices that dairy farmers receive for their milk, depending on how far away they are from Eau Claire, Wisconsin, and combine those different prices into a pool. That pool would then be divided in equal parts and provided to each dairy farmer who participates in milk marketing orders.

Debate on this underlying bill has been painful. Every Member is trying to do what is right for the dairy farmers that they represent. I certainly respect that. We are pitted region against region in what could be called a dairy Civil War.

I sympathize with my colleagues whose States have seen their dairy farmers go out of business. My farmers are no different. In Wisconsin, we have lost 7,000 dairy farms in the last 6 years.

I have strong interest in assisting those from the Northeast, those in the South, fighting for the survival of the family dairy farm, but this underlying bill helps their farmers and harms mine, and that is simply wrong. The Kind amendment would end the unfairness of the underlying bill, allowing all dairy farmers, no matter where they live, to benefit equally in the Federal milk market order program.

We are the United States. We should not be the divided States when it comes to dairy policy. I urge support of the Kind amendment.

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

Mr. Chairman, I listened closely to the gentleman from Texas (Mr. STENHOLM), who I had the pleasure of serving with on the Committee on Agriculture when he chaired the Subcommittee on Livestock and Horticulture. He understands this issue as well as anyone does.

He is right, the underlying bill does not benefit the rest of the country at the expense of the upper Midwest. This is basically a status quo bill that allows each section of the country to continue to garner the price for milk that they are receiving.

I do not understand how we got to this point, quite frankly. Regionalism has always been an aspect of dairy policy, because the cost of making milk in one part of the country is different from the other, so we try to overlay a Federal policy, and the same policy affects everyone differently, so this regionalism has always been there.

But what we have been reduced to this time around is that we have 48 States or at least 40 States being harmed to the benefit of two, if we do not accept the underlying bill. It makes no sense. It makes no sense at all. We have been interested in perhaps allowing compacts to be created. Thus far we have the Northeast compact, and no States have been allowed to join. The Southeast would like to form a compact, but that is not law.

We hear this cry of cartels, that they are collaborating to fix prices and harm the consumer. That is not true. The idea is to keep the price down in those areas with the consumers involved making the decisions, as opposed to two or three or four large processing companies setting the price of milk in a region. The idea is to provide that there is a fresh supply of fluid milk so that all areas of the country can grow their own, produce their own, and have it available on a fresh basis.

For years, for years the Northeast and the Southeast and West and Southwest suffered under a policy that allowed a small group, I refer to them as the Green Bay cabal, a small group of cheesemakers, to set the price. Every year we would get or every month we would get our farm report, and we would have to look to see what the MW price is to determine what the price of milk was going to be.

I asked somebody, this MW price, how is it created? Well, it was created when a group of five or six cheese manufacturers got together for coffee and doughnuts in Green Bay, Wisconsin, once a month, and set the price. How fair is that? So the idea here is to make sure that each area of the country has their own supply of milk. I do not think this amendment helps it.

I would urge my colleagues to support the underlying bill and reject this amendment.

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

Mr. KIND. Mr. Chairman, I think it is altogether appropriate that I yield 2 minutes to my friend and colleague, the gentleman from Green Bay, Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I appreciate my colleague yielding me the time.

Mr. Chairman, with reference to the cheese exchange, the interesting thing is, guess what, we did away with the cheese exchange, something that the supporters of H.R. 1402 will not do. We agree with them, that system was unfair. We ended it. I challenge the supporters of H.R. 1402 to do the same today, to join us in reforming this system.

This place is locked in a time warp. This place is using a milk marketing order system that was created in the era of the manual typewriter. This place is voting on a system that ignores any modern technology since then: the interstate highway system, refrigerated trucks, for Lords' sakes. Times have changed out in the marketplace, except with respect to dairy policy.

Nowhere in this country are dairy farmers hurting more than in Wisconsin and in Minnesota. But what we recognize is the system that pits farmer against farmer, State against State, region against region, cannot be the answer ever to America's challenges, America's problems. Those who seek to turn back the clock to 1937 belong to the Flat Earth Society. They fear the marketplace. They are afraid of the marketplace. They are afraid of competition. They are afraid of breaking down the Soviet-style pricing system.

Members are right, we did have a cheese exchange. We ended the cheese exchange. I would say here today that the supporters of H.R. 1402 should do the same thing, end this outdated system. Let the marketplace rule. We in Wisconsin do not fear it, we welcome the marketplace.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I believe my amendment accurately reflects the position that the dairy farmers in the upper Midwest have on this whole issue. They are not looking for any special advantage. They are not looking for any competitive advantage over the rest of the country. They certainly do not want to visit any additional hardship on family farms, regardless of what region they happen to be living and working, breathing, and dying in.

But they have not heard to this day any economic justification for maintaining this Depression era policy which, as this map shows, is based solely on geography and distance from Eau Claire, Wisconsin, which is a beautiful city located in the heart of my congressional district. With today's modern transportation system, we can ship fluid milk around the country with relative ease.

That is what this amendment is meant to do, to end the regional fighting, to end the constant struggle where we pit farmer against farmer and family against family in this country, when it does not have to be that way.

We should support this amendment and have a national pooling mechanism in which the Class 1 differentials will be pooled and then distributed fairly and equally to each producer in the country, regardless of where they happen to be living and producing the milk. That is why I brought this amendment forward, Mr. Chairman. I think it really gets to the crux of the whole debate that we have been having here. It certainly speaks to our producers' position back home, where they are not looking for an advantage anywhere, just the level playing field and the ability to compete fairly in our own domestic market without these artificial trade barriers prohibiting a free flow of goods within our own border.

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

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The amendment was rejected.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in Part B of House Report 106–324.

AMENDMENT NO. 6 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. RYAN of Wisconsin:

Add at the end the following new section:

SEC. . MAXIMUM CLASS I MILK PRICE DIFFERENTIAL.

Notwithstanding the consolidation and reform of Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, effective October 1, 1999, the Class I milk price differential for all Federal milk marketing orders may not exceed $2.27 per hundredweight.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will control 10 minutes.

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman for saying this is a status quo bill. That is exactly right, this is a status quo bill. I would like to briefly explain what my amendment seeks to accomplish.

What my amendment does, it would simply limit the amount of disparity between the highest and the lowest-paid producers in this country. This legislation would say that no producers would be entitled to a differential of more than $2.27 per hundred-weight Class 1 fluid milk. This amendment would try to restore some of the fairness and equity of the USDA's proposed reforms. The $2.27 is a simple average differential in the final rule proposed by the others, which is supposed to become effective October 1, 1999.

Now, while I cannot support forcing dairy farmers in my State and nationwide to live with the status quo, as H.R. 1402 would do, I believe that this amendment would make an inequitable system more livable for the dairy farmers of the upper Midwest.

The farmers in the State of Wisconsin and the Midwest have lived far too long under a system that rewards inefficiency in low productive regions and discourages production in regions that are best-equipped to produce dairy products. It is a nonsensical system that served a purpose during the Depression era, when we had the horse and buggy, but does not work in today's era, when we actually have a car.

If we are going to ask farmers in my State and other upper Midwest States to continue living with this antiquated system, we have to give them some glimmer of hope that their hard work that went into reforming this system is not all for naught. These dedicated individuals should not be told that the work of the farmers in other parts of the country matters more than the work that they do.

Wisconsin has seen the departure of 11,000 dairy farms between 1990 and 1998. I was talking to a colleague of mine just at the last vote who was from New York who was complaining that over the last 8 years that person lost 20 dairy farmers. Well, Mr. Chairman, in Wisconsin we lost 20 dairy farmers in the last 5 days. Family farms are at stake here more than ever in Wisconsin and Minnesota.

Mr. Chairman, this amendment sends basically a strong message. It sends the message that farmers throughout this country should be rewarded with reasonable, equitable differentials. Currently, producers in Florida are rewarded with the differential payments that are twice as much as producers, say, in Minnesota are being paid.

How can this kind of a system be justified? A farmer in, say, south Florida, outside of Miami, is going to get twice the differential that a farmer doing the same job, having the same kind of herd, is doing in Minnesota?

If we really believe that in Florida it costs twice as much to milk a cow than it does in Minnesota, we owe it to the consumers of America to explain why this Congress would support paying a farmer in Florida twice as much to stay in business. This makes about as much sense as it would paying farmers in my district four times as much as the Florida orange growers to raise oranges. But we do not grow oranges in Wisconsin because we know we have tough winters, and it would not be a good idea. It makes about as much sense as paying Wisconsin farmers $3 extra per pound over the growers in Georgia for peanuts.

Out of fairness and equity, I would ask my colleagues to support my amendment. It does not completely throw out the order system, it simply provides reasonable limits for differential payments set at the average differential of $2.27, so there will be differences. There will be more in some regions, versus in others. It is just not an incredible amount.

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

□ 1445

The CHAIRMAN pro tempore (Mr. GILLMOR). Does the gentleman from Alabama (Mr. RILEY) seek to claim the time in opposition to the amendment?

Mr. RILEY. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Alabama (Mr. RILEY) is recognized for 10 minutes.

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

Mr. Chairman, here we go again. We have debated this same proposal over and over and over again today. I do not know that anyone is going to add anything new and exciting to this debate. But this debate literally comes down to, last year, in the upper Midwest, farmers got in their mailbox a price of $15.38 cents per hundred-weight for their milk. In Alabama, they got $15.34. Under this proposal, we would take a 43 cent per hundred-weight reduction in addition to a 98 cent reduction.

Mr. Chairman, if we want to tell all of the Southeastern producers, all of the Texas producers that we are literally going to put them out of business, that this amendment would cause all of the farmers in the Southeast over the next year or so to die a very slow and agonizing death, then it would be much more simple just to say we are going to produce all of the milk in the upper Midwest and ship it all over the country. That is essentially what this legislation is trying to do.

I appreciate the attempt of the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Wisconsin (Mr. GREEN) to help their dairy farmers in their State, but they are doing it at the expense of every other dairy farmer in the United States.

My next-door neighbor is in the dairy business. I cannot go home and tell this man that we are going to reduce his price and allow the people in the upper Midwest to have an increase in price even though his cost is almost 30 to 40 percent more than theirs. It makes no sense.

I appreciate the gentlemen's attempt, but this amendment is a poison pill. We need to concentrate again on the base bill. This would destroy that bill. It makes no sense to do it.

Of everything that I have dealt with since I have been in Congress, I do not know of a single issue where regions are pitted against each other to the point that we are going to tell a full region of the country that we are going to put them out of business; and that is essentially what this amendment does.

So I would urge all my colleagues to concentrate on the base bill and reject this amendment.

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, first, in response to the previous speaker, he complains that Secretary Glickman's reform might put some farmers out of business. Again, we have heard it over and over again: by this time tomorrow, five farmers in Wisconsin will be put out of business by the system that this legislation would reimpose.

He says it would be a terrible thing if one region of the Nation might produce most of the milk. I hope he will support me in my legislation to create a mandated government-supported citrus industry in northern Wisconsin. After all, we should not have citrus all coming from one or two regions.

Let me boil things down here. I am not going to tell my colleagues that this bill or the Secretary's reforms are going to make a huge difference to the dairy farmers in any region of the Nation because they will not, and those who would suggest that I think are probably misreading this.

Our farmers are not expecting favoritism. They are hard working. They have an uphill battle. They face Wisconsin winters. They face losing football seasons. They are a tough lot, absolutely. They are not looking for favoritism.

But my farmers look at this; and they say that, if they cannot get the very, very modest reforms that are shown by Secretary Glickman, then perhaps they will lose all hope. Maybe that is why the Ag commissioner from Minnesota, when testifying before the Committee on Agriculture, said recently that people of Minnesota have given up hope on Congress. They have said that they actually have considered trying to physically relocate the city of Eau Claire to the West Coast, because it might be easier to do than to get a reform done here in Congress. Well, we will see today. They may well be right.

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

Mr. Chairman, in response to the gentleman from Wisconsin (Mr.

GREEN), the last speaker, and again I appreciate his concern, but 50 percent of the dairy farmers in Alabama have already gone broke. This will reduce the remaining 50 percent to zero. I think that applies all across this country in different regions.

We cannot destroy an industry to benefit a few States. Let me give an example of what happens. Dairy farmers in the Southeast will lose $42 million, States like Alabama, Georgia, Tennessee, Mississippi, Louisiana, and Arkansas; $23 million to the dairy farmers in Texas; $22 million will be lost by the dairy producers in North Carolina and South Carolina; $24 million in New York, New Jersey, and Delaware; $22 million with all of the New England States; $16 million a year loss in Maryland, Virginia, and in eastern Pennsylvania.

Mr. Chairman, this is bad policy, and this amendment fully guts the underlying bill. This is not something that I think most of the proponents of small farms that are throughout this country could begin to attempt to support.

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to just add a correction to the gentleman from Alabama (Mr. RILEY). The Southeast mailbox price is higher than the upper Midwest mailbox price. The Southeast mailbox price is $15.36, and the Midwest mailbox price is $15.27. Also, with due respect to the farmers in Alabama, we have already lost 50 percent of our farmers in Wisconsin. This has already gone.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of the Ryan amendment. This amendment would cap milk market differentials at $2.27. That means that the maximum that any dairy farmer in any region of the country could receive under market orders would be $2.27 above the basic formula price for milk.

This amendment may not increase the differential for the upper Midwest dairy farmers who receive the lowest price for their milk compared to every other region of the country. But the amendment would bring more fairness to a very unfair bill.

For example, under current milk marketing orders, dairy farmers near Miami, Florida receive $4.18 per hundred-weight of milk above the basic formula price. In comparison, the dairy farmers I represent in Wisconsin only receive $1.20 per hundred-weight of milk above the basic formula price. That means, for every 8 gallons of milk, my dairy farmers receive nearly $3 less than dairy farmers near Miami, Florida.

The Ryan amendment would make this foolish system a little less foolish. Instead of giving dairy farmers that live the farthest away from Eau Claire, Wisconsin, the most money for their milk, the amendment would take the average of all differing orders, milk marketing orders, $2.27, and cap the maximum at that. Although this would still allow some differences in regional milk prices, it would greatly improve a very flawed system.

Mr. Chairman, I know that my dairy farmers do not want to hurt other dairy farmers in this country. But for over 60 years they have been receiving less for their milk than any other farmers in the Nation. They just want fairness, and this amendment brings us one step closer to fairness.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. GREEN), the other cosponsor of this amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, a lot of numbers are getting tossed around here today. I have something very interesting that we just got. These are the USDA figures just released for the month of October. This is what they use to send out paychecks to farmers.

What it says is the loss here, if this goes forward, is 57 cents nationwide. The gloom and doom that my colleague and friend puts forward is just not borne out by the numbers. Again, changes that we are pushing for are extremely modest. H.R. 1402, contrary to what it said, we will lose. Farmers everywhere will lose.

Mr. RILEY. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Alabama (Mr. RILEY) has 5½ minutes remaining. The gentleman from Wisconsin (Mr. RYAN) has 1 minute remaining.

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

Mr. Chairman, just in response to the last two speakers, in 1998, Chicago had a mailbox price of $15.38 cents. Alabama had $15.34. Under option 1–B, Alabama would be reduced by 38 cents. Chicago's mailbox prices would go up by 60 cents. That is 98 cents per hundred-weight.

Now, if that is not disproportionate, I do not know what would be. Under this amendment, we would take another further reduction of 43 cents per hundred-weight.

There has been testimony brought forward time and time again today about the efficiencies of the upper Midwest. I agree. They do produce milk much cheaper than we can in the Southeast. But it makes absolutely no sense when one looks at it logically for a national program, this is not to remove the program, this is to adjust the program, that we are going to take the high-cost areas and reduce their price to increase the price in low-cost production areas.

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

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be very brief since I have 1 minute. The States that will not be affected by this amendment which fall at or below the $2.27 differential are California, Colorado, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, North Dakota, Nebraska, New Mexico, Nevada, much of New York, Ohio, Oregon, much of Pennsylvania, South Dakota, Utah, Washington, Wisconsin, West Virginia, and Wyoming.

Now, the point is this, Mr. Chairman: what this amendment seeks to do is get a little bit of fairness in the system. If H.R. 1402 is going to pass, it will perpetuate the status quo, a system based on horse-and-buggy 1937 economics. We are simply saying let us at least put a little limit on the damage because one lives far away from Eau Claire, Wisconsin, one is going to get a higher price. One is still going to get a higher price the farther away from Wisconsin under my amendment; it is just going to cap it at the national average of the differential.

The USDA said the national average under the USDA's plan will be $2.27. That is what this amendment seeks to achieve. Differences will still exist; they just will be limited.

Mr. RILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, in understandable efforts to simplify a complex issue, many continue to characterize Option 1–B, the option chosen by the Department, as reform and Option 1–A as the status quo. This characterization is simply incorrect. Option 1–A is not the status quo.

For many years, it was the goal of the upper Midwest dairy organizations to encourage a consolidation of milk marketing orders, so much so that the farm bills requirements for consolidation was that region's main accomplishment in the dairy section of that bill.

Option 1–A would accomplish that goal to the same degree as Option 1–B. Under the old rhetoric, then, even with Option 1–A, the final decision would be a significant accomplishment.

But apparently the debate has shifted, and we are faced with a new measure of success. It was a goal of the upper Midwest to bring an end to the accepted notion that each orders Class I differential is related to its distance from Eau Claire, Wisconsin.

Option 1–A recognizes three surplus zones as the basis for determining

Class I prices. In Texas, this result itself means a significant lowering of the differential and, therefore, prices received by producers. Option 1–A will reduce income from Texas producers as well as producers in many other parts of the Nation.

□ 1500

So, again, under the old rhetoric and the old standards of success for the upper Midwest, Option 1–A represents a significant victory and a change from the status quo.

Now, the gentleman from Alabama is totally correct. The intent of this amendment is, for some reason, the folks in the upper Midwest continue to believe that it will help them to take away something from producers in the South or other regions of the country. I do not understand the logic of that because it will not work that way. Even if they should be successful, the marketplace will not allow that to happen.

So I would encourage our colleagues to vote down this amendment, another amendment, well-intentioned, and the representatives from the upper Midwest are doing an excellent job of representing that particular interest. The rest of the dairy industry in the whole United States happens to differ and disagree with them, but that is what this floor is for. That is what we are here for. That is what the Committee on Agriculture did, we debated this amendment and we defeated it overwhelmingly in the Committee on Agriculture.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Mr. Chairman, here is some fresh data we have from the USDA. Looking at the entire country, on average, if the USDA reforms go through, comparing the USDA reforms to the current status quo, they gain 57 cents, so the country, on average, not just the upper Midwest.

Mr. STENHOLM. Reclaiming my time, Mr. Chairman, I would ask the gentleman who gains?

Mr. RYAN of Wisconsin. Almost all regions in this country gain. On average, in this country, according to the fresh data we just got 15 minutes ago, we gain as a Nation.

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

I do not know how much more can be said in this debate that has not already been said, but let me just close by saying we have farmers who have invested a lifetime of work that are struggling every day throughout this country just to keep their heads above water. If we are going to do anything that will push their heads under and hold them under, this amendment will do it.

This body has already spoken today and said that we want to go back to Option 1–A. I think that is a clear mandate of this Congress. This amendment would gut that. This is a poison pill amendment, and I would encourage all of my colleagues to vote against it.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

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

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. RYAN) will be postponed.

It is now in order to consider Amendment No. 7 printed in Part B of House Report 106–324.

AMENDMENT NO. 7 OFFERED BY MR. MANZULLO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. MANZULLO:

Add at the end the following new section:

SEC. ___. CONDITIONAL IMPLEMENTATION OF ACT.

(a) EFFECTIVE DATE; ROLE OF UNITED STATES TRADE REPRESENTATIVE.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act, except that the Secretary of Agriculture may not carry out this Act or implement any amendment made by this Act unless and until the United States Trade Representative notifies the Secretary that this Act and the amendments made by this Act present no risk of interference with any international trade negotiation to which the United States is currently a party or with the achievement of the trade policy objectives of the United States.

(b) CONTINUING ASSESSMENT OF EFFECT ON TRADE.—If this Act and the amendments made by this Act are implemented as provided in subsection (a), the United States Trade Representative shall periodically assess the effect of the implementation of this Act and the amendments made by this Act on international trade negotiations to which the United States is a party and the trade policy objectives of the United States.

(c) TERMINATION.—If, as a result of an assessment under subsection (b), the United States Trade Representative determines that this Act or any amendment made by this Act presents a risk of interference with any international trade negotiation to which the United States is a party or with the achievement of the trade policy objectives of the United States, the United States Trade Representative shall notify the Secretary of Agriculture of the determination. Upon receipt of the notification, the Secretary shall cease to carry out this Act and amendments made by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

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

Mr. Chairman, we have filed an amendment to this bill for the purpose of trying to infuse the free trade system into this incredible archaic system of dairy marketing orders. The Manzullo-Dooley amendment has as its goal that when we leave the House of Representatives and the bill passes the Senate and is signed by the President that the USTR, the United States Trade Representative, would have the ability to review the language and pass upon whether or not it complies with our ability to compete internationally and meet the requirements of Nunn subsidies and the relief thereof in the WTO.

This is important. It is extremely important for the following reasons. We cannot have it both ways. Either we support free trade for our farmers or we do not. Every agricultural interest group has come to my office saying that they want to thank me for my votes on free trade. And it is extremely important in the new rounds that are coming up in Seattle that when we are there as a representative of Congress, which I will be, along with several other Members from this body and the other body, that we are going to be pressing the issue of making sure that overseas subsidies and Nunn tariff barriers are taken away so that our farmers can be on a more even playing field and, thus, be more able to export our agricultural commodities.

Illinois exports about 47 percent of its agricultural commodities. The entire farming industry nationwide is in trouble; and one of the ways to bring it out of this incredible recession, if not depression, is to bust open the foreign markets to make it easier for us to sell the fruit of the labor of the American farmer overseas.

It is amazing. The American Farm Bureau Federation says technical trade barriers hold up $5 billion worth of U.S. commodity sales to 63 countries. The U.S. Department of Agriculture estimates that free farm trade would mean about 25 to 30 percent higher commodity prices for U.S. farmers and ranchers, and some speculate it could go as high as 50 percent. Yet I see where the American Farm Bureau is part of a coalition opposing the Manzullo-Dooley amendment which would ensure free trade for our farmers.

That is what this amendment is about. It is very simple.

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

The CHAIRMAN pro tempore. Does the gentleman from Texas (Mr. COMBEST) claim the time in opposition?

Mr. COMBEST. I rise to claim the time in opposition, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 20 minutes.

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

would like to join those many others who thanked the gentleman from Illinois (Mr. MANZULLO) for his votes on free trade, however, I do rise in opposition to the amendment.

The Manzullo amendment would prevent the Secretary of Agriculture from carrying out the provisions of H.R. 1402 and thereby the United States dairy policy once it was approved by Congress and signed into law. The amendment says that the Secretary of Agriculture may not implement the law passed by Congress unless the U.S. Trade Representative says that this law does not present a risk of interference with international trade agreements or trade policy objectives of the United States. If this amendment is adopted, the House of Representatives will be allowing the USTR to set U.S. dairy policy.

The amendment of the gentleman from Illinois (Mr. MANZULLO) sets no time frame for consideration by the USTR, which could delay indefinitely its determination of the dairy policy compliance with trade agreements. The USTR evaluation of H.R. 1402 could take years, and U.S. dairy farmers will suffer while other countries continue their subsidies unchecked.

Additionally, the Manzullo amendment requires the USTR to evaluate U.S. dairy policy to determine whether there is a risk of interference with international trade agreements or with the trade policy objectives of the United States which has no force of law. The risk that should be evaluated is whether the European Union or the Canadian dairy policy is in accord with international trade rules.

Right now, the European Union spends over $40 billion in domestic support to subsidize its farmers. That is eight times as much as is spent by the United States for its farmers. On top of that, the European Union spends $8 billion on export subsidies, keeping the U.S. agriculture out of many markets around the world. And that is a representation that is 16 times as much as is spent by the United States on export subsidies.

I would urge Members to oppose the Manzullo amendment. The Congress should determine dairy policy with the concurrence of the President. Unchecked bureaucrats should not determine what U.S. dairy policy is.

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

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my colleague for yielding me this time.

This amendment points to, I think, a broader question, and I ask this question only somewhat seriously. Do not Members of this institution feel at least a little hypocritical here today? At the very time that we are urging, no, insisting that nations around the world open up their economies and tear down trade barriers, at the very time we do that, we seek to reimpose and reinforce those very trade barriers between the States in this country.

We are holding press conferences, special orders, we are even holding strikes when nations try to do precisely what 1402 seeks to do. We send trade missions all around the world. We send representatives from the IMF, from the World Bank, all over as missionaries of trade and capitalism, yet in this House we practice a very different religion. Maybe we should put together a letter directing the U.S. Trade Representative to come back home, to come to Congress, the flat Earth society, to come back here and try to preach the gospel of capitalism and trade.

Some time ago, I reluctantly voted for NTR for China. I was very reluctant; had some misgivings about it. But I voted for it, because I believed at the very time that we are trying to tell our farmers to move to market-based, to management-style policies that we cannot deny them potentially the largest market in the world. Yet, I am ashamed to say that today a majority is going to go one step further and close off some markets here at home. Today, much of the logic behind NTR comes crashing down as far as I am concerned.

Let me plead with my colleagues from around the Nation. Do not be afraid to compete. Do not be afraid to compete with the dairy farmers of the upper Midwest or anywhere. Do not be afraid to compete. Do not reerect trade barriers because of the large co-ops and trade organizations. Do not.

This is a defining moment. We are either going to be a pro-trade Congress or we are not. Up to now, I thought we were a pro-trade Congress. I was wrong. At least I believe that I will be shown wrong later on today.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO), the subcommittee chairman.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment.

I believe that it does what the gentleman from Illinois (Mr. MANZULLO) wants it to in terms of the way it is drafted, but I believe it does a whole lot more than quite simply making this abide by current international trade agreements.

If we read the actual amendment, it says the U.S. Trade Representative has to notify the Secretary that the act and amendments made by the act present no risk of interference with any international trade negotiation to which the United States is current a party or the achievement of trade policy objectives.

So not only do we have to agree with international agreements but any trade negotiation that we are currently negotiating with anyone or that we achieve someone's trade policy objectives. And the U.S. Trade Representative's office has the ability to look at this and decide whether or not it meets these, what I believe are very fuzzy goals, and has the ability to stop this legislation from being implemented.

Now, we have already, as a Congress, many times, abdicated our responsibility when it comes to trade agreements, but this goes even one step further than that. We are now going to abdicate our responsibility in terms of dairy policy. We are now going to give that to the U.S. Trade Representative.

And I would like to ask the sponsor of the amendment or either of the sponsors of the amendment a question. If the United States Trade Representative's office decides this is somehow not with the achievement of the trade policy objectives of the United States, and this does not become law, what then becomes the law in terms of dairy policy in this country? Do we go back to the 1937 generic act, do we go back to the 1995 act, or do we go back to the 1985 act?

Exactly what becomes law in this country if the new secretary of agriculture at the U.S. Trade Representative's office decides that this does not meet somebody's objectives?

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

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

Mr. MANZULLO. It would be 1–A modified that would go into effect on October.

Mr. POMBO. Reclaiming my time, Mr. Chairman, I would have to say that I believe the gentleman is inaccurate to say it would be 1–A modified. Because after this has passed and become the law, what the gentleman is doing is going back to whatever was the law underneath the generic law.

I believe what this legislation would do, if the U.S. Trade Representative decided that we were not achieving somebody's trade policy objectives, that we would then go back to the 1937 act as the generic act. I do not think, in fact, I know there is no one in this place that can explain what the 1937 act is because nobody can explain what the 1996 act is.

Mr. MANZULLO. Mr. Chairman, If the gentleman will continue to yield, what we can explain is the fact that we have regional socialism that is destroying the American dairy industry, and that is exactly what this amendment is about.

Mr. POMBO. I will not debate the gentleman on the merits of the current dairy policy in this country.

Mr. MANZULLO. But that is exactly why we are here.

□ 1515

I believe that the current policy is wrong. I believe the current policy is not good policy. And it was not my bill. It was not the bill of the Committee on Agriculture. It was a creation of a lot of the people that are pushing this stuff right now.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLEY), the cosponsor of this amendment.

Mr. DOOLEY of California. Mr. Chairman, I rise in support of this amendment. I do so because, as a farmer and as a Member of Congress, and certainly as a member of the Committee on Agriculture, when I look to the future and where the market opportunities for U.S. agriculture are, they are certainly outside our borders. I mean, it is no secret that when we start looking at world demographics, the world's population, that we only have 4 percent of it which lives within the United States. Ninety-six percent of the consumers live outside of our borders.

So it has been appropriate that this administration and past administrations have been diligent in trying to expand our opportunities to access those markets. But if we are going to make that one of our highest priorities, it is also very important that we have our domestic agriculture programs be consistent with achieving that outcome.

I mean, already today we have over a third of our acreage which is devoted to the production of commodities which are exported, and that is going to increase. When we look at the potential opportunity in the developing countries and others, over 50 cents of every dollar in every developing country, every 50 cents of every dollar increase in per capita income goes to the purchase of food stuffs.

That is the opportunity for U.S. dairy farmers, for U.S. cotton farmers, grain and wheat also. So it is important for us when we pass any type of policy that pertains to our domestic agricultural policy that it in fact be consistent with the trade agreements that we have entered into and have negotiated.

The objective of the Manzullo-Dooley amendment is very simple. It is to ensure that USTR has the opportunity to review it, to ensure that it does in fact maintain a consistency with the trade agreements that we have already negotiated.

I would say in terms of the trade objectives that our trade objectives are to reduce domestic interference and markets, whether they be with our trading partners or internally. We think that is important. Because if we are going to try to make our good-faith arguments in a consistent manner when we are bringing issues in front of the WTO and other trade dispute panels, resolution panels, we have to make sure that we are on the moral high ground too.

If we are in fact putting forth a dairy program that is in fact interfering or is inconsistent with trying to move in a more market-oriented direction that is ensuring that there is not undue Government interference in the marketplace, we are in fact being inconsistent with the same policies that we are trying to advocate and trying to see implemented internationally.

This measure I think is an important amendment. It is one which I think can just provide an additional level of oversight to ensure that we are advancing policies in Congress that are consistent with our overall international trade objectives and ensuring, too, that our domestic policies are going to ensure that we are rewarding those dairy families and farming families that have the relative advantage in our country to produce the highest quality product at the least cost.

I urge support of this amendment.

Mr. COMBEST. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me the time, and I join in the chairman's opposition to this amendment.

It is interesting that we have those who support free trade who stand here and say we are for free trade and fair trade but also who consistently fight that Congress might have a determination over whether or not our policy mixes or matches with what other countries are doing suddenly come with an amendment that says that the ultimate judge of this will be the U.S. Trade Representative. I find that very interesting.

But my opposition to the amendment stems from the practical side of the argument that they make. If in fact we are somehow calling this bill that we have today an anti-trade agreement, it would have already been discussed in the House Committee on Agriculture. Because, to the best of our ability, we bring no legislation to this floor that is not consistent with laws which we support. Because just as the chairman of the subcommittee, myself, the gentleman from California (Mr. DOOLEY), and the gentleman from Illinois (Mr. MANZULLO) support free trade, that is not the argument today.

The argument on this amendment and why it ought to be opposed is who are we going to allow to make that determination. If we in fact were concerned about the spirit of this amendment, what we ought to have done is pass Fast Track so we could be negotiating in Seattle in a few weeks because this House has chosen not to do that, not the President, not the Senate. This House has voted we do not want to negotiate.

Now, my feelings are very, very strong on trade. I would like to see freer and fairer trade. I want to see it negotiated at Seattle. I want to be part of it. We will be part of it. Under the chairman's leadership, the House Committee on Agriculture will be part of it. And we in fact will see that whatever is negotiated that we conform to it. But we are going to do it a little differently this time I hope.

I hope that at this time that instead of us waiting to see or negotiating first and then adjusting to it that we do it a little bit differently; that whatever is negotiated this time, I hope we will conform our legislation to the spirit of that so that our producers, in this case our dairy producers, will have our Government standing shoulder to shoulder with them.

To those that make the argument that somehow this bill is anti-free trade or hypocritical, have they taken a look at the Canadian dairy system, their neighbors just to the north, and see what they do, and then suggest that what we are doing today is anti-free trade? They are aiming their guns at the wrong target.

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

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, the United States filed a complaint and a panel was installed on the Canadian dairy system, and we won that round. It is being appealed by Canada right now.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, that is my point.

Mr. MANZULLO. Mr. Chairman, if the gentleman would further yield, that is the whole point. We have got something just as ridiculous and we are suing the Canadians because of theirs.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I beg to differ with the assessment of the gentleman of the bill that we have in this country.

Mr. COMBEST. Mr. Chairman, I yield myself 1 minute to engage the ranking member for a moment, if I might.

Is it not true that in all other agricultural policy in regards to what is compliant or noncompliant with U.S. and international trade rules that the Department of Agriculture makes the ruling on those?

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

Mr. COMBEST. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, that is certainly my understanding, and that is the way in which I believe this body would have wanted us to progress.

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

Mr. MANZULLO. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, it is interesting here that we are talking about the U.S. Department of Agriculture having authority over trade and their wanting to keep that, but the ones making the argument are the same ones that are saying the U.S. Department of Agriculture

should not have the ability to pass 1–a modified and let the farmers choose for themselves.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am going to do something that is fairly rare here on the House floor, and that is read a passage of the U.S. Constitution.

Now, the gentleman from Illinois (Mr. MANZULLO) in his amendment is raising a very, very valid point. Let us go back to the Constitution. Everybody who is here in this body swore an oath to protect the Constitution.

So in Article I, section 9, ''No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. Nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.''

The point is this: this is unconstitutional. We are already setting up protectionist barriers within this country based on this antiquated dairy system.

Now, the question about export, world trade with other countries, is a very, very valid question. But that goes to the heart of the issue, which is, we are already doing things that seem extraordinarily contrary to the Constitution that we are here to uphold.

Now, I know I am a new Member, and I know it is very novel that we bring this to the floor, but the point is this: what we are already doing is, in many people's opinion, including my own, is unconstitutional. What we are doing is violating the very principles we try to export to other countries.

Mr. MANZULLO. Mr. Chairman, I yield 15 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, let us assume for a moment the gentleman is correct. I am not a constitutional lawyer myself, but I will assume for a moment that he is correct.

Would it not be the proper forum to determine that at the Supreme Court and not the United States Trade Representative?

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Mr. Chairman, that is a very, very good question.

In my opinion, I think Members of Congress, who swear to uphold the Constitution, should do that as well. We should debate the constitutionality of the bill as we try to propose so we do not logjam the courts heaping the responsibility over there. We should be the first check on the Constitution here in the legislative branch of the Government.

Mr. COMBEST. Mr. Chairman, would the Chair inform the Members as to the amount of time remaining.

The CHAIRMAN. The gentleman from Illinois (Mr. MANZULLO) has 8½ minutes remaining. The gentleman from Texas (Mr. COMBEST) has 11½ minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

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

Mr. Chairman, I rise in opposition to this amendment and certainly in support of H.R. 1402.

I come from Arkansas. We have a rich dairy tradition in northwest Arkansas. I have heard from my dairy farmers, and they need help; they need assistance. This is designed to give some relief and a flow of milk for our consumers in the United States.

But the amendment that is being offered I think does raise a serious constitutional question, and I appreciate my good friend from Wisconsin reading from the Constitution. I think he should be here frequently and reading from the Constitution. But one thing I hear from my constituents is that this body assigns too much authority to other agencies of Government.

What this amendment does is it delegates the United States Trade Representative and gives so much authority and power to that body to override, in essence, what we believe is important in setting policy for our dairy farmers and this industry.

So I think that this takes us in totally the wrong direction. We look at the issue of trade, and I believe we need to expand trade and do everything that we can to move in that direction. But as the gentleman from Texas was discussing, other countries always have some type of program to help their agricultural community or some different industry that they are concerned about. And our responsibility overall is to make sure that our support system is at a minimum that does not interfere substantially with our trade.

What we are doing is we will be singling out the dairy farmer and telling the United States Trade Representative that they have got to watch this particular element, they have got to watch our dairy farmers, they have got to watch the flow of milk here, and it puts us in a weak position in negotiating trade agreements with our other countries.

I do not believe that this in any way would undermine our trade policy of the United States, but it would undermine our negotiating position. And there is a huge distinction there.

So I fully support the bill. I would ask my colleagues to oppose the amendment.

Mr. MANZULLO. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Illinois (Mr. CRANE), the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois (Mr. MANZULLO), my friend and my next-door neighbor, and the gentleman from California (Mr. DOOLEY).

A little more than 2 months from now, the U.S. will host a ministerial meeting of the World Trade Organization, the first of its kind to be held in this country.

A primary goal for American farmers is the successful launch of a new round of multilateral trade negotiations at this important meeting. The United States possesses the most efficient and competitive agriculture sector in the world. Agricultural goods accounted for $88 billion in total two-way trade during 1998, up 14 percent from 1993. U.S. agricultural exports alone stood at about $52 billion in 1998.

Because domestic food consumption is projected to remain relatively stable, the further elimination of trade barriers and development of new export opportunities is essential to the economic health of American farmers.

United States objectives for the next round of trade negotiations are to abolish export subsidies, phase out tariffs, and reform and eliminate domestic support programs.

It is never easy to achieve liberalization of agricultural trade because farming is the most sensitive and politically powerful sector in almost every country. But this difficult objective becomes impossible if the United States, the avowed champion of open trade and agriculture, takes additional steps to distort markets and increase protection for our own favored commodities.

□ 1530

H.R. 1402 increases market-distorting subsidies, penalizes consumers, and invites our trading partners to take similar steps. H.R. 1402 enables the European Union to justify and maintain its protectionist agricultural policies which represent the single largest impediment to expanded agricultural trade worldwide.

The Manzullo-Dooley amendment requires USTR to assess whether implementation of H.R. 1402 would undermine the trade negotiating objectives of the United States. Implementation of the bill's market-distorting subsidies, Mr. Chairman, would end if USTR made an affirmative finding.

Mr. Chairman, as the important WTO meeting in Seattle approaches, it is completely counterproductive to U.S. negotiating objectives to pass legislation like H.R. 1402. The United States

must stand foursquare for free market reforms and for free trade policy, a policy rather that benefits our farmers, processors and our consumers. We must continue to provide the international leadership for free markets that has traditionally come from America.

Mr. Chairman, I urge a yes vote on the Manzullo-Dooley amendment, and I urge a no vote on H.R. 1402.

Mr. COMBEST. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding this time to me, and my colleague, the gentleman from Wisconsin (Mr. RYAN) a moment ago, speaking of the constitutional authority, I am sure has forgotten that the rules of the House determine that every committee that brings a bill to the floor of the House must determine that the act is constitutional before it is eligible under the rules to come to the floor of the House, and on page 16 of the report the committee, the Committee on Agriculture, finds the constitutional authority for this legislation in Article I, clause 8, section 18, that grants Congress the power to make all laws necessary and proper for carrying out the powers vested by Congress.

So we have made that determination in the committee bringing the bill to our colleagues so they can feel a little better about their concerns.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me, and to add on to the gentleman from Texas' explanation for the constitutional provision which allows the U.S. Congress to do what we are doing now, which is basically a more equitable distribution of the funds, not an inequitable distribution of the funds, and I will quote from Oliver Wendell Holmes. I was going to make this comment to the gentleman from Wisconsin who originally brought up the idea of the Constitution. Oliver Wendell Holmes, chief justice, said that the Constitution was made for people with fundamentally differing views. And what we see here today is a reflection of people on this House floor with fundamentally differing views. And at this particular point, my colleague with whom I have great respect, the gentleman from Illinois (Mr. MANZULLO), I would oppose his amendment.

We talked about free and open markets. We need to have access to foreign markets. Well, in the state of the world today, especially when we consider the agricultural community in the United States, who are we going to sell our agricultural products to in the near term?

Is it going to be Russia? I do not think so.

Is it going to be China? I do not think so.

Is it going to be Japan? So our markets right now with the international situation are somewhat restricted.

Can the agricultural community in the United States wait until the Russian economy improves, or China opens its markets, or Japan opens its markets, or Canada opens its markets? I do not think so. We are talking about a free market system.

What I would like to remind my colleagues who are in favor of this particular amendment is, Mr. Chairman, that if they look at General Motors, they operate whether it rains or whether it does not rain. They can operate in a free, open-market economy without much interference from anybody. They do not have to worry about floods; they do not worry about droughts; they do not worry about disease; they do not worry about insect infestation. But the U.S. agricultural community worries about all of those things every single day of the year, and the U.S. agriculture industry operates on a very slim weather margin.

So I would ask my colleagues to oppose this amendment.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Illinois for yielding this time to me.

Let us come back to the spirit in which this amendment is offered, and that is to highlight the trade implications that this amendment is meant to address, and there are many.

If our dairy farmers, farmers generally across the country, are to survive in the future, it is going to depend in large part on the ability to export products beyond our borders. Agriculture already is our number one export industry. We have an opportunity south of our border to take advantage, if we position ourselves correctly, of an emerging dairy market. That has proved more and more difficult because of policies of outside nations, especially the European Union. If anyone today is under the illusion that what we do on 1402 does not have an effect on our trade policy in the agricultural sector, Mr. Chairman, they do not understand how other countries are viewing what we are doing here today.

Last December, I had an opportunity along with the gentleman from California (Mr. DOOLEY), Senator PAT ROBERTS, a few other representatives, to go over to Brussels and speak with members of the European Commission and European Parliament in regards to the reforms that they are looking at over their common agricultural policy. I raised the issue that in the European Union they have some of the highest state-subsidized dairy policies in the world, and they have a competitive advantage over us because of that high state subsidy. They turned to me and said: ''Listen. Until you are able to get your own house in order, who are you to come over here and lecture to us about lowering trade barriers and moving to a more free trade market system?''

That is what is at stake here.

We have another round of WTO discussions coming up this fall. If we are incapable of tearing down trade barriers that exist domestically over in the dairy policy, it is going to be very difficult for our trade representatives to have the moral authority and the credibility to engage in those WTO talks to convince other countries to move to a more free trade market system around the globe and give our farmers the opportunity to compete fairly and effectively.

That ultimately is going to determine the success or the failure of our family farmers.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. Chairman, as my colleagues know, we all are interested in ensuring that the agriculture industry grows and becomes healthy. But granting veto authority to our trade representative in domestic policy issues is a terrible precedent that relinquishes our congressional role in oversight of trade agreements.

This amendment would essentially put our dairy programs on the trading block. That is not good for our family farmers. That cannot be good for our family farmers.

As my friend and colleague, the gentleman from Arkansas (Mr. HUTCHINSON) pointed out, we always should question the wisdom of delegating veto authority to Federal agencies. That is what we are elected to do here. Agriculture has been compromised too many times already by our trade representatives, and all agricultural sectors have been effected by the shortcomings of those agreements.

I urge my colleagues to vote ''no'' on what is another amendment intended to bust 1402, a strong bipartisan measure.

Mr. MANZULLO. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

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

This amendment is leading by example.

Now right now dairy products, the amount that we export into international markets of dairy products, represents about only 2 percent of the dairy product we produce. So it is not a big item, Mr. Chairman, but it is an example.

Now go to soybeans, for example, and one out of every two rows of soybeans grown in the State of Minnesota ultimately winds up in export markets.

As my colleagues know, the fundamental fact about agriculture in America today is that we cannot eat all that we can grow. If we do not have export markets, do my colleagues know what happens? Prices drop like a rock. The biggest reason that we have a farm crisis in America today is that we have lost $11 billion worth of exports. That is $11 billion that has come right out of the pockets of our farmers whether they produce milk or whether they produce pigs or whether they just grow corn or beans, whatever they grow. We have to export if we are going to have a strong agricultural economy.

Now several years ago, the Reverend Jesse Jackson said something that I think is very important, and it really underscores what the gentleman from Wisconsin (Mr. KIND) just said. He said, ''If you want to change the world, you got to first change your neighborhood, and if you can't change your neighborhood, at least be a good example.''

This is an amendment about being a good example. If we are going to lead the world in exports, if we are going to get back that $11 billion of lost export markets, at least let us be a good example.

This is an important amendment, Mr. Chairman. I hope my colleagues will join me in supporting it.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

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

The more I listen, the less I learn. There are things being said here on the floor today with respect to this amendment that I think draws two conclusions:

Number one, that somehow a Federal order system for milk is an improper and illegal restraint of trade. In fact, my colleagues, Mr. Chairman, that is an issue that has been well adjudicated. It was an issue that was extensively discussed during the last trade negotiations under GATT. It was an issue that was determined in the trade negotiations under GATT that Federal orders have no effect on trade. So, Mr. Chairman, that is not the core issue here.

The second assumption or the second claim that is being made is that something in H.R. 1402 or something in the current law and current dairy policy restricts any farmer from exporting in America today. That is totally false. It is totally incorrect. If my friends in Wisconsin want to export, go ahead, they can do that. The current world price for milk is about $9 a hundredweight. I do not think many farmers in America, be they in Wisconsin or any other part of the country, would want to export into that kind of market because it would be unaffordable, it would cause even wider bankruptcies.

What we have here is a difference of not what should be done, but who should benefit. Every single Member who is in support of this amendment today voted earlier to try to impose and to keep a system that preserves the market order structure. What it does not do in their mind is direct enough money to them.

So I think we have to keep reality in focus here, Mr. Chairman. We need to explore trade opportunities. There is nothing in H.R. 1402 that would prohibit that. There is nothing in the Federal order system that in any way precludes that. It is common sense; it is constitutional; and it is something that has been discussed time and time again.

So when we go to the floor and vote on this amendment, I hope we keep reality in mind because it is rather important.

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

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

As my colleagues know, it is really interesting, the statement was just made by the gentleman from New York (Mr. MCHUGH) that nothing is to stop the people in the Midwest from exporting. Well, it is interesting because, if the dairy farmers try to export their product to the northeast dairy compact, they have to pay a special tax on it. I cannot think of anything that is more trade distorting than that. And let me finish, and, if I have time, I will be glad to yield on that, but that is what this is about.

This is about regionalism in this country. It is also about fairness. It is also about the ability of this body to come together and to come up with a fair solution, and we had something several years ago when nobody could determine in this body how to close down the military bases, so the Military Base Commission was established in order to do the right thing for America. The Members of Congress said let us appoint somebody, an independent panel, to do an evaluation as to determine exactly what is the best thing to do, and that is exactly how that commission works.

Well, Mr. Chairman, in the Freedom to Farm Act that took place in this body several years ago, this body voted to allow the U.S. Department of Agriculture to come up with a solution to the socialism that has been going on in this country since 1937, and they did. They came up with a final rule, and the very people who embodied the U.S. Department of Agriculture now say:

''Whoa, we don't like the solution that we gave you the authority to come up with; so now therefore we're going to come back into this body again and impose regional socialism on this country.''

Mr. Chairman, that is outrageous. It is outrageous for farmers from one part of this country to send their products to another part of this country and end up paying the equivalent of a tariff or a duty. It is outrageous when farmers in this country, based upon their geographic location to Eau Claire, Wisconsin, that determines the price they get for their milk. That is pure insanity. That does not make sense, Mr. Chairman. There is not anything, anything in the laws of this country, that give any justification to having that type of a system.

Mr. Chairman, our amendment simply tries to make this unfair system a little bit more fairer under the circumstances.

Mr. COMBEST. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Chairman, my friend, the gentleman from Illinois (Mr. MANZULLO), number one, he will be delighted to hear, and apparently he was not on the floor earlier when I noted that H.R. 1402, as the modified one, B, also does, no longer uses Eau Claire, Wisconsin, as its basing point in determining class I differentials; so, we have taken care of that for him.

Number two, New York is not part of the northeast dairy compact, but the gentleman's statement that farmers have to pay a tax is absolutely incorrect. Any farmer can ship into the northeast, as my farmers do. What it does require, that farmer receives the same equitable prices as every other member.

□ 1545

Mr. COMBEST. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to make a few points, if I could, about trade policy since the trade policy and subsidization of our domestic producers and domestic producers in other countries has been brought up.

All of the subsidies, supports or whatever we may call them, fit within the trade laws. There is a process by which if that is questioned that can be adjudicated; but I would just say and remind people what I said in my opening statement, the European Union spends eight times as much in domestic support for their farmers as the United States does. It spends 16 times as much in export subsidies as does the United States.

Mr. Chairman, our farmers can compete with any farmers in the world, but our farmers should not be forced to compete with other governments. I will be with my friend from Wisconsin and others when we begin to lead the fight worldwide to reduce subsidization and supports; but the idea that we should set an example and unilaterally disarm the American farmer, I think, is a ludicrous statement.

I will be with everyone else when we do this worldwide, but I will be the last to suggest that we start it in this country when all other countries are still

doing it at many levels above what we are doing it.

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

The CHAIRMAN pro tempore (Mr. THORNBERRY). All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, further proceedings on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 4, printed in part B, offered by Mr. GUTKNECHT of Minnesota; Amendment No. 6, printed in part B, offered by Mr. RYAN of Wisconsin; and Amendment No. 7, printed in part B, offered by Mr. MANZULLO of Illinois.

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

AMENDMENT NO. 4 OFFERED BY MR. GUTKNECHT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Minnesota (Mr. GUTKNECHT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 8, as follows:

[Roll No. 432]

AYES—112

Armey
Baldwin
Barrett (WI)
Becerra
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Calvert
Capps
Carson
Chabot
Conyers
Cox
Crane
Davis (IL)
Delahunt
DeMint
Dixon
Dooley
Dreier
Ehlers
Evans
Ewing
Frank (MA)
Ganske
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hefley
Hill (IN)
Hobson
Hoekstra
Hostettler
Hyde
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Linder
Lipinski
Luther
Manzullo
Markey
Matsui
McDermott
Meehan
Menendez
Miller (FL)
Minge
Nussle
Oberstar
Obey
Ose
Pallone
Pascrell
Payne
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Regula
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanford
Sawyer
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Smith (WA)
Souder
Strickland
Stupak
Sununu
Tancredo
Terry
Thune
Tierney
Vento
Visclosky
Waxman
Weller
Wu

NOES—313

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
King (NY)
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Owens
Oxley
Packard
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Salmon
Sanders
Sandlin
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Coble
Diaz-Balart
Dickey
Fowler
Herger
Istook
Moore
Scarborough

□ 1609

Messrs. SMITH of Texas, WYNN, and BATEMAN changed their vote from ''aye'' to ''no.''

Ms. EDDIE BERNICE JOHNSON of Texas and Messrs. KINGSTON, HEFLEY, and ROTHMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 294, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 6 OFFERED BY MR. RYAN OF WISCONSIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 6 offered by the gentleman from Wisconsin (Mr. RYAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 318, not voting 6, as follows:

[Roll No. 433]

AYES—109

Armey
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Bereuter
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Calvert
Campbell
Carson
Chabot
Cox
Crane
Davis (IL)
Davis (VA)
Delahunt
DeMint
Dixon
Dooley
Dreier
Eshoo
Evans
Ewing
Frank (MA)
Ganske
Goss
Green (WI)
Gutierrez
Gutknecht
Hefley
Herger
Hobson
Hoekstra
Hostettler
Hyde
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
Matsui
McDermott
McIntosh
Meehan
Menendez
Miller (FL)
Minge
Nussle
Oberstar
Obey
Pallone
Pascrell
Paul
Payne
Pease
Peterson (MN)
Petri
Pomeroy
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Souder
Stupak
Tancredo
Terry
Thune
Tierney
Upton
Vento
Visclosky
Waxman
Weller
Wu

NOES—318

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Coble
Dickey
Fowler
Istook
Scarborough
Tauzin

□ 1619

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. MANZULLO

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 315, not voting 5, as follows:

[Roll No. 434]

AYES—113

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Buyer
Calvert
Campbell
Capps
Carson
Chabot
Cox
Crane
Davis (IL)
DeGette
Delahunt
DeMint
Dixon
Dooley
Dreier
Eshoo
Evans
Ewing
Frank (MA)
Goss
Green (WI)
Gutierrez
Gutknecht
Hefley
Herger
Hostettler
Hyde
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Linder
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Matsui
McDermott
McInnis
McIntosh
Meehan
Menendez
Miller (FL)
Minge
Northup
Nussle
Oberstar
Obey
Oxley
Pallone
Pascrell
Payne
Peterson (MN)
Petri
Pomeroy
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanford
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Souder
Stupak
Sununu
Tancredo
Tauscher
Terry
Thune
Tierney
Toomey
Vento
Visclosky
Waxman
Weller
Wu

NOES—315

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy

Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Olver
Ortiz
Ose
Owens
Packard
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Coble
Dickey
Fowler
Isakson
Scarborough

□ 1627

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 8 printed in Part B of House Report 106–324.

AMENDMENT NO. 8 OFFERED BY MR. BOEHNER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. BOEHNER:

Strike sections 1 and 2 and insert the following new section:

SECTION 1. TERMINATION OF MILK MARKETING ORDERS ON JANUARY 1, 2001.

(a) TERMINATION.—Effective January 1, 2001, section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking paragraphs (5) and (18) relating to milk and its products. On that date, the Secretary of Agriculture shall terminate all existing Federal milk marketing orders issued under such section.

(b) PROHIBITION ON SUBSEQUENT ORDERS REGARDING MILK.—Section 8c(2) of the Agricultural Adjustment Act (7 U.S.C. 608c(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by striking ''Milk, fruits'' and inserting ''Fruits''; and

(2) by inserting ''milk,'' after ''honey,'' in subparagraph (B).

(c) CONFORMING AMENDMENTS.—(1) Section 2(3) of the Agricultural Adjustment Act (7 U.S.C. 602(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking '', other than milk and its products,''.

(2) Section 8c of such Act (7 U.S.C. 608c) is amended—

(A) in paragraph (6), by striking '', other than milk and its products,'';

(B) in paragraph (7)(B), by striking ''(except for milk and cream to be sold for consumption in fluid form)'';

(C) in paragraph (11)(B), by striking ''Except in the case of milk and its products, orders'' and inserting ''Orders'';

(D) in paragraph (13)(A), by striking '', except to a retailer in his capacity as a retailer of milk and its products''; and

(E) in paragraph (17), by striking the second proviso, which relates to milk orders.

(3) Section 8d(2) of such Act (7 U.S.C. 608d(2)) is amended by striking the second sentence, which relates to information from milk handlers.

(4) Section 10(b)(2) of such Act (7 U.S.C. 610(b)) is amended—

(A) by striking clause (i);

(B) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(C) in clause (i) (as so redesignated), by striking ''other commodity'' in the first sentence and inserting ''commodity''.

(5) Section 11 of such Act (7 U.S.C. 611) is amended by striking ''and milk, and its products,''.

(6) Section 715 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103–111; 107 Stat. 1079; 7 U.S.C. 608d note), is amended by striking the third proviso, which relates to information from milk handlers.

(d) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall take effect on January 1, 2001.

The CHAIRMAN pro tempore. Pursuant to House Resolution 294, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

□ 1630

Mr. BOEHNER. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin (Mr. OBEY) be allowed to control 15 minutes of the proponent's time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

Mr. Chairman, I think everybody knows, when one lets milk sit around too long, it spoils, and it goes bad. It really is not any different for U.S. dairy policy that, after 62 years of a federally government-imposed marketing system for dairy in America, that maybe it is time to take a very serious look at it.

Today we have had a very healthy debate about dairy policy, and I am sure some of our colleagues are tired of hearing about this policy. But I think we now get to the core, the real debate about what ought to happen in the future.

The gentleman from Wisconsin (Mr. OBEY) and I have an amendment that says very simply that we ought to eliminate the milk market order system for dairy farmers in America.

We all know that, over the last 5 years, the last 10 years, the last 20 years, probably over the last 20, half of the dairy farms in America have gone out of business. Mr. Chairman, there is only one constant, only one constant that has been out there over those last 20 years as dairy farmers have gone out of business, and that is a federally mandated milk market order system.

Yes, it is the Federal Government that has controlled prices, not allowed dairy farmers to succeed, and literally pushed small farmers right out of the market. Until we get out of the way and let the market begin to set prices, fair prices for all farmers, regardless of where they are in America, I think until we do that, we are making a big mistake.

Today on the floor, we talked about the 34 marketing orders that are going to 11 marketing orders. Members probably heard about four different classes of milk depending upon how it is used. Why would the Federal Government want to decide how many different classes of milk that we have?

My colleagues have heard about four separate pricing schemes that we have for milk in our country. They have heard about differentials, the fact that we price milk based on how far it is from Eau Claire, Wisconsin. What a bizarre notion, in 1999, that the Federal Government in Washington, D.C. knows how to price milk for a farmer in Vermont or a farmer in Idaho. Why would we not let the market determine it?

We have also heard today about the USDA bureaucracy. Think of how many thousands of employees we have sitting right down the street determining how these prices should work, how these pricing schemes should work, and how it should be ''fair'' for all dairy farmers.

My colleagues have heard about pooling, pooling different prices from around the country so that we can determine what the fair price to the dairy farmer is. They have heard about forward contracting. We wanted to actually give farmers the ability to go out and contract on their own, if they

wanted to. Why cannot we allow farmers to do it? But, no, the House said no and did not vote that way.

We have heard about the mailbox price for milk as compared with the federal milk market order blend price. Now, when we start to look at the complexity of the milk marketing order system, I point all of my colleagues to this chart, this chart that says how we price milk in America. This is how we do it: from the laws that we pass here to the bureaucracy at the USDA to the different marketing orders and the pooling and every month that we have to determine what is the fair price for our farmers.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. All persons in the gallery are here as guests of the Chamber. Quiet is requested.

Mr. BOEHNER. So why do we have all of this, Mr. Chairman? We have this because, in 1937, in the midst of the Depression, we had a serious problem affecting dairy farmers. The Federal Government decided on an emergency basis we were going to set up this program to try to ensure that we kept dairy farmers on the farm and we were able to get fresh milk to the marketplace.

Now, that was 1937. This is 1999. Interstate highways, refrigerated trucks. My goodness, we have come a long way. I think it is time for all of us to take a big view of what has happened today, get out of the minutia of whether it is 1–A or 1–B, because either way, it is not going to make a dime's worth of difference to any dairy farmer. Then look at what we really can do to help the family farmer in America.

What we can do to help that family farmer is to get rid of this, get rid of this convoluted 62-year-old program that has failed the farmer and has failed our consumers in this country.

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

The CHAIRMAN pro tempore. Does a Member wish to claim the time in opposition to the amendment?

Mr. BLUNT. Mr. Chairman, I rise to claim the time in opposition, and I ask unanimous consent that, in my absence, the gentleman from Texas (Mr. COMBEST) be permitted to control the time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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

Mr. Chairman, we just saw a chart on how we price milk. What we did not see is a chart on why we price milk, why that has been seen as an important and significant role of both the Federal Government and for the health of the country for the last several years.

Market orders ensure a fresh local supply of milk. This is a perishable product, unlike most other products on the farm. I was raised on a dairy farm. I still live on a small farm. Most of the things on the farm one can have some control over. One can put them in an elevator. One can leave them on pasture a little longer. One cannot do that with what happens every day at the dairy barn. That has a very short life.

It is a hard product to recreate. If one sees people going out of the dairy business, one seldom sees them go back in. Once there are not local dairies, it is pretty hard to imagine there will ever be local production of that product again.

The 2 or 3 days of transportation does matter. In terms of what farmers would like to see, they just had the option of voting on a plan that I am convinced they did not like, 1–B or no market order at all; and they clearly said they did not want market orders.

The letters we received from farmers, the various articles that Members have seen on this issue indicated that many people voted for an option they did not like because the option that they thought absolutely would not work if one is a family farmer, if one is a dairy farmer, was the option of having no marketing system for milk in this country.

So I rise in opposition to this amendment, and I have a number of my colleagues who want to speak in opposition to the amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, this is, to my infinite wisdom, parochial as it may be, not a complicated issue. I used to be in business. I produced the product. The laws of supply and demand worked. We abided by them. We did not want to have any government inference, no marketing orders, no anything. It had worked.

This is different. The laws of supply and demand simply do not work in this business. It has been proven over and over again. That is number one.

Number two, if one tries to sell something and one's customer does not want it, it is not a very good deal. As the gentleman from Missouri (Mr. BLUNT) was saying, 96 percent of the farmers voted against eliminating marketing orders. To me, that is a very clear message.

So we can sit here; we can intellectualize what is best for the American family and what is best in terms of food supply. If the customers do not want it, we should not try to sell it.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would ask Members of the House, when is the last time they have seen the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin agree on anything? It has been a long time.

The reason we are here is because of Old Bossy. Old Bossy is a Holstein cow. Now, if one is Farmer Jones, and one milks Old Bossy in Oklahoma, the Government says one gets a bonus of $1.40 for every hundred pounds of milk one can get from Old Bossy in comparison to what one would get if one milks that same Old Bossy in the State of Illinois.

Now, if my colleagues can convince me that that makes sense, I would nominate them for the Pulitzer Prize in any field they want to name. I would nominate them for the Nobel Prize or any other prize they want. But I do not think they can convince me. I do not think they can convince the members of the press. I do not think they can convince farmers. And I do not think they can convince the general public that that system makes very much sense.

Now, the market does not dictate that difference in price; the law does. That is what makes it even crazier. Welcome back, Henry Wallace. Things have not changed since 1937, except for 1985, when this whole system got even crazier. Because in 1985, a fellow by the name of Tony Coelho, my good friend and colleague, came to this floor; and he decided that those bonuses were not big enough. He was going to make them even bigger. So he did.

Now, we could have lived, I guess, with the original differentials, as bad as they were, because they were at least determined by agricultural economists who were trying to balance the needs of all regions fairly. But in 1985 that system was changed, and it was switched to a straight decision based on raw political power.

Now, 3 years later, Steve Gunderson, then Chair of the dairy subcommittee, tried to get reform pushed through. He was told by the leadership of this House, Sorry, you cannot have a legislative remedy. All we are going to do is give you an opportunity for an administrative remedy. Let the USDA decide what is fair. So we said okay.

That is what USDA did. They brought forth modest, and I mean modest, reforms. Now what has happened, the very folks who said we could not have a legislative remedy are now saying, oh, gee whiz, we do not like what the administrative remedy was. So we are going to overturn it through this legislation.

That is why my colleagues have the gentleman from Ohio (Mr. BOEHNER) and I united today. Because I for one have concluded that, while I prefer supply management, dairy is the only industry in the world I know of where one does not cut back supply in order to meet demand. But if one cannot get supply management, then one ought to have a reasonable government program that dictates how this is handled.

But we do not have a reasonable government program. We have a totally arbitrary program based on how many votes one can get on this floor, not based on the legitimate economic

needs of every farmer in the country regardless of where they come from.

That is why I have reluctantly concluded, if we cannot get a square deal out of this Congress, then let us not have any deal at all. Let the market deal it. Then at least we will not have politicians to blame for the ridiculous situation you have across this country when it comes to dairy prices. That is why I support this amendment. I urge my colleagues to support it along with us.

Mr. BLUNT. Mr. Chairman, I yield 4 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time.

Mr. Chairman, I agree with the gentleman from Wisconsin (Mr. OBEY) that what we need is strong supply management, and I am a strong advocate of a two-tier supply management system. I also agree with the gentleman from Wisconsin (Mr. OBEY) that the current system is far from perfect. But I strongly disagree with him in saying that we have got to junk the whole system because what we have now is not perfect.

The fact of the matter is that, just last month, dairy farmers all over this country had the option of essentially voting for the Boehner-Obey point of view. They had the option of saying, well, the current system is not perfect. They had the option of voting for 1–B, which, in my view, is strongly flawed, or letting the current system expire and have nothing. But farmers who knew that the current system is not perfect said overwhelmingly by 96 percent that we need to have federal milk price supports, and that is what they voted for.

□ 1645

Mr. Chairman, there is no question in my mind, none whatsoever, that at a time when all over this country, in Wisconsin, in Vermont, in the Midwest, all over, when family farmers are going out of business, when today family farmers are receiving, in terms of inflation accounted for dollars, much, much less than they received 15 or 20 years ago, when they are struggling just to keep their heads above water, there is no doubt in my mind that if we approved this measure and did away with all price supports that what we would see is a rapid acceleration in the decline of family farms all over this country, especially the small farms.

Mr. Chairman, during the last 6 years alone, we have seen a decline to the tune of 26 percent of dairy farms in this country. And what we are also seeing is that while the small farms go under, in terrible numbers, in Vermont, in Wisconsin, all over this country, that the larger farms are becoming larger and gaining a greater share of the market. For example, in 1978, farms with 50 cows or less produced 40 percent of the milk supply. By 1997, that same size farm produced only 12 percent of the milk in our country. And the trend is very clear: Fewer and fewer large farms produce more and more of the milk, while small farms are rapidly going out of business.

If the Boehner-Obey amendment were to pass, this process would rapidly accelerate, and I will tell my colleagues what this country will look like in 20 years. What we will have, literally, is a handful of giant agri-business corporations controlling the production and distribution of dairy products all over this country. And that would be a disaster not only for rural America and the economies of rural America, that would be a disaster not only for the environment and keeping our land green, it would be a disaster for consumers as well.

I have, I believe, one of the strongest pro-consumer voting records in the House of Representatives, and I will challenge anyone who thinks that the consumer benefits when a handful of giant corporations will control the production and distribution of dairy products. So if my colleagues are for the consumer, if they are for the family farmer, if they are for the environment, they will vote against this amendment and vote for final passage. Let us do what little we can to protect the family farmer.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I want to refute two of the points that have come up. I grew up on a farm in South Carolina, and we raised tomatoes and shrimp. Yet we have been told in this debate so far that milk is different, it is a perishable product. How many of my colleagues want to buy spoiled tomatoes or rotten shrimp? Nobody.

So there are a lot of other goods that somehow miraculously make their way from the farm to the grocery store without a price-fixing system in place. I would make that one point.

The second point that I would make would be if we had a price-fixing system on the farm that I grew up on for shrimp or for tomatoes, would we want to leave that system in place? Absolutely. But to say that those farmers who voted for that, those few that happened to benefit, that that should be the barometer by which we judge this amendment, I think, would be a big mistake.

Lastly, if we are going to go this route, why do we not adopt the ideas of pricing software based on its distance from Redmond, Washington, or the idea of pricing timber based on its distance from the Southeast. This does not make sense. This amendment does.

Mr. BLUNT. Mr. Chairman, I yield myself 10 seconds to point out that the USDA requires that milk be off the farm in one day. That is the case for no other product, and I am confident, I am sure it is not the case for either tomatoes or shrimp.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to the amendment and in support of the underlying bill.

The issue really here is about food supply and food quality, but it is also about the quality of life in America. Farms preserve open space; they provide living evidence of man's dependence on the Earth and our responsibility for sound management of our environment.

In 1996, Congress recognized that we needed to reform the milk marketing order system; not that we needed to repeal it, but that we needed to reform it. And, in fact, the Option 1–A, just as the Option 1–B, was compiled by economists and professional staff of the USDA's agricultural marketing service. It takes into account more realistically transportation costs for fluid milk, regional supply and demand issues, costs of both producing and marketing milk, and the need to assure that milk can be produced in all the regions of the United States.

It is simply a fairer option. It is real reform. The system will be simpler, but it will be also sensitive to regional issues. That is why it is in everyone's interest to support the 1–A option in the underlying bill.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Boehner-Obey amendment and in opposition to H.R. 1402.

I do agree with many supporters of 1402 that we must do everything in our power to help small farmers who are suffering. The dairy industry is vitally important to my home State of New York, and I would be proud to support 1402 if it represented targeted relief that would help New York's small family dairy farms. But we should not preserve an antiquated milk pricing system that punishes consumers throughout New York, both upstate and downstate, while doing little to help the farmers who need the help most.

Mr. Chairman, most of the debate today has focused on the impact of this legislation on farmers, but let us not forget how this legislation will affect consumers, including the families in my district and throughout this country. According to even the most conservative estimates, consumers will pay at least $200 million more each year under this bill. Now, I know some of my colleagues may say that the price increases brought about by this bill may be small, but small increases in price can make a big difference to a

working family struggling to get by, or to a struggling mother trying to make ends meet, or to programs such as WIC, food stamps, and the school lunch programs which are impacted tremendously by the price of milk.

Mr. Chairman, if we pass H.R. 1402, we are undoing USDA's very modest reforms and preserving a depression-era system that benefits no one. Over 300 Members of this body voted for the Freedom to Farm Bill that was based on the principle that we should have a free market for agriculture. But that bill exempted dairy and, instead, required USDA to implement the new milk marketing orders that we are here discussing today. This bill today threatens to undo even those modest reforms.

Rather than preserving this outdated system, we should continue to move to a free market for milk that is fair to both farmers and consumers. I urge my colleagues to support the Boehner-Obey amendment and to oppose 1402.

It has been noted that this will result in an increase of 22 cents a gallon by the change in the differential. That is a lot of money to a lot of people, and that will increase the price of milk.

Mr. Chairman, I yield back the balance of my time to the gentleman from Wisconsin (Mr. OBEY) to continue speaking up for consumers across this country. We should not make it harder on consumers and help big, large farmers.

Mr. BLUNT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, milk was left out of Freedom to Farm for a reason. Milk is different than wheat, and it is different than corn. As the gentleman from Wisconsin (Mr. OBEY) was talking about milking Bossie, that has to be done twice or three times a day 365 days a year. And that milk has to have a market. And no one dares to be able to take advantage of that little producer because they know he has to sell it right then.

This is a pretty good system that has been working since 1937, and the legislation here would change it greatly. I am as free market, free enterprise a person as there is in this Congress. I never asked the government for a thing in my business. Milk is different. Dairy farming is different. What we need is a supply of fresh, wholesome milk so that WIC can have it, so poor families can have it, so we can all have it.

There is not a better system of milk distribution in the world than we have in the United States right now. The farmers voted to preserve it, it is working well, and I am in very much opposition to the amendment of my friend, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I rise today in support of the amendment by the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin (Mr. OBEY) and in opposition to the underlying bill.

Passage of this bill would undermine the course that Congress set just 3 years ago towards agriculture reform. In the 1996 farm bill, Congress made a commitment to allow the USDA to make modest reforms to the controversial dairy price program after 3 years of public hearing process. Now that we have the final rule on milk marketing order reforms, people are trying to renege on that original goal of trying to reform with a simple modest plan.

As far as I am concerned, the proposal is not far enough, and that is the reason I am supportive of the Boehner-Obey amendment. It does not matter whether we are talking about milk, oranges, wheat, or sugar. We need to make our agricultural programs come into the 21st century and not go back to the 19th century. We have a real opportunity for real dairy reform today and we are doing a disservice to everyone if we do not pass this amendment to go to a free market type of plan.

Mr. Chairman, we cannot open up markets to our agricultural products to advocate free trade while we maintain the barriers on dairy. I advocate the support of the Boehner amendment.

Mr. BLUNT. Mr. Chairman, I yield 3½ minutes to the gentleman from California (Mr. POMBO), the subcommittee chairman that deals with these issues.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in opposition to the amendment, not because I do not think that one day this amendment will be necessary and will come true, because I believe the gentleman from Ohio (Mr. BOEHNER) is right. I believe that this is the direction that we will ultimately end up going with American dairy.

But the problem that I have with this amendment at this time is that in 1996, when we started on the path of deregulating American agriculture, we said that there had to be a transition period, there had to be a period of time when we went from a heavy-handed, government-regulated bureaucracy that dictated everything that happened in American agriculture to a time of free market. And I believe that that transition is taking place. It has been sometimes topsy-turvy, sometimes very difficult, but it is happening.

It is happening much slower than some people would like to see, including a dairyman that I just had lunch with not too long ago from my district. He told me that he knows that one day we will have an unregulated dairy economy, that we will not have the Federal Government setting prices. He said he knows that one day that is going to happen and that he looks forward to that day happening. But what will happen if this amendment passes today is that it would send the dairy economy into chaos immediately. And, unfortunately, we just cannot handle that right now.

I support what the gentleman from Ohio (Mr. BOEHNER) is trying to do in the aspect that the Federal Government should not be involved with how many cows somebody milks, how many pounds of milk they produce, and where they sell that. I do not want dairymen having to come back to Washington, D.C. to ask us for something, for some change on dairy policy. It should not happen. But we need an orderly transition to be able to go from this government-run bureaucracy that was handed to us before we pass a farm bill to a free market economy.

□ 1700

That transition is going to take place.

Now, the gentleman from Ohio (Mr. BOEHNER) held up a poster that had policies in place for going from the Congress to the cow and everything that had to happen in order for those prices to be set. That is the exact reason why this amendment cannot pass today.

So much dependency has grown up around that system that it is going to take some time to unwind all of that, and it is going to take some time to create a system that the American dairy farmers can understand and use, and eventually we will do that.

I would also like to say we have heard a lot of reasons why this amendment is not good, and a lot of those reasons are no longer relevant today.

American dairy farmers are the most efficient dairy farmers in the world. We have the most efficient delivery system of anywhere in the world, and we have the ability to compete with any dairy farmers in the world.

But in doing so, we need to take the time that is necessary to transition away from the dependency that has grown up around a bureaucratic government program to the free market.

I urge my colleagues to reject this amendment today. I pledge to my friend, the gentleman from Ohio (Mr. BOEHNER), to continue to work with him to see that his vision one day comes true.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in support of the Boehner-Obey amendment.

Mr. Chairman, as my colleagues can see from this chart, eliminating milk market orders, which is what the Boehner-Obey amendment would do, would save approximately $80 million every year.

The current, yet antiquated, milk marketing system, which would in essence remain in place under 1402, gives dairy farmers more money the farther away they are from Eau Claire, Wisconsin. This was a wise policy back in the 1930s because there were not refrigerated vehicles and there were no interstate transportation systems to ensure that all areas of the country received an adequate supply of milk.

In the 1930s, it was proper to provide incentives to farmers to milk in traditionally nondairy areas. But as we approach the new millennium, taxpayers should no longer prop up an unfair system that compensates farmers depending on where they live. It is wasteful and it makes no sense to taxpayers and consumers.

Now, let us be clear. Under H.R. 1402, more taxes would be needed to keep very important nutrition programs from having to cut needy families off their rolls. Take the WIC program for example. The Consumer Federation of America estimates that under 1402, unless additional taxes are provided, 3,700 women, infants and children could be kicked off the WIC rolls every year and more federal dollars would be needed to keep the food stamp program, the school lunch and breakfast program, and nutrition programs for the elderly at their current assistance levels.

Mr. Chairman, why should consumers and taxpayers subsidize dairy farmers based solely on where they milk their cows?

I urge support of the Boehner-Obey amendment.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY.)

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

Mr. Chairman, we have been here all day debating this issue, and we have heard arguments on both sides and recurring arguments on both sides.

A minute ago I heard a colleague mention that what this amendment proposed by the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin (Mr. OBEY) will do is reaffirm a commitment made in 1996 by this Congress that would allow for the Department of Agriculture to modestly adjust the milk marketing orders and reflect more readily the marketplace. We refuted that a couple of hours ago when we pointed out that it is not a modest adjustment when we are going to cost dairy farmers in excess of $2 million to $400 million annually.

We have seen evidence presented throughout the last several years to the United States Department of Agriculture and input from all experts within the dairy community that said very clearly that Option 1–A was the option that we ought to pursue. Yet here we are with our final amendment before what I hope is final passage, and the Boehner-Obey amendment really operates under the premise that the milk marketing order system is an outdated system that does not reflect the marketplace at all, and we know that simply is not true as well.

To establish the prices that are used, the Department of Agriculture surveys the wholesale market prices of milk and milk products such as cheese and translates those prices into a fair market-based price for raw milk sold at the farm level.

We have heard throughout the day the discussions about why we need to do this with milk and why it is important, and I find it ironic that many of the same Members who are going to stand and speak and indeed vote for this amendment are the same folks who earlier today were trumpeting the results of the August daily referendum, were 95 percent of dairy farmers said they supported this system.

I urge my colleagues to support this safety net. I urge my colleagues one more time in the next vote to defeat an amendment that is intended to gut 1402.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I thank my colleague from Ohio for yielding me the time.

Mr. Chairman, the managers of well-run businesses periodically survey their operations. They take a hard look at everything they are doing and they ask a simple question, and that is: If we were not already doing this, would we start it up today? If not, it should probably be stopped.

Well, let us apply that same approach to the dairy program. If we were not already running this program today, would we even consider starting anything remotely like it? Would any sane person start a dairy program like the one we have today? If the answer is, no, and I believe it is at least, heck, no, then common sense tells us we should stop it.

To my colleagues who profess a belief in market economics, this is a test. Please vote their principles and support this amendment. To my colleagues who represent urban consumers, this is also a test. Please vote their constituents' clear interest, not some special interest, and support this amendment. To my colleagues who represent dairy farmers outside the Midwest, do not fear the free market. There were dairy farmers in all regions before the dairy program began, and there will be efficient dairy farmers in all regions after we end it. There will always be an advantage in proximity to local markets for fresh milk.

It is way past time for all of us to unite and cast off this horrible relic. I urge all my colleagues to support the amendment of the gentlemen.

Mr. COMBEST. Mr. Chairman, could the Chair tell us the remaining time.

The CHAIRMAN. The gentleman from Texas (Mr. COMBEST) has 14¾ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 7 minutes remaining. And the gentleman from Wisconsin (Mr. OBEY) has 6 minutes remaining.

Mr. COMBEST. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, to restate the issues that have been before us all day is that the issue of the 1–A, 1–B option before us is a developmental plan that was put forward by the Department of Agriculture and gone across the country in 11 different regions in trying to elicit and get support and get materials presented in regards to those options.

Those options are not going to cost consumers any more money than already is into the system now. The money that is being purported in terms of coming from different departments is money that is already going to the dairy farmers right now.

What is on issue now is that the 1–B option in the elimination of this marketing program will take away $200 million from dairy farmers. It will take this money from the dairy farmers, and it will revert back to the industries or to wherever; but it is not going to be benefiting to the dairy farmers.

The formula is based on use. It is based on a weight between those uses of whether it is milk or ice cream or butter or cheese, and then they factor into a distance the further they are away from the market for transportation costs. And those issues have all been articulated.

The Department designed the options that we have before us; and in doing so, when we passed the reforms and seeing the impact of the reforms on our farmers, we only need to look at the billions of dollars that we are spending in agricultural assistance each year for the last 2 years to recognize that the freedom to farm has not been the success that many wanted it to be and the exemption of milk in that freedom to farm may have been a blessing in disguise and allows for more cooperation and more time and thoughtfulness to develop a system which maintains a floor for the dairy farmers, at the same time giving them the tools to be able to be successful in a more market-oriented economy, which 1–A would allow, which was designed by the Department.

The Department was not charged to reduce the farm income by $200 million to dairy farmers and what was going to dairy farmers. It was asked to reform it and to make it more market oriented, which 1–A would do.

Mr. COMBEST. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. POMBO) be able to manage the time in opposition.

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

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Wisconsin for yielding me the time.

Mr. Chairman, I, quite frankly, am flabbergasted to understand where this $200 million lost figure comes from because it just belies the facts.

In fact, USDA released an analysis over the past year what the basic formula price, what the producers would get through class I differentials under the reform proposals that they have announced and which will take effect on October 1.

Virtually every region in the country under the more free market-oriented pricing system actually sees more income in their pockets rather than less.

The Boston region, 38 cents per hundred-weight; Des Moines, $1.22 more; New York 23 cents more; Philadelphia, they lost 2 cents this past year; St. Louis, 96 cents more; El Paso, 27; Atlanta, 69; Seattle, 42; Kansas City, 85; Cleveland, 87; Tampa, $1.19 more; Louisville, 71; Boise, 82; Minneapolis, $1.27.

In fact, the figures just released for the month of October this year, the first month when the reform takes effect, shows that on a national average the producers get 57 cents more per hundred-weight class I than they would under the 1402.

So the issue is simple. We can vote for passage of 1402 and by doing so we would be taking money out of, rather than putting more money into, the pockets of the producers over this past year and for the month of October.

Now, I commend my colleagues who are in support of 1402 for their desire to help the small family farmers. But if there has been one common denominator in this entire debate regardless of the region is that we can all stipulate that our family farm earnings have been suffering badly and they have been suffering for some time under the current system. But I submit that the continuation of the status quo with the government-set price differentials only encourages large corporate farms to produce for the mailbox and the Government check, rather than for basic economic principles of supply and demand.

Look at the increase of large corporate farms in these regions that see a higher price differential. They in turn put the squeeze on the small family farmers. So if we want to help the family farmers, let us support this amendment; let us have some confidence that they can compete under the principles of supply and demand, that we do believe in the marketplace, and that we are not going to create these artificial price systems which will only encourage the larger operations to go into that because of the price differentials and ultimately hurt our small family farmers.

That is the direction that we should be going in, and that is why I support the Boehner-Obey amendment and would ask my colleagues to vote no on final passage.

Mr. MANZULLO. Mr. Chairman, I represent five of the eight top dairy counties in the State of Illinois; and they are losing 10 to 15 percent of the dairy farmers each year.

If we are to sit around and wait for all these reforms to take place that the gentleman from California (Mr. POMBO) talks about over a period of time, there will not be any dairy farmers left in northern Illinois.

Mr. Chairman, the difference really is between milk and something like peaches, for example. The price that the dairy farmer gets is based upon how far his production is from Eau Claire, Wisconsin. The price that the peach grower gets is not based upon where his farm is in relation to somewhere in the State of Georgia.

What we are asking for here under the Boehner amendment is the last opportunity for the American dairy farmer to participate in the free market system. The Boehner amendment would allow that and, hopefully, will stop the elimination of all the dairy farmers in the district that I proudly represent.

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

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 6 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining. The gentleman from California (Mr. POMBO) has 12¾ minutes remaining.

□ 1715

Mr. BOEHNER. Mr. Chairman I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to just point out, which we did earlier today, what this is about.

This is about the status quo of the market, and I would like to go through what the status quo is because a lot of Members around here do not exactly know how the price of milk is determined.

So, under the status quo, let me read how the price of milk is determined. There is the basic formula price, and there is the blended price.

Here is the basic formula price:

The BFP equals, basic formula price, equals last month's average price paid for manufacturing grade milk in Minnesota and Wisconsin plus current AA grade butter times 4.27 plus current nondry milk price times 8.07 minus current dry-buttermilk price times .42 plus current cheddar cheese price times 9.87 plus current grade A butter price times .238 minus last month's grade A butter price times 4.27 plus last month's nondry milk price times 8.07 plus last month's dry-buttermilk price times .42 minus last month's cheddar cheese price times 9.87 plus last month's grade A butter price times .238 plus present butterfat minus 3.5 times current month's butter price times 1.38 minus last month's price of manufacturing grade milk in Minnesota and Wisconsin, times .028.

That is the basic formula price.

Mr. OBEY. Mr. Chairman, would the gentleman repeat that?

Mr. RYAN of Wisconsin. I will repeat it to the gentleman from Wisconsin (Mr. OBEY) after this, Mr. Chairman.

The blend formula price now takes that basic formula price, which I just mentioned plus .12 times the percent of milk used for cheese, powder, and butter plus the basic formula price, that formula I mentioned a second ago, plus .30 times the percent of milk used for ice cream and yogurt plus the formula price, the basic formula price, plus 1.04 plus .15 times the distance from Eau Claire, Wisconsin, divided by a hundred, all times the percent of milk used for fluid.

That is the current milk pricing system. That is the choice my colleagues are making, to perpetuate that if they vote for H.R. 1402.

If my colleagues want to scrap this 1937 abomination, Mr. Chairman, they should vote for the Boehner amendment, vote against 1402.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

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

Mr. Chairman, I just feel like I have heard Jay Leno's monolog for about the fifth time. It was amusing the first time, but the fact of the matter is what we are doing here today is going to have a profound impact on dairy farming in America.

Talk about turning a deaf ear to the will of the very people we are trying to help, Mr. Chairman. In August, we just had a referendum. Ninety-six percent of the farmers said they want to continue milk marketing orders.

Now I know we sometimes cannot resist the temptation to create chaos out of order, Mr. Chairman, but I would suggest that if we eliminate the milk marketing orders, that is exactly what we would be doing.

I do not want to identify with that effort. I want to identify with looking realistically at the plight of dairy farmers in America, and I must admit it, being a little bit selfish, I am particularly concerned with the plight of dairy farmers in beautiful upstate New York. They are in crisis. They need some help, and I want to help. This amendment would not help, Mr. Chairman; 1402 would.

Mr. POMBO. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me, and what I want to try to explain up here in the 2-minute time frame that I have is what is happening with the present amendment by my good friend from Ohio (Mr. BOEHNER) and the bill that I hope all my colleagues will vote for.

If the bill, if the amendment, passes by the gentleman from Ohio (Mr. BOEHNER), it will have a significant impact on the type of farming over a period of years that we have in the United States. Right now we have a mix of farming. We have some corporate farms, we have some family farms, and we have a mix of corporate family farms. We have some really big farms that are family farms. We have mega farms that are corporate farms that take in tens of thousands, hundreds of thousands of acres whether it is poultry, dairy, grain; just name it.

Right now though, we have a relatively pretty good mix of small family farms, big family farms, and pretty big corporate farms. If we vote for the gentleman from Ohio's amendment, what will happen is the shift will go from family farms, big family farms, to corporate farms, and it will shift from being all across the United States, whether one is a dairy farmer in New York, New England, South Carolina, California, Oklahoma, Montana, Ohio. The consolidation of agriculture then will go to corporate agriculture, and a consolidation of the dairy industry will go to the Midwest.

If I could draw just very briefly a map of the United States? Now, right now the Midwest is a big producer of dairy products. We have other dairy regions in the Northeast, the mid-Atlantic States, the Southeast, virtually all across the country. But with Mr. BOEHNER'S amendment, the focus of the dairy industry, the corporate dairy industry, will be concentrated in the Midwest.

Now there are several problems with that, but one of the problems is suppose this is a severe drought in the future, a concentration of dairy in the Midwest, without it in other areas of the country. If we had a drought, if we had an increase of pests, if we had an increase of disease, if we have floods, we do not have the safety net of the diversity of agriculture that we have right now.

So I will urge my colleagues to vote against the amendment and vote for the bill.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank my colleague for yielding this time to me.

I would like to just briefly shift our focus away from the family dairy farm. If this were merely a debate between dairy interests, it would not be as bitter as it is, and it would not be as important as it is.

Make no mistake. It is important because it affects nearly every aspect of our economy.

A quick reality check looking outside the Beltway. Heard a lot about the support for 1402 in this House, but when we go outside this House, and we turn to beyond the Beltway, the coalition against 1402 and the pricing scheme, it has ranged from the National Restaurant Association to the Teamsters; yes, the Consumer Federation of America, Americans for Tax Reform, the Snack Food Association, the AFL–CIO.

There is very little that could unite such a group. They are united in their opposition to 1402 and to this outdated pricing scheme. They view it as a tax on milk. It artificially increases the price of milk to consumers. Not only a tax, but a regressive tax because it hits those who can least afford it; and if we know anything about principles of taxation, we know this regressive tax will drive down the consumption of milk.

Can we afford that as a Nation? No. We want to increase consumption of milk and healthy products.

Finally, this will also hurt many of our antipoverty programs. The WIC dollars will not go as far, food stamps will not buy as much, all caused by this outdated pricing scheme, the very pricing scheme that 1402 seeks to reimpose.

End this. End the tax on milk. Introduce market forces. Free up dairy farmers to produce and to compete. Support the Boehner amendment and oppose 1402.

Mr. POMBO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to respond to the last speaker for just a moment when we start talking about this as a tax. Let me give my colleagues some mailbox prices. That is what dairymen have been receiving, average, for the first 5 months of this year.

Dallas, Texas or Texas order, $14.13; the current retail price for milk in Dallas is $2.50. In Minneapolis, Minnesota, the mailbox price was $13.52, which is 51 cents less than Texas. But guess what? The retail price of milk in Minnesota as of today is $2.99. In fact, New York City today, the price of milk, $2.79. The farmers' mailbox price, $14.43.

We can go right down the line on any of the mailbox prices that are determined through the Federal milk market order system that can be made to sound very complicated, which it is, but it accomplishes a very important goal for the dairy industry in that it provides a stabilizing way of pricing milk.

There is no one that can say that what the price the farmer gets is affecting what the consumer pays to the degree that the previous speaker said it.

As my colleagues know, one of the things that I have said over and over in this debate, somehow, some way we have got to get away from this idea that only the dairy farmer or the corn farmer or the cotton farmer or the rice producer or the peanut producer has to constantly produce for less in order that the consumer might pay less when everyone in between does not do that. Remember, last December, there was an article in the Washington Post that stated their commodities winners and losers, and the losers were producers and consumers. And the article there had to do with cereal, and the price of cereal went up last December by 9 percent. Why did the cereal prices go up? Because the cost of advertising and marketing for the cereal manufacturers went up. Now that means that somebody's television contract went up, and it was judged important enough for the processors of cereal to increase their price to the consumer at the same time we were seeing the lowest prices to producers of grain since the Depression.

Now the tone and tenor of the argument today, and I know the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Wisconsin (Mr. OBEY) have good intentions, I know that they believe that if we can just eliminate Federal market orders that the dairy industry would be better off in their regions or in the country as a whole. And I assume it is the country as a whole.

But to that argument, let me point out again dairy farmers in their regions and in every region had a chance to vote on whether they wanted to eliminate the Federal milk order last August, and from 90 to 99 percent of the dairy producers said, no, a resounding no, to the Boehner-Obey amendment. Why did they say that? If they believe that things are going to be better for dairy farmers, did they not vote it out when they had a chance? That is a question for this body to answer.

Now my colleagues will hear, already heard, the gentleman from Wisconsin mentioned a moment ago, that the latest figures, October, show that under the new pricing system that dairy farmers are going to get more money. That is true compared to the old, but it is irrelevant to whether or not we deal with 1402 or whether we deal with 1–B.

□ 1730

It is irrelevant. We are making changes. In spite of the fact that speaker after speaker after speaker said it is a decision or a choice between status quo, it is not. We said when we passed the farm bill that we wanted to reduce the number of orders. We are going from 31 to 11. When we went from

31 to 11, that meant we had to have another vote so the dairy farmers could say they agree with what Congress told USDA to do, and they voted overwhelmingly, not because they approved of everything. They have a difference on 1–A and 1–B, and that is what this is all about.

While it may be true that under current conditions Class I prices will be higher in the USDA decision than under the current system, this effect is the result of changes in the calculations of manufacturing milk prices that Class I differentials are added to.

In spite of the fact that we continue to talk about milk being priced in one spot, Eau Claire, Wisconsin, that is not true. I do not know how many times we have to say, those of my colleagues arguing the other, that that was changed. We are not keeping the status quo. We do recognize that this system, the federal market order system, needed to be improved and we are doing that, whether we go 1–A or 1–B.

Mr. Chairman, I hope we will all oppose very strongly this amendment and support 1402. That is what the dairy farmers of America believe is in the best interest of their futures. Then I hope that we can get on with some more serious type of discussions as to how we deal with the real problem, the fact that prices for all agricultural commodities are too low. That is what it is all about.

Mr. OBEY. Mr. Chairman, could I inquire how much time is remaining for all parties.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 2 minutes remaining, and the gentleman from California (Mr. POMBO) has 3¼ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Chairman, not to further muddy the waters but in this last speech by the distinguished ranking member he brought up an issue that I do not think has been talked about enough today and that is that we have a new way of establishing the manufacturing price of milk in the current rule that will go into effect on October 1.

What a lot of people have not focused on is in this bill we actually change what USDA recommended for the new manufacturing price. We legislate a make-allowance that was done just in the committee, and then we ask them to go back to rulemaking and take another look at the manufacturing price.

One of the reasons that some of us have argued that this is a better system is because it is not just the Class I differential; it is a combination of this whole system.

I have here the prices for Class I milk that are going to be announced by the Department as determined by the rule that is going to go into effect October 1 if this Congress does not change that rule prior to that time.

In every order area, there is an increase in Class I milk over the current system. So those of my colleagues that are going to vote for 1402, they ought to take a look at this because the price of Class I milk, which is what everybody is concerned about, and I will admit that it is based on the new manufacturing price, but what the prices are going to be in southeastern Florida, for example, they are going to get $1.32 more per hundred-weight. All through this system there is more money that is going to be available for farmers. And people ought to look at this before they vote on 1402.

Mr. OBEY. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the question before us is very simple. Should the highest cost producers in this country get a special bonus from the taxpayers in order to drive up the overall supply of milk which drives down the price that all farmers in the country receive? That is the issue.

The USDA, in contrast to those of us who have regional biases, and that is all of us on this floor, the USDA is supposed to be neutral. What the USDA estimates is that if the modest reforms under Option 1–B had been in effect last year, over all dairy farmers throughout the country would be better off by 87 cents per hundred-weight for Class I milk and dairy earnings would be 15 to 20 cents per hundred-weight higher. That means a farmer with 50 cows, each producing 20,000 pounds of milk, would be $1,500 to $2,000 better off with the dairy reform preferred by USDA.

Dairy farmers nationwide, according to USDA, would have received $300 million in additional income. They are not going to receive that if this legislation passes today. Since it appears that it is, then I would urge Members, as an alternative, to support the Boehner-Obey amendment because if Government is going to involve itself, it needs to do so in a fair manner.

It is clear that involvement is not fair in this instance, and that is why no involvement is better than unfair involvement.

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

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

Mr. Chairman, I just want to close by saying that I urge my colleagues to stick to the transition period that we all approved in the 1996 farm bill. That is the only fair way to take dairy from a regulated bureaucratic business into a free market economy, and I urge opposition to the bill.

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

Mr. BOEHNER. Mr. Chairman I yield myself the balance of the time.

Mr. Chairman, I realize that the amendment that the gentleman from Wisconsin (Mr. OBEY) and I are offering comes to the floor today with some controversy, but I do appreciate all of my colleagues on the Committee on Agriculture that have been here all day debating this issue, and I really appreciate the fact that we have had a quality debate on the future of dairy.

Now, I have had all my colleagues down here though defending the status quo, do nothing, do not let the USDA changes go into effect; yet out of the other side of their mouths they are describing the plight of dairy farmers in their region.

Now if the plight of dairy farmers is so great in their region, why do we not do something to help them? Why do we want to come to the floor today and preserve the status quo? That is why the gentleman from Wisconsin (Mr. OBEY) and I have this amendment because, in fact, today, the co-ops, where 76 percent of the milk in this country comes from, have taken the place of the Federal Government.

The co-ops are strong entities who are well equipped to go out and negotiate on behalf of their members with processors around the country. Why do we need a dual system where we have a government system in place, a co-op system in place, where the dairy farmer himself has no ability on his own to make decisions for himself?

The amendment we offer today will in fact help those dairy farmers achieve real success, because for 62 years we have never given them the chance to succeed, never given them a chance to succeed because they can only sell their milk based on the complicated price scheme that the gentleman from Wisconsin (Mr. RYAN) pointed out earlier.

How can my colleagues defend this antiquated, Depression-era, Soviet-style socialism in dairy that traps our farmers in a system that is never going to work? The fact is, let us help our farmers. Let us give them a chance to succeed by passing the Boehner-Obey amendment.

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 302, not voting 7, as follows:

[Roll No. 435]

AYES—124

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Barton
Berkley
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Brown (FL)
Buyer
Calvert
Campbell
Capps
Chabot
Coburn
Cox
Crane
Davis (IL)
Davis (VA)
Delahunt
DeLay
DeMint
Doggett
Doolittle
Dreier
Duncan
Evans
Ewing
Frank (MA)
Ganske
Goodlatte
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Herger
Hobson
Hostettler
Hyde
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Leach
Lee
Lipinski
Luther
Maloney (NY)
Manzullo
Markey
Martinez
McDermott
McIntosh
Meehan
Meek (FL)
Menendez
Miller (FL)
Minge
Moran (VA)
Northup
Nussle
Oberstar
Obey
Ose
Oxley
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanford
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Souder
Stark
Stupak
Sununu
Tancredo
Terry
Thune
Tiahrt
Tierney
Toomey
Vento
Visclosky
Wamp
Waxman
Weller
Wu

NOES—302

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Olver
Ortiz
Owens
Packard
Pastor
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Bono
Coble
Dickey
Fowler
Jefferson
Scarborough
Thomas

□ 1802

Ms. LOFGREN and Mr. GREENWOOD changed their vote from ''aye'' to ''no.''

Messrs. JACKSON of Illinois, ROTHMAN, WAMP, and MENENDEZ, Mrs. JONES of Ohio, and Mr. MEEHAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. THOMAS. Mr. Chairman, on rollcall vote No. 435, I was unavoidably detained. Had I been present, I would have voted "nay."

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. Thornberry, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1402) to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1A as part of the implementation of the final rule to consolidate Federal milk marketing orders, pursuant to House Resolution 294, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. COMBEST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 140, not voting 8, as follows:

[Roll No. 436]

AYES—285

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chambliss
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley

Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kuykendall
LaFalce
Lampson
Larson
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Metcalf
Mica
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Norwood
Olver
Ortiz
Packard
Pastor
Pease
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Scott
Serrano
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NOES—140

Archer
Armey
Baldwin
Barrett (NE)
Barrett (WI)
Becerra
Biggert
Bilbray
Blagojevich
Blumenauer
Boehner
Boswell
Brown (OH)
Buyer
Calvert
Campbell
Capps
Carson
Chabot
Chenoweth
Clay
Conyers
Cox
Crane
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLay
Dixon
Doggett
Dooley
Doolittle
Dreier
Ehlers
Eshoo
Evans
Ewing
Frank (MA)
Gallegly
Ganske
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hefley
Herger
Hobson
Hostettler
Hyde
Istook
Jackson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kasich
Kind (WI)
Kleczka
Kolbe
Kucinich
LaHood
Lantos
Largent
Latham
LaTourette
Leach
Lee
Lipinski
Lofgren
Luther
Maloney (NY)
Manzullo
Markey
Matsui
McDermott
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Minge
Moore
Moran (VA)
Ney
Northup
Nussle
Oberstar
Obey
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Pryce (OH)
Ramstad
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Salmon
Sanchez
Sanford
Sawyer
Schakowsky
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Souder
Stark
Stupak
Tancredo
Tauscher
Terry
Thune
Tierney
Toomey
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Waxman
Weller
Wu
Young (FL)

NOT VOTING—8

Berman
Bono
Coble
Dickey
Ford
Fowler
Jefferson
Scarborough

□ 1823

Mrs. MEEK of Florida changed her vote from ''aye'' to ''no''.

Ms. PELOSI changed her vote from ''no'' to ''aye''.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1402, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1402, CONSOLIDATION OF MILK MARKETING ORDERS

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill (H.R. 1402), the Clerk be authorized to correct section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE SUPPLEMENTAL REPORT ON H.R. 2559, AGRICULTURAL RISK PROTECTION ACT OF 1999

Mr. COMBEST. Mr. Speaker, I ask unanimous consent for the Committee on Agriculture to file a supplemental report to accompany H.R. 2559, the Agricultural Risk Protection Act of 1999.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none and, without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, LEWIS of California, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, and MESSRS. BISHOP, SISISKY, CONDIT, ROEMER and HASTINGS of Florida.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

Messrs. SPENCE, STUMP and ANDREWS.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2506, HEALTH RESEARCH AND QUALITY ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–328) on the resolution (H. Res. 299) providing for consideration of the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that—

(1) includes a loophole-free system that assures that no criminals or other prohibited

purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers, and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers).

The SPEAKER pro tempore. Under clause 7 of rule XX, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Illinois (Mr. HYDE) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

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

Mr. Speaker, 13 children a day are being killed by gun violence. Perhaps we have repeated this statistic so frequently that we do not fully feel it anymore that these are children, and that is a shame.

I ask the Members here in this Chamber and listening to this discussion in their offices, how we can possibly ignore any legislative measure that could help protect these children?

I ask the Members on all sides of this issue to agree with me that, whatever else we do, we agree we shall not pretend we are making children safer at the same time we are building into our legislation weasel worded modifiers and exceptions that make the promised protections meaningless.

After I gave notice of this motion to instruct the conferees last night, the Associated Press was told there was a compromise being circulated by the chairman of the Committee on the Judiciary. I wish to make that A.P. article a part of this RECORD.

Since the A.P. article was received in my office this afternoon, I have asked the chairman for a copy of his proposal so I can determine for myself whether it is, indeed, a compromise I could embrace; and I am hopeful that I can get a copy of the proposal. I have had members of the press call my office about this proposed compromise, and I am all the more concerned that we not offer some proposal that might have loopholes.

□ 1830

That is why I thought it was necessary to propose this motion to instruct.

Since there has been no joint meeting of the conference or staff since early August, and I have had to read the AP wire to learn what is going on, even as a conferee, I ask the Members of this body to instruct the conference:

One, not to include loopholes that favor the wrong people getting guns, those who have been arrested, those who have restraining orders, and those who have been adjudicated mentally ill;

Two, not to weaken current gun safety laws;

And, three, not to compromise the ability of law enforcement officers to find those criminals who use guns in the crimes that they commit.

First, my colleagues may ask what loopholes I am worried about. I am worried we are going to define gun shows or gun vendors in such a way to make the Lautenberg gun show provision ineffective, if not meaningless. I am worried that we are not going to define background checks in such a way as to exclude some persons we really should be concerned about.

Second, my colleagues may wonder how we could weaken current gun safety laws. Would anyone in this chamber want to permit the interstate shipment of firearms by mail again? Do we want to repeal the Lee Harvey Oswald gun provision?

Third, my colleagues may wonder what could compromise law enforcement's ability to fine those criminals who use guns in the crimes they commit. Well, suppose the records to run the gun check on the purchaser were destroyed immediately after the check was run. And suppose the gun show vendor did not have to retain the serial number of the gun? How would law enforcement follow the trail to the bad actor who bought that gun?

There are those in this House who prefer that we do nothing. The NRA's chief lobbyist says, and I quote, ''Nothing is better than anything.'' That is what this House did only a few month ago. The House majority whip made his position crystal clear when he was quoted in The Washington Post as saying that killing the gun safety bill was ''a great personal victory.'' Does the majority whip really want this House to do nothing when it comes to the safety of our children? Does the majority prefer to release its proposal to the press rather than to the conferees? In other words, does the majority really prefer to have a news story rather than a legislative solution? I hope not, and I trust not.

I ask my colleagues to support this motion to instruct as a further guarantee that this Congress does something, that it does something meaningful, that it does something soon, and that it does it in a bipartisan way, in the best interests of the mothers and children of this country.

Mr. Speaker, the Associated Press article I referred to earlier is included for the RECORD herewith.

HYDE FLOATS COMPROMISE PROPOSAL ON NEW GUN CONTROLS

(By David Espo)

WASHINGTON (AP).—The chairman of the House Judiciary Committee is circulating a proposal designed to break a months-long deadlock over the sale of weapons at gun shows, congressional officials said Tuesday night.

The officials, who spoke on condition of anonymity, said Rep. Henry Hyde, R–Ill., is proposing a two-step system of background checks. Most gun show sales could be cleared within 24 hours but others could be delayed for up to three additional business days for additional investigation.

Republican and Democratic aides said Hyde's proposal includes a ban on importing certain large capacity ammunition clips as well as a requirement for the sale of safety devices with handguns.

It also includes a lifetime ban on the purchase of a handgun by anyone convicted of a gun-related felony as a juvenile. And minors would be prohibited from possessing assault weapons.

Separately, GOP aides said any compromise juvenile crime bill would likely include a House-passed provision allowing the posting of the Ten Commandments in schools. Supporters claim that would help promote morality; critics say it is unconstitutional.

Any compromise is also expected to toughen prosecution of juvenile gun-related crimes, and provide additional federal funding for anti-crime programs.

Hyde has outlined his gun proposal to Rep. John Conyers of Michigan, the senior Democrat on his committee, as well as to Sen. Orrin Hatch, R–Utah, chairman of the Senate Judiciary Committee. It was not clear if any senior GOP leaders had yet turned their attention to the issue.

The gun control issue has been percolating in congress since last spring, when two students invaded their high school in Colorado and killed 12 fellow students and a teacher before taking their own lives.

The Senate passed a series of gun control provisions a few weeks later, but a slightly different set of proposals died in a House crossfire when Republicans complained the measures were too strong and some Democrats griped they were too weak.

Efforts at a compromise have moved fitfully since, and Hyde's proposal marked an attempt to find middle ground before lawmakers go home for the year.

The gun show issue is widely regarded as the hardest to resolve, given close votes in the House and the Senate.

Under Hyde's proposal, all gun show purchasers would be subject to a 24-hour check under the proposal. Those that hadn't been cleared by then would be subject to a wait of up to three additional business days.

Hyde's proposal defines a gun show as any gathering of five or more sellers.

The Senate-passed measure would give the government three days to complete the required background check. The House measure that was defeated called for one day, but extended that to other sales outside gun shows that now are covered by the three-day rule.

Current law regarding gun shows requires background checks only for sales by licensed dealers.

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

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

Mr. Speaker, I wish to inform the gentlewoman from California that we do not have a text of a bill yet, despite the Associate Press's somewhat premature remarks. The gentleman from Michigan (Mr. CONYERS) and I have been meeting for many hours with our staffs, and we are still negotiating, so any text would be premature. I would prefer releasing a text when we have one, a final one.

I rise actually to support the gentlewoman's motion, but first I want to commend the senior Senator from Utah, who is the chairman of the Senate Committee on the Judiciary and chairman of the Juvenile Justice Conference. And he has shown tremendous leadership on this issue and has done everything in his power to bring the Senate, the House, and the administration together and hammer out a proposal that can pass both Houses of Congress and be signed into law. He and his staff have put politics aside, rolled up their sleeves and sought a solution.

I also want to thank the Speaker of the House and the leadership of this House. I have had their constant support and cooperation in finding the appropriate balance of juvenile justice, enforcement, gun safety, and cultural provisions to respond to the horrific violence that plagues our society.

And, finally, I want to commend my colleague from Michigan, the ranking member of the House Committee on the Judiciary. I have had the pleasure of working closely with him over the last few months to resolve the differences in the House over this juvenile justice provision. It is worth noting that, after 4½ years, we came to a bipartisan agreement on juvenile justice legislation early this year. Unfortunately, that proposal is now wrapped up in a larger package of much more controversial items, including gun safety measures. I respect the courage of the gentleman from Michigan to seek a meaningful resolution to issues that others would rather exploit than solve.

Now, the gentlewoman's motion calls for background checks at gun shows without loopholes, no weakening of current law, and improved enforcement of current firearms laws. To the gentlewoman I say, consider me instructed. I can state unequivocally that I support each of these goals. Since the tragic school shooting at Columbine high school in April, the Committee on the Judiciary has been holding hearings and working on legislation to address the growing culture of youth violence. And the three goals stated in the gentlewoman's motion have been our guiding effort. And they were reflected in the legislation we brought to the House floor in June, legislation that she and many of her colleagues, unfortunately, did not support.

While I support these laudable objectives, I do not support using them as a Trojan horse for more invidious goals. I support mandatory background checks at gun shows without loopholes. I do not support eliminating gun shows. I agree we should not weaken current law. I do not agree that we should allow for a national registry of firearms.

But as I rise to support the motion, I want to make a few points that I think shed important light on the issues that the gentlewoman's motion addresses. Her motion directs that our conference report include a loophole-free system that ensures that no criminals or other prohibited purchasers obtain firearms from nonlicensed persons and federally licensed firearms dealers at gun shows.

Well, I hope the gentlewoman knows that current law already requires federally-licensed firearms dealers at gun shows to perform background checks prior to the sale of any firearm, and I trust the gentlewoman knows that H.R. 2122, the legislation the House considered on the floor back in June, that addressed gun shows, would have required that all vendors at gun shows, including nonlicensed vendors, perform background checks prior to the sale of any firearm.

I assume the gentlewoman knows that all of the persons on her list of prohibited purchasers, ''murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers and batterers,'' are prevented under current law from lawfully purchasing a firearm. And does the gentlewoman know that the list of prohibited purchasers under current law is actually much longer than her list? All felons, not just the few she lists, are prohibited purchasers under current law.

Furthermore, an individual does not even have to be a felon to be prohibited, but merely needs to be under indictment for a felony to be prohibited. And the list also includes persons that have been dishonorably discharged, and persons who have denounced or renounced their U.S. citizenship. That is all under current law.

Now, I want to say that while I will vote for this motion, I am concerned about what the gentlewoman means when she calls for a loophole-free system. If by that she means mandatory background checks at gun shows prior to the sale of any firearm, with no exceptions and no loopholes, then I am with her all the way. If she means, however, to define gun shows to include every private gun transaction under the sun, then I am not with her. That would be a gross incursion of the liberties that law-abiding U.S. citizens enjoy and would represent an unprecedented degree of Big Brother.

And that is why I do not support the so-called Lautenberg gun show provision. It goes far beyond requiring mandatory background checks at gun shows. Permit me to list a few of its excesses. Its definition of a gun show is so broad that it could include a few family members or neighbors who gathered together to trade firearms. It imposed myriad new excessive regulations on gun show organizers, seemingly with the aim of driving them out of business, including criminal penalties for conduct of persons not within their control. It required federally licensed vendors to do the background checks for nonlicensed vendors at gun shows. That is for their competitors. And it would then impose new regulatory burdens on the federally licensed vendors, making it more difficult for them to stay in business.

And get this, it would further allow Federal ATF agents to search a gun show promoter or a federally licensed vendor without reasonable cause and without a warrant. And, finally, it created a new huge gun control bureaucracy with vast new authority. Indeed, the most oft repeated phrase in the Lautenberg provision is, ''as shall be required by regulation from the Secretary of the Treasury.''

This new gun control bureaucracy would make organizing and participating in a gun show so onerous and costly that it appears to have been designed to shut down gun shows altogether. One example is handing to every participant a copy of title 18's gun control regulations and statutes, plus a copy of the regulations. As such, it is my considered view that the Lautenberg amendment does not represent reasonable common ground as we continue to work toward reasonable gun control.

What is reasonable gun control? Well, how about a ban on importing large capacity ammunition clips; a requirement for the sale of safety devices with handguns; Juvenile Brady, prohibiting juveniles convicted of a violent offense from owning a firearm; prohibiting minors from possessing assault weapons; and, yes, mandatory background checks at gun shows before the sale of any firearm. This is what we propose.

The gentlewoman's motion also urges the conferees to, and I quote, ''include provisions that aid in the enforcement of current laws against criminals who use guns.'' I hope no one misses the point that the motion is concerned about the enforcement of firearms laws already on the books. Let me say that I share that concern, because the administration has been derelict when it comes to firearms enforcement.

Consider the following: In 1992, there were 7,048 Federal prosecutions of Federal firearms violations. In 1998, there were only 3,807 such prosecutions. This is a reduction of nearly one-half. Over the last 3 years, the total number of prosecutions of gun criminals has been pitiful. During that period, there were only 38 prosecutions of juveniles in possession of a handgun, that is over 3 years, even though juvenile gun violence is way up. There were only 22 prosecutions for illegally transferring a handgun to a juvenile. There were only 17 prosecutions for possession or discharge of a firearm in a school zone. And, get this, only one Brady Act violation or background check prosecution in 3 years.

Now, some can argue that the numbers fail to point out the States are doing a better job. Well, even if the States are picking up some of the

slack, it does not diminish the fact that the Federal Government has been prosecuting less. And less Federal prosecutions mean less prison time by gun criminals, because the Federal system is the toughest in the Nation.

I also wonder if the gentlewoman is aware that the McCollum amendment to H.R. 1501, which passed the House in June, included the armed criminal apprehension program. This program was precisely designed to, in the words of the motion, aid in the enforcement of current laws against criminals who use guns. The program in the McCollum amendment required the Justice Department to establish an armed criminal apprehension program in each U.S. Attorney's Office. Under the program, every U.S. Attorney would designate one or more Federal prosecutors to prosecute firearms offenses and coordinate with State and local authorities for more effective enforcement.

In conclusion, let me say I wholeheartedly agree that enforcement of current gun laws has become a national problem, even a national disgrace. I am glad the gentlewoman's motion makes the point and calls for improved enforcement efforts.

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

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

Mr. CONYERS. Mr. Speaker, I begin my discussion by commending the gentlewoman from California. This motion to instruct is right on time. It tries to put together what the gentleman from Illinois (Mr. HYDE) and I are working on into a general picture that can lead to a resolution that will satisfy the majority of the Members of the House of Representatives and the American people.

□ 1845

Now, if we can accomplish this difficult goal, I think that we will have a successful conclusion to a serious problem that has been neglected for far too long.

May I also say to the gentleman from Illinois (Mr. HYDE) that negotiations have been in total good faith from the beginning. It is not out of order for me to let everybody know that we are meeting on this even as the motion to instruct is being resolved here on the floor; and these meetings will go on as long, as often, as frequently is necessary if between us and the forces that we represent we can hammer out a consensus that will lead us to a position that the majority of the Members of this House can repair. If that happens, I will be very personally gratified.

Now, these discussions are in good faith. They have been productive over the last 2 months. The possibility of reaching a bipartisan agreement on reasonable and commonsense gun safety legislation is good. It is positive. It is in that spirit that I join both the gentlewoman from California (Ms. LOFGREN) and the chairman of the committee in urging that the motion to instruct be adopted by as great a majority as is possible.

It is true that the descriptions of the compromises that the chairman and I are working on have been inaccurate and incomplete. But that is not news with the press. The media has not been a party to our meetings. They do not know what we have been talking about and what agreements have been reached. But let me tell my colleagues what, in my mind, are the kind of things that we should be looking for if we are going to resolve the question of commonsense gun safety legislation.

Would it not be wonderful that there would be no exemption of a substantial number of gun shows for events where guns are sold simply because other items are sold as well? I think that is reasonable, and I hope that we will include this in our thinking on both sides of the aisle.

Would it not be wonderful if proposals for independent check registrants that will invite fly-by-night background checkers who will consummate sales that are difficult to trace may be impossible, making the enforcement of our gun laws against dangerous criminals who use guns even more unlikely, eliminating sufficient recordkeeping requirements which might tempt fraud to enter into this system?

There should be, in my view, no exclusion of coverage of domestic violence offenders and mentally disturbed individuals from the background check requirement. And hopefully, unconstitutional provisions, the Ten Commandments proposal, for example, is something that probably does not materially fit into the notion of how we achieve commonsense gun safety in America.

So personally, my colleagues, I believe that these matters are resolvable. We are still confronted with the goal of coming to a conclusion and then going into conference. After all, the meetings are not going to solve the problem. The meetings are laying the groundwork for the conference committee to come to the agreements that the chairman and I are struggling toward.

There are over 35,000 gun-related deaths in the country, and the ease with which wrongdoers can obtain semiautomatic weapons and other firearms is a national outrage.

So what we seek is to meet the modest goals established in the Senate-passed bipartisan gun violence bill. I will continue to commit to do everything in my power to see that this is accomplished.

Again, I commend the gentlewoman from California (Ms. LOFGREN).

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

Mr. Speaker, I appreciate the wise comments of the chairman and ranking member. I am concerned, however, that despite all the good will and the coming together about this motion, we met last on August 3, we gave speeches to each other as conferees; and now it is September, midterms are almost here, and we still have not gotten anything into law.

So that is a concern, and it is shared by the gentlewoman from New York (Mrs. MCCARTHY).

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

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the motion to instruct the conferees on the Juvenile Justice Reform Act.

The gentlewoman from California (Ms. LOFGREN) and I offer this motion to help move the conference committee forward towards approval of effective juvenile justice legislation that will help save children's lives.

I will skip part of my written testimony mainly because of what I have already heard tonight. I think what is important to realize is why did we even start this journey. It all had to do with the shooting at Columbine.

We know the gun that was used in that particular shooting was bought at a gun show. No questions asked. That is why we are dealing with the gun show loophole. That is why we are here. That is what the American people want us to do.

Our job here is to listen to the American people. Our job here is certainly not to be on an emotional fever but certainly to say we are listening and we are trying to work something out.

But I have to say, people in this chamber seem to think that we might be able to get through some sort of a gun show amendment that is not going to close the loopholes. The American people are watching this. Being somewhat of a newer Member, I have a great deal of faith in the American people now knowing when there is a good bill and there is a bad bill, and they will judge us on that. And I think that is the important thing to remember.

Tomorrow, on the steps of this Capitol, the beginning of the yearlong procedure as far as a million women, mothers, grandmothers will be starting so they can be here next Mother's Day. They are going to be the ones that are going across this country saying that we have to do something.

I say to all of us, let us work together, let us put a good bill through, and let us not have the NRA write something up knowing that they do not want anything done.

Mr. Speaker, I rise in support of the motion to instruct the Conferees on the Juvenile Justice Reform Act. The Gentlewoman from California and I offer this motion to help move the

Conference Committee forward, toward approval of effective Juvenile Justice legislation that will help save children's lives.

The motion is simple and straightforward. It contains a 3-part instruction:

(1.) The Juvenile Justice legislation should include a loophole-free system that assures that no criminals or other prohibited purchasers obtain firearms from gun shows; (2.) The Juvenile Justice bill should not include provisions that weaken current gun safety law; (3.) The Juvenile Justice legislation should include provisions that aid in enforcement of current laws.

I urge all of my colleagues to support the motion to instruct. I believe it is fundamentally important that the House overwhelmingly support this balanced motion because the American people are looking to Congress for leadership. The American people want Congress to help make our school's safer.

If we are going to make our schools safer, we have to address the issue of easy access to guns. In every one of the tragic school shootings over the last two years, it was too simple for children to get a hold of guns. In Littleton, Colorado, Eric Harris was able to purchase a TEC–9 used in the Columbine High School shooting no questions asked at a gun show. The motion to instruct includes a provision requesting that the conferees close the deadly gun show loophole.

The motion to instruct also includes a provision that states we must NOT weaken current gun law. Before Members vote on the motion, I think it is important that we remember why we are having the debate over juvenile justice. As my colleagues know, legislation regarding juvenile justice stalled last year. And the Juvenile Justice bill was moving slowly this year until the shooting at Columbine High School caused the American people to stand-up and say that Congress must do something about kids and guns.

It would be a total disaster if Congress responds to the recent outbreak of school shootings by approving a Juvenile Justice bill that actually weakens our current gun safety laws. I would warn my colleagues that the American people will not be fooled by a juvenile justice bill that responds to the deaths in our schools with NRA-drafted proposals that do not truly address the problem of children's access to firearms.

We are fighting for children's lives here. Congress must approve a bill that truly protects our kids by keeping guns out of the hands of juveniles and criminals. I urge my colleagues to support the motion to instruct and show the American people that Congress is listening to their concerns.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me add my appreciation to the gentlewoman from California (Ms. LOFGREN) for this motion to instruct. It is constructive because it says to those of us who are conferees that, one, we still have a task to do and this is how we should do it.

In addition, let me frankly thank the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS). It tells us, I say to the gentleman from Illinois (Chairman HYDE) that we should not believe everything we read.

I am delighted that there are ongoing discussions regarding gun safety laws in America and that, in fact, even though there are ongoing discussions, those of us conferees will be included in those discussions, for we have a great concern about gun safety but, more importantly, gun violence that needs a response.

Needless to say, our Nation leads the world in firearm deaths. Particularly as it relates to deaths, the leading cause of death in 100,000 people are firearms.

We already heard many times before, particularly this morning as many of us read, a number of children who have died from gun violence since Columbine that 13 children die every day and that firearms are the fourth leading cause of deaths among children age 5 to 14.

I would like to just simply refer my colleagues to a series that was done, ''America Under the Gun.'' I think it is worth noting some very important factors here that talk about the number of killings that we have had, the weapons used, the Uzi semiautomatic, a .40 caliber Glock semiautomatic, a .9 millimeter pistol Glock, a .357 Magnum revolver, a Tec DC–9 handgun, .22 Ruger, a .38 caliber Smith & Wesson revolver. A number of these that were used to do a series of killings across this Nation had an automatic ammunition clip.

At this point in time, Mr. Speaker, we do not have that provision nailed down in the conference. But I am glad that our chairman has indicated, along with my support and that of the gentlewoman from Colorado (Ms. DEGETTE) and Senator FEINSTEIN that we are going to discuss and get into this bill the prohibition on automatic clips. This is important because this is what we see as one of the main causes of deaths.

In addition, Mr. Speaker, I do not know how many of us know in addition to the loopholes in gun shows that in many States children can go unaccompanied into these gun shows. I would be looking for the chairman to work with him to at least do as much as we do for children going into R-rated movies where children under 17 cannot go into these movies of violence without an adult; but yet we allow children randomly to go into gun shows where we found that many of the perpetrators of violent crimes have gotten their guns.

This instruction emphasizes to us that we must not weaken gun safety laws. And as well, Mr. Chairman, it emphasizes to us that we must get down to our task.

I simply close, Mr. Chairman, by saying that although the Second Amendment stands strong, guns are not relics; guns can be regulated. We must regulate guns on behalf of our children. Let us get to the conference and do our job.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, the Chicago Tribune, September 22, 1999:

> Two Fenger High School students were injured Tuesday when a gunman opened fire on a crowd of students walking home, Chicago police said.
>
> Authorities said between 6 and 12 shots were fired, sending the students scurrying for cover. Witnesses told the police the shooter was a 17-year-old male who had been expelled from the South Side High School a year ago.
>
> The shooting near Fenger took place about 3 p.m. A large group of students walking south on Wallace began arguing with a smaller group of at least four people near the intersection.
>
> The gunman, who was in the smaller group, allegedly pulled out a handgun and began firing into the other crowd of students. It was unclear whether the gunman intended to hit the two injured students or whether he knew them.
>
> ''It's crazy. It's just crazy out there,'' said Crystal Allen, Darrell Allen's mother, as she rushed into the hospital's emergency room. ''Your kids can't even walk to school without being shot. It's a shame. They have metal detectors in the schools. But what happens when they walk outside?''.

Conferees, please do something meaningful to keep guns from turning school yard brawls into injury and death.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I would like to thank the distinguished chairman of the Committee on the Judiciary for his courtesy in yielding me the time and also for his leadership on these most important issues.

I think perhaps, colleagues, the best thing we could do in this debate, which will certainly not be the final word, we will debate this issue many, many days this session and the next session of Congress, is to provide a little bit of background.

All of us talk about prosecution of violent crimes, prosecution of crimes involving firearms.

□ 1900

We also talk about providing the necessary resources to our Department of Justice to enforce those federal laws that relate to violent crime. I think it is important to place this debate in context, to look at the increases in the Clinton administration Department of Justice budget that had been provided by the Congress for the administration to carry out its mandate to enforce those Federal criminal laws including, but not limited to, those that relate to the use of firearms.

One does not have to see the small print on this chart to recognize that there has been a substantial increase

just over the last 6 years of the Clinton administration in the billions of dollars that have been provided to the Department of Justice for its budget increasing from 9.63 billion to 14.82, well over a 50 and close to a 55 percent increase. One would expect to see not necessarily a 55 percent increase in the prosecution of the criminal use of firearm statutes during the same period of time, but perhaps leave something close to it. Certainly one would not expect to, given the rhetoric of the Clinton-Gore administration, expect to see even a modest decrease in the prosecution of criminal use of firearms during the last 6 years.

Unfortunately, Mr. Speaker, that is, in fact, what we see. We see a substantial decrease in the prosecution of the criminal use of firearms during each year from 1992 to 1998, nearly a 50 percent decrease.

So at the same time as we have increased the budget for the Department of Justice to prosecute violent crimes by over 50 percent, we have seen a 50 percent decrease in the actual prosecutions of these cases. Therefore, those of us on this side of the aisle serving on the conference committee on this piece of legislation are concerned that we, in fact, provide something more than simply more money for the Clinton administration to prosecute violent crime, and that is in fact one of the things that we are looking at. We are looking at, for example, programs that actually work, such as Project Exile in the Richmond, Virginia area which resulted over about a 2-year period in a 40 percent decrease in the incidents of violent crimes in that jurisdiction.

The way that this came about was very simple. An Assistant United States Attorney in Richmond called the local prosecutors and law enforcement officials into his office and said, ''If you bring me the gun cases, I will prosecute them. If you build it; they will come. If you bring me those cases, they will be prosecuted; I guarantee you,'' he told them, ''and I will seek maximum penalties under the federal laws.'' The fact of the matter is that he did just that. He developed the credibility with local law enforcement, and the results speak for themselves. That is what we need to be doing, Mr. Speaker.

Now I understand the gentlewoman from California, and I would presume that she agrees with us that what we ought to be looking at is more than simply providing more money to an administration that has received substantially more money to prosecute cases yet has not done so, that we ought to be looking at ways to prod the administration and future administrations to actually prosecute gun cases, to actually prosecute those who commit a felony every time they provide misleading or false information on the instant background check form. Rather than talk about so many tens, if not hundreds of thousands, of felons who have escaped, who are not able to purchase firearms because of the NICS system, let us talk also about those very, very few, .2 percent, that have actually been prosecuted for committing what amounts to about as close as one can get to an open and shut felony. They put false information on that form; the form says if they do so, they are subject to a 5-year penalty in the Federal penitentiary, and, in fact, those cases, if they were prosecuted, would send a very important message to the American people.

So in conclusion, and in support of what the chairman and us on this side of the aisle, those of us on this side of the aisle concerned with doing something that actually does more than just talk about these problems; what we are trying to do is to work with the conferees and present back to this body something that this body actually had a chance to vote on. Yet the vast majority of Democrats, even most of those who voted for the so-called Dingell amendment to tighten up on provision of background checks, national instant checks at gun shows, they turned around and then voted to kill the bill that had that provision in it.

What we are trying to do is to put politics aside and look at the substance of these issues, look at the substance of providing the guarantees insofar as we are able and the impetus for prosecuting these gun cases to provide the resources to the Department of Justice, that it needs to do so. None of us are interested in weakening current gun laws. That is a red herring. None of us are interested in doing that, and there is nothing in the bill that we are considering in the conference report that would do that.

So, Mr. Speaker, one really has to wonder when one looks at the language of the gentlewoman from California which provides for a loophole-free system, includes provisions that do not weaken current gun safety law; we are not in disagreement on those, and includes provisions that aid in the enforcement of current laws; we certainly support that. One has to wonder, since she disagrees with what we are saying what the agenda is. Is there a hidden agenda there? What is the purpose of this other than to provide a smokescreen for perhaps other legislative initiatives that the House has already voted down?

So, Mr. Speaker, I would urge my colleagues to vote against this motion to recommit with instructions, allow the flexibility to our conferees, as provided by the House and by the Senate, to work on these matters, bring this matter back to the House and to the Senate with measures that have some actual teeth in them, that have more than sound bites, that provide our law enforcement officials and our prosecutors at the national level and at U.S. Attorneys' offices across the country the tools that they need to actually get something done.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN), and I applaud her for her consistent leadership on this issue.

With approximately 13 young people dying each day since the Columbine massacre, almost 2,000 young people have been victims of gun violence, and yet as more and more children become statistics, this Congress continues to look the other way.

Since the beginning of this debate, opponents of tough gun safety measures have relied on the strategy of delay, delay, delay. This motion to instruct is a signal to the conference committee that delay is no longer acceptable. It tells the conferees that we cannot wait until another child falls victim to gun violence before we act.

This motion does three things.

First, it says that the bill should ensure that no criminals are able to purchase guns at gun shows; second, it says that a conference report should not weaken current law; and third, it says that we should work to strengthen enforcement of existing gun laws.

I cannot think of a single reason why anyone would oppose this motion to instruct. Please vote for the motion to instruct.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise today to add my voice to the debate on juvenile justice. Mr. Speaker, the gentlewoman from California (Ms. LOFGREN) has introduced this motion to instruct conferees. Since we approved the bill in the House on June 17, and the Senate on July 28, to date there has been no motion on the conference between the House and the Senate on this legislation. In the meantime, children across America die as a result of violent crime.

My colleague has instructed the conferees that would require a loophole-free system. People keep saying, ''Well, what do you mean a loophole-free system?'' We are talking about the fact that under a 24-hour gun check in a gun show people whose records are not clear in records like on post cards or index cards in little communities might get a gun because if one does not reveal it within 24 hours, they still get a gun. That is what we are talking about, loophole-free, loop-free situations.

Let me say this to my colleagues. Innocent children like those in Fort Worth, those in Columbine, and those across our country whose names unfortunately never reach the media because they die on the streets of this

Nation unnoticed are worried about what is happening with this gun control legislation. I encourage all of my colleagues who are here on this floor within my voice to vote in favor of the motion.

Mr. HYDE. Mr. Speaker, I yield myself 1 minute to respond to the gentlewoman from Ohio (Mrs. JONES) who just spoke.

We are not delaying this. We are working as hard as we can. It is no easy matter to reconcile the left, the right, the center, the pro-gun, the anti-gun, the liberals, the conservatives. This a very difficult question.

The gentleman from Michigan (Mr. CONYERS) told us earlier that we have been meeting even today, and we are going to meet tomorrow. We are working very hard, and please do not beat us over the head that we are trying to delay this. We are moving with all deliberate speed, I can assure the gentlewoman from Ohio, and if she doubts it, ask Mr. CONYERS.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I Yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I do not mean to point a finger. What I want to say is the people of these United States want to hear from us. If I am part of the delay, I accept the delay. I am standing here saying let us get it on.

Mr. HYDE. I understand that, Mr. Speaker, and I am here to tell the gentlewoman we are getting it on as fast as we can, believe me.

Mrs. JONES of Ohio. With all deliberate speed.

Mr. HYDE. Yes, speed. Emphasize speed, but it takes deliberation, too. We cannot do this, as my colleagues know, with a snap of the fingers.

I know the gentlewoman has had vast experience in negotiating these matters, and I want to defer to her, but I want her to know we are trying as hard as we can. Believe me.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, while we haggle over tax breaks and F–22 bombers, 13 children are dying each day in this country as a result of gun violence. While we play politics with spending caps and budget priorities, 13 children will be killed by guns. So I ask who is taking care of our children?

Nearly 5 months after the tragedy at Columbine, we have done nothing to strengthen gun laws or to enact commonsense gun regulations, but while we have done nothing, 13 families every day are faced with burying a child. This is disgraceful that we have not passed gun safety legislation this Congress, and it would be even more disgraceful to pass a bill that actually weakened current gun laws.

This is not a game. We are talking about children's lives.

I urge my colleagues to support the Lofgren motion to instruct; and after that when we tighten gun control laws, then when we ask who is taking care of our children, the answer can be and will be:

We are.

But until then our children remain at risk.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from Illinois for yielding this time to me.

This is a motion that I rise today to support. As one of the conferees on H.R. 1501 and as the principle sponsor of the bill, I do very much want to support the gentlewoman's motion; but I want to take a few moments to speak on the motion and on the ongoing conference that is going on this bill.

First, let me address the first part of the motion, that the conference report include a, quote, loophole-free system that assures that no criminals or other prohibited purchasers obtain firearms from nonlicensed persons and federally licensed firearm dealers at gun shows, unquote.

□ 1915

I hope everybody knows that federally licensed firearm dealers now under current law are required to perform background checks prior to the sale of any firearm, whether they are making that sale in their own store or at a gun show. It does not make any difference. That is current law.

The law currently provides that it is a crime for these prohibited persons to possess a firearm of any kind. What we have been working long and hard on is a provision that will address the other sellers of guns at gun shows, ordinary citizens who do not have as their principal business the sale of guns.

I introduced a bill, H.R. 2122, to do just that, which was debated on this floor in June. Unfortunately, the bill was voted down largely because most of the Members on the gentlewoman's side of the aisle voted against it. Since that time, some of us on this side of the aisle have been working to come up with a new and different approach, one that attempts to address many of the concerns that Members of the gentlewoman's side of the aisle have expressed during the debate on H.R. 2122.

I must say that our inability to find common ground is caused by some of the Members, including perhaps the majority on the gentlewoman's side, taking an all-or-nothing approach. We really do need to find a way to compromise this issue.

There is nothing magical in the language that passed in the other body. In fact, we have heard from thousands of our constituents that the provisions of the bill passed there would reach far beyond what its proponents represent that it would do. I know that the gentlewoman and others on her side of the aisle appreciate that there almost always are a number of ways to write a law to reach the same end. All we are asking is that she encourage the conferees on her side of the aisle to be open to a different way to accomplish the goal that I believe we all share.

I must also express some confusion at the provision of the motion that states that we should achieve a, quote, ''loophole-free system,'' unquote. I do not think anybody intends to construct a system with a loophole and I hope that the gentlewoman is not intending to use this provision to broaden the debate on the bill. Up to this point, we have been discussing ways to ensure that no prohibited purchaser can buy a gun at a gun show, that is, nobody who is a convicted felon or has any other disability that says they are not permitted to own a gun. I am committed and I have been committed to making that a reality, but I must say that if the gentlewoman seeks to use her motion to move the debate into regulating every private gun transaction, then we part company.

I believe that it is clear the American public does not support the Government regulating private firearms transactions any more than they already do.

The gun show issue is another story, and I agree with the gentlewoman on that; and I think we should reach a common ground to resolve this.

Finally, I must point out that the gentlewoman's motion speaks to only one small part of the bill. I think it is vitally important for Members to bear in mind this bill contains a number of very important provisions. Many of them have enjoyed bipartisan support for quite some time. It would be a shame if we did not allow these other provisions to become law because Members cannot agree on a single provision.

The underlying bill is the juvenile justice bill. It is a bill that was totally bipartisan when it came out of the Subcommittee on Crime and it is, I believe, totally bipartisan today, which deals with an effort to put consequences for juveniles who commit misdemeanor crimes, the lesser crimes than the ones with violence and guns, give them consequences early on because all of the experts say that without those consequences in the law, which are not there today for a variety of reasons, but principally because we have an overworked and understaffed juvenile court system in the States, without those consequences we see kids thinking they can get away with crime when they rob a store or they steal a car or they steal a radio out of a car or whatever, and later on then they think they can get away also with violent crime. They don't believe they are going to get punished.

I know that is a simple concept, but it is a valid concept; and it is one that all law enforcement and sociologists who deal with kids understand.

The underlying bill addresses that problem by providing a grant program to the States to allow them to improve their juvenile justice systems with more probation officers, more judges, more of all of those things they need, including diversion programs for kids, with only one caveat, and that is that every juvenile justice system in the Nation, every State, assure the United States Attorney General that they are going to punish a juvenile for the very first misdemeanor crime and every crime of a more serious nature thereafter with an increasingly greater punishment. That does not mean jail time. It does not mean lock-up time. It means community service or whatever, but some kind of punishment.

So I certainly support the motion the gentlewoman is offering, but I hope that Members on both sides will see it as a call to work more closely together to reach what I believe is a widely accepted goal and pass what is fundamentally a good bill and close the existing loophole in the gun show law.

Ms. LOFGREN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from California (Ms. LOFGREN) has 10 minutes remaining. The gentleman from Illinois (Mr. HYDE) has 5½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MCCARTHY) for purposes of a notification.

NOTICE OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mrs. MCCARTHY of New York. Mr. Speaker, pursuant to clause 7 of rule XXII, I give notice of my intent to offer a motion to instruct conferees on H.R. 1501 tomorrow. The form of the motion is as follows:

Mrs. MCCARTHY of New York moves that the managers on the part of the House at the conferees on the disagreeing votes on the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that, one, the committee of the conferees should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and, two, the committee of conference should meet every weekday in public session until the committee of conference agrees to recommended a substitute.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a Member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I rise in support of the motion to instruct. I think the motion to instruct is important to correct a deeply flawed bill, a bill that, in fact, left this House and weakened the Brady statute; therefore, has put lethal weapons, if it should be enacted, into the hands of criminals. Let me explain why.

During the past 5 years, the Brady instant-check system has prevented illegal gun purchases by more than 400,000 fugitives, convicted felons, drug addicts and others who cannot lawfully possess a firearm. If we pass this bill, we will be handing them a loaded weapon and inviting them to pull the trigger. That is because the House-passed bill denies the FBI the 3 days it needs to complete its background check on the very people most likely to have a criminal history, like a convicted rapist who traveled from Virginia to North Carolina several months ago for the purpose of buying a gun; or the man convicted of armed robbery and burglary in Georgia who drove to Missouri last March for the purpose of buying a gun; or the murderer in Texas; or the arsonist in New Jersey who went all the way to Mississippi last April for the purpose of buying a gun.

These are just a few of the thousands of criminals who tried to purchase handguns in the last 6 months and were stopped because a 3-day background check revealed their criminal history before the sale could be consummated.

If the House bill had been the law of the land 6 months ago, 9,000 of these people would have been walking the streets with a license to commit crime. I ask my colleagues to think about that before they vote. Think about the lives that could very well be destroyed because one of those 9,000 criminals got a hold of a weapon and pulled the trigger. Think about what we would have to say to the families of the victims if we allow the House bill, which weakens the Brady bill, to become law.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Lofgren motion to instruct for juvenile justice conference. Mr. Speaker, I find it hard to believe that despite the overwhelming desire by the American people for reasonable and common sense limitations on access to guns, this Congress has still not passed and sent to the President the Senate version of the juvenile justice bill.

The parents of America are concerned, and given the tragedies that have occurred across this Nation, they have a right to be. They are concerned about the proliferation of guns, of kids gaining access to guns without trigger locks, of guns being bought and sold at gun shows and flea markets without adequate background checks, and of the ability to buy guns anonymously over the Internet.

They are concerned, Mr. Speaker, because current U.S. law is inadequate to prevent guns from easily falling into the wrong hands. They are concerned and want action by this Congress. In fact, Mr. Speaker, they demand action by this Congress. I would urge all of my colleagues to support the Lofgren motion, which instructs the conferees to include a loophole-free system that assures murderers, rapists, child molesters, and other criminals do not gain access to guns, and instruct them not to weaken existing gun safety laws.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, within the last 6 months, America has witnessed shootings at Columbine High School, the Jewish Community Center in Los Angeles, hate crime shootings in Illinois and in Indiana and now most recently the shootings in Fort Worth, Texas. In each one of those shootings, guns were involved that were purchased at either gun shows or at flea markets. No surprise, last year in America 54,000 guns were confiscated in crimes that originated at gun shows. The Senate-passed legislation, mirrored on the Brady law, would simply apply the background check requirements at gun shows that we require at retail gun stores. This Congress has yet to do that. I urge the conferees to do what the Senate did, provide common sense, basic background requirements at gun shows that we apply to retail gun stores.

This is not, Mr. Speaker, about gun control. This is about crime prevention and about public safety.

Mr. HYDE. Mr. Speaker, may I ask how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) has 5½ minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has the right to close.

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

Mr. Speaker, I am looking forward to supporting this resolution. I will say it is a little distressful, and I searched for a word and I came up with distressful, to be unjustly criticized for foot dragging. I would presume to direct those who criticize us for lack of progress, I would direct them to their committee staff and to their ranking member for verification that no one has been delaying a solution.

I want a solution. I am in good faith. So is our staff. We have met time and time again. These are difficult, emotional issues; and they are not going to be solved easily. It seems to me by accusing us lopsidedly, one-sidedly, of foot dragging, my colleagues are injecting a distinctly political tone into an issue that deserves nonpolitical treatment.

There is a lot of hard work ahead, believe me. We are a long ways from agreement, but we are closer than we have ever been. I am committed to remaining at the negotiating table, and not get stampeded, as long as it takes to try and find reasonable, common ground.

If my colleagues really want a bill, and that is a question number one, do my colleagues really want a bill? Or are we to encounter gridlock and failure and say, see, these guys cannot govern; they really cannot run the House? There is that question, and I have tried to dispel it. I certainly do not think it animates the gentleman from Michigan (Mr. CONYERS) and his staff, because we have had excellent discussions in the best of good faith, and so I discount that.

There may be others who do not want a bill because they do not want the Republicans to have any success whatsoever. I would look upon this not as a Republican success but as congressional success that we can respond to the tragedies that have bloodied our country.

If we really do not want a bill, there are a couple of ways we can kill it.

□ 1930

One is to draw a bill that is empty and hollow and meaningless, and the other is at the opposite end of the spectrum: strengthen a bill to death.

Now, when we are negotiating, we have people who we have to appeal to differently on different issues. It is not easy. We have to get some democratic support. I do not think we have enough on our side to pass this.

Now, either they can kill it, or they can help us. But I ask my colleagues for their help. They certainly have mine. But to any of my colleagues who accuse us of foot-dragging, please talk to the staff, please talk to the ranking member. My democratic colleagues do not have to accept our statement that we are doing the best we can.

Now, tomorrow, the gentlewoman from New York (Mrs. MCCARTHY) is going to instruct us to meet every day in public. I will not object to that, but we do not get things solved with formal meetings. We talk, and we talk out, and we find out what we can agree on, what we cannot. We make trade-offs; we do the best we can; and we come up with a bill. Do we want a bill, or do we want an issue? I want a bill.

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

Ms. LOFGREN. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore (Mr. COOKSEY). The gentlewoman from California (Ms. LOFGREN) has 5½ minutes remaining.

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

I am confident that this motion to instruct will receive support when we vote on it from both sides of the aisle, and that is a good thing, but it certainly does not solve the concern that brought me here today and has consumed our time here this evening.

As I think through the scenario of how we got to this point in time, I think back to earlier in the summer when we had almost a surprise, really, to some of us that the United States Senate was able to come together after the terrible tragedy in Colorado at Columbine High School and to come up with a set of modest, centrist measures that would make the availability of guns less so, in the hopes that the violence that beset the youngsters in Columbine and in other schools in other parts of our country would be diminished.

When this House took that measure up, and I believe it was something like 1 o'clock or 2 o'clock in the morning, we ended up with a measure, when all was said and done and the amendments concluded, that the NRA said vote ''yes'' on the bill, and handgun control urged us to vote ''no'' on the bill. We did not have a strong bill, as the Senate had done. So, we moved on to conference.

Now, the conference committee met just once, on August 3, and each member of the conference committee was permitted to make a statement, and I did as well, and then we left town, and the conference committee has not met again since.

Now, I understand that the chairman has, in fact, on many occasions supported centrist gun control measures. He voted for the Brady Bill; I was proud to be a part of the Hyde-Lofgren amendment on clips, and I am hopeful that we can get some sound things done. I realize that this is not easy, but it also needs to move apace, because it is now September 22; and when we talked in July, we were anxious to get a good measure that would be in place before school started. And now, as I mentioned, my two high school students are starting to fret about the mid-terms that are almost here; and we will be recessing soon if the target date is to be believed. And so unless we can pick up the pace, I am concerned that we will not achieve our goal of getting good, strong, solid, sensible gun control, gun safety measures adopted; and I want to do that.

I can assure the chairman, I want a bill. I want to be able to tell my children that we managed to get something done that might make them a little bit safer from gun violence. I want a bill.

Mr. Speaker, the chairman said, do we want to prove that the Republicans cannot run the House. Well, no. I think on September 22, without our appropriations done, that has already been proven. We do not need to prove it with a gun bill stalled in the conference committee and not brought to the floor. I want strong legislation. I will work on a bipartisan basis to get that done, but what I will not do is to stand silent if the measure comes back and there is actually less safety for the children of America than exists in current law. That I cannot do. That is what we were faced with that early morning in July when the House took up its measure.

It is not comfortable. It is not a delight to stand here and make motions to instruct and to be somewhat obstreperous; but I would rather do that than not come to a conclusion, than not to stand up for the mothers who I represent in this House. And when I go home and I am in the grocery store, the other mothers want to know how come we cannot get this done, something this simple. They cannot understand it. And I cannot really explain it to them, because I cannot understand it either.

So let us reach out across the aisle, let us work together, let us get this done. Let us make sure it is solid, that it is valid, that it is honest, it is true, it is tough, and it is done promptly. I would urge that we bring some of these discussions out into the open. There have been many discussions between the chairman and the ranking member, I understand, and I have no doubt that they are sincerely done and difficult discussions. But sometimes the light of day can help move things forward a bit.

So I am hopeful that we will be able to do that.

With that, Mr. Speaker, I am pleased at the participation of all of the Members of the House. I look forward to a very positive vote on this motion to instruct.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. 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, further proceedings on this question are postponed until tomorrow.

SENSE OF HOUSE IN SUPPORT OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. OSE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 293), expressing the sense of the House of Representatives in support of ''National Historically Black Colleges and Universities Week,'' and ask for its immediate consideration in the House.

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

Mr. CUMMINGS. Mr. Speaker, reserving the right to object, under my reservation, I yield to the gentleman from California (Mr. OSE) to explain the bill.

Mr. OSE. Mr. Speaker, I thank the gentleman for yielding.

The purpose of this bill is to recognize the 105 historically black colleges across this country that have served not only the interests of the black community, but this country, in providing a sound and fruitful education for people of color over the past many years in this country. We want to make sure that we recognize those institutions during this particular week known as National Historically Black Colleges and Universities Week, and the purpose of this resolution is to memorialize that.

Mr. CUMMINGS. Mr. Speaker, further reserving the right to object, as ranking member of the Subcommittee on Civil Service, I have come to this House to support many resolutions. However, as a graduate of an historically black college; as a member of the Board of Regents of Morgan State University, as a father of a freshman at Howard University, and with five such universities and colleges in my home State of Maryland, I am especially pleased to endorse and support historically black colleges and universities.

Historically, black colleges and universities should be commended in their success in educating not only the privileged among us, but the disadvantaged among us also. HBCUs have performed a remarkable task. They have educated almost 40 percent of this country's black college graduates, they have graduated 75 percent of black Ph.D.s, 46 percent of all black business executives, 50 percent of black engineers, 80 percent of our Federal judges, and 85 percent of all black doctors.

In addition, they have educated an estimated 50 percent of the Nation's black attorneys and 75 percent of the black military officers. The historically black health professional schools have trained an estimated 40 percent of the Nation's black dentists, 50 percent of black pharmacists, and 75 percent of the Nation's black veterinarians. HBCUs can claim these significant success rates because they maintain a philosophy of high scholastic achievement and career goals as well as an enriching social and cultural environment.

Further, HBCU faculty are among the most scholared in our Nation's university system; and as role models provide quality educational and practical experience to HBCU students. HBCUs can also be credited with making the higher education financially attainable for those who otherwise would not be able to afford a higher education. This is extremely important because education is the key to the door of economic prosperity. That is why I commend Bill Gates, chairman of Microsoft, for pledging to spend $1 billion over the next 20 years to give college scholarships to thousands of academically talented, but financially needy minority students across the country. William Gray, III, President of the United Negro College Fund, will help administer the scholarship program.

The students in this program and in the HBCU system as a whole not only receive instruction that propels them into blossoming careers but also receive a mandate to serve as leaders in our country and in the world. In essence, these schools have an enduring commitment to educating youth, African-Americans and other people of color, and the disenfranchised, for leadership and service not only to our Nation, but to our global community.

As I have said, HBCUs open the door to opportunities and promote leadership and service. It should be noted, however, that these items do not become a reality if students are denied positions, promotions, or the chance to serve in certain capacities because of their race or ethnicity. HBCUs have produced congressional representatives, State legislators, writers, musicians, actors, activists, business leaders, lawyers and doctors, and this resolution recognizes not only historically black colleges and universities, but all of the people of color that they have educated.

It also recognizes all of those educators and administrators who have touched children and young people over and over again, and indeed, touched the future. Today, I am honored to pay tribute to these historic and great institutions that have fortified our Nation's heritage and our future in education.

Now it gives me great pleasure to yield to the distinguished gentleman from South Carolina (Mr. CLYBURN), who has had a history of consistently uplifting historically black colleges and universities not only in his home State of South Carolina, but throughout the country.

Mr. CLYBURN. Mr. Speaker, let me thank my friend from Maryland for yielding me this time. I want to also thank the leadership of this body for scheduling this resolution for debate, and the chairman and ranking member of this subcommittee for bringing this to the floor with their support.

Mr. Speaker, the 105 HBCUs located in our Nation are monuments and testimony to the farsightedness and creative genius of those who have great faith and confidence in the promise of this great Nation. I shudder to think of where I would be today had it not been for Morris College in Sumter, my hometown. My mother and father both attended that school. I and one of my brothers attended South Carolina State in Orangeburg. Another brother and sister-in-law are products of Claflin College in Orangeburg. One of my daughters attended Benedict in Columbia and many other relatives and friends are alumni of Allen in Columbia and Voorhees in Denmark.

□ 1945

All six of these historically black colleges and universities are located in the congressional district that I am proud to represent here in this body. I believe in these institutions, and consider them to be national treasures.

In fact, Mr. Speaker, last year these institutions were collectively placed on the list of our Nation's most endangered historic sites by the National Trust of Historic Preservation. That action was a great testimony, as great a testimony as can be given, to what we ought to be doing in this body to preserve and protect these schools and their campuses.

Mr. Speaker, I hope this resolution is the beginning of renewed interest in and support for these great institutions.

Mr. CUMMINGS. Reclaiming my time, Mr. Speaker, I yield to my distinguished colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has also been at the forefront of uplifting historically black colleges and universities throughout our country, and certainly doing a great job in her own State of Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership, and I thank the chairman for joining us today and being supportive. This is a compliment to all of us in this House, Republicans and Democrats, for it is a bipartisan salute.

I thank the gentleman from South Carolina (Mr. CLYBURN), who offered this legislation to acknowledge historically black colleges.

Mr. Speaker, it is important to note that there are 105 historically black colleges and universities in the United States. It is equally important to note that we stated there are colleges and universities. It means there are institutions who have undergraduate degrees and graduate degrees.

As noted by my colleague, the gentleman from Maryland, many of our lawyers, doctors, Ph.D.s, and scientists in the African-American community have come from historically black colleges.

I am particularly proud to come from a State with a number of historically black colleges, and if I might share the history of one, Texas Southern University, located in my district, it was founded, unfortunately, in the ashes of segregation. Heman Sweatt wanted to attend the University of Texas School of Law, but my State unfortunately in the late 1940s would not allow a black man to attend the State system. Yet, the law required that he be educated, so our school or our system in Texas devised, if you will, what some thought a second-class approach.

In the basement of the law school or some of the buildings on the University of Texas, Heman Sweatt was offered a law school education. But out of his persistence and determination, Texas Southern University, originally called Texas State College, was founded.

Many of the individuals who taught at that school are heroes themselves. I would like to note my father-in-law, Doctor, or Mr. Phillip Lee, I promoted him to doctor, but he is a hero to me because he was a Tuskegee airman. He brought that kind of quality and excellence to Texas Southern University.

Mr. Biggers, John Biggers, one of the most outstanding African-American artists in this Nation, was a teacher at Texas Southern University. Both my father-in-law and John Biggers were graduates of Hampton University.

These universities are think tanks for our communities. They were the origins of some of the civil rights activism, where they promoted and encouraged young people to have self-esteem. They promoted learning and intellect and theory and thought.

Many of us know Dr. Benjamin Mays of Morehouse. We are still reading his works. So many young men who graduated from Morehouse College can attribute their own self-dignity and humanity and intellect, such as Dr. Martin Luther King, from Dr. Benjamin Mays.

These are wonderful schools, and I am delighted that those of us who are members of the Black Caucus, as well as those who are Members of this House, Republicans and Democrats, have not forgotten them.

Might I also cite Oakwood College, of which I am a member of the board, in Huntsville, Alabama. It is a religious college but it is a historically black college, organized in the Seventh Day Adventist Church. It is a college that has educated religious leaders around this Nation. It has its own great history of civil rights activism, and it is a proud citizen or a proud asset of the great State of Alabama.

Might I say that in the course of my work here in the United States Congress as a member of the Committee on Science, I have been very gratified to offer amendments to enhance our historically black colleges, along with other colleges. We have promoted the sharing of laboratory equipment, used laboratory equipment from NASA and our laboratories around the country, our research laboratories. We have provided technical assistance to the laboratories or to the schools, as well. We have encouraged the Department of Energy to look for its research partners in historically black colleges.

We must remember that they are there, and that they are American treasures. As we remember that they are there, let me join my colleagues in promoting and asking and calling on the President to issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Just as I consider myself a preservationist on history in the United States of America, let us never forget the rich and rewarding part these historically black colleges all bring to the American history story, because in fact they started when times were bad. They are now here in times that are good. We should never forget from whence we have all come.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield to my colleague, the gentleman from Illinois (Mr. DAVIS), as he again is another person who has made historically black colleges and universities a major priority of his. He has synchronized his conscience with his conduct.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me.

I, too, rise in support of this resolution to recognize this week as National Black College Week.

I also want to take the opportunity to commend and congratulate my good friend, the gentleman from Maryland, for the outstanding work that he has done, not only on behalf of black colleges and universities, but on behalf of people throughout these United States of America.

For more than 150 years, the historically black colleges and universities have played a vital role in providing students with an exceptional education. These institutions have significantly increased educational access for thousands of economically and socially disadvantaged Americans, particularly young African Americans. HBCU students have gone on to be recognized as a strong influence for the common good, both on campus and in the communities where they are located.

I know firsthand the value of historical black colleges and universities, for I, along with three of my brothers, four of my sisters, four nephews, four nieces, and I guess a host of cousins all attended a historically black college, which is now the University of Arkansas at Pine Bluff.

In fact, three members of my staff across the street all graduated from historically black colleges and universities, Morehouse, Central State, and Fiske.

Mr. Speaker, this week is definitely a good week to recognize HBCUs and their contributions to society, but it is also a good time to recognize and pinpoint some of their needs. For many years, historically black colleges and universities as a whole have made ways when there were no ways, have had to make do, wondering how they were going to make it.

As a matter of fact, I recall the President of my university from time to time calling meetings of students to talk about whether or not we were going to be able to make it through the year. He was not only an educational genius, but a most compassionate man, President Lawrence Arnett Davis. We called him Prexie.

So many of us had very little money. I never will forget going to college with $20 in my pocket on my 16th birthday, wondering how I was going to make it. How would I do it? But because of the compassion of the individuals who were there, because of their recognition of me, because of their understanding, I was obviously able to attend, to graduate, and then to move on and become a Member of the most august body perhaps on the face of this Earth, the United States Congress.

So I will always have gratitude for the important role that these institutions have played, but I will also always pledge to do everything in my power to make sure that other young people who are uncertain about their future will have the opportunity to experience the offerings of these tremendous institutions.

Mr. CUMMINGS. Reclaiming my time, Mr. Speaker, I yield to the gentleman from Illinois (Mr. RUSH), who has also been a leader with regard to issues confronting our educational system throughout our country, but particularly in Illinois.

Mr. RUSH. Mr. Speaker, I want to commend the gentleman from Maryland for his efforts on behalf of the historically black colleges. I want to commend the chairman for his untiring efforts on this particular resolution.

I also want to commend the gentleman from South Carolina, Mr. CLYBURN, for his work, for his authorship of this particular resolution.

Mr. Speaker, I rise in strong support of House Resolution 293, a resolution which expresses the sense of this House of Representatives in support of National Historically Black Colleges and Universities Week, which began on September 19, 1999.

Historically black colleges and universities, HBCUs, are post-secondary academic institutions founded before 1964 whose educational missions have historically been the education of African Americans. Located in various regions of the United States, there are now about 105 HBCUs in existence.

HBCUs consist of a mixture of community and junior colleges, 4-year colleges and universities, and both public and private institutions. HBCUs enroll less than 20 percent of African-American undergrads, but HBCUs award one-third of all bachelor degrees and a significant number of the advanced degrees earned by African Americans throughout this Nation.

Since inception, HBCUs have stood poised as a catalyst for educational opportunity for generations of African Americans. These institutions were

born of the belief that post-Civil War black freedmen should become immediately educated. These 105 institutions which were created for this purpose today continue to provide quality higher education and professional nurturing to a broad mixture of diverse individuals, including people of other ethnic backgrounds and racial origins.

Today I rise to commend these institutions and their faculties, their students and their administrators, those individuals who have created this initial goal of providing quality higher education to African Americans and others.

□ 2000

Mr. Speaker, I just want to relate that I am a product of Albany, Georgia. When I was in the kindergarten going to my first school in Albany, Georgia, as a 5-year-old, I always approached school with a certain awe, because located directly across the street from the grade school where I entered into kindergarten was Albany State College.

I believe that Albany State College and my experience of watching and being involved in that environment have created a foundation that have helped shape my life and have made me the person that I am today. It created in me a yearning for education. It created in me a struggle and a strive for excellence.

I know that historically black colleges throughout this Nation have provided doctors and lawyers and engineers and professionals of all types. I want to commend these institutions because I know that the reason the 1st Congressional District of Illinois is an outstanding district, the reason that it is a productive district is because, in the 1st Congressional District, we have a number of HBCU graduates from all walks of life.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, it gives me great pleasure at this juncture to yield to the distinguished gentlewoman from North Carolina (Mrs. CLAYTON), a lady who also has put on her priority list and made a major priority the lifting up of our historically black colleges and universities.

Mrs. CLAYTON. Mr. Speaker, I want to just commend the gentleman from Maryland (Mr. CUMMINGS) in his leadership and the gentleman from South Carolina (Mr. CLYBURN) for joining him and bringing this resolution and what it means to, not only the African-American community, but what it means to America itself to be able to be institutions that give young people an opportunity that would not have had an opportunity.

A mind is a terrible thing to waste is what the college fund now says. But, indeed, just think of the minds that have been turned on and the contributions that have been made.

I am also a graduate of a small historically black university, which is a small Presbyterian school in North Carolina. But I want to speak also, not only to the uniqueness in terms of speaking to people who may not have had the resources, but also the unique opportunity that they have to bridge between the educational institution that they have to offer and the community, our land grant colleges throughout the Nation, particularly 1890 land grant colleges that make the transition between community and education, again, the valuable services they do for agriculture and for land grant and development of communities.

So the community development, economic development, providing that kind of transitional university that makes a difference in the vitality and the survivability of our communities.

So not only do they educate us as individuals, as an adult, but they reach out in the community and provide that continuous transition.

Again, I want to thank the gentleman from Maryland (Mr. CUMMINGS) for his leadership and the vision and having the country to recognize the value that these institutions played for the United States, not only for African-Americans.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, as I conclude, I first want to thank the other side and the gentleman from California (Mr. OSE) and certainly the gentleman from Florida (Mr. SCARBOROUGH), the chairman of our Subcommittee on Civil Service, and our chairman and our ranking member of the committee.

It does make me feel good to know that this is a bipartisan effort that we have all joined together to recognize these historically black colleges and universities.

The gentlewoman from North Carolina (Mrs. CLAYTON) said something that really I think hit home, and that is that a lot of times I think when we look at these historically black colleges and universities, we look at them for the benefit that they have brought to the African-American community. But the fact is that what these institutions have done, they have produced people who have gone out to become leaders and to make our entire society a better society and to make our world a better world. So it is the epitome of what can be done when people are given opportunity.

I have often said that one does have all the genetic ability one wants to have. One can have all the will one wants to have. But if one is not given the opportunity, one is not going to go anywhere fast.

So with that, I just want to just leave one note with us as I close. Mary McLeod Bethune founded that Bethune-Cookman College in Daytona Beach, Florida. She tells about how that college was started. I will be very brief, but I think this is very significant in her own words.

She says, ''I went to Daytona Beach, a beautiful little village, shaded by great oaks and giant pines. I found a shabby four-room cottage, for which the owner wanted a rental of $11 a month. My total capital was a dollar and a half, but I talked him into trusting me until the end of the month for the rest. This was in September. A friend let me stay at her home, and I plunged into the job of creating something from nothing.'' Something from nothing. ''I spoke at churches, and the ministers let me take up collections. I buttonholed every woman who would listen to me.

''On October 3, 1904,'' almost 100 years ago, ''I opened the doors of my school, with an enrollment of five . . . girls . . . whose parents paid me fifty cents' weekly tuition. My own child was the only boy in the school. Though I hadn't a penny left, I considered cash money as the smallest part of my resources. I had faith in a living God, faith in myself, and a desire to serve.

''We burned logs and used charred splinters as pencils, and mashed elderberries for ink. I begged strangers for a broom and a lamp.'' I haunted the city dump and the trash piles behind hotels, retrieving discarded kitchenware, cracked dishes, broken chairs, pieces of old lumber. Everything scoured and mended. This was part of the training to salvage, to reconstruct, to make bricks,'' listen to what she said, ''to make bricks without straw. As parents began to gradually leave their children overnight, I had to provide sleeping accommodations. I took corn sacks for mattresses. Then I picked Spanish moss trees, dried and cured it, and used it as a substitute for mattress hair.

''The school expanded fast. In less than 2 years I had 250 pupils.'' She goes on to tell how she built this school almost 100 years ago.

The fact is that, since that time, many, many people have graduated from that school and gone on. Their children and their children's children have done well and have graduated. So that is the history, and that is why I guess we see so much excitement from the members of the Congressional Black Caucus and others because these schools have, indeed, played a very significant role.

I want to thank again the gentleman from California (Mr. OSE) and the other side for joining.

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

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

Mr. OSE. Mr. Speaker, I rise in support of the resolution strongly. I want to commend the gentleman from South Carolina (Mr. CLYBURN) and the gentleman from Maryland (Mr. CUMMINGS)

for this resolution in support of national historically black colleges and universities.

I do not believe I can match the eloquence of Ms. Bethune in her recitation of her early days, but three things have struck me this evening of particular importance, and I wanted to reinforce them.

Ms. Bethune said ''something from nothing.'' What more telling comment about the story of America than something from nothing. How apt to this evening to have that shared with us, the story of the founding of Bethune-Cookman.

The gentleman from South Carolina (Mr. CLYBURN) talked earlier about the promise of this great Nation and that the promise of this great Nation is available for all, needs to be available for all.

In the initial comments tonight of the gentleman from Maryland (Mr. CUMMINGS), he hit on what that promise is. I think the first words out of his mouth were ''education is the key.'' It remains the key. It is the key in my family. It is the key in his. It is the key in every family across this country. Get the education. Use one's mind. Use one's talents, whatever they may be, to make something from nothing.

I am sitting here getting fired up over this, frankly. Before we wrap up, one of the speakers spoke of the contributions of these 105 historically black colleges. I went and I checked, I did a little research as to how it affects this particular body. I went through the list of sponsors of the resolution, my curiosity being: I wonder how many of them went to these black colleges.

I just want to put that in the RECORD how this forum, how this body benefits from the past efforts and future efforts of these colleges and universities. The gentlewoman from California (Ms. WATERS) has an honorary degree from a number of these universities: Bishop State, Central State, Howard, Morgan State, Spelman College. There are others here.

The gentleman from Florida (Mr. HASTINGS) graduated from Fisk University. The gentleman from Georgia (Mr. LEWIS) graduated from Fisk University. The gentlewoman from Florida (Ms. BROWN), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Florida (Mrs. MEEK) have degrees from Florida A&M University. The gentleman from Maryland (Mr. CUMMINGS) has a degree from Howard.

The gentleman from Alabama (Mr. HILLIARD), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Florida (Mrs. MEEK), the gentleman from Maryland (Mr. WYNN) and again the gentlewoman from California (Ms. WATERS) have degrees from Howard.

The gentleman from Mississippi (Mr. THOMPSON) has a degree from Jackson State University. The gentlewoman from South Carolina (Mrs. CLAYTON), she has a degree from Johnson C. Smith University. The gentleman from Georgia (Mr. BISHOP), the gentleman from Alabama (Mr. HILLIARD), and the gentleman from New York (Mr. OWENS) have degrees from Morehouse College.

The gentleman from Illinois (Mr. JACKSON), the gentleman from New York (Mr. TOWNS), and the gentlewoman from California (Ms. WATERS) have degrees from North Carolina A&T State University.

The gentlewoman from California (Ms. LEE) serves on the board of trustees for Oakwood College. The gentleman from South Carolina (Mr. CLYBURN) has a degree from South Carolina State University. The gentleman from Louisiana (Mr. JEFFERSON) has a degree from Southern University A&M College. The gentlewoman from California (Ms. WATERS), as I said, has a degree from Spelman. The father-in-law of the gentlewoman from California (Ms. LEE) has a degree from Texas Southern University.

This is what America is all about, people taking their education and giving back. We have to go no further than the walls of this forum to find the positive benefit.

I thank the gentleman and his colleague for bringing this resolution forward. Something from nothing, we ought to put that on the face of this building, because it is so apt.

Mr. CUMMINGS. Mr. Speaker, reclaiming my time, I want to thank the gentleman from California (Mr. OSE) for what he just said, because I think that it sends the word out from this place that historically black colleges and universities have, indeed, made a tremendous contribution.

As the gentleman was talking, I could not help but think about my own history with a mother and father who never got out of elementary school because they were denied the very opportunities that I was given. But I will never forget going to Howard University and being embraced by the faculty there.

We have not talked a lot about the faculty and the administrators at these schools, but I can tell my colleagues, they are some very, very special people who look at each one of these children, not as a statistic, but as someone that is like their own child. They want to make sure that their children, that their children, and they see them as their children, are raised up to be the very best that they can be. That is not to say that that does not happen at other schools. But I can speak for Howard, and I ask speak for some other historically black colleges and universities.

The fact is that the gentleman from California is right. If we look just within the four walls of this chamber and look at all of those people who have been touched over and over again by historically black colleges and universities, it says a lot.

When I dropped my daughter off at Howard University a few weeks ago as she began her freshman year as a second-generation college-attending person, I said to her one thing. I said, Jennifer, I am excited about your possibilities. I think that, when we look at historically black colleges and universities, it is exciting, and we become excited about young people's possibilities because we know that they will be embraced. We know that they will be planted in soil that is firm and fertile so that they can grow and be the best that they can be. All of it boils down to opportunity.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 293

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education;

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition; and

Whereas Senate Resolution 178 would designate the week beginning September 19, 1999, as ''National Historically Black Colleges and Universities Week'': Now, therefore, be it

Resolved,

That the House of Representatives—

(1) supports the goals and ideas of ''National Historically Black Colleges and Universities Week''; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested groups to conduct appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COOKSEY). 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.

EPA MUST ENSURE THAT ALL STATES LIVE BY THE SAME EMISSION STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. BALDACCI) is recognized for 5 minutes.

Mr. BALDACCI. Mr. Speaker, I rise to talk about clean air, grandfathered smokestacks in the Midwest, air transport of emissions, and smog in the Northeast.

It is an especially good day to raise this issue. The summer has come to an end and the ozone levels in Maine exceeded Federal standards a dozen days this summer. This did not happen at measuring stations and traffic clogged cities.

I am talking about Port Clyde. It is a fishing village at the tip of a peninsula that juts out from the Gulf of Maine and a good 2 hours from the interstate.

I am talking about the top of Cadillac Mountain. It is the crest of Acadia National Park, and there is not a smokestack in sight. Acadia National Park has had a pollution level this year on par with Philadelphia.

This is all being created by ozone. Ozone is created in a complex chemical reaction due to smokestacks emissions in the Midwest of exempted and grandfathered coal-fired generating plants. And as it travels through the weather patterns into the Northeast, along with the sun and the heat, the combination creates ozone. So as my colleagues may know, Maine is in the downwind of every State, and therein lies the problem. States upwind of the Northeast, which may be in attainment, contribute to the ozone pollution in our region.

With the clean air amendments that were passed in 1990, Congress acknowledged the phenomenon of pollution transport and the political and scientific difficulty of the problem. A mechanism to find a workable solution was created. These tools permitted the EPA to establish the ozone transport assessment group to recommend ways to reduce ozone transport in the Northeast.

From these recommendations, EPA may issue rules requiring States to tighten ozone control to prevent the transport of ozone. These are known as the State implementation plans, or SIP. In addition, individual States may petition the EPA to force States suspected of contributing to their problem to reduce the offending emissions.

I am proud to represent a State that has been a leader in the attempt to reduce ozone pollution, which may be more commonly known as smog. It rises when emissions from power plants and cars combine with heat and sunshine. In the Northeast, we have been reducing our emissions on an average between 2.5 and 2.6 pounds of emissions per megawatt hour, whereas in the Midwest it is still in excess of 6.6 pounds.

In the Northeast, we have complied with the regulations; we have made the investments. The industries have gone ahead and done what they were supposed to have done, and have been at a competitive disadvantage, but have followed the letter of the law. All we are asking for today, and tomorrow with a dear colleague to Members here in this body, and Members in the Senate that have completed a dear colleague, and signatures to the EPA, is to enforce the regulations which they already have on the books. We are not asking for any new laws. We are not asking for any new approaches. We are simply saying to adhere to the law that is there.

EPA deserves a pat on the back for the work that they have done in bringing this issue to the forefront. They have the administrative capabilities to implement and to finish the action which they started. As a matter of fact, today in a conversation in our office with the EPA, I was told that they have promulgated regulations, which I will submit for the record, which will take effect on November 30, 1999 and will allow for a 2- or 3-month window beyond that time period before they will require the States to have a plan to reduce their emissions so that we can reduce our ozone pollution, so that we can reduce the threat to respiratory asthmatics and others with health conditions not to mention the environmental conditions of our land and our watersheds and the infecting of our crops where we see that the continued pollution is causing tremendous economic and social and health costs to all of our citizens.

This is not just within Maine or within New England. We are looking at the New Jersey shore, an industrial park in Newark; we are looking at the Indiana Dunes National Lakeshore, a popular vacation spot on Lake Michigan; we are looking at the remote Door County in Wisconsin, a popular vacation get-away in the Midwest, which has been plagued with twice as many dirty days as Milwaukee; and the Great Smoky National Park South by Atlanta.

So this is a problem that is national in scope. The EPA has the tools to do the work. My colleague, the gentleman from Maine (Mr. ALLEN), has initiated legislation, and in working towards that effort, we are going to continue to put the full focus and force on EPA to do their work.

Mr. Speaker, I am providing for the RECORD the information regarding EPA's promulgation of a rule.

The EPA expects to promulgate a final rule based on this proposal on or before November 30, 1999, when the interim stay expires. To address the possibility of any delay of this final rulemaking, however, EPA is also taking comment on an extension of the interim final stay of the April 30 NFR in the event that EPA needs more time to complete the final rule. The EPA does not expect to need to promulgate such an extension, but if it were necessary, EPA anticipates that a two- or three-month extension should suffice. Providing for a possible extension, if necessary, ensures that the automatic trigger deadlines now in place will not become effective through a lapse in the stay before EPA completes this rulemaking. Under this schedule, the 3-year compliance schedule for source subject to an affirmative finding would still be triggered in time to ensure that the intended emissions reductions are achieved by the start of the 2003 ozone season, as described in the April 30 NFR.

INTRODUCTION OF THE ''FIRST'' ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, almost 2 years ago, the Congressional Caucus on Women's Issues held an important hearing on the subject of brain development from birth to age 3. One witness said something that day that really hit home with me. That witness was Dr. Edward Zigler, the sterling professor of psychology at Yale University, commonly known to all of us as the father of Head Start. Dr. Zigler said that there is nothing more important to a child's development than the bonding between the infant and parents during the first few months after birth.

I remember how I felt listening to Dr. Zigler that day, because I knew how few babies get that kind of start in life. If today's children are lucky enough to have both parents living at home, chances are that both work outside the home, and it is just too hard, if not impossible, for new parents to take time off from work without pay for very long after the birth of a new baby.

I decided right then and there that I would introduce a bill to provide paid family leave to all parents. First, I met with Dr. Zigler, however, and got his support. Since then I have spent 2 years meeting with parents, meeting with parent and child advocates, meeting with doctors, researchers, business and labor representatives, and meeting with my colleagues to figure out what is the best way to provide wage replacement as well as job protection for new parents.

What I learned is that there is not one best way to meet the needs of new parents. In fact, there are many different opportunities to provide this benefit. Some States are already providing income-protected leave for new parents through their temporary disability insurance plans, such as my State, California. Several other States are looking into using a surplus in their unemployment insurance funds for this purpose. Others would like to

build on the existing Family and Medical Leave Act. That is why I have introduced the Family Income to Respond to Significant Transitions Insurance, or the FIRST Act, which is a companion bill to legislation of the same name introduced by Senator DODD in the other body.

The FIRST Act gives States an opportunity to create paid family leave programs for new parents as well as paid leave for other family needs. The FIRST Act does not tell States how to provide income-protected leave, but it helps them carry out the program of their choice by authorizing $400 million to share in the cost of providing wage replacement for new parents.

Mr. Speaker, the recent tragedies in our Nation's schools and communities compel me to ask the question, ''Who is taking care of our children?'' We all know that during those critical first months it should be the child's parents, the child's mom and the child's dad. But families are struggling to make ends meet, and our children are getting left behind.

Sure, the Family Medical Leave Act gives parents the right to take leave when a new baby joins the family. The fact is, however, that a recent study found that nearly two-thirds of the employees who need family and medical leave do not take it because they just cannot afford to give up that income. New parents must not be forced to choose between taking care of their child financially and taking care of their child physically and emotionally. With the FIRST bill we are taking the first step, the step, to answering the question, ''Who is taking care of our children?'' For new babies, the answer will be, ''Their parents.''

GENERAL LEAVE

Mr. DIAZ-BALART. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on House Resolution 293.

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

There was no objection.

SALE OF AGRICULTURAL COMMODITIES TO TERRORIST STATES IS UNACCEPTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, a number of us have prepared a letter that we will be sending tomorrow, the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations; the gentleman from New Jersey (Mr. MENENDEZ); the gentlewoman from Florida (Ms. ROS-LEHTINEN); the gentleman from Florida (Mr. WEXLER); the gentleman from Florida (Mr. DEUTSCH); and the gentleman from Florida (Mr. MCCOLLUM). We are certain many others will sign tomorrow.

We have prepared a letter, and we are sending it to the Speaker tomorrow and it reads as follows: ''Dear Mr. Speaker, we are deeply concerned about a controversial section of the Senate Agriculture Appropriations Bill which would effectively reverse a quarter century's worth of steadfast resistance to terrorism. Language inserted by Senator ASHCROFT would allow the direct sale of broadly defined agricultural commodities to terrorist States which have American blood on their hands.

''We would have thought that by now Members of Congress would understand the evil of appeasement and danger of conducting business as usual with terrorist governments. Americans continue to suffer attacks by terrorists and die worldwide, yet certain Members of Congress push for trade with and financing for terrorist States. Inclusion in the conference report of this language would underscore a basic lack of commitment to fight terrorism and open the door to broader unrestricted trade with terrorist States.

''The controversial Ashcroft language is not included in the House version of the bill. However, Senate conferees have rejected earnest efforts to compromise and, in doing so, have needlessly made this section increasingly controversial and unacceptable.

''Mr. Speaker, there is more to America than the drive to make money at any cost. Profit from business with terrorist governments is blood money and is simply not acceptable.''

Now, according to the State Department's overview of State-sponsored terrorism, the 1998, the latest version available, Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria are the seven governments that the U.S. Secretary of State has designated as state sponsors of international terrorism. They would be the seven states to which, if this Senate language is passed, is accepted, we could start selling to, and financing would be permitted.

According to the State Department, and I read here, ''Cuba maintains close ties to other state sponsors of terrorism and leftist insurgent groups and continues to provide safe haven to a number of international terrorists.

''Iran continues to plan and conduct terrorist attacks, including the assassination of dissidents abroad. It supports a variety of groups that use terrorism to pursue their goals, including several that opposed the Middle East Peace Process, by providing varying degrees of money, training, safe haven and weapons.

''Iraq provides safe haven to terrorists and rejectionist groups, and continues its efforts to rebuild its intelligence network, which it used previously to support international terrorism. The leader of the Abu Nidal organization may have relocated to Baghdad in late 1998.''

□ 2030

Libya harbors suspects in the bombing of the UTA Flight 772, although French authorities agreed to try the six in absentia. Several Middle Eastern terrorist groups continue to receive support from Libya, including the PIJ and the PFLP–GC.

North Korea, though not linked definitively to any act of international terrorism in the last couple of years, continues to provide safehaven to terrorists who highjacked a Japanese airliner to North Korea.

Sudan provides safehaven to some of the world's most violent terrorist groups, including Usama Bin Ladin's al-Qaida, and the Hezbollah, the PIJ, and the ANO and HAMAS.

The Sudanese Government also refuses to comply with the United Nations Security Council demands that it hand over for trial fugitives linked to the assassination attempt against the president of Egypt.

Syria continues to provide sanctuary and support for a number of terrorist groups that seek to disrupt the Middle East peace process.

These are the states which if that Senate language remains in the Committee on Agriculture conference report, if it is included in that conference report, will be eligible for American sales and financing from the United States.

I would remind my colleagues, Mr. Speaker, that it is unreasonable, I would say naive, to assume that there will not be a cost, a political cost, as well as an ethical cost, to be paid for helping terrorists states.

The American people are not naive. The American people are not stupid. The American people are going to reject authorization of American sales and American financing to terrorist states.

I wanted tonight, Mr. Speaker, to take this opportunity to inform my colleagues and the American people through C–SPAN of the urgency of the moment so that they will get in contact immediately with their Members of Congress here in the House and tell them, reject the Ashcroft language, reject the pro-terrorism language that Senator ASHCROFT included in the Senate agricultural appropriations bill, reject the pro-terrorist state language.

The House continues to insist in that rejection. The American people need to make their opinions heard right now.

U.S.-SRI LANKA RELATIONS

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of

the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to take this opportunity to talk about the growing relations between the United States and Sri Lanka, relations that I hope will be getting more attention in the near future.

In particular, I wanted to mention the upcoming visits of two distinguished Sri Lankan officials to Washington, D.C., next week.

At the beginning of this year, I formed a new bipartisan congressional caucus on Sri Lanka in an effort to promote increased dialogue between our two countries and to be a voice in Congress for the approximately 100,000 Americans of Sri Lankan descent.

Formerly known as Ceylon, Sri Lanka is an independent island-nation. Its territory comprises one of the largest islands in the Indian Ocean, about the size of West Virginia, lying approximately 20 miles southeast of the southernmost tip of India.

This South Asian nation of about 18 million people, a democracy where both the president and the prime minister are women, continues to work to strengthen its relations both with other developing nations and with major industrial powers like the United States.

To that end, the president of Sri Lanka, Mrs. Kumaratunga, will be in the United States within the next few days, September 24 to 28, to attend an annual International Monetary Fund/World Bank meeting in her capacity as the chairwoman of the Group of 24 of the IMF.

On Sunday, September 26, the President will host a reception here in Washington. The Group of 24 comprises a cross-section of countries in Asia, Africa, and Latin America. The Group of 24 seeks to address economic growth-related issues in the developing countries and to strengthen their financial and monetary situation.

Mr. Speaker, while I welcome the president coming to Washington for these important international meetings, I would like to see Sri Lanka's Head of State return to our Nation's capital for a State visit.

Earlier this year I wrote to President Clinton asking that he formally invite the president. The last presidential visit from Sri Lanka to the U.S. was in 1984. President Clinton did respond to my letter, although he did not commit to extending such an invitation. However, as South Asia continues to assume a growing importance in U.S. foreign policy considerations, I hope and I will continue to push for a State visit.

Mr. Speaker, next week Sri Lanka's Minister of Foreign Affairs, Mr. Kadirgamar, will be making an official visit to Washington. Our Sri Lankan Caucus will be setting up a briefing with our Members and our staff with the Foreign Minister tentatively scheduled for next Thursday. I look forward to a productive meeting that will expand the dialogue between our two nations.

Mr. Speaker, bilateral U.S.-Sri Lanka relations have always been strong since Sri Lanka won its independence from British colonial rule in 1948. In addition to our growing trade relations, the U.S. and Sri Lanka have a shared stake in promoting security, stability, and democracy in South Asia. Sri Lanka continues to work to promote tolerance among the various religious and ethnic communities that make up its population. It is a country that shares many of our values, and we have many common interests that must continue to be pursued.

Mr. Speaker, I hope next week's visit by Sri Lanka's president and foreign minister will contribute to this process of closer relations with the United States, and I urge my colleagues from both sides of the aisle to join me in continuing to work for closer ties between our two countries.

GUN VIOLENCE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am here tonight again because we still have not passed legislation to add direction to the issue of gun violence in America.

Given that we have been plagued by gun violence in our schools across the country, to the most recent shootings involving Jewish children in Los Angeles and members of a Baptist church in Ft. Worth, Texas, it is clear that there is an overwhelming need for gun legislation. We have an opportunity as a body to address this issue.

The juvenile justice bills from the House and Senate which are currently in conference committee can provide the American public with the action they deserve on this critical issue.

I urge my colleagues to support my bill, which would require child safety locks on handguns, a bill which would require all sellers at gun shows, flea markets, and other weapon markets to run an instant background check on every one of their purchasers, and a bill which would close the loophole in the Brady law which would prevent felons from acquiring guns. We should also raise the handgun purchase age from 18 to 21 to effectively protect our children.

Mr. Speaker, events around the country illustrate the need for these changes in our laws to be enacted. Thirteen children under the age of 19 are killed each day because of guns. In 1996 alone, 4,643 young people were killed by firearms. Guns cause one in four deaths of teenagers age 15 to 19. Firearms are the fourth leading cause of accidental death among children ages 5 to 14.

Each year gun violence is getting worse. From 1984 to 1994, the firearms homicide rate for 15- to 18-year-olds increased over 200 percent, while the nonfirearm homicide death rate decreased 12.8 percent.

How many more shootings, Mr. Speaker, must occur before this body will take substantive action? How many more children must be slaughtered by guns before we pass laws to protect them? Is it necessary for every congressional district within each State to experience some traumatic, violent event before we act on the issue of gun violence?

Gun violence affects all Americans regardless of age, class, religion, or socio-economic status. Many countries around the world do not have the same level of gun violence as the United States. This is a problem that has a clear solution, legislation to stem the tide of violence that has plagued us as a Nation.

Mr. Speaker, in my State of California alone, the number of incidents of gun violence over the course of 10 years is unacceptable.

In Berkeley, Kenzo Dix was gunned down by a 14-year-old schoolmate when he was accidentally shot when the two were playing with a pistol. In Los Angeles, a 14-year-old boy was accidentally shot in the head and killed by a friend showing off his father's handgun. In Oceanside, 4-year-old Christopher David Holt unintentionally shot and killed himself with a .357 Magnum revolver he discovered in a concealed compartment at the head of his grandfather's bed.

Of the 5,000 children who die each year because of guns, which averages out to 13 per day, nearly 500 deaths are accidental.

My child safety lock act, Mr. Speaker, which I introduced in the 105th and 106th Congress, would have prohibited any person from transferring or selling a firearm in the United States unless it is sold with a child safety lock. This bill and other legislation currently in the conference committee will address this issue.

We must have the ability to cross party lines, Mr. Speaker, forget our political and ideological differences, and pass legislation to avoid the continued senseless bloodshed and loss of innocent lives around our country.

I urge my colleagues to support legislation which will create a safer environment for all Americans and preserve the future of our children.

HURRICANE FLOYD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, two of us will be talking on the floor and maybe others will join us later on.

Mr. Speaker, according to FEMA, the route many take to visit Disney World in Orlando, Florida, is Interstate 95, and it was designed to withstand the 500-year flood and more.

When Hurricane Floyd, with its mighty wind and its rushing waters, swept through North Carolina, it caused Interstate 95 to close. Indeed, as this photo shows, and I will pass a couple of them so my colleagues can see it, Highway 301 split in two, washed away, left impassable.

In fact, initially more than 500 roads were impassable. Railroad tracks, and I think my colleagues will see that in this, railroad tracks were broken up and rendered unusable. Bridges were closed. Helicopters or boat, transportation mediums few in North Carolina, has been the only means of travel for many throughout the hurricane impacted areas.

Mr. Speaker, Hurricane Floyd left in its wake the worst flooding in the history of the State of North Carolina. And more rain fell yesterday. The people of North Carolina need help. They need help now. It is not charity they seek but a chance, a chance to recover, a chance to restore, a chance to rebuild, a chance to put their lives back on track. It is the kind of a chance that we as Americans afford each other when tragedy of this magnitude strikes.

At least 42 persons are known dead. Many more are unaccountable for, still missing. The Tar, Neuse, Cape Fear, and Lumber Rivers are all above flood stage. Even as the 20 inches of rain that fell begins to clear, the flooding remains. Dangerous and powerful currents are flowing, sweeping citizens away, like the family of four from Pinetops, like the 18-wheelers being driven along I–95, or like the sedan pushed in the pile of water, at least 4 feet of water, in Wilson, North Carolina.

Thousands and thousands of homes remain now underwater. Trees are down. Power remains out for nearly 50,000 households. Now, that is down from the more than 1.5 million that were initially without electricity. Water and sewage systems are in disrepair. Shelters are housing thousands of citizens.

Today the FEMA director said in North Carolina there are 35,000 homes affected. More than 100,000 hogs have been lost, 2.4 million chickens, 500 turkeys killed. Disease and contamination is a real and dangerous threat, as animals' carcasses clutter the roads.

Coffins dredged up by the flooding have been seen floating in Goldsboro and Wilson. Gasoline from flooded stations is now in the water. Industrial waste is mixing with the other toxic material, creating an unsafe and unsanitary health environment.

□ 2045

Yet among all this tragedy there are bright spots. The President released more than 520 million to FEMA to address immediate needs, then visit my district last Monday, and my colleagues joined me there, the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from North Carolina (Mr. PRICE). The President's visit brought hope even to those who were hopeless, and we appreciate the effort of FEMA to provide the ready made meals ready to eat, ice, blankets, water, temporary housing, grants and loans, and emergency generators. We also appreciate the hundreds and hundreds of individuals from around this country who are on the grounds helping us out. The private sector is also responding. Red Cross has opened more than 49 shelters in our State. The Salvation Army has 31 mobile kitchens.

Yet much more, much more help and support is needed from citizens around this country and from my colleagues right here. That is why, Mr. Speaker, I intend to join with Members of Congress on a bipartisan basis from other impacted areas to try to send a legislative package for further relief for the President to sign. As a part of that package, we need to update the law so that farmers and small business persons can be treated in a way that actually help them to recover. Actually more loans may not do that because many of them will indeed not survive.

Farmers and fishermen are among those who have been hit the hardest by Hurricane Floyd. Our loss already to date we know in North Carolina exceeds more than $1.3 billion. We will, therefore, need more resources, and that will also be a part of the legislative package.

Mr. Speaker, the people of North Carolina are resilient, and we will come back from the situation, but we will need the help of all America, and, Mr. Speaker, I urge America and my colleagues that in the spirit of North Carolina to work with us, and I thank Americans who have helped and respond to us, and I urge my colleagues to be responsive to the need.

NORTH CAROLINA NEEDS THE HELP OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I thank you for this opportunity, and, as my colleague from North Carolina (Mrs. CLAYTON) has just shared with us, I want to talk for a few minutes about some of the real damage that has affected not only my district, but my State, and the truth is some of this can be said for a number of other States and communities up and down the east coast.

I have here with me this evening three charts. The first one is a chart from Wilson County. That is somewhere over 100 to 110 homes there, what we would call mobile homes or trailer homes in North Carolina and across the country. But as you can see, the early stages, all of these homes are under water in some form, and all of them, all, had to be removed and spent their time in shelters.

As bad as this looks, in some places in eastern North Carolina tonight there are thousands of citizens of our State who went into shelters on Wednesday night, one week ago, fearing the worst from Hurricane Floyd, not realizing that a week later they would be there, and fears greater than they had ever anticipated have been realized. Not only have they been in shelters with people they did not know, they are in shelters with their children and with people who, many of whom have not had an opportunity for a bath in a week, but with the help of federal and State and the good graces of individuals they have been fed, they have been provided a place to stay, and as bad as the conditions are in some places, people are scrambling to help make it better with FEMA's help. And I must, this evening, pay tribute to Director Witt who, I think he and his people have just done an outstanding job in coordinating it.

They had no idea that a week later they would have, in some cases, no home to go home to, no jobs to accept when they went back because the businesses they worked for were gone. If they happen to be farmers, their farms are under water. All the crops this year are gone because in North Carolina we had a bad drought this summer, and what crops were left are now totally under water and gone.

If they happen to have been a tobacco farmer and were able to salvage something, those tobacco barns are under water, and what little tobacco they had in those barns, they are under water. Their tractors, all their equipment and in some cases their homes, their clothing, and the only thing many of them had when they left were the clothes on their back.

It is a tough situation, and in some cases places in my district are still under water, but in places east of us are even worse. There are whole houses under water, and the water has not yet subsided a week later.

This is an additional photograph taken also in Wilson County. As you can see, this was a commercial building, but behind it was supposed to have been farm land. It looks like a lake. I cannot tell you what kind of crops were in it because they are under water.

This is a photograph of one of the towns. I traveled on Monday with the President and a number of other people from the district and Secretaries to

Tarboro and over to Pitt County where the East Carolina University is, and today they are facing the brunt of it because the tidewaters have almost reached their high point.

And for those who would think that when we talk of hurricanes they think of the coastline of North Carolina which sticks out; they were talking about the coast. I remind folks that these are areas that have never been affected by flood, some of them not for 500 years that we know of. They are above the 500-year flood plain, and they are flooded.

Most of these people do not have flood insurance because there was no reason to have it. They have lost their businesses; in some cases, their homes; and as I said earlier, every single thing that they hold dear with their memories. Fortunately for most of them, they still are alive.

We have lost a lot of life. Tonight there will be more that will lose their life before it is over with, and we will find them when the waters go down.

But there are some good stories.

On Monday, some people were on a boat checking houses; and they heard someone tapping, a noise on a roof of a house. They crawled up on the house because the boat went right up to it. They knocked a hole in the roof of the house, and out crawled 11 people.

As water started to rise and rising so fast, the people in the house went up, and they kept going up, and they finally went up in the attic, and there was nowhere else to go; and they were trapped.

So there are stories of saving lives and heroism from all the groups you could think of from firemen, to rescue squads, to FEMA, to all groups. I will not try to list them this evening, but they deserve a great deal of credit; and as the gentlewoman from North Carolina (Mrs. CLAYTON) said, the people in North Carolina are not unlike the people anywhere in America. They are tough folks. They will bounce back, but they need help.

There is a reason we call them Tar Heels. They stick to it, and they get things done. They are tough people.

But we are going to need this Congress to take action on a disaster bill before we go home. Our farmers will not be able to plant next year if they do not get help. They have lost everything. Many of our business people will not be able to continue and provide jobs, and thousands and thousands of people have lost their home and everything they have.

I call on this Congress to take the action that we would take for anyone else in America. We have responded to world crises, it is now time to respond to those of us in North Carolina.

THE HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I want to say, first of all, after listening to my colleagues from North Carolina, that the rest of us in this Chamber feel deeply about the plight of so many people in North Carolina who have suffered greatly through Hurricane Floyd and the resulting floods. No area of the country, Mr. Speaker, has been hit as hard even though people all up and down the East coast have suffered from this tragedy, and I know that I and other colleagues of mine are determined to do what we can to make sure that North Carolinians get the kind of assistance that they need and deserve after this tragedy.

We are here tonight to talk about another situation that calls for action by this Congress, and that has to do with the high cost of prescription drugs for seniors in this country. Thirty-seven percent of our seniors in America have no coverage at all for their prescription drugs. To be sure, they are on Medicare, which is a Federal health care program; they are all on Medicare. But Medicare does not provide for prescription drug coverage; and so many people are struggling, trying to figure out how to pay the electric bill or the rent or buy food and still take the drugs that their doctors tell them they have to take.

I started hearing about this issue shortly after I was elected to Congress, and whenever I talk to seniors groups I might start out talking about Medicare reform or Social Security reform, but pretty soon we wound up talking about prescription drugs because it was a daily worry for so many people who thought that when they retired they would have enough money to make ends meet. But many of them do not.

I have had people write to me and say that between themselves and their husband they have $600 a month in prescription drug expenses and they only have $1300 or $1350 in a Social Security check. The math does not work; they cannot do it. I have had women write to me and say I do not want my husband to know, but I am not taking my prescription medication because he is sicker than I am, and we cannot both afford to take our medications.

So last year when the Democratic staff on the Committee on Government Reform and Oversight came to me and said we would like to do a study for you of some kind in your district to call attention to a problem or to deal with an issue that you think needs attention, I asked them to do a study on prescription drugs, and the results were astonishing.

What we found is that for the 5 or the 10, makes no difference, for the 5 most commonly prescribed prescription drugs for seniors, seniors, on average, pay twice as much for their medications as the pharmaceutical company's best customers. The best customers are HMOs, hospital chains, and yes, the Federal Government itself.

And let us take a look before turning to some of my colleagues who are here with me tonight, let us just take a look at the chart which shows a comparison between the average retail price that older Americans pay in my First District in Maine compared to the prices that the drug companies charge their most-favored customers. Whether you pick Zocor or Norvasc or Prilosec or Procardia XL or Zoloft, in any event, when you add those up, the average price differential in my district when this was taken last year is over 100 percent. Seniors are paying twice as much for their drugs as the drug company's best customers.

A subsequent study showed that seniors in Maine pay 72 percent more than citizens in Canada for the same drugs, same amount, same quantity, and they pay 102 percent more than Mexicans do for their medications, same drug, same quantity, same quality.

That study has now been replicated in a number of areas around the country, and with me tonight are the gentleman from Texas (Mr. TURNER) who has done a lot of work on this issue, been a leader on the prescription drug issue, and the gentlewoman from Florida (Mrs. THURMAN) who has had a study done in her district and is working hard to make sure that seniors get the kind of coverage they deserve.

□ 2100

Before turning over to the gentlewoman from Florida (Mrs. THURMAN), I would say as a result of these studies we all worked together and developed legislation called the Prescription Drug Fairness for Seniors Act, H.R. 664, which has 125 cosponsors in the House. This is a bill that creates no new Federal bureaucracy. It involves virtually no expense to the Federal Government, but it puts the Federal Government on the side of seniors on Medicare; in fact, all Medicare beneficiaries.

Basically, the Federal Government would negotiate reduced prices for seniors as a block. The legislation is very simple. It allows pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government. We think this would probably lead to price reductions for seniors in their prescription medication by up to 40 percent, at virtually no cost to the Federal Government, with no new Federal bureaucracy.

This is a bill that is simple, cost-free, but the opposition is unbelievable. We will get into the opposition and the big money opposition that is trying to stop this legislation.

I would now like to yield to the gentlewoman from Florida (Mrs. THURMAN), who has been working very hard

to make sure that her constituents in Florida get the benefit of the kinds of reduced prices for seniors that we know we can achieve.

Mrs. THURMAN. Mr. Speaker, I would like to thank the gentleman from Maine (Mr. ALLEN), first of all, for yielding time but also for his leadership on this piece of legislation. I think many of us would like to kick ourselves because the idea is so easy that we did not think of it before he arrived here. It is so simple in the fact that we do this in other parts of our government already. We do it in the Veterans Administration. They actually go out and use their force of being large buyers for medicine and they are out there and they are actually contracting with the pharmaceutical companies a reduced price for veterans in this country because they have so many people that they can negotiate for; no different than an insurance company does, no different than an HMO does, no different than, quite frankly, in another part of our government that is already doing this in the State of Florida, Medicaid does it. No different.

It is just these are people that are covered by an insurance that the government actually has control over.

So when the gentleman from Maine (Mr. ALLEN) brought up this issue in Maine, some of us went to the committee and said we would like to look at those same issues within our districts. So we used the same medicines. We talked with chain stores. We talked with our private pharmacists and asked them to give us some ideas of what these costs were. Basically, we had the same kind of results.

Now, something, though, that I think is so important in this issue is these are drugs that are life sustaining. These are not drugs that are something that a person does not have to have. They are not vitamins. They are not these type of things. For many people these are life-sustaining. I mean, we are talking about cholesterol. We are talking high blood pressure. We are talking heart problems. All of these issues become so passionate to these folks, and it is not just about whether they can choose between food or not. These people are also doing some damage to themselves in the fact that they might, in fact, take only a half a pill for the day or they may take their prescription three times a week instead of five times a week. So what we end up doing by not having any kind of coverage at all is we are actually promoting sickness within the most vulnerable part of our population because without them taking this medicine, they become sick; they go into the hospitals, and the next thing we know we have Medicare even picking up a higher cost for these drugs and for these seniors.

So we did the exact same thing. Mine is even different from Maine, which actually astonishes me. The same drug companies, the same folks we are trying to cover, same drugs, same companies, whole thing and we have in some cases as much as a difference for those people who in fact get to be a preferred customer, who are those folks that happen to have insurance, actually end up with ours with Zocor was like $34.80 for their preferred customer and the average price for the senior that has no coverage is $103.19. That comes out to 197 percent difference in cost.

If we look at ulcer medicine, $59.10 for preferred customers compared to $115.71; high blood pressure, $59.71 as a preferred customer to $115.41, 93 percent difference; heart problems, $68.35, average price for seniors, $129.45; depression, $115.70 compared to $216.44 for the seniors. That is 87 percent. Overall, the price differential becomes 112 percent.

The gentleman from Maine (Mr. ALLEN) referred to an issue dealing with Mexico and Canada, but before I go into that, because those numbers are just as astonishing, I think the gentleman from Texas (Mr. TURNER) has some letters and some things that actually kind of sum up a lot of how these people are feeling, and then once they find out what is happening to them by the drug companies they are saying, wait a minute, why am I not a preferred customer? I am part of the 39 million people who are on Medicare. My government should use its full faith and credit to give me the same opportunity to have my government negotiate with pharmaceutical companies just like we give the opportunity for everybody else in this country.

This is such a passionate issue.

Mr. ALLEN. It should be a matter of some passionate concern for all of us because our seniors out there are not getting by, a great many of them.

Mr. Speaker, I yield now to the gentleman from Texas (Mr. TURNER), who has been battling away on this issue since the middle of last year and has really done yeoman's work as far as making sure that the people in his district and really around the country understand the effect that these high prices are having on seniors and what we need to do about it.

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

Mr. ALLEN. I yield to the gentleman from Texas.

Mr. TURNER. Mr. Speaker, I really appreciate the leadership that the gentleman from Maine (Mr. ALLEN) and the gentlewoman from Florida (Mrs. THURMAN) have given to this issue. It seems like this is an issue that continues to gain momentum.

I know we have been talking about this issue for well over a year, when we first introduced the legislation in the 105th Congress and then we came back with the gentleman from Arkansas (Mr. BERRY), reintroduced it in the 106th, and it is good to know that we now have over 125 that have joined with us. I have full confidence that that number will continue to grow because this is not an issue that is hard to explain.

The American people and our senior citizens understand full well that the price of prescription drugs are too high.

I brought with me tonight a few letters that I have just received in just the last few weeks, a continuation of mail that all of us get about this subject, particularly from our senior citizens. It is an issue that hits real close to home. In fact, the first time that we introduced this legislation in the 105th Congress I went around to pharmacies all across my district and I went there because pharmacists have understood this problem for years. They have even fought the big drug manufacturers in court, with little success, I might add, trying to end the practice of price discrimination that was exhibited on the charts by my colleagues here tonight.

I met with a lady in Orange, Texas, that I will never forget. She became the subject of a newspaper article in the Houston Chronicle. Her name is Frances Staley, a lovely lady, 84 years old and blind. She came to my little meeting there at the pharmacy because that is where she trades and she heard I was coming to town. She just came by to say how much she appreciated the efforts we were making in the Congress to try to hold down the cost of prescription drugs. She spends most of her Social Security check every month on her prescription medication. She takes 14 different medicines. She told me that she really hoped that we could pass this bill. It would mean a lot to her.

This bill is not only for Mrs. Staley. It is for people like Joe and Billie O'Leary in Silsbee, who recently wrote me about the fact that they spend more than $400 a month on prescription medications. It is about folks like Archie and Lena Davidson of Vidor who came up to me in a town meeting that I had just in the month of August. I went around to 70 of my communities and at every stop I talked about this issue. These folks knew I was coming and they brought by a computer printout of their prescription drug bill that they had incurred at their local pharmacy since January. It is just shocking to look at the expenses that they have incurred; $3,526 for both Mr. and Mrs. Davidson since the first of the year. They said they really hoped that we could pass this bill.

Another couple that wrote me recently, Charles and Louise Ashford, spend $370 every month for 7 prescription drugs. They wrote a very long letter that really said a whole lot about the importance of this issue to our senior citizens. They wrote, and I want to read a part of their letter, most of the

elderly have several ailments that require several prescriptions per month. The best and latest treatments for some ailments and diseases are priced out of the range for many of us on Medicare. Some treatments are available only for those who can afford it. I have found the problem is not that the older people want free medicine. They want medicine priced reasonably so they can afford it. What good is research and finding cures for diseases if a larger part of our population cannot afford the medicine for the cure? I feel our government has failed the elderly and those in bad health in this country for not capping the price of medicine. Some of the most wealthy people in the world are those owning pharmaceutical companies. They are allowed in the U.S.A to charge whatever for their medicine. That should be medicine that should be available at a reasonable price. We all know that the same medicines are cheaper in Canada and Mexico. Many of our elderly are widows whose husbands worked when wages were much lower than now and do not get much of a retirement check or Social Security. They write, I think some of our legislators have lost touch with reality if they are not aware of the high cost of medicine.

Mrs. O'Leary said in her letter that she and her husband are rather healthy. They do not take heart medicine, stroke medicine, cancer medicine but they still spend close to $100 every month for her medications and over $300 a month for her husband's. She wrote, the people who are having to pay the high costs are the ones least able to pay. Let us be fair to all. Please, she writes, try to cap the prices pharmaceutical companies are allowed to charge. Then we can all afford to pay for our own medicine.

Listen to the closing paragraph, which I think kind of says it all from our senior citizens. She writes, our generation worked hard. We, through our taxes and our efforts, helped pay for schools, public buildings, highways, bridges and helped pave the way for those now young. In the prime of our lives we fought in the wars for this country and to keep our country free. We believe our country is big enough, with all of the resources, to provide reasonable health care and affordable medicine for all.

That is the message that this Congress needs to hear, and I really do think that it is time for more of our colleagues to join with us to address this very, very serious problem.

Mrs. THURMAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentlewoman from Florida.

Mrs. THURMAN. I would say to the gentleman from Texas (Mr. TURNER), to go back to the letter, that kind of goes into this segment about what has happened with the U.S. and Canada and Mexico, and I know the gentleman from Maine (Mr. ALLEN) has a scenario that actually happened in his district and then we have, again, the studies that have been done for and showing the differences between Canada, Mexico and our districts, which are, again, I think, pretty profound in the differences. Maybe just a few of them, again, use the same drugs; Canada's price for Zocor was $46.00. Mexican price was $67.00, and Florida's price was $103.00. It goes down the same way all the way through there again. It is the same thing. We are paying more. We actually pay about 81 percent difference in Florida from Canada and about 79 percent difference from Mexico.

□ 2115

So we think that is interesting.

Mr. Speaker, it just seems to me that when we talk about this issue, because we have these border States, and people are very aware of what is going on in other countries and the cost of this medicine, it even makes it more profound, and as the gentleman has seen in his own district what is going on, again, it is just another example of what these folks are feeling.

The second thing that I would point out is that when she talks about the fact that we have enough money to do this, this is exactly what the gentleman from Maine (Mr. ALLEN) said, and what we have talked about in all of our meetings of this, this is budget-neutral. If we just did this, with no cost to the Federal Government, staying within the idea that we are trying to keep our budgets balanced, we are still talking 40 percent that could be reduced for these drugs without any kind of a benefit.

Mr. TURNER. Mr. Speaker, I have always thought that that was one of the best things about this piece of legislation, because it simply asks for fairness in drug pricing. It has no cost to the Federal Government. Ms. O'Leary referred to the fact that she felt we ought to cap drug prices. Well, actually, we do not even cap drug prices in this legislation. We simply say to the big drug manufacturers, it is time to stop the kind of discriminatory pricing practices that we have exhibited through these studies.

I have had many pharmacists tell me that they are really very proud of what we are trying to do because as most of us know, particularly those of us who live in rural areas, independent pharmacists are a dying breed. Many people wonder, why is the drugstore on the corner no longer there. Well, the reason is the subject we are talking about tonight, because the big drug manufacturers have put them in a very difficult financial position by charging the wholesalers they have to buy from higher prices than the big drug manufacturers charge the big HMOs and the big hospital chains; and that price discrimination has worked to the disadvantage of any individual who shops in a local pharmacy in their hometown. Mr. Speaker, 60 percent of all prescription drugs are purchased by senior citizens, so the bottom line is those least able to pay in our society are being asked by the big drug manufacturers to pay the highest prices of anyone.

I had an e-mail from a pharmacist just a few days ago. He said, ''Dear Congressman TURNER, I am pleased to see you are making efforts to address the high cost of prescription medications for our senior citizens. Being a registered pharmacist for 20 years, and having parents in the targeted age group, I am very aware of this problem.''

So our pharmacists know what has been going on, and our senior citizens are beginning to understand that it is the big drug manufacturers that are causing them to pay much higher prices than they should be paying for prescription drugs.

I yield to the gentleman from Maine (Mr. Allen).

Mr. ALLEN. Mr. Speaker, I appreciate the gentleman's comments, because I think they are completely accurate in terms of how we analyze this particular problem. We have been talking about the problem tonight and what our seniors are going through, and I thought it would be worthwhile to come back to the legislation just for a moment and talk about the prescription Drug Fair necessary for seniors act, H.R. 664.

What we have done here is outlined the principal points of this legislation. It allows pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government. That may be a price that the Federal Government negotiates through the veterans administration or through Medicaid or some other program.

In other words, what it really does is give seniors the benefit of the same discount received by hospitals, big HMOs, and the Federal Government itself. As we have said, it does not increase Federal spending, it does not establish a new Federal bureaucracy, and it would reduce prescription drug prices for Medicare beneficiaries by as much as 40 percent.

So why is not everyone on this bill? That has to do with the nature of the pharmaceutical industry, with the role of money in politics, and we will get to that. But first, I think we could agree that there is another kind of proposal out there which is also needed, and I know all of us support, and that is a prescription drug benefit under Medicare. A discount is not enough; we need a benefit under Medicare as well, because even with this discount, there will be those who still struggle to pay for their prescription drugs.

What is then interesting about the pharmaceutical industry is it opposes,

it opposes the discount approach; it opposes a prescription drug benefit under Medicare unless, they say, unless Medicare is changed dramatically, unless Medicare essentially is turned over to HMOs.

Let us talk for just a moment about this chart.

We have talked about seniors who can barely afford to buy their prescription drugs, some who cannot afford to buy their prescription drugs, some who take one pill out of three or skip whole weeks entirely when they seem to be feeling relatively good. No doctor would recommend that course of treatment.

On the other side of this struggle is the pharmaceutical industry. Now, the interesting thing about the pharmaceutical industry which claims that if this legislation passed they would not be able to do research and development at the same level and seniors would be hurt and new drugs would not be developed, is that when we look at all of the industries in this country, all of them, this is the single most profitable industry in the country.

In this Fortune 500 analysis, the pharmaceutical industry is first in return on revenues, first in return on assets, first in return on equity. In other words, to simplify it, no matter how we calculate profits, this is the most profitable industry in the country, and the problem we are talking about is real simple.

The most profitable industry in the country is charging the highest prices in the world to people who can least afford it. That is why we are here; that is why the system has got to change, and that is why we are doing everything we can to make sure that it does change.

Mr. TURNER. Mr. Speaker, if the gentleman will yield, I just want to follow up on the gentleman's comment about the big drug manufacturers' opposition to having any prescription drug coverage under the Medicare program. I think it is pretty apparent to those others who have studied this issue a little while why they have such strong opposition. They know that if we ever have a prescription drug coverage under Medicare, the Government is not going to pay those exorbitantly high prices that our senior citizens are having to pay today in their local pharmacies.

So they are afraid of any suggestion that there be any coverage for prescription drugs under Medicare, and the truth of the matter is, the problem that we have addressed in this legislation could be solved by the big drug manufacturers themselves. In fact, we know that most of our senior citizens understand that even the Government gets cheaper prices than they do. The Government is a big purchaser.

We buy prescription drugs for our veterans that are prescribed for them through the Veterans' Administration health care programs, and if we could just get those kind of prices for our senior citizens, we could see prices go down 30 and 40 percent. So the big drug companies know that their pricing practices over the last few years, which have gotten worse and worse and worse in terms of the discriminatory nature of them, has been the cause of the legislation we have brought forward. If they really did what is right, they could solve the problem themselves, because they are the ones that set these discriminatory prices, which has resulted in our seniors paying the highest prices of anyone.

Mr. ALLEN. Mr. Speaker, the gentleman is absolutely right. No one here created this price structure; the industry created this price structure. They have just decided that they are going to get whatever they can out of Canadians and Mexicans and HMOs and hospitals, and then they have decided that they would set prices so that the highest prices in the world are paid by seniors, especially those seniors who do not have any coverage for their prescription drugs, and that is 37 percent of all of the seniors in the country. And there is another 8 percent with really inadequate coverage.

Mrs. THURMAN. If the gentleman would yield, that probably is going down, or that number is going up, because we have now just seen over the past couple of years the draw-out of the Medicare Plus programs, which are the HMO, Medicare programs that, in fact, had some kind of a prescription drug benefit, and many of those are being taken out of a lot of counties these days across this country. So we could potentially see that number go up.

I think we ought to talk about this when we get into this opposition. We now have the facts out; we know that they are first in every possible way we can slice it, and then what happens to us is we get these comments being made to us: well, you know, if you do this, we are going to stop research, and we are going to stop people having a longer life because we won't have the research out there for this medicine, biotech. All of these folks are giving us these scare tactics. I think if either of the gentlemen can respond to this, or I certainly can, to kind of keep this going in a dialogue here, it is amazing what we found out with what happened in 1984 and what happened again in 1990 when some of these issues were brought up.

I yield to the gentleman from Texas, Mr. TURNER.

Mr. TURNER. Mr. Speaker, our Prescription Drug Task Force that we all serve on, we had a meeting a few months ago where we had a presentation from a gentleman who had done extensive research at a respected university regarding the pricing practices in other countries, and it was interesting to note that we in the United States were the only country in the entire developed world that does not have some restraint on pricing practices of big pharmaceutical companies.

Well, that being the case, I guess it should be no surprise to us that we in the United States are paying the highest prices of anyone in the world for prescription drugs. I think there is going to come a point in time, and I think it is coming sooner than later, that the American people are going to rise up and they are going to say, we are tired of it. We are tired of subsidizing the prescription drug purchases of everybody else in the world, and we want some prescription drug fairness.

So when we are looking at the data that clearly shows us that there is price discrimination worldwide working to our disadvantage and price discrimination within our own country, that is resulting in everyone at the retail pharmacy level paying the highest prices of anyone, I think it is time to wake up and for us to do something about it.

Mr. ALLEN. Mr. Speaker, we probably should talk for a moment about the nature of the opposition and what is happening right now.

Well, several things. People have probably noticed a set of television ads running all across this country featuring Flo. Flo is a bowler, and in these ads, she is urging us all to pay attention to what is going on in the debate on this issue and making it clear, as she said, that "I don't want big Government in my medicine cabinet."

Now, if we want to know who pays for Flo, it is some group called the Citizens for Better Medicare. Well, here is one, here is a full-page ad run in a local paper here in Washington, and Flo is featured in television ads. Citizens For a Better Medicare is delivering a message, and that message is, we want the right kind of Medicare reform, and only the right kind of Medicare reform.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield, do we know who is paying for these ads?

Mr. ALLEN. We do, Mr. Speaker. Guess who is paying for them? It turns out it is the pharmaceutical industry. Is that not surprising?

What has happened is the coalition, it is called Citizens for Better Medicare, it includes the National Association of Manufacturers, the United States Chamber of Commerce, the United Seniors Association, and the National Kidney Cancer Association. The executive director of this coalition, until just recently, was working for PRMA, the Pharmaceutical Research and Manufacturers of America. That is the industry association for the pharmaceutical industry.

In this recent story, a person named Martin Corey, who works for AARP,

was criticizing these advertisements and I quote what he said in this article in The New York Times.

□ 2130

He said, ''This phony coalition, created and financed by the pharmaceutical industry, is what we have come to expect from drug companies over the last decade. Fundamentally, they are in favor of the status quo, which leaves millions of older Americans without drug coverage.''

Now, I know that the gentlewoman from Florida (Mrs. THURMAN) has some points to make, but we really need to understand the role of money in politics. What the pharmaceutical industry is doing is taking this, and this is an industry that is near the top in lobbying contributions, it is near the top in campaign contributions, both money to candidates and soft money to the national parties. Now they are running up to a $30 million national media campaign basically to make sure that no discount approach is enacted and no Medicare prescription drug benefit is enacted by this Congress. This industry wants the status quo, or, alternatively, it wants to turn over Medicare to HMOs.

I say to the gentlewoman from Florida (Mrs. THURMAN), she was just pointing out that as recently as July 1, 340,000 people in Medicare HMO plans were simply dropped by the plans because it was not economically profitable to cover them, just dropped. Millions of other Americans who were in these Medicare managed care plans are having their prescription drug benefits cut arbitrarily because the company is not making enough money, so they cut the prescription drug benefits. That is not a system that works for our seniors, and that is why we need to change it.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. I absolutely agree, Mr. Speaker. I do want to go back to this issue, because it kinds of goes along with Flo and others out there, other kinds of ads we are hearing about research.

One of the things she mentioned in the very beginning was, I could not walk without pain, but thanks to new medicines, which gives us the connotation that there are not going to be any new medicines out there.

What we have found in some of this research was that in 1984 there was a piece of legislation called the Waxman-Hatch bill that in fact the pharmaceutical companies came in and said, you cannot do this because we are going to increase the availability of generic drugs, and if you do that, we are going to have more competition between brand name drugs, and we are going to have to cut research and development.

In those years, if I remember these correctly, it went from $4.1 billion to $4.4 billion in that period of time from 1984 to 1990. Then, in 1990, we did a rebate program. In the rebate program, again the pharmaceutical companies came up and said, oh, no, you cannot do that, cannot do that. We are not going to be able to have research and development.

Since 1990, we now went from $8.4 billion to $18.9 billion. But there is some more interesting information that has to go with that, and this cannot be overlooked. First of all, in the last four appropriations in the Congress for NIH, the funding in NIH has gone up more than any other budget in this country, by 5, 6, 7 percent, because we understand and believe there needs to be an investment in research. We understand that. We are not closing our eyes to the fact that we want good research in this country.

Now, who is the recipient of this research? Who is the one who gets the contract after we give NIH the money to do the research? Pharmaceutical companies, can Members imagine? So they are actually taking some of the government money we are giving them for research and using it.

The problem is, we never get any of that money back. No, they get a patent, and in that patent we extended it for 20 years, so we cannot even have any competition for these folks. So we have a pharmaceutical company that gets part of their funding from NIH.

I happen to have a huge university in my district, the University of Florida, a teaching hospital. They are wonderful. They do great research. They have had on-the-cusp engineering research kinds of things they have done in medicine. They, too, then are helpful to the pharmaceutical companies.

So it is not like they are having to come up with this research money on their own, they are actually getting help from their government, they are getting help from their university systems, both public and private, and they reap all of the benefit, and, according to the gentleman's chart over there, all of the profits.

Then they come to us and say, oh, you cannot do any of this. We are going to keep gouging the most vulnerable people. I do not get it. I do not know why our colleagues are not on this piece of legislation, because this is just perfect kinds of stuff that prove that over and over again it becomes a spin game and who is going to win.

I do not have $30 million to do an advertising campaign. The only voice that I have is the voice that was given to me as an elected official, and that is to bring this to the floor of the House to raise the consciousness level of this country and have them understand why this issue is so important, and the unfairness of what is going on in these price activities today.

Mr. TURNER. Mr. Speaker, if the gentleman will continue to yield, I thought the gentlewoman brought up a very important point when the gentlewoman mentioned the patent law.

I find it amusing to watch these ads featuring Flo that are paid for by the big pharmaceutical manufacturers, and Flo raises her finger and she says, I do not want government in my medicine chest. Well, the truth is, as the gentlewoman pointed out, government is in her medicine chest, because the laws of the United States protect those drug companies from competition because we, under law, grant them a 17-year-patent on their medicines that they are always up here fighting to get extended. That law guarantees them a monopoly over the drug that they have done the research to create and bring to the market.

Frankly, I think that is a good law, because the purpose of the patent law is to encourage the development of new drugs, new cures, and we have seen many of them in recent years. In fact, back when the Medicare program was first put in place in the mid sixties, nobody thought about covering prescription drugs because it was a very small part of our total health care costs. But today prescription drugs are a major part of all of our health care costs, and that is why the problem we are talking about tonight is such a serious one for senior citizens, particularly those who are on fixed incomes.

I think what I would like to do, if we had the millions of dollars that the big drug manufacturers have, I would like to put my constituent that I talked about earlier, Ms. Daley from Orange, Texas, on TV. She would tell a different story than Flo. Or the lady that I read the letter from just a few minutes ago, Ms. O'Leary, I believe she could handle herself in debating Flo.

She is the one that said in her letter, ''What good is research and finding cures for diseases if a large part of our population cannot afford the medicine for the cure?'' I think the senior citizens of the country get it. I really never have paid a whole lot of attention to those expensive ads that featured Flo, because I think the people out there watching those ads are smarter than that.

Mrs. THURMAN. If the gentleman will continue to yield, it is not just about seniors, Mr. Speaker. When we listen to the families of the seniors that are trying to put their kids through college or trying just to make a mortgage payment or have a car, who are having to help out, they do not want their parents sick. They do not want them to go without the medicine that is needed to keep their life sustained. They want their parents to be able to enjoy their grandchildren. They want them there. It is an important part of our whole family fabric in this country.

But we are denying everybody a chance, then, through the family structure to enjoy their parents' last time

in their senior years. So it goes way beyond just the seniors.

I went to an editorial board meeting, just about this. It was very interesting, because the woman I talked to said to me, she said, I had this friend. She did not take her blood pressure medicine, and I asked her why. She said, my cat had to go to the veterinarian. As we got through the end of it, I found out it was her mother. She said, why didn't you call me? I would have gotten your medicine for you? But the mother was proud, did not want to take money. She was worried about her cat, so that was the decision she made. I know that may not be the choice that everybody would make, but certainly it was for her.

So here is a daughter who is now having to help out or wants to help out, it is not even a matter of having to, and not because of those reasons, necessarily, but they all go through something like this.

Mr. ALLEN. The people that we have been talking about tonight, our constituents, are real people. Flo is a fake. Flo is a TV ad. Flo is someone, a creation of the pharmaceutical industry. Flo means big bucks, and what Flo is trying to do is persuade people in this country that they do not want any government involvement in Medicare, which is a Federal health care program, if it is going to provide either a prescription drug benefit or a discount for seniors.

The gentleman from Texas (Mr. TURNER), was saying that, after all, the government is involved in her medicine cabinet. The gentleman mentioned one way, but there are some other ways. The Food and Drug Administration in this country is there to make sure that the drugs that are sold by the pharmaceutical industry are, number one, safe, and number two, effective; that is, they work. That is what the purpose of the Food and Drug Administration is.

We all want to make sure that continues, because if this industry were simply allowed to sell any drug, regardless of whether it had been tested and was assured to be safe or whether it was going to actually work, we would all be worse off.

If Flo were a real person, she is one of a minority. She is one of the 28 percent of the people in this country who have prescription drug coverage through a retirement plan, but the rest of the population does not. Thirty-seven percent have no coverage at all. 8 percent have some coverage under a MediGap policy, but those are really pretty ineffective and not very cost-effective. Then there is 17 percent who have some sort of coverage, or used to, under Medicare managed care, but as we have seen, managed care companies that serve Medicare beneficiaries are cutting back on the benefits, they are dropping the limits, increasing the copay, or they are just dropping people altogether.

The bottom line, this is about money. The industry is charging the highest prices in the world to people who can least afford it. This is an industry which made $26 billion last year, $26 billion. Now they are spending millions of dollars of that money to try to persuade people in this country that we should not have a discount on prescription drugs and that we should not have a benefit under Medicare. It is an outrage.

This system has to change. It is not sustainable. What our seniors are spending on prescription drugs is going up 15 percent a year. That is one reason the industry is so profitable. Yet, the industry is simply saying no to the kinds of changes that would make sure that people get the drugs, get the prescription drugs that their doctors tell them they have to take.

Mr. TURNER. If the gentleman will yield, Mr. Speaker, the point the gentleman makes about the big drug manufacturers and the involvement they already have with government is an important one, because we are all very proud of the fact that the FDA, the Food and Drug Administration, protects the prescription drugs that we purchase every day.

I think most of us in the last analysis would support the policy of granting a patent to our big drug manufacturers to encourage them to make the necessary financial investment to come up with new drugs and cure serious diseases.

But it just seems to me that in exchange for that protection under the patent law, that the big drug manufacturers owe us at least one thing back. That is, fairness in drug pricing. I am a firm believer in the free enterprise system. I believe that government ought to stay out of the business world as much as possible, because I believe in innovation and entrepreneurship.

But the truth is the free market system that we all believe in is not working in the drug industry. The reason it is not working is apparent to anyone who looks even glancingly at the problem, because it is our patent law that the people of the United States have put on the books to encourage the drug companies to develop new, innovative drugs that gives them a monopoly.

We all understand that the free market never works when there is a monopoly. So if we are going to protect the big drug companies and allow them to make the necessary investments to come up with new cures, what they owe us back is fairness in drug pricing.

I want to make it very clear, and oftentimes our bill, people who look at it in the big drug industry, they say, oh, you are fixing prices. You are trying to control prices. There is nothing in this legislation that controls prices. It simply requires fairness in pricing. We simply say that senior citizens ought to be getting as good a deal as the best customers of the big drug companies. That is what we mean by fairness. We want an end to the discriminatory pricing practices of the big drug companies.

So I do not know how long the big drug companies want to spend millions of dollars perpetuating a discriminatory pricing scheme that is working to the disadvantage of the most vulnerable segment of our population.

But I will tell the Members this, if they persist, if they persist, there is going to be some people in this Congress who are going to look real hard at the patent protections that they are given under current laws.

□ 2145

There are people who are going to start asking some serious questions about the big multimillion dollar expenditures of the big drug companies on lobbying this Congress. There are some people who are going to start asking some questions about the substantial political contributions that those pharmaceutical companies are making.

I say that the best advice that I think we can give the big drug companies tonight is to listen to the senior citizens of this country. They are tired of being taken for a ride. They want fairness in drug pricing.

The drug manufacturers themselves have it within their power, without any legislation, to correct the problem, and I hope they will start down that road. Because if they do not get there, this Congress is going to help them get there.

Mr. ALLEN. Mr. Speaker, the gentleman from Texas (Mr. TURNER) says it well, and I want to thank him for his participation tonight and for his leadership on this issue along with the gentlewoman from Florida (Mrs. THURMAN) and so many others in this Congress who are working hard on this issue.

What is striking about where we are, to me, about this legislation is that a bill that creates no Federal bureaucracy and involves no significant Federal expense and would reduce prices for prescription drugs for seniors by as much as 40 percent has not one Republican cosponsor, not one.

Now, when we try to explain that, I drafted this legislation so that it would appeal to Members on the other side of the aisle, but not one has come over to support this legislation. When my colleagues ask why, they have to look at political contributions to the parties and candidates.

The pharmaceutical industry gives overwhelmingly to Republicans rather than Democrats. It gives to Democrats as well. My colleagues have to ask themselves whether or not it is the role of big money and politics that is shaping this debate.

I believe that we cannot leave this Congress without doing something

about the high cost of prescription drugs. We need to do at least two things. One is to pass H.R. 664, the Prescription Drug Fairness For Seniors Act, and one is to get a benefit, coverage for prescription drugs under Medicare.

This country is big enough and strong enough and wealthy enough to take care of those seniors particularly who are having a very difficult time affording the drugs that their doctors tell them they have to take.

We can do better as a country. We can do much better. But to do better means that we cannot let the pharmaceutical industry dictate the results. We are not going to allow Medicare to be taken over by HMOs, and we are not going to allow the pricing of prescription drugs to continue solely at the determination of the pharmaceutical industry. There needs to be some countervailing market power.

All we are saying is that, just as the Federal Government buys toilet paper and automobiles and desks and lamps and tries to get the best deal for the taxpayer, it should try to negotiate a discount for those seniors who are already on a Federal health care plan called Medicare.

If we do that, if we do that, many more seniors all across this country will be able to sleep at night knowing that they can afford both their meals and their prescription drugs and their rent, and they may just, maybe, have a chance to live out their lives the way they thought they could, the way they thought they could when they figured out how much they would have for retirement, instead of living in a world where every trip to a doctor may mean another $100 a month in a prescription drug cost that they simply cannot handle.

This system does not work. It needs to change. I believe, in this Congress, it will be changed.

Mr. Speaker, I rise today in strong support for implementing legislation to substantially reduce the exorbitant prices of prescription drugs for Medicare beneficiaries. Our current Medicare program drastically fails to offer protection against the costs of most outpatient prescription drugs. H.R. 664, the Prescription Drug Fairness for Seniors Act of 1999 aims to create an affordable prescription drug benefit program what will expand the accessibility and autonomy of all Medicare patients. This bill will protect Medicare beneficiaries from discriminatory pricing by drug manufacturers and make prescription drugs available to Medicare beneficiaries at substantially reduced prices.

Currently, Medicare offers a very limited prescription drug benefit plan for the 39 million aged and disabled persons obtaining its services. Many of these beneficiaries have to supplement their Medicare health insurance program with private or public health insurance in order to cover the astronomical costs not met by Medicare. Unfortunately, most of these plans offer very little drug cost coverage, if any at all. Therefore, Medicare patients across the U.S. are forced to pay over half of their total drug expenses out-of-pocket as compared to 34 percent paid by the population as a whole. Due to these burdensome circumstances, patients are forced to spend more of their limited resources on drugs which hampers access to adequate medication needed to successfully treat conditions for many of these individuals.

In 1995, we found that persons with supplementary prescription drug coverage used 20.3 prescriptions per year compared to 15.3 for those individuals lacking supplementary coverage. The patients without supplementary coverage were forced to compromise their health because they could not afford to pay for the additional drugs that they needed. The quality and life of these individuals continues to deteriorate while we continued to limit their access to basic health necessities. H.R. 664 will tackle this problem by allowing our patients to purchase prescription drugs at a lower price.

Why should senior citizens have to continually compromise their health by being forced to decide which prescription drugs to buy and which drugs not to take, simply because of budgetary caps that limit their access to treat the health problems they struggle with? These patients cannot afford to pay these burdensome costs. We must work together to expand Medicare by making it more competitive, efficient, and accessible to the demanding needs of patients. By investing directly in Medicare, we choose to invest in the lives, health, and future of our patients. By denying them access to affordable prescription drugs, we deny these individuals the right to a healthy life which continues to deteriorate their well-being and quality of life.

The House Committee on Government Reform conducted several studies identifying the price differential for commonly used drugs by senior citizens on Medicare and those with insurance plans. These surveys found that drug manufacturers engaged in widespread price discrimination, forcing senior citizens and other individual purchasers to pay substantially more for prescription drugs than favored customers, such as large HMOs, insurance companies, and the federal government.

According to these reports, older Americans pay exorbitant prices for commonly used drugs for high blood pressure, ulcers, heart problems, and other serious conditions. The report reveals that the price differential between favored customers and senior citizens for the cholesterol drug Zocor (Zo-Kor) is 213%; while favored customers—corporate, governmental, and institutional customers—pay $34.80 for the drug, senior citizens in my Congressional District may pay an average of $109.00 for the same medication. The study reports similar findings for four other drugs investigated in the study: Norvase (Nor-Vask) (high blood pressure): $59.71 for favored customers and $129.19 for seniors; Prilosec (Prylow-Sec) (ulcers); $59.10 for favored customers and $127.30 for seniors; Procardia (Pro-car-dia) XL (heart problems): $68.35 for favored customers and $142.21 for seniors; and Zoloft (Zo-loft) (depression): $115.70 for favored customers and $235.09 for seniors.

If Medicare is not paying for these drugs, then the patient is left to pay out-of-pocket. Numerous patients are forced to gamble with their health when they cannot afford to pay for the drugs needed to treat their conditions. Every day, these patients have to live with the fear of having to encounter major medical problems because they were denied access to prescription drugs they could not afford to pay out of their pocket. Often times, senior citizens must choose between buying food or medicine. This is wrong.

Reports studying comparisons in prescription drug prices in the United States, Canada, and Mexico reveal that Americans pay much more for prescription drugs than our neighboring countries. In 1991, the General Accounting Office (GAO) revealed that prescription drugs in the U.S. were priced at 34 percent higher than the same pharmaceutical drugs in Canada. Studies administered on comparisons between the U.S. and Mexico also reveal that drug prices in Mexico are considerably lower than in the United States. In both Canada and Mexico, the government is one of the largest payers for prescription drugs which gives them significant power to establish prices as well as influence what drugs they will pay for.

Many Medicare patients have significant health care needs. They are forced to survive on very limited resources. They are entitled to medical treatments at affordable prices. H.R. 664 will benefit millions of patients each year. This bill will address many of the problems relating to prescription drugs and will ensure that patients have adequate access to their basic health needs. Let's stop gambling with the lives of Medicare patients and support this plan to strengthen and modernize Medicare by finally making prescription drugs available to Medicare beneficiaries at substantially reduced prices. It is a matter of life or death.

SOLVING PRESCRIPTION DRUG PROBLEM IS NO ROSE GARDEN

The SPEAKER pro tempore (Mr. KINGSTON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I have been sitting here for the last hour listening to the previous speakers and their comments about prescription drugs. I need to tell my colleagues, they brought up some very valid points.

I think that the prescription drugs in this country are priced too high, and I think there are a lot of families in this country who suffer because they cannot afford those prescription drugs. But let me say to all of my colleagues who have also joined the previous speakers and listening to them in the last hour, do not let people promise you a rose garden.

How can one possibly get the Federal Government involved in anything and then honestly look at the American people and say it is not going to have any cost. There is a tremendous cost every time the government gets involved.

Now, what happens back here in Washington, D.C., as many of my colleagues know, programs often start on the promise that the cost will be a low cost. Take a look at almost any program my colleagues want to. The space program, it is a great program, but look at how the costs have just ballooned out of sight. Look at all the different social programs, the welfare programs.

Look at Social Security. Social Security started out with good intent. It was going to cost this much, and pretty soon it was this much, and pretty soon this much, and pretty soon this much.

So the only thing that I would add to the previous speakers' conversations is, let us look at the economics. We all agree there is a prescription problem out there. In fact, I would take issue with the one gentlemen I believe from Texas who made points that perhaps it was partisan warfare on this. I do not think so. I think, on both sides of the aisle, Members recognize there is a problem out there with the cost of affording prescription drugs. But I think on the Republican side of the aisle, there is a realization that somebody has got to pay for it.

Nothing is free. We have heard that saying since we were little, tiny kids. One does not get something for nothing. That is what my mom always used to tell me. I always used to say, ''Mom, here is a great bargain; or, daddy, I can get this for free.'' My dad and mom would always say to me, ''You do not get something for nothing. Somewhere somebody has got to pay.''

It is just like our social programs. Every time one gives a dollar to somebody who is not working one has got to take that dollar from somebody who is working. So as we go together as a team to take a look at what we can do for the people of this country in lowering those prescription costs, getting the FDA to approve these drugs instead of sitting on a bureaucracy, almost a bureaucratic strike before they approve these drugs, as we begin to approach these challenges, let us not forget what the consequential costs will be to the future. Are we creating a new Federal program that will very soon balloon out of sight?

We have a history. The United States Congress has a long history of starting out program after program after program with good intent after good intent after good intent, and they never, ever, ever come anywhere close in their estimations of cost at the beginning of the program versus what the actual costs are once the program gets on its feet. Never anywhere close. I mean, it is just not close.

So, again, this is not the intent of my speech tonight, but I want to say, because I thought their comments were well made, and I think some of the problems my colleagues spoke about in the last hour, they hit the nail right on the head; but let us not promise the American people a rose garden. Let us be realistic about this. Let us talk about the economics of it. Let us talk about who is going to pay the bill. We need to consider that.

CLEMENCY FOR FALN

Mr. McINNIS. Mr. Speaker, I want to visit with my colleagues this evening about a couple of things. Many of the people in my district already know that I used to be a police officer. But for my colleagues that are not familiar with it, I used to be a police officer.

I have got some experience in the field of law enforcement. I know that the best way to stop crime is to have consequences for one's crime. If one commits a wrong, one has to pay a price. There is a price to pay if one decides to take behavior that is not normal or behavior that creates bad things in our society. We all know we have to have a price. As a police officer, I saw that every day.

Well, tonight I want to talk about a couple things that just smack right in the face of trying to bring civility and trying to cut down the crime rate in our society. We all know that for many, many, many years in this country, we have suffered unfairly at the hands of terrorism. It has happened right here in these House Chambers, right here where my colleagues are sitting.

Take a look right up there. Look up there on the roof. Do my colleagues know what is up there on the roof of the U.S. House of Representatives Chambers? There is a bullet hole right up there. My colleagues can see it right here.

I will show my colleagues something else. Look, I am not tearing up the desks in here, but I want to show my colleagues something. This is drawer. Do my colleagues know what is right there. It is a bullet hole. That is a bullet hole. A bullet shot in the House chambers.

Theoretically, this should be one of the safest places in the country. This is the people's House. That is a bullet hole.

Now, how did that bullet hole get there? Puerto Rican terrorists in March 1954. Puerto Rican terrorists. They were there, right there in the galleries, and they opened fire. They wounded at least five congressmen. They wounded a number of other people. But more than that, they broke that cloak of security that we thought we had in the people's House in Washington, D.C.

We have to have consequences for those Puerto Rican terrorists that did that. We have to have consequences for the next generation that followed in that terrorism group.

Well, what happened in the last couple of weeks? Our President, President of the United States, granted clemency for a number of Puerto Rican terrorists. What do I mean by clemency? It is kind of a fancy word. He let them go. He absolved them of their sins. It is kind of like going to confession except they did not really have to confess. All they had to say is, take me on my word. I am a person that should be trusted. I will not do it again. They were let free. There will be a price to pay for letting terrorists walk free.

Tonight let us talk a little bit about that organization. What is that organization? We are going to call it the FALN, F-A-L-N. What does it stand for? It is the acronym for Armed Services of National Liberation. That is the only time I am going to say that tonight because I am going to use the initials.

FALN. The easiest way we remember it as we go through our comments is that it is a Puerto Rican separatist group. Now, they really came to light here in 1954 here, as I said. I showed my colleagues the bullet hole right here. I showed them the bullet hole in the roof of the U.S. Capitol of the House Chambers.

Well they struck again. They struck again January 24, 1975 by attacking another icon of American history: New York City. As a result of their terrorist act, the 1975 bombing of the tavern in New York City where General George Washington bid farewell to his troops in 1738, and left four dead as a result of this, they quickly became the most feared domestic terrorist group in the United States. The most feared group in the United States.

This is the same group that, in the last week, the President of this country let them go. He gave them clemency. He said, ''Okay, you have been absolved. You are free to go.''

I have got a lot of comments about that, a lot of comments from the law enforcement community. My colleagues know how politicians sometimes say, look, I like to listen. I listen before I make my decisions. So, logically, if I have something dealing, for example, with prescription drugs, we talk to seniors who are having problems with prescription drugs. We talk to the pharmaceutical companies who are having troubles getting approval by the FDA. We talk to the FDA. We talk to the different parties.

How many law enforcement agencies were ever visited by the administration before they let these terrorists walk? Do my colleagues know what the answer is? Zero.

I am going to give my colleagues some statistics here in just a few minutes, statistics I think will stun them as to how this decision was made and why this decision was made.

Clearly, a decision of that kind of significance is not made without some reason, without some kind of purpose. There is something behind the decision of that kind of significance. We are going to explore that here in just a few minutes.

But let us talk a little bit more about the FALN. By the way, I give credit to the USA Today. They did an excellent article. Last week, on Tuesday, September 21, if my colleagues have a copy of the USA Today, take a look at it. Excellent article on this very issue.

In their heyday, the FALN members bombed public and commercial buildings, bombed public and commercial buildings. Do my colleagues know the fear that went through this country just a couple of years ago with McVeigh in Oklahoma City or the Unibomber?

Gosh, I hope not 20 years from now that some other president steps up there and says, ''We ought to pardon this fellow that bombed Oklahoma City, or we ought to pardon the Unibomber out here. You know, 20 years is a long time to serve for a bombing.''

There were people killed for these bombings. There was fear put in the hearts of everybody in this country, just like all of us now have fear about truck bombs. My colleagues know what it was like when a moving van drove up by one's house 1 or 2 weeks after Oklahoma City. It instilled fear in us. It is a fear that we should not have to live with in this country. The only way, the only way that we will move from that fear is to have consequences for the actions that drive that fear.

□ 2200

Let me go back. They robbed banks. This is the FALN, this is the organization of which the administration released, absolved, gave clemency to last week. This group, in their heyday, they bombed; they robbed banks; they held up armored cars and stole dynamite from a mining company in Colorado. That is my home State. They took weapons from the National Guard Armory in Wisconsin.

Let me quote Wayman Mullins. He is the author of a source book. Here is his book. Mr. Mullins' book, a source book, the sources, he has done a lot of research, a source book on domestic and international terrorism. He says this organization, of which these, many of these members were released last week, they were dangerous, dedicated, and committed. Dangerous, dedicated and committed. As a former cop, let me say that that is a very lethal combination. A very lethal combination. The FALN was a group that got involved in a lot of things.

I think we should have some examples. I am standing up here talking about bombings and armed car robberies and talking about other acts of terrorism in major cities, New York City, which put fear in the hearts of people throughout the country. Let me give my colleagues some specific examples so they will know exactly what these people who were released from prison last week because the President let them go, we all should have an idea of what they did, of what they were involved in.

Among the FALN actions: October 26, 1974, five bombings. Five bombings in downtown New York City. More than $1 million in damage. That was in 1974.

December 11, 1974, New York police were called to an upper East Side building to collect a dead body. The building was booby trapped. A police officer was injured and lost an eye.

January 24, again the FALN, January 24, 1975, Fraunces Tavern bombed, four killed, 54 injured, more than $300,000 in damage.

June 15, 1975, two bombs detonated in the Chicago Loop area.

February 1977, Merchandise Mart in Chicago bombed, millions in damages.

August 3, 1977, Mobile Oil employment office in New York bombed. One killed, several injured.

November, 1979, two Chicago military recruiting offices and an armory bombed.

March, 1980, FALN members seized at the Carter-Mondale campaign office in Chicago and the George Bush campaign office in Chicago destroying property and spray painting separatist slogans on all the walls.

December 31, 1982, four bombs detonated in New York outside police and Federal buildings. Does this sound like a replay of Oklahoma City? Maybe Oklahoma City was modeled after some of what these people had done. Let me repeat that. Four bombs detonated in New York outside police and Federal buildings. And, remember, this is the same group that called in a report of a dead body and booby trapped the building so that these police officers, and we all know cops, we all have some in our families, some that are our friends, to walk in this building and hopefully be hurt. That is exactly what the intent was of the FALN.

Now, they had a leader, their leader was Morales, William Morales. Morales escaped from a hospital in New York and fled to Mexico. Guess what he did in Mexico. Well, he killed a cop. Shot a police officer. Guess what Mr. Morales is now doing. Mr. Morales went to Cuba. What is he doing? He just heard the news. The news has gone to Cuba that the President of the United States has issued a pardon to the terrorists of the FALN. So what has Mr. Morales now done? He has applied for a pardon. He has now asked for clemency from the President of the United States.

If anyone were to have asked me a few weeks ago what the chances were of any of these people being granted clemency, I would have said none, zero, zip. That is not going to happen. Now, I do not know. Maybe this guy in Cuba is going to get to walk away from killing the cop, from leading this organization. It is disturbing. It is really disturbing.

Let us talk about a few of the people that have just walked. Edwin Cortes, born 1955, sentenced in October 1985, 14 years ago, 35 years for conspiracy, including the bombing of military training centers. Released by order of the administration.

Elizam Escobar, born 1948, sentenced in February 1981, 18 years ago, to 60 years for firearms violations. Released by order of the administration.

Ricardo Jimenez, born 1956, sentenced in February 1981 to 90 years, to 90 years. He served 19. Ordered released under the clemency by the President last week.

Robert Maldonado-Rivera, born 1936, sentenced in June 1989 to 5 years for his role in the 1983 heist of $7.1 million. Released in 1994. But the clemency that he got forgave his $100,000 dollar fine.

They not only let these people out of jail, but if they owed a fine, which they had not paid for the damage they had done, the millions in bombings and the money they had stolen from armored cars and so on, they do not even have to pay the money back any more. Take a regular citizen in our country who owes money to a bank in default. I wonder if they get to walk away from that? No, they do not get to walk away from it. But if an individual happens to be a terrorist with the FALN, then they can get this clemency.

Let us go on, and I will pick a couple more here. Juan Segarra-Palmer, born 1950, sentenced in October 1985, 14 years ago, 55 years in prison and a $500,000 fine for conspiracy, for bank robbery, for interstate transportation of stolen money in connection with the 1983 armored car heist. He will serve 5 more years, and he gets out of the medium-security prison.

Norman Ramirez-Talavera, born 1957, sentenced in June 1989 for 5 years for a 1983 armored car heist. He was released in 1994, but the clemency just worked out forgave a $50,000 fine.

Well, we will not go through all of them. Let me pick one or two others.

Luis Rosa, born 1960, sentenced in February 1981 to 75 years for conspiracy and firearms violations.

Carmen Valentin, born 1946, sentenced in February 1981 to 90 years for conspiracy and firearms violations.

So I think we all get an idea of what we are dealing with. We have a good idea of what these people are. They are not our neighbor next door. They are not regular Joe or regular Jane down the street. These are bad people and they did bad things and they hurt a lot of people.

I do not know if any of my colleagues have been watching TV in the last couple of weeks, but maybe they have seen the widow or some of the surviving family members of those people bombed in New York City. It reminded me of Oklahoma City. And I cannot for the life of me understand how a president can pardon those people. We

should make them pay the price. What kind of message are we sending out there? What kind of message do we send to our young people? What kind of message do we send to the rest of the world?

Now, some of my colleagues may ask why I am bringing up all these points; that it seems so one-sided; that there must be some logical thinking behind this. The President must have had a profound reason why he would take such a dramatic step to release these hardened criminals well before they were supposed to be released. There must be some reasoning to it.

Well, I think before we go to what I think the reasoning is, we ought to talk a little more about these convicts. One of the things that the President quickly said after he found out he had created a firestorm in this country, after he found out some people were going to say we want accountability, Mr. President. It is true that the President has the right to grant clemency. That is under the constitution. We are not contesting this right. But the President owes it to the American people to explain to the American people why he is letting these Puerto Rican terrorists go.

Well, the answer came back, because they have held up their hand and promised that they will not commit any more violence; that they have renounced violence as a part of their life. It is amazing. I used to be a cop. It is amazing how many convicts and how many people we arrest that all of a sudden will find a new life; all of a sudden they would promise me, look, I am not going to do it any more. I have changed my ways. I have changed my life. Really, to determine whether that person is sincere or not we have to do some research. It is like anything else. What are the facts? What is the research? We have to look into the person's background.

Well, it has happened on a couple of these people. They tape recorded these convicts' conversations in jail. And what was interesting was that these convicts knew, they knew their conversations were being taped, so this was not anything secret. They were not secretly disclosing their thoughts about violence. They knew they were being tape recorded and they could have cared less. They wanted people to know. And I will give an example.

Jailhouse statements of some of the FALN members. In October 1995, for example, Luis Rosa, Alicia Rodriguez, and Carlos Torres told the Chicago Tribune they have nothing to be sorry for and they have no intention of ever renouncing an armed revolution.

Another FALN member granted clemency, Ricardo Jimenez, told the judge in his case, ''We are going to fight. We are going to fight. Revolutionary justice will take care of you and everybody else.'' Now, does that sound like the average case that a president should let out of jail?

Well, what does the FBI think about all of this? What are their thoughts? Well, first of all, guess what has happened? We in the United States Congress think, as I stated earlier, that the people deserve an explanation of why the President and the administration took this action. We do not doubt that the President has the authority, as I mentioned earlier, under the Constitution to do this, but he owes an explanation to the American people. But guess what. The White House all of a sudden grabs a paper and says executive privilege. It is executive privilege.

Executive privilege used to be used by the presidents when we had a secret we were afraid our foreign enemies would find out about, like a military secret, or a secret military mission or something with the Central Intelligence Agency that the President, to protect those secrets, would say executive privilege. What secret is to be protected here of a national threat? None. But there may be some political intent that ought to be protected. But that is what the President has done. They have said executive privilege. They do not want there to be testimony to these Federal agencies. The President does not want them to go to the United States Congress, who are elected by the people of this country, and to testify about this.

Well, the FBI was able to speak, a top FBI official, and I am quoting from the Associated Press of September 22, that is today, this is hot off the wire, this happened yesterday on the Hill, so let me read a couple of things, ''Federal Bureau of Investigation. A top FBI official told Congress he regards,'' he regards, and, remember, he is at the very top echelon of the FBI, ''he regards Puerto Rican militants, freed in a grant of clemency by President Clinton as terrorists who continue to represent a threat to the United States of America.''

Here is the agency that we charge with law enforcement, the agency that we charge with the priority investigation of terrorist acts. And what do they say to the President? Well, what they say I wish they could have had the opportunity to say before he released them. I wish the President would have called them and asked them, but he did not. They say, one of the top officials says, they continue to represent a threat to the United States of America.

The article goes on: ''Gallagher,'' that is the gentleman's name, FBI, ''Gallagher's testimony marked the first time that Federal law enforcement officials have testified on the issue. Also on hand were officials from the Justice Department and the Bureau of Prisons. They were barred.'' They were stopped. ''They were barred from answering questions about clemency because of the White House executive privilege.''

Do I think they should be out on the street? I think these are criminals and that they are terrorists and that they represent a threat to the United States, says Gallagher, the top FBI officer. Let me repeat that.

□ 2215

''Do I think they should be out on the street?''

That is the question.

''I think these are criminals, and they are terrorists, and that they represent a threat to the United States.''

How much clearer can that information be?

As my colleagues know, we have to rely, and we have had some problems. We will talk about Waco and some other issues. We have had some problems with our law enforcement agencies, but we have got a lot of good cops out there, and we ought to rely on them, and it is not just the FBI that said do not do it, there are a lot of law enforcement agencies out there that said:

Mr. President, do not do this. These people remain a threat to our society. They remain a direct threat to the United States of America. Listen to us.

That is what happened. Signed the paper.

Let me go further:

The FBI was one of several law enforcement organizations opposed to the clemency. Asked about the continuing threat of the FALN and its sister group in Puerto Rico, Gallagher ticked off a handful of more recent bombings in Chicago and Puerto Rico believed to have been conducted by these very organizations.

Clinton's offer of clemency has come under fire from some who have accused him of making it to boost First Lady Hillary Rodham Clinton's popularity amongst New York's 1.3 million Puerto Ricans. Mrs. Clinton is considering a bid for the Senate from New York in 2000.

Oh, finally, finally we are beginning to look at maybe there is some kind of reason, some kind of profound thought behind such a ludicrous decision to let these terrorists back out on the street.

You know what I think the average Puerto Rican in New York, and I am not Puerto Rican, I am not from New York, but you know what I think the average hard-working Puerto Rican in New York thinks about this? They probably agree.

Now I may get some calls tonight from some angry people who do not agree with me. I expect that; that is part of my job. But I think there are a lot of American citizens out there, regardless of whether they are Puerto Rican, whether they are Irish or Scottish or African American or Hispanic, and there are a lot of ordinary Americans out there that do not think this is right. They think, if you are a criminal, if you are a terrorist, you ought to

be in jail, and once we get you in jail, you ought to stay in jail. At least serve out the sentences that our justice system gave to you. That is what I think the average American out there thinks regardless of their ethnic background.

We are Americans. We all want a country with low crime. We do not want to have fear every time a truck pulls up that there is a bomb in the back of it. We want to be able to go into a Federal building, we like to go into the House of Representatives, without seeing a bullet hole in the roof, without seeing a bullet in the drawer. We all think a lot alike. Do not dare try and separate us based on ethnic background. Do not dare try and say because we are Hispanic American or Puerto Rican American or Irish American or African American, but for some reason just because of ethnic background we think these terrorists ought to walk. That drive by the administration is wrong; you are going down the wrong path.

Let me talk a little more about why and quote the Wall Street Journal, Friday, August 13, same subject to understand.

Remember earlier in the speech I talked about statistics? You know, do not just take SCOTT MCINNIS' word for it. Let us take a look at what the statistics say about how many, you know, about the clemency, how many times, for example, a logical question, how many times has the President during his tenure been asked to grant clemency for prisoners? And once we know how many times he has been asked, how many times of that, how many of those, did he actually grant?

You know, we measure. A lot of times we measure a good Governor, you know, on how many pardons they give. I mean you measure people. We have to have a tool of measurement.

Well, we have been kind of blessed in this case. We have got the tools of measurement. We have a darn good measurement out there.

To understand how rare it is, this is the Wall Street Journal, how rare it is for a President to commute a sentence or offer remission of a fine as Mr. Clinton did for 16 Puerto Rican terrorists this week, consider the numbers supplied by the office of the pardoned attorney. From the time he took office in January 1993 until April 2 of this year, the most recent report from the pardon office, Mr. Clinton received the request for 3,042 petitions. He received 3,042 petitions for clemency. Until Wednesday out of that 3,042 he granted three, three of those out of 3,042 in the 7 years or so that he has been in office.

Now the Wall Street Journal, and I quote again from the Wall Street Journal, September 8, 1999, and get a hold of this: This almost makes me my gut wrench. Listen to this:

The Puerto Ricans had not even submitted a clemency request, did not even submit a request, and they got to be No. 4 out of 3,042.

Now what fell out of the blue sky for this President all of a sudden to be interested in 16 Puerto Rican terrorists who had committed bombing crimes? I remember very well the language in the speech that the President made in Oklahoma City. It was a very compassionate speech. It was a good speech. He cared. Every American cared about the tragedy that occurred in Oklahoma City. And I remember the President talking to us in his State of the Union addresses about terrorism and the need to stop it: We must not tolerate terrorism coming from that President.

What happened? What fell out of the sky?

Well, I tell you what it points to. It points to a United States Senate race in the State of New York. He has a lot of interest in that race up there.

I read to you earlier, Associated Press, Hillary Clinton 1.3 or 1.4 Puerto Ricans in New York State.

What is going on here? Are politics so driven in this country? Is the winning of elective office so demanding in this country and so important in this country that we are willing to put at risk American lives by releasing these 16 terrorists? Somebody ought to answer that question. And you know somebody has answered that question.

I want to read you their answer.

Before I read you this answer, let me read one other thing that I think is important for us to consider out of the Wall Street Journal, Friday, August 13:

Mrs. Clinton of course hopes one day to take her place in the parade alongside New York's other pols which we would say explains in a nutshell why her husband has just granted clemency to these 16 Puerto Rican terrorists against the advice of the Justice Department, the FBI and the U.S. Attorneys Office that prosecuted the terrorists back in the early 1980's. All of these law enforcement agencies were consulted several years about the wisdom of releasing these 16 people. All advised against it.

Well, let me wrap it up with a letter.

I am going to read the letter verbatim. It is a couple pages long. I know that it requires some patience for you to listen to this. I mean I have been speaking for a while here. But it is important because I think it really addresses from the heart somebody who has experience in the atrocities that these terrorists have committed, somebody who understands that terrorism must have consequences, that the people that commit, that misbehave in our society, must be punished, and there must be punishment that means something. You cannot just slap them on the hand after they rob the bank and serve a few years and let them go, especially considering there were only 3,042 requests and only three got granted.

Well, let us read that letter. Who is it from? It is from the New York City Police Commissioner, Howard Safir, and as I said, I am reading the letter verbatim.

With last Friday's release of 11 of the 14 FALN terrorists President Clinton has committed an ill-advised and egregious error. He has broken the fundamental rule in addressing terrorism. He has broken the fundamental rule in addressing terrorism. Never negotiate deals with terrorists. Never negotiate deals with terrorists.

Now obviously, Mr. Speaker, when I repeat a sentence, that is mine, it is not repeated in the letter.

Mr. Clinton has sent the message that the lives of American citizens and of the heroic police officers who defend them are disposable. As the Police Commissioner of New York City, I represent 40,200 officers and take the responsibility for the safety of 7.4 million residents. I have become all too familiar with the violence that has been perpetrated by the members of the Puerto Rican separatist group known as the FALN and the manner in which my city and my officers have suffered at the their hands.

During a 9-year reign of terror the FALN was responsible for at least 150 bombings that killed six people and injured more than 70. The brunt of their viciousness, the brunt of their viciousness, was aimed at the people of New York City who endured more than 70 attacks and accounted for four of the deaths and 57 of the injuries. What others have termed a war of liberation, New Yorkers know that to be a war against the innocent. The targets of this organization included restaurants at lunch time, hotels, banks, and department stores.

While the passage of time may have faded the memory of some, I cannot share that perspective. I have seen the devastating consequences of these destructive acts. I have spoken with several victims of the attacks and their families, people like Joseph Connor whose father, Frank T. Connor, was killed in the bombing in the Fraunces Tavern. I know too well the permanent scars that are carried, the permanent scars that are carried by Detectives Rocco Pascarella, Richard Pastorella, and Anthony Semft. During a wave of terror that saw the FALN detonate four separate explosive devices across the city in the course of a single hour, these men suffered horrific injuries. Defending New York City from these terrorists cost these heroes, cost these heroes their hands and legs and left them permanently blinded and painfully maimed. No one can commute the life sentences, no one can commute the life sentences that the FALN imposed upon its victims.

Some argue that the felons to whom Mr. Clinton offered clemency are not personally responsible for their organization's violence. I cannot agree. The crimes for which these men and women

were convicted included robbery, the plotting of bombs and the possession of dangerous weapons. One of the petitioners possessed a loaded firearm and more than 10 pounds of dynamite.

In a January, 1998 letter Ronnie L. Edelman, a deputy bureau chief from the Department of Justice, acknowledged that several of the petitioners offered clemency were arrested in 1980 for their involvement in 28 bombings, and in a recent letter to this newspaper former assistant U.S. Attorney Deborah Devaney recounted her experiences with the petitioners. A former federal prosecutor in Chicago who spent years bringing criminal cases against the FALN terrorists, Ms. Devaney describes capturing several of the petitioners in a van loaded with weapons and videotaping several others making bombs that they planed to use at military installations. I must question the unusual progression of events that surround this clemency offer.

□ 2230

''Mr. Clinton's offer to the FALN members represents only his fourth clemency grant out of more than 3,000 applications filed since 1993. It was extended before any of the 16 agreed to renounce violence. The President made his offer over the objections of the Federal Bureau of Investigation, the Bureau of Prisons and the U.S. attorneys in Illinois and Connecticut, the States where the 16 were convicted.

''In my 26 years as a Justice Department official, I never heard of a clemency report being delivered to the President over the strenuous objections of these agencies.''

Let me repeat that. ''In my 26 years as a Justice Department official, I never heard of a clemency report being delivered to the President over the strenuous objections of these agencies. The White House has tried to defend the President's decision, in part, as a response to the urgings of church leaders. In particular, the White House has invoked the name of Cardinal John O'Connor as a staunch supporter for the petitioners' release. This is all the more perplexing given that in letters and through his top aides the cardinal has said he never backed clemency for these terrorists.

''Mr. Clinton erred grievously in failing to follow the recommendations of his own Federal agencies, the House of Representatives, the 17,500 members of the International Association of Chiefs of Police, the 295,000 members of the Fraternal Order of Police and countless others who voiced their outrage at this decision. The United States must make clear that it will never again make deals with terrorists.''

That was a letter read verbatim from the New York City Police Commissioner Howard Safir.

The question that needs to be answered, of which the White House has claimed executive privilege, is why these terrorists, why three out of 3,042 petitions being granted and now we go to the fourth, and why New York State?

Mr. President, if it does not have anything to do with that U.S. Senate race in New York State, you ought to waive your executive privilege, although I do not think it exists under these particular circumstances but regardless of that argument you ought to waive it and you ought to answer the American people. You ought to go to the American people. You do not hesitate one minute to have a press conference when you are touring foreign countries. Whenever you have something to say, you go right to the microphone. You are a good speaker. You are not afraid to address the American people. Certainly you have addressed them on a number of controversial issues. You ought to address them on this one. You ought to explain, because what we see on paper, what we saw walk out of that prison cell, what we now see on the streets of America, what we fear in the hearts of every American, is terrorism that exists today, and you have not answered it and you ought to answer it.

Mr. Speaker, I ask for a time check.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Colorado (Mr. MCINNIS) has 15 minutes remaining.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their comments to the Chair and not to the President.

Mr. MCINNIS. Mr. Speaker, I would like to submit for the RECORD a document I have dated September 21, 1999, from the Wall Street Journal.

[From the Wall Street Journal, Sept. 21, 1999]

REVISITING WACO

The siege at Waco in 1993 is the sort of complicated mess that can end up on the doorstep of any White House. But the Clinton White House seems to operate under some unique genetic map, which instinctively triggers legal corner-cutting and then coverups. Waco is starting to sound, feel and smell familiar.

We all recall how Charles La Bella, Justice's investigator of the 1996 Clinton-Gore campaign funding scandals, was isolated and ushered out of the department after he called for an independent counsel to take over his job. Precisely the same thing has happened to a Waco prosecutor.

Bill Johnston, the assistant U.S. attorney in Texas, warned Attorney General Janet Reno that her own department might be involved in a coverup of the Waco disaster. Now we learn that the Justice Department then removed Mr. Johnston and his boss from the case on the pretext that there'd be an appearance of conflict of interest if they were called as witnesses. But it hasn't treated anyone else who is likely to become a witness this way.

Obviously, the six-year delay in the release of key details of Justice's final assault on Waco is a matter of extreme sensitivity for Washington Democrats who must figure out every six weeks or so how to survive inside the Clinton orbit. While Ms. Reno made a grand show of sending U.S. marshals across the street to seize evidence from the FBI's building, it's now clear that Justice lawyers preparing its defense in a civil suit filed by the families of dead Branch Davidians had the crucial information all along.

House Democrats meanwhile, led by Rep. Henry Waxman, claim that Republicans were informed back in 1995 of the pyrotechnic devices used at Waco, but in making that point they concede that Justice had the information too. Hill Democrats are clearly sensitive about any suggestion of their own complicity in a possible coverup.

Who can forget Rep. (now Senator) Charles Schumer's highly successful attempts to sidetrack the House hearings on Waco with discussions of the National Rifle Association's contacts with Republicans and alleged child abuse by David Koresh? Mr. Schumer's smoke did more than anything else to obscure realities we're now facing.

Webster Hubbell, the convicted felon from Little Rock, was Justice's point man with the White House on the Waco siege. He also is in a sensitive frame of mind. In his recent memoirs he obviously makes excuses for his role in approving the use of dangerous CS gas against the Branch Davidians. He even claims to have come up with a ''solution'' to the standoff hours before the final assault began, but was blocked from entering the FBI building until after the gas rounds were fired. Sure would be nice if former Senator John Danforth could establish the truth of this claim.

What precisely is at issue here? It is clearly in the public interest to have a full and complete historical record, in part to defuse conspiracy theorists who already believe the government is out to get them. More precisely, at issue in Senator Danforth's independent probe of Waco is whether and how law enforcement overreacted. The Branch Davidians were a particularly deranged sect, and four Bureau of Alcohol, Tobacco and Firearms agents were killed in the initial raid that started the seven-week siege. But we will probably never conclusively learn who or what started the fire that killed dozens of Mr. Koresh's followers that day.

In any event, law enforcement did learn an important lesson from Waco. No similar incident has occurred during the administration of FBI Director Louis Freeh. In 1996, for instance, a group of con artists in Montana named the Freemen were safely lured out of their armed standoff with the Feds through the use of more patient tactics.

But the unfinished business of Waco persists in the public mind: Was there a coverup? Is there something beyond the death of two dozen children to explain the extreme sensitivity of the FBI, the Justice Department and congress on the issue?

It is certainly interesting that one of Mr. Danforth's primary missions is to explore the implications of the 1878 ''Posse Comitatus'' law. It forbids use of the U.S. military in domestic law enforcement actions. The Texas Rangers seem to have uncovered evidence that members of the Army's elite Delta Force anti-terrorist unit were at Waco. The law provides for a Presidential wavier in case of emergencies: President Reagan signed a waiver, for example, to use Army units to quell prison riots. The White House claims no one ever asked President Clinton to sign a waiver for Waco. So Mr. Danforth has to determine, was Delta Force at Waco, and if so, on whose authority? Obviously it

didn't move there on its own, and breaches of the military chain of command are a serious national issue.

Mr. Danforth will need a thorough investigation and candid report to still the drums of conspiracy. A sequel to an Emmy-award winning independent film on Waco, for example, will soon question the denial that the White House counsel's office ever considered a Posse Comitatus waiver. Indeed, Mr. Danforth may find himself plowing some of the same ground covered by Kenneth Starr. Lisa Foster, widow of the late White House Deputy Counsel Vincent Foster, told the FBI that her husband was deeply troubled by Waco and blamed himself for the death of the children there. A Waco file was inventoried in the contents of his office.

Mr. Danforth says he is reluctant to question President Clinton about the issue of a Presidential waiver from Posse Comitatus. That is understandable, given the fate of the last prosecutor to ask probing questions of the President. Yet considering the sorry credibility of the White House, the Justice Department and the FBI, he has a responsibility to make sure the record is straight and complete. Otherwise, we'll all be adding Waco as one more item in the high pile of Clinton contradictions from which we're all supposed to ''move on.''

WACO, WILL WE EVER KNOW THE TRUTH?

Mr. McINNIS. Mr. Speaker, I want to wrap up my comments on another issue dealing with Waco. First of all, as I mentioned earlier, some who maybe have just come into the Chamber do not know this but I have a law enforcement background. I will say, the first thing that can happen to law enforcement is a bad cop, a bad decision. I do not know any profession in our society, well, I know some. Medical doctors, ambulance drivers, firemen, but the police officer really fits up there in that very top category of a respected profession.

People trust us. They trust police officers. That trust needs to be protected and it needs to be extended.

Mr. Speaker, I am going to take a minute to talk about what concerns me on Waco, Texas. We all agree that in Waco, Texas, there was a whacko down there, there was a nut down there and he is primarily responsible for the deaths of a lot of people. He was a sick man, and he was so perverted in his mind he led many others to their deaths if he did not execute them himself.

We have to put that aside and see what happened with our Justice Department and what happened at Waco, Texas. Did our own law enforcement agencies down at that particular situation, did they lie to us, the American people? Have they concealed something down in Waco, Texas? It appears they have.

I can remember just 2 or 3 weeks ago when statements were being made by the Justice Department and others, there were no military operations going on at Waco, Texas. In this country, unless it is waived by the President of the United States, we have a ban of using military forces for domestic situations like this. The President has the right to waive it. For example, I think, if history serves my mind right, President Ford waived it to allow the military to help in rescue operations in a flood and so on. In Waco, Texas, I saw tanks being driven, others may have seen it, driven right into the side of the building. Who is driving those tanks? Nonmilitary people are driving those tanks?

What are we doing? Ruby Ridge, one of the blackest eyes law enforcement has received in the history of this country. I resent what happened at Ruby Ridge because I like to think I was a good cop and I know there are a lot of good cops out there and Ruby Ridge put a black eye on law enforcement in this country.

We had a sniper up there who the State of Idaho even felt it was necessary they file State charges against him and the U.S. Justice Department preempted it and had the charges erased. Guess where that sniper shows up again? That sniper is back in Waco, Texas.

How did the law enforcement handle that? That is a question all of us ask. There is no question about whether or not the guy inside that building was a nut. He was a nut. The question is, how did you handle this? The response, it looks like, was a cover-up, a diversion and lies. That does not need to be done to the people you work for. In law enforcement, you work for the people. We are the good guys. You ought to be truthful with us. If you have got a bad cop, and I will say as a former cop if you are working with a bad cop you can stop it. You ought to stop it. You owe it to your career to stop it. You owe it to the very thoughts of law enforcement, to the ideals of law enforcement, to stop a bad cop. If you are out there and you are a cop or you are in the Justice Department or you are in the FBI and you know something that went on at Waco, Texas, and it has not been disclosed yet or it has been concealed, come forward now and let the American people know the whole story.

I have no doubt that the American people would have supported what happened down there had the whole story been told in the first place. They do not think that you are God. They do not think that you are perfect. They understand that there were problems in a very difficult situation, but do not lie to them. That is what happened.

We have an investigation by the Justice Department. Interesting, Justice Department investigating Justice Department. They call it an independent investigation. We have had a number of other independent investigations that have occurred in different areas. I hope it is truly independent, and I hope the Justice Department is willing to stand up and answer for what went on down there.

I want to submit one other thing for the RECORD. Having the time, I want to read this editorial, Tuesday, September 7, Wall Street Journal: ''This being the age of Clinton, Louis Freeh is being set up as the fall guy for a cover-up of the disastrous Waco assault. Never mind that he did not take over the FBI until nearly 4 months after the assault and crucial decisions on how to investigate it. What matters is that he has been a politically independent thorn in the side of Mr. Clinton and Attorney General Janet Reno.

''Miss Reno originally became a media darling by claiming to take responsibility for the 1993 raid that killed about 80 Branch Davidians. In fact, double felon Webster Hubbell was the contact between Justice and the White House; Miss Reno was not even in Justice's crisis-management bunker during much of the assault day; she was out giving a speech.

''Now, a civil lawsuit has uncovered evidence of Justice Department deception, so we read stories quoting unnamed Reno aides that she is 'furious' that she was not told that at least two incendiary devices were used at Waco after all. Other stories question Mr. Freeh's handling of the matter. And in case anyone missed the buck-passing point, the Attorney General ostentatiously sent U.S. marshals to seize previously undisclosed audiotapes of the raid from FBI headquarters.

''President Clinton then added his spin, pointedly expressing confidence in Miss Reno on Saturday from Camp David while withholding it from Mr. Freeh. 'I think that with regard to the director, there is going to be an independent investigation,' he said.

''Maybe they should put Mr. Freeh's mugshot up at the post office.

''We have seen this kind of treatment before in Bill Clinton's Washington. Billy Dale got himself fired when the Friends of Bill wanted to take over the White House Travel Office, and was even indicted by Miss Reno's Justice hounds, though a jury quickly acquitted him.

''Linda Tripp found her personnel records leaked from the Pentagon. And Jean Lewis, who recommended action in Whitewater, had her deleted personal computer files unerased and broadcast in Congress.

''Mr. Freeh has now joined the target list because he has been a rare dissenter from the Reno pattern of politicized Justice. Along with Justice investigator Charles LaBella, he broke with Miss Reno to urge an independent counsel in the campaign-finance scandal.

''Congress recently discovered that Justice politicos had refused an FBI request to wiretape suspected Los Alamos spy Wen Ho Lee. And he knows the FBI opposed Mr. Clinton's outrageous recent grant of clemency to 16 Puerto Rican nationalists linked to a terrorist group.

''This is not to say Mr. Freeh has been entirely successful in rooting out

the FBI's self-protective culture. The agency's lack of candor regarding its role at Ruby Ridge, Idaho, was a serious black mark. It is entirely possible that agents also sought to cover up the truth about Waco. But anyone actually concerned about the merits of the matter should consult two articles we published last week by officially-designated outside investigators.

''It was Miss Reno, actually we are entitled to presume Mr. Hubbell, who decided on an internal investigation of the role of Justice and the FBI. By contrast, Treasury Secretary Lloyd Bentsen chartered an independent investigation of the role played by his department through the Bureau of Alcohol, Tobacco and Firearms. See the August 30 article by sometimes special Prosecutor Henry Ruth who served on the ATF team.

''When Mr. Freeh arrived on the scene, was he supposed to overturn the Reno/Hubbell decision?

''At the first meeting of a panel of 10 experts appointed to make recommendations about future Wacos, Harvard psychiatrist Alan A. Stone wrote on August 31, 'We discovered that Justice had no intention of telling us what actually happened during the first raid.'

''Mr. Stone adds, 'because the Justice Department's published investigation was so inadequate, I sent a copy of my preliminary memorandum to the newly-appointed director of the FBI, Louis B. Freeh, hoping to break through the stonewall. Soon the crucial FBI actors were phoning me with some of the candid answers.'

''A House committee also sought to investigate, but Democrats, led by now Senator CHUCK SCHUMER, practiced up for impeachment hearings by turning the procedure into a circus. As the hearings wound up, Representative JOHN CONYERS said Republicans tried to implicate everyone 'but the butler.' Mr. SCHUMER complained of 'Monday morning quarterbacking,' and intoned 'if we did hearings on D-Day, we would end up court-martialing General Eisenhower.'

''As for Miss Reno, on Waco as on so much else, she has run the most politicized Justice Department since John Mitchell under Richard Nixon. She has sought to protect the White House at every turn, especially after meeting with the President on her reappointment at the outset of his second term. She has named special counsels for trivial cases against cabinet members but refused them on serious charges against the President and the vice president, despite the LaBella and Freeh recommendation.

''Indeed, she humilitated Mr. LaBella, sending her department a potent message about dissent from the Clinton political line. Now she is trying to do the same with Mr. Freeh. Meanwhile, she has flagrantly violated the Vacancy Act by leaving important positions filled with 'acting heads.'

''The result is a demoralized Justice Department that cannot be trusted to enforce the rule of law.''

□ 2245

''This problem will not be solved by an outside Waco investigator, assuming any serious person would even take the appointment from her. The only way Ms. Reno can begin restoring confidence in justice is to resign.''

That is a Wall Street Journal editorial dated Tuesday, September 7.

My point here is this: it is time for us to weed out the bad cops. In our society, we want good cops. I used to be one of them. We respect them. But if we have a bad cop, we have to stand up; we have an obligation, we have a fiduciary duty to the American people, if we have a bad cop, get them out.

TAX RELIEF FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I thank the Speaker pro tempore, the gentleman from Georgia (Mr. KINGSTON), and I thank my colleague from Colorado for the comments that he made earlier this evening, and I welcome my colleague from Colorado to the House Committee on Ways and Means.

Mr. Speaker, I would note for our dedicated staff and those who join us tonight that I do not intend on taking much time; however, I thought it was important to come down and offer a perspective, based on the labors of my colleague from Colorado and others who serve on the House Committee on Ways and Means and, indeed, the work of this body and the other body, in attempting to restore to the American people tax relief and tax fairness.

Mr. Speaker, much has been made in the media from the punditocracy about how our President stands foursquare against tax relief for the American people, how he is poised to reject almost $800 billion in tax relief, and I think a couple of points are worth noting.

First of all, we should reaffirm in this place at this time that the money we are talking about does not belong to the United States Government, is not locked away in some secret account in some Federal vault; the revenue which runs this government, the money utilized to operate this Federal Government comes from the people, Mr. Speaker. And, by flourishing a veto pen, Mr. Speaker, the President of the United States, in essence, is once again adding to the tax burden of the American people; over the next 10 years, adding almost $1 trillion in taxes. To be technical about it, in excess of $790 billion in taxes, taxes that this body and the other body reduced; taxes that would have provided full deductibility of health insurance for small business, that would have put an end over the next 10 years to the death tax, that would have cut taxes across the board some 1 percent, that would have reduced the capital gains rate because Americans should not be punished for investing and succeeding.

We also note, Mr. Speaker, that in the news today, even as we discuss the domestic concerns that we have, there are international concerns as well. News comes from the other body of a General Accounting Office report showing that our President, Mr. Speaker, in three trips alone, has spent in excess of $70 million. Indeed, Mr. Speaker, one trip to the continent of Africa cost the American people some $40 million with staff attendance numbering in excess of 1,000, and with the money, Mr. Speaker, coming from accounts belonging to the Defense Department.

Here is the grand paradox: At a time when we are threatened with returning to the days of the hollow force which has haunted the Clinton administration and this Nation some 20 years ago, this administration is using money that could go to help our men and women in uniform for the arrival of Air Force One on another continent and for the ruffles and flourishes, in addition to the customary security, which no one would deny our Commander in Chief. But it seems to me, Mr. Speaker, to be once again a dereliction of duty and indeed, sadly, so often has this been the case, in recent weeks, the clemency granted to over one dozen Puerto Rican terrorists who were luke warm in their denunciation of violence, to the curious conduct in an election year with funds supplied by Communist China, and the curious transfer of technology by American firms to the People's Republic of China, to reports last week of, Mr. Speaker, what can only be called appeasement of the outlaw Nation of North Korea. Indeed, characterized by some in the press, and I hesitate to use the term, for it is strong, but I believe it is accurate, that this great Nation, our great Nation may have succumbed to nuclear blackmail.

Then we go down the list. The pilfering of 900 FBI files of political opponents; the sacking of dedicated civil servants at the White House Travel Office, and the despair and tragedy that met American citizens six years ago in Waco, Texas. It reaches a point, Mr. Speaker, when the American people say, is there no end? Is there no justice? Is there, in fact, a case to be made for one who would willingly commit perjury and obstruction of justice? For if one is derelict in small things, what happens when the greater questions arise? What happens with the greater questions of national security? What

happens with the stewardship of the hard-earned dollars of the American men and women who offer their funds, freely and voluntarily, through taxation?

We believe, Mr. Speaker, in our common sense majority that there are four goals that confront us. One is to bolster and strengthen our national security. We have done so in this chamber by working, at long last, after a six-year absence, to regain the technological edge in terms of a missile defense system for this country, concurrently increasing salaries for our military personnel. We have also moved, Mr. Speaker, even as we try to improve the lot in life for those men and women in uniform, we also recognize that a national priority should be education. But, even as it is a national priority, Mr. Speaker, it remains a local concern. And, we in this common sense conservative majority in this chamber have passed two bills that reflect that. One has been nicknamed Ed Flex, educational flexibility in terms of block granting a piece of legislation endorsed by all 50 of the Nation's governors, whether they were Republican or Democrat, to provide flexibility at the State level and ultimately at the local level, so that we can return power to the people who are duly elected to local school boards, and more importantly, Mr. Speaker, to teachers who seek to educate those young people in their classrooms, in their individual communities day in and day out.

Secondly, Mr. Speaker, I was honored that our new Education Land Grant Act passed this House by unanimous vote, a procedure calling on the great work done by those who have gone before. Justice Smith Morrell of Vermont, to be specific, with the Morrell Land Grant Act of the 1860s, where we update that to apply that to public and secondary school for a conveyance procedure, a uniform procedure for the conveyance of Federal land, nonenvironmental sensitive Federal land, for the construction of new educational facilities. Again, a tool to empower local communities because we understand ultimately that people on the front lines at home understand how best to educate our children instead of the theories and the spending programs exercised by Washington bureaucrats. So those are two of our priorities.

The third, of course, is to strengthen Social Security and Medicare. I look to the work done by my colleagues on the Committee on Ways and Means, the chairman, the gentleman from Texas (Mr. ARCHER); the Subcommittee on Social Security chairman, the gentleman from Florida (Mr. SHAW), trying to work out a plan that will not only save Social Security for today's retirees, but for baby boomers who will age into that category, and more importantly, for the generations yet to come, generations who grow more skeptical about that program as years pass, and to put the emphasis on personalization of accounts, so that future retirees can have some discretion and some personalization of the way in which they would spend their pension funds.

We also will work on the Committee on Ways and Means of course to strengthen Medicare as we again seek to maximize choice and to offer prescription drugs to the truly needy among the elderly, rather than a government handout, characterized by one of my constituents as an effort to raise her Social Security premiums to pay prescription drug benefits for the likes of Ross Perot.

Finally, Mr. Speaker, we return to the topic that I mentioned at the outset and that is tax relief and tax fairness for all Americans. Again, make no mistake. With a veto of the tax bill, the President of the United States has, in essence, increased taxes on the American people in excess of $700 billion, close to $800 billion. I think it amounts to a $1 trillion mistake. But ultimately, Mr. Speaker, the American people will be the judge. We will continue to work in this chamber in a constructive way to defend the rights of Americans and to embrace the notion that the American people work hard for the money they earn, and that they should keep more of it and send less of it here to Washington.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. ARMEY) for today and the balance of the week on account of the death of his father.

Mr. DICKEY (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. BALDACCI, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, September 23.

Mr. BURTON of Indiana, for 5 minutes, September 29.

Mr. DIAZ-BALART, for 5 minutes, today and September 23.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1059. An act to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

BILLS 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 of the House of the following titles:

On September 21, 1999:

H.R. 1905. Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2490. Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

On September 22, 1999:

H.R. 2587. Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Thursday, September 23, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4350. A letter from the Administrator, Agricultural Marketing Service, Department of

Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Increased Assessment Rate [Docket No. FV99–924–1 FR] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4351. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order [DA–99–06] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4352. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Increased Assessment Rate [Docket No. FV99–948–1 FR] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4353. A communication from the President of the United States, transmitting his requests for FY 2000 budget amendments for the Departments of Commerce, Defense, Energy, State, and the Treasury, the General Services Administration, International Assistance Programs, the National Science Foundation, and the Office of Personnel Management, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106–129); to the Committee on Appropriations and ordered to be printed.

4354. A communication from the President of the United States, transmitting a request for resources to be used to fund construction projects in Europe; (H. Doc. No. 106–128); to the Committee on Appropriations and ordered to be printed.

4355. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7719] received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4356. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—WIC Farmers' Market Nutrition Program: Legislative Changes From the William F. Goodling Child Nutrition Reauthorization Act of 1998 (RIN: 0584–AC80) received August 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4357. A letter from the Assistant General Counsel, Office of the Chief Financial Officer, Department of Education, transmitting the Department's final rule—Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; Direct Grant Programs; State Administered Programs; Definitions that Apply to Department Regulations; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; Protection of Human Subjects; Student Rights in Research, Experimental Programs and Testing; Family Educational Rights and Privacy—Received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4358. A letter from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement Act [CC Docket No. 97–213] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4359. A letter from the Associate Division Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Communications Assistance for Law Enforcement Act [CC Docket No. 97–213] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4360. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (St. Anne and Beaverville, Illinois) [MM Docket No. 98–64; RM–9272; RM–9358] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4361. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cedar Key, Florida) [MM Docket No. 99–72; RM–9323] received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4362. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Broadcast Television National Ownership Rules; Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules [MM Docket No. 96–222, MM Docket No. 91–221, MM Docket No. 87–8]—received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4363. A letter from the Assistant Bureau Chief, Management, Federal Communications Commission, transmitting the Commission's final rule—International Settlement Rates Report and Order on Reconsideration and Order Lifting Stay [IB Docket No. 96–261, FCC 99–124] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4364. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (La Jara, Colorado; Westcliffe, Colorado; Carmel Valley, California; Nanakuli, Hawaii; Wahiawa, Hawaii; Hanapepe, Hawaii; Holualoa, Hawaii; Honokaa, Hawaii; Kihei, Hawaii; Kurtistown, Hawaii [MM Docket No. 99–106; RM–9509; MM Docket No. 99–110; RM–9513; MM Docket No. 99–171; RM–9574; MM Docket No. 99–172; RM–9575; MM Docket No. 99–173; RM–9576; MM Docket No. 99–175; RM–9578; MM Docket No. 99–176; RM–9579; MM Docket No. 99–177; RM–9580; MM Docket No. 99–178; RM–9581; MM Docket No. 99–179; RM–9582] Received September 7, 1999, pursuant to 5 to the Committee on Commerce.

4365. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Absence and Leave; Use of Restored Annual Leave (RIN: 3206–AI71) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4366. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Remove the American Peregrine Falcon from the Federal List of Endangered and Threatened Wildlife, and to Remove the Similarity of Appearance Provision for Free-Flying Peregrines in the Conterminous United States (RIN: 1018–AF04) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4367. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 990513131–9153–02; I.D. 051299B] (RIN: 0648–AM69) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4368. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 990513131–9131–01; I.D. 051299B] (RIN: 0648–AM69) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4369. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species; Bluefin Tuna Catch Reporting [Docket No. 990618163–9163–01; I.D. 052799D] (RIN: 0648–AM81) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4370. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Atlantic Bluefin Tuna 1999 Quota and Effort Control Specifications [Docket No. 990217050–9147–02; I.D. 010799A] (RIN: 0648–AM27) received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4371. A letter from the Acting Director, Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule—Final Policy on the National Wildlife Refuge System and Compensatory Mitigation under the Section 10/404 Program [1018–AF64] received September 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4372. A letter from the Associate Chief Counsel, FHA, Department of Transportation, transmitting the Department's final rule—Commercial Driver Disqualification Provision [FHWA Docket No. FHWA–97–3103] (RIN: 2125–AE28) received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the legal description of the Class E Airspace; Cincinnati, OH [Airspace Docket No. 99–AGL–32] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Staten Island Fireworks, Lower New York Bay and Raritan Bay [CGD01–99–094] (RIN: 2115–AA97) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, NY [CGD01–99–153] received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the

Department's final rule—Revocation of Class E Airspace, Lafayette, Aretz Airport, IN [Airspace Docket No. 99–AGL–36] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D Airspace and Class E Airspace; Terre Haute, IN [Airspace Docket No. 99–AGL–35] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Escanaba, MI [Airspace Docket No. 99–AGL–34] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400, 757–200, 767–200 and 767–300 Series Airplanes [Docket No. 99–NM–111–AD; Amendment 39–11282; AD 99–18–16] received September 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Establishment of a Balanced Measurement System [TD 8830] (RIN: 1545–AW80) received August 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4381. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Relief Relating to Application of Nondiscrimination Rules for Certain Governmental Plans [Notice 99–40] received August 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4382. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Marginal Production Rates [Notice 99–46] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4383. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to establish the basis for reimbursement for services provided by Working Capital Fund activities for USDA and other Federal entities, and for the recovery of all costs for service provided to any entity; to ensure adequate capitalization of the Fund; and to establish appropriate levels of operating reserves for the Fund; jointly to the Committees on Agriculture and Government Reform.

4384. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to permit the payment of medical expenses incurred by the U.S. Park Police in the performance of duty to be made directly by the National Park Service; jointly to the Committees on Resources and Government Reform.

4385. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to provide a temporary authority for the use of voluntary separation incentives to assist the U.S. Small Business Administration in transitioning its workforce; jointly to the Committees on Small Business and Government Reform.

4386. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1977 to restore food stamp eligibility to certain elderly aliens residing in the U.S. on August 22, 1996; jointly to the Committees on Ways and Means and Agriculture.

4387. A letter from the Acting Deputy General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to improve the operation of the United States Mint as a Performance Based Organization in the Department of the Treasury; jointly to the Committees on Banking and Financial Services, Government Reform, and the Judiciary.

4388. A letter from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation to restore Supplemental Security Income and related Medicaid benefits to certain disabled immigrants who lawfully enter the United States after August 22, 1986; jointly to the Committees on Ways and Means, the Judiciary, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COMBEST: Committee on Agriculture. Supplemental report on H.R. 2559. A bill to amend the Federal Crop Insurance Act of strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes (Rept. 106–300 Pt. 2).

Mr. GOSS: Committee on Rules. House Resolution 299. Resolution providing for consideration of the bill (H.R. 2506) to amend title IX of the Public Health Service Act to revise and extend the Agency for Health Care Policy and Research (Rept. 106–328). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself, Mr. CAMP, Mr. DELAHUNT, Mr. GEJDENSON, Mr. BLILEY, Mr. OBERSTAR, Mr. SMITH of New Jersey, Mr. POMEROY, Mr. MCGOVERN, Mr. BARRETT of Wisconsin, Mr. ENGLISH, Mr. FARR of California, Mr. HORN, Mr. FORBES, Mr. RAMSTAD, Mrs. MINK of Hawaii, Mrs. JOHNSON of Connecticut, Mr. CAPUANO, Mr. FROST, Mr. PORTER, Mr. BARCIA, Mr. BURTON of Indiana, Mr. UNDERWOOD, Mr. COOKSEY, Mr. HASTINGS of Florida, Mr. BARRETT of Nebraska, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. GREENWOOD, Mr. ACKERMAN, Mr. BERMAN, Mr. DAVIS of Florida, Mr. STUPAK, Mr. CARDIN, Ms. ESHOO, Mr. LANTOS, and Mr. BLUMENAUER):

H.R. 2909. A bill to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. DUNCAN, and Mr. LIPINSKI):

H.R. 2910. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2000, 2001, 2002, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BERRY (for himself, Mr. FORD, Mr. GEPHARDT, Mr. TANNER, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. JOHN, Mr. COSTELLO, Mr. JEFFERSON, Mr. HUTCHINSON, Mr. DICKEY, and Mr. COOKSEY):

H.R. 2911. A bill to provide economic development assistance and the planning and coordination needed to assist in development of the lower Mississippi Delta region; to the Committee on Banking and Financial Services.

By Mr. BARRETT of Wisconsin:

H.R. 2912. A bill to amend title XIX of the Social Security Act to eliminate the termination of additional Federal payments to States under the Medicaid Program for administrative costs related to certain outreach and eligibility determinations; to the Committee on Commerce.

By Ms. HOOLEY of Oregon:

H.R. 2913. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize grants to provide juvenile accountability coordinators to take a comprehensive approach to holding first- and second-time nonviolent juvenile offenders accountable for their actions; to the Committee on Education and the Workforce.

By Mr. MEEHAN (for himself and Mr. HANSEN):

H.R. 2914. A bill to prohibit the sale of tobacco products through the Internet or other indirect means to individuals under the age of 18; to the Committee on Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. MCGOVERN, Mr. MURTHA, and Ms. ESHOO):

H.R. 2915. A bill to protect students from commercial exploitation; to the Committee on Education and the Workforce.

By Mr. NADLER (for himself, Mr. WEINER, Ms. SCHAKOWSKY, Ms. LEE, and Mr. GUTIERREZ):

H.R. 2916. A bill to amend title 18, United States Code, to require persons to obtain a State license before receiving a handgun or handgun ammunition; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. WEINER, Ms. SCHAKOWSKY, Ms. LEE, and Mr. GUTIERREZ):

H.R. 2917. A bill to condition certain justice assistance grants to the States on the implementation of handgun registration systems; to the Committee on the Judiciary.

By Mr. POMEROY:

H.R. 2918. A bill to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mrs. JONES of Ohio, Mr. REGULA, Mr. CLYBURN, Mr. HOBSON, Mr. CROWLEY, Mr.

CHABOT, Mr. LUCAS of Kentucky, Mr. BOEHNER, Mr. STRICKLAND, Mr. GILCHREST, and Mr. HILL of Indiana):

H.R. 2919. A bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; to the Committee on Resources.

By Mr. SMITH of Michigan (for himself and Ms. BALDWIN):

H.R. 2920. A bill to permanently reenact chapter 12 of title 11 of the United States Code, relating to family farmers; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 2921. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to settlements by certain qualified businesses, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. DUNCAN, Mr. LIPINSKI, Mr. GILMAN, and Mr. GEJDENSON):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY of New York, Mr. BURTON of Indiana, and Ms. SCHAKOWSKY):

H. Con. Res. 188. Concurrent resolution commending Greece and Turkey for their mutual and swift response to the recent earthquakes in both countries by providing to each other humanitarian assistance and rescue relief; to the Committee on International Relations.

By Mr. VISCLOSKY (for himself, Mr. NEY, Mr. TRAFICANT, Mr. REGULA, Mr. MURTHA, Mr. QUINN, Mr. GEPHARDT, Mr. ENGLISH, Mr. BONIOR, Mr. NORWOOD, Mr. DINGELL, Mr. YOUNG of Florida, Mr. MATSUI, Mr. HOUGHTON, Mr. LEVIN, Mr. CALLAHAN, Mr. COYNE, Mr. KASICH, Mr. NEAL of Massachusetts, Mr. WISE, Mr. KLINK, Mr. MOLLOHAN, Mr. ADERHOLT, Mr. STRICKLAND, Mr. COBURN, Mr. LAFALCE, Mr. SKEEN, Mr. OBERSTAR, Mr. BACHUS, Ms. STABENOW, Mr. PETERSON of Pennsylvania, Mr. CARDIN, Mr. LATOURETTE, Mr. CONYERS, Mr. MANZULLO, Mr. MASCARA, Mr. FOLEY, Mr. DOYLE, Mr. MCINTOSH, Mr. EVANS, Mr. BUYER, Ms. KAPTUR, Mr. BURTON of Indiana, Mr. COSTELLO, Mr. WALSH, Mr. BROWN of Ohio, Mr. GEKAS, Mr. FROST, Mr. EHRLICH, Mr. HALL of Texas, Mr. GREENWOOD, Mr. BLAGOJEVICH, Mr. HORN, Mr. LIPINSKI, Mr. COOK, Mr. CRAMER, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. PITTS, Mr. KUCINICH, Mrs. CHENOWETH, Mr. STUPAK, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. CANNON, Mr. SPRATT, Mr. SHOWS, Mr. MCGOVERN, Mr. HINCHEY, Mr. RAHALL, Mr. RILEY, Mr. HOEFFEL, Mr. CLYBURN, Mr. DEFAZIO, Mr. BOYD, Mr. WEYGAND, Mr. HILLIARD, Mr. SANDLIN, Mr. BORSKI, Mr. MALONEY of Connecticut, Mr. CUMMINGS, Ms. DANNER, Mr. TURNER, Mr. ROEMER, Ms. DELAURO, Mr. PALLONE, Mr. FILNER, Mr. ANDREWS, Mr. BARCIA, Mr. DAVIS of Illinois, Mr. CAPUANO, Mrs. THURMAN, Mr. BISHOP, Mr. SAWYER, Mr. JACKSON of Illinois, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Ms. LEE, Mr. KILDEE, Mr. GREEN of Texas, Mr. BERRY, Mr. DELAHUNT, Mr. HAYES, Mr. HOLDEN, Mr. RUSH, Mr. LAMPSON, Ms. KILPATRICK, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. BILIRAKIS, Mr. WEXLER, Mr. MCNULTY, Mr. VENTO, Mr. MINGE, Mrs. MEEK of Florida, and Mr. FALEOMAVAEGA):

H. Res. 298. A resolution calling on the President to abstain from renegotiating international agreements governing antidumping and countervailing measures; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mr. DAVIS of Illinois and Ms. ESHOO.

H.R. 163: Mr. TURNER and Mr. SMITH of New Jersey.

H.R. 274: Mr. KASICH.

H.R. 354: Mr. BARTLETT of Maryland.

H.R. 360: Mrs. MORELLA, Mr. RAHALL, Mr. OBERSTAR, and Mr. FRANK of Massachusetts.

H.R. 385: Mr. BALDACCI.

H.R. 405: Mr. FRANKS of New Jersey, Mr. TURNER, Mr. FLETCHER, Mr. SAXTON, and Ms. GRANGER.

H.R. 406: Mr. TURNER.

H.R. 488: Mr. LIPINSKI.

H.R. 505: Mr. RANGEL and Mr. PEASE.

H.R. 515: Mr. MEEKS of New York.

H.R. 531: Mr. STRICKLAND.

H.R. 750: Ms. BERKLEY.

H.R. 809: Mr. COSTELLO and Mr. COOKSEY.

H.R. 860: Mr. BAIRD.

H.R. 933: Mrs. LOWEY.

H.R. 961: Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Ms. BALDWIN, Mrs. JONES of Ohio, Ms. WOOLSEY, Ms. MCKINNEY, Ms. NORTON, Ms. VELAZQUEZ, Ms. BERKLEY, Ms. HOLLEY of Oregon, and Mrs. NAPOLITANO.

H.R. 984: Mr. CAMP, Mr. BARRETT of Nebraska, Mr. CUMMINGS, Mr. ROYCE, Mr. FORD, and Mr. OXLEY.

H.R. 996: Mr. MATSUI and Mr. NAPOLITANO.

H.R. 1060: Mr. POMEROY.

H.R. 1080: Mr. BARRETT of Wisconsin.

H.R. 1082: Mr. SISISKY.

H.R. 1095: Mr. KLINK, Mr. POMEROY, Mrs. LOWEY, and Mr. LAZIO.

H.R. 1149: Mr. OLVER.

H.R. 1168: Mr. BLUMENAUER, Ms. SANCHEZ, Ms. SLAUGHTER and Mr. BORSKI.

H.R. 1244: Ms. GRANGER and Mr. COOK.

H.R. 1248: Ms. DUNN.

H.R. 1272: Mr. TANCREDO.

H.R. 1283: Mr. HILL of Montana, Mr. PETRI, Mr. LUCAS of Oklahoma, Mr. DICKEY, and Mr. LINDER.

H.R. 1291: Ms. ROS-LEHTINEN.

H.R. 1300: Mr. BISHOP, Mr. BILBRAY, and Mr. GANSKE.

H.R. 1322: Mr. COBURN.

H.R. 1367: Ms. WOOLSEY.

H.R. 1399: Mr. OWENS, Ms. WATERS, and Mrs. MEEK of Florida.

H.R. 1459: Mr. GRAHAM and Mr. HUTCHINSON.

H.R. 1472: Ms. LEE.

H.R. 1483: Mr. GREENWOOD and Mr. GEKAS.

H.R. 1547: Mr. GOODE.

H.R. 1628: Mrs. FOWLER.

H.R. 1644: Mr. EHRLICH.

H.R. 1824: Mrs. JONES of Ohio and Mr. ISAKSON.

H.R. 1832: Mrs. CLAYTON, Mr. PALLONE, Mr. GILLMOR, Mr. STEARNS, and Mr. UPTON.

H.R. 1840: Mr. GOODLING.

H.R. 1871: Mr. CANNON and Mr. MENENDEZ.

H.R. 1917: Ms. GRANGER.

H.R. 1926: Mr. ROGERS, Mr. LIPINSKI, and Mr. STEARNS.

H.R. 1932: Mrs. JONES of Ohio, Ms. MCCARTHY of Missouri, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. PASCRELL, Mr. SABO, Mr. SANDERS, Mr. SPRATT, and Ms. VELAZQUEZ.

H.R. 1933: Mr. SCHAFFER.

H.R. 2121: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHAYS, Ms. PELOSI, Mr. PRICE of North Carolina, Mr. LIPINSKI, and Ms. KAPTUR.

H.R. 2170: Mr. FORD, Ms. DELAURO, Mr. DOOLEY of California, Mr. BRYANT, Mr. CLEMENT, and Mr. WAMP.

H.R. 2232: Ms. CARSON.

H.R. 2265: Mr. MCDERMOTT, Ms. LEE, Mr. BRADY of Texas, Mr. DIAZ-BALART, Mr. MOLLOHAN, Mrs. KELLY, and Mr. MCNULTY.

H.R. 2294: Mrs. MEEK of Florida.

H.R. 2372: Mr. HILLIARD, Mr. SANDLIN, Mr. MASCARA, Mr. KNOLLENBERG, Mr. MANZULLO, Mr. CHABOT, Mr. ARMEY, Mr. HERGER, Mrs. BONO, Mr. STUMP, Mr. GARY MILLER of California, Mr. ROGERS, Mr. CHAMBLISS, Mr. WELLER, and Mr. WAMP.

H.R. 2389: Mr. FROST and Mrs. CHRISTENSEN.

H.R. 2418: Mr. GORDON, Mrs. ROUKEMA, Mr. WU, Mr. LATHAM, Mr. BRYANT, Mr. NORWOOD, Ms. MCKINNEY, Mr. FRANKS of New Jersey, and Mr. SPRATT.

H.R. 2436: Mr. NORWOOD, Mr. BAKER, and Mr. TALENT.

H.R. 2453: Mr. ENGLISH.

H.R. 2539: Mr. DOOLEY of California and Mr. GEORGE MILLER of California.

H.R. 2556: Mr. DAVIS of Virginia, Mrs. MORELLA, and Mr. MORAN of Virginia.

H.R. 2558: Mr. PASTOR, Mr. BARTLETT of Maryland, Mr. SALMON, Mr. CHABOT, Mr. PEASE, and Mr. BOUCHER.

H.R. 2564: Mr. MCGOVERN and Mr. GOODE.

H.R. 2595: Mr. OBERSTAR.

H.R. 2652: Ms. MCKINNEY, Mr. LAFALCE, Mr. WAXMAN, and Mr. MCGOVERN.

H.R. 2662: Ms. DUNN, Mr. HOEKSTRA, and Mr. SMITH of Washington.

H.R. 2672: Ms. DELAURO and Mr. REYES.

H.R. 2687: Mr. BAIRD.

H.R. 2708: Mr. GARY MILLER of California and Mr. GUTKNECHT.

H.R. 2713: Mr. STARK.

H.R. 2722: Mr. LANTOS, Mr. BERMAN, Mr. HINCHEY, Mr. DEUTSCH, Mr. KUCINICH, Mr. EVANS, Mr. MOAKLEY, and Mr. MEEHAN.

H.R. 2743: Mr. WATTS of Oklahoma, Mr. LEACH, and Mr. FORD.

H.R. 2766: Mr. BORSKI.

H.R. 2774: Mr. FRANK of Massachusetts.

H.R. 2786: Mr. GREEN of Texas.

H.R. 2870: Mr. FRANK of Massachusetts, Mr. ENGEL, Mrs. KELLY, Mrs. MALONEY of New York, and Mr. DOYLE.

H.R. 2896: Mr. KING.

H.R. 2899: Mrs. MINK of Hawaii and Mr. HINCHEY.

H.R. 2901: Mr. HAYES.

H.R. 2905: Ms. LEE.

H.J. Res. 65: Mr. RODRIGUEZ, Mr. FILNER, Mr. REYES, Mr. LAHOOD, Mr. GIBBONS, Mr. SIMPSON, Mr. EVERETT, Mr. SNYDER, and Mr. STEARNS.

H. Con. Res. 30: Mr. CRANE.

H. Con. Res. 46: Ms. STABENOW.

H. Con. Res. 62: Mr. BOYD, Mr. LUCAS of Kentucky, Mr. TOWNS, Mr. WISE, Mr. MALONEY of Connecticut, Mr. NUSSLE, Mr. BENTSEN, Mr. GREEN of Texas, Mr. SMITH of New Jersey, and Mr. WU.

H. Con. Res. 89: Mr. POMEROY, Mr. HOUGHTON, Mr. LEACH, Mr. PETRI, and Mr. BARRETT of Wisconsin.

H. Con. Res. 120: Mr. METCALF.

H. Res. 238: Mr. HORN.

H. Res. 254: Mr. LANTOS, Mr. SMITH of Washington, Mrs. BIGGERT, Ms. JACKSON-LEE of Texas, Mr. FILNER, Mr. EVANS, Mr. BRADY of Pennsylvania, Mr. ANDREWS, Mr. BLAGOJEVICH, Mr. SOUDER, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. UNDERWOOD, Ms. LEE, Mr. WU, and Ms. BALDWIN.

H. Res. 280: Mrs. MYRICK and Mr. PETRI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. BILIRAKIS

AMENDMENT NO. 3: Page 3, line 2, strike ''by'' and all that follows through ''research'' on line 3 and insert the following: ''by conducting and supporting—

''(1) research''.

Page 4, line 3, strike ''synthesizing and disseminating'' and insert ''the synthesis and dissemination of''.

Page 4, line 7, strike ''advancing'' and insert ''initiatives to advance''.

Page 4, beginning on line 11, strike ''shall undertake'' and all that follows through ''evaluations'' on line 12 and insert the following: ''shall conduct and support research and evaluations, and support demonstration projects,''.

Page 4, line 25, strike ''shall support'' and all that follows through ''activities'' on page 5, line 4, and insert the following: ''shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multi-disciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities''.

Page 6, line 5, strike ''made available under section 487'' and insert ''made available under section 487(d)(3) for the Agency''.

Page 7, beginning on line 21, strike ''that it uses''.

Page 7, line 23, strike ''that it uses''.

Page 7, line 24, strike ''behind health care practice'' and insert ''underlying health care practice''.

Page 8, beginning on line 15, strike ''Health Care Improvement Research Centers'' and insert ''health care improvement research centers''.

Page 8, line 20, strike ''Provider-based Research Networks'' and insert ''provider-based research networks''.

Page 8, line 23, insert ''evaluate and'' before ''promote quality improvement''.

Page 13, beginning on line 7, strike ''In carrying out 902(a), the Director'' and insert ''The Director''.

Page 14, beginning on line 5, strike '', the needs'' and all that follows through ''and monitor'' on line 8 and insert the following: '', including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, measure changes over time, and monitor''.

Page 15, beginning on line 10, strike ''shall support research, evaluations and initiatives to advance'' and insert ''shall conduct and support research, evaluations, and initiatives to advance''.

Page 18, beginning on line 15, strike ''clinical practice and health care technologies'' and insert ''health care practices and technologies''.

Page 18, beginning on line 21, strike ''health care practices and health care technologies'' and insert ''health care practices and technologies''.

Page 19, line 1, strike ''promoting education, training, and providing'' and insert ''promoting education and training and providing''.

Page 19, beginning on line 2, strike ''health care practice and health care technology assessment'' and insert ''health care practice and technology assessment''.

Page 20, line 4, insert ''health care'' before ''technologies''.

Page 25, line 5, insert ''National'' before ''Advisory Council''.

Page 29, beginning on line 4, strike ''the maximum rate of basic pay payable for GS–18 of the General Schedule'' and insert the following: ''the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council''.

Page 43, line 2, insert ''National'' before ''Advisory Council''.

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 4: Page 6, line 10, insert before the period the following: '', and with respect to the priority population involved, shall in addition take into consideration the extent to which the individuals who receive the training will maintain a continuing commitment to health services research regarding such population (taking into account demographic, socioeconomic, and other appropriate factors)''.

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 5: Page 7, after line 14, insert the following subsection:

''(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors, socioeconomic factors, and disease prevalence in priority populations.

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 6: Page 21, line 6, insert after ''agencies,'' the following: ''minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions),''.

H.R. 2506

OFFERED BY: MR. THOMPSON OF CALIFORNIA

AMENDMENT NO. 7: Page 21, after line 8, insert the following subsection:

''(d) MEDICAL EXAMINATION OF CERTAIN VICTIMS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Director shall promote evidence-based clinical practices for—

''(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

''(B) the training of health professionals on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

''(2) CERTAIN CONSIDERATIONS.—Evidence-based clinical practices promoted under paragraph (1) shall take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in such paragraph, and of other appropriate public and private entities (including medical societies, victim services organizations, sexual assault prevention organizations, and social services organizations).

H.R. 2506

OFFERED BY: MR. THOMPSON OF CALIFORNIA

AMENDMENT NO. 8: Page 46, after line 2, add the following section:

SEC. 4. REPORT ON TELEMEDICINE.

Not later than January 10, 2001, the Director of the Agency for Health Research and Quality shall submit to the Congress a report that—

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations;

(6) determines the manner in which the confidentiality of information on patients can be protected when information is transferred via electronic telemedicine networks; and

(7) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Director for responding to such issues.

H.R. 2506

OFFERED BY: MR. TIERNEY

AMENDMENT NO. 9: Page 12, after line 14, insert the following subparagraph:

''(C) The conduct of research on methods to reduce the costs to consumers of obtaining prescription drugs.

Page 12, line 15, strike ''(C)'' and insert ''(D)''.

H.R. 2506

OFFERED BY: MR. TIERNEY

AMENDMENT NO. 10: Page 13, after line 5, insert the following subsection:

''(d) STUDIES OF METHODS TO IMPROVE ACCESS TO HEALTH SERVICES.—The Director shall conduct, and shall provide scientific and technical support for private and public

efforts to conduct, studies of the organization, delivery, and financing of health services in order to determine the cost and quality effects of various methods of substantially increasing the number of individuals in the United States who have access to health services.

H.R. 2506

OFFERED BY: MR. TIERNEY

AMENDMENT NO. 11: Page 13, after line 5, insert the following subsection:

''(d) STUDIES OF METHODS TO IMPROVE ACCESS TO HEALTH SERVICES.—The Director shall conduct, and shall provide scientific and technical support for private and public efforts to conduct, studies of the organization, delivery, and financing of health services in order to determine the cost and quality effects of various methods of substantially increasing the number of individuals in the United States who have access to health services. Such studies shall include a study to determine the impact of a single payer insurance coverage program on health expenditures in the United States during the fiscal years 2000 through 2007 compared to the projected impact of the current system on health expenditures in the United States during such period.

EXTENSIONS OF REMARKS

JUVENILE ACCOUNTABILITY CRIME PREVENTION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, today I am introducing the Juvenile Accountability and Crime Prevention Act of 1999. This act will provide communities with the ability to take a comprehensive approach to holding first and second time non-violent offenders accountable for their actions. Additionally, the bill allows communities—in a coordinated effort—to treat offenders on an individual basis, maximizing the chances that a juvenile will not re-offend.

The bill provides funding for Juvenile Accountability Coordinators who will:

Conduct an in-depth assessment of juvenile immediately upon arrest;

Contact the offender's parents or legal guardian, provide parents and guardians information on proceedings, needed services, and programs to help turn around the offender; and

Work with the juvenile, their parents, school officials, and law enforcement officials to develop an accountability plan for the juvenile. Failure of the juvenile to adhere to the plan would result in a referral back to juvenile court. Sanctions in the plan could include restitution to the victim, victim/offender mediation, community service, drug treatment and counseling, and a commitment to remain drug free.

In many localities, the courts are unable to provide swift accountability and individual attention to offenders. Sanctions specifically targeted to the individual juvenile which reflect the crime committed will decrease the likelihood of that juvenile re-offending. Additionally, bringing certain offenders out of the court system expedites the process and allows the courts to deal with more serious offenders.

This bill will help ensure that first and second time juvenile offenders don't fall through the cracks. Unlike other juvenile diversion programs, Juvenile Accountability Coordinators are with the juvenile every step of the way—from the time of arrest to the disposition of the case. They remain the focal point between parents, DAs, judges, schools, and the offender.

Should a second offense occur, coordinators provide consistency and detailed working knowledge of the offender and his or her circumstances.

This program has proven to be extremely successful on a smaller scale in Oregon. I would like to give other communities the opportunity to provide swift accountability and intervention to troubled young people.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BASS. Mr. Speaker, due to mechanical difficulties with my flight from my district I missed rollcall vote 428. Had I been present I would have voted "aye."

BIPARTISAN CAMPAIGN FINANCE REFORM ACT OF 1999

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 417) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes:

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to the amendment being offered by Congressmen BEREUTER and WICKER.

This amendment would bar legal permanent residents of the United States from being able to contribute to campaigns for Federal offices.

Legal permanent residents of this country are here in the United States working, paying taxes, fighting in the military, and they have even sacrificed their lives for this country. Twenty percent of Congressional Medal of Honor winners from our Nation's past wars were either legal permanent residents or naturalized citizens. In 1997, about 7,500 new recruits of the U.S. Armed Forces were legal permanent residents and currently, at least 20,000 members of the U.S. Armed Forces are legal permanent residents.

Legal permanent residents are often here in the United States to be with their close family members, to take jobs that no qualified U.S. citizens filled after the job was advertised, or to escape persecution. Unlike U.S. citizens, legal permanent residents must reside in the United States or risk having their residency status revoked. Legal permanent residents often send their children, many of whom are U.S. citizens by virtue of their birth in this country, to our Nation's public schools. They often participate in community and civic activities. As the "citizens in training" of our country, they have a stake in the future of our country and this amendment seeks to unfairly and unconstitutionally shuts them out of the political process.

This amendment restricts the right of legal permanent residents to express their political views, a right which is guaranteed to them, and to us all, in the first amendment of our Constitution. Passage of this amendment will send a message to thousands of legal permanent residents that we as a nation want them to contribute to our economy, join our military, fight and die for our country but we do not want them to exercise their basic first amendment right.

The U.S. Supreme Court, in the landmark case *Buckley* v. *Valeo,* 424 U.S. 1 (1976), ruled that campaign contributions are speech protected by the first amendment to the U.S. Constitution. Nowhere in our Constitution does it state that the freedoms and protections provided in the Constitution apply to U.S. citizens only. The U.S. Supreme Court in *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886) affirmed this sentiment by stating that, ". . . the Constitution is not confined to the protections of citizens." Also, in the case of *Bridges* v. *Wixon*, the Supreme Court held that the "freedom of speech and press is accorded aliens residing in this country." A letter sent to every Member of Congress, signed by 100 Constitutional law professors who teach all across the United States, affirms that the Bereute-Wicker amendment is unconstitutional. It would be unconscionable and beyond the scope of power of this Congress to pass this amendment and rob a whole class of people of a constitutional right.

I have tried to understand what my colleagues, Misters BEREUTER and WICKER, hope to ahieve by introducing this amendment. Do they really believe that their amendment would keep foreign money out of Federal elections? I have read their amendment and I have analyzed what it would do the Federal election law. This amendment in no way makes it more difficult for foreign money to enter into the Federal electoral process.

Money from foreign sources is already illegal and this amendment does not change that fact. It has been expressed that we should pass this amendment to place a greater distance between foreign money and our Federal elections, that people who have not expressed a permanent allegiance to the United States should not have the opportunity to influence our Federal elections and that if permanent legal residents want a chance to express their voice in Federal elections they should just become U.S. citizens. These reasons are designed solely to be scare tactics and none of them hold any water.

If a foreign person wanted to illegally contribute money to a Federal election it is not necessary to find a legal permanent resident to be the conduit, any person, including any citizen could be used. There is no basis to assume that legal permanent residents are more likely to launder money from foreign sources than U.S. citizens. Therefore, how can the proponents of this amendment believe that it puts any greater distance between foreign money and federal elections? Permanent legal residents, by virtue of their legitimizing their

residency status, have expressed a permanent allegiance to the United States. They also express a permanent allegiance to the United States by volunteering to join our military and by sacrificing their lives in the defense of this country. To state that legal permanent residents should only be allowed to exercise their constitutional right of free speech when they become U.S. citizens displays a dangerous misunderstanding of constitutional law and overlooks the fact that many legal permanent residents are currently waiting for INS processing to become naturalized U.S. citizens.

This amendment will also have a discriminatory and embarrassing effect on the rights of U.S. citizens who are ethnic minorities. The amendment penalizes candidates who accept contributions from legal permanent residents. Therefore, in order to avoid violating the law, candidates will consider suspect any contribution contributed by a person with an ethnic or foreign sounding name. The contributor will likely be asked to verify his or her citizenship status. The prospect of having to endure humiliation such as this will make minorities more reluctant to participate in the political process. Considering that Asian-Americans and Hispanic-Americans already have low-voter turnout and political participation statistics, the effect this amendment will have is distressing. The effects will be particularly disastrous in those districts, like mine, that contain large minority populations. This amendment forces candidates to discriminate against people solely because of the way they look, because of a last name that is ethnic or foreign sounding, or because of their place of national origin. Any class of citizens having to prove their citizenship in order to exercise their basic first amendment right is an insult to all U.S. citizens.

This amendment which unconstitutionally denies legal permanent residents the protection of the first amendment right of free speech and which will cause a discriminatory and insulting effect on the rights of U.S. citizens who are ethnic minorities must be rejected. I urge my colleagues to vote against the Bereuter-Wicker amendment.

IN MEMORY OF PROFESSOR WILLIAM A. NIERING

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GEJDENSON. Mr. Speaker, I rise to express the sorrow felt by many across eastern Connecticut following the passing of Professor William A. Niering. Professor Niering was an extraordinary teacher, a pioneer in the modern environmental movement and a great American.

Professor Niering was a botanist by training and longtime professor at Connecticut College in New London, Connecticut. He was the first president of The Nature Conservancy. Founding in 1951, the Conservancy operates the largest system of private nature preserves in the world, including 1,500 in this country alone. As President of this organization, now one of the largest conservation groups in America, Professor Niering was an early leader of the modern environmental movement.

Perhaps more than his work on behalf of conserving natural resources across the country, Professor Niering will be remembered in southeastern Connecticut as a beloved teacher who was dedicated to his students. He had an easy-going style and the ability to make extremely complex scientific principles understandable and exciting.

I have submitted an editorial which appeared in The New London Day which vividly describes Professor Niering and his many contributions to his students, his community and his country. His legacy will endure through his efforts to safeguard the natural bounty that makes our nation unique in the world and through the countless students he taught.

[From the New London Day, Sept. 1, 1999]

PROFESSOR WILLIAM A. NIERING

Professor William A. Niering died Monday as he had lived his life: exciting Connecticut College students about the joy of learning and discovery, and exhorting them to reach to the fullest of their potentials and the best of their instincts.

Dr. Niering, a botanist, led an accomplished life, and was recognized internationally for his research and environmental activism. But in spite of that celebrity, nothing pleased him more than working with young people in science and conservation. He died just after giving a lecture to students on the subjects of good citizenship and environmental stewardship. That was his commitment, educator and good citizen to the end.

Connecticut College has a consistent history of producing scholarly academicians who are also outstanding teachers. Dr. Niering was among the best of these throughout the college's long history. It would therefore be most appropriate for the college to create a special scholarship in his name, for it was his service to young people that he cherished above all else. Countless people would want to help create that memorial.

Dr. Niering, who with his longtime Connecticut College colleague Richard Goodwin was active in natural conservation and environmental causes, was the first president of The Nature Conservancy. The organization is now one of the major environmental institutions in this country.

Dr. Niering wrote a field guide on plants and flowers for the Audubon Society and organized one of the first college environmental studies programs. He served not only as an adviser to high-powered national groups, but more important, he served the southeastern Connecticut community in myriad ways that protected and enhanced the environment. He always had time to help local groups with environmental issues.

Quiet, modest and sincere to a fault, Dr. Niering nonetheless could demonstrate outrage when he saw people doing intentional damage to the environment. He never talked down to people whose scientific knowledge and education were much less than his own. Naturally easygoing, he had a relaxed style when he spoke. He always managed to explain complicated topics in terms the average person could understand.

Legions of college students flocked to his courses, both for the excellence of his teaching and the engaging way in which he welcomed students and helped them flourish.

Dr. Claire L. Gaudiani, Connecticut College president, explained his values well when she said of Dr. Niering, ''His generosity of spirit, his enthusiasm and his modesty were legendary.''

The people of southeastern Connecticut join Dr. Niering's colleagues at the college in remembering this good and generous man whose life represented the best of what this country has to offer.

RECOGNIZING THE ''SUITING UP FOR SUCCESS'' PROJECT FOR STUDENTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Suiting Up for Success project, which is a professional attire drive that benefits successful Fresno City College welfare-to-work students.

In 1998, management consultant and human resource specialist, Sue McCombs of McCombs & Associates created ''Suiting Up for Success'', in response to the Central San Joaquin Valley communities double digit unemployment rates. ''Suiting Up for Success'' is a professional attire drive that benefits successful Fresno College welfare-to-work students that has approximately 1,000 students enrolled. Last year, 3,000 suits were collected. The 1999 goal is to collect 5,000 suits. All Fresno area business professionals are challenged to donate unwanted men's and women's suits, blouses, skirts, men's shirts, slacks and ties. Business attire collected is made available through a ''professional closet'' operated and maintained by Welfare-to-Work students. The only beneficiaries of the ''Suiting Up for Success'' campaign are successful Fresno City College Welfare Reform students (graduates).

The project goals are to increase awareness of the welfare reform initiative and its impact on business owners. To provide our employees the opportunity to support and participate in the local welfare reform initiative. And to support and encourage current Fresno City College welfare program participants.

Mr. Speaker, it is my pleasure to recognize the ''Suiting Up for Success'' project, as they reach out to students who are less fortunate to have professional attire. I urge my colleagues to join me in wishing ''Suiting Up for Success'' many more years of continued success.

IN RECOGNITION OF MS. ESTHER DON TANG AND MS. PATTI TANG CROWLEY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PASTOR. Mr. Speaker, I rise today to recognize Ms. Esther Don Tang and Ms. Patti Tang Crowley, this year's recipients of The Arthritis Foundation's Humanitarian Award.

In Tucson, Arizona, the names of this outstanding mother and daughter team are synonymous with community service, caring and

activism. Between them, they have dedicated almost 100 years to meeting the needs to Tucson's children, minorities, elderly, chronically ill, and economically disadvantaged. Additionally, both women have worked diligently to improve educational opportunities and cultural enrichment in Southern Arizona.

To list their many memberships, awards, and recognitions of accomplishment would take several pages. Such a listing, although most impressive, would not truly convey the magnitude of their tenacity, positive attitude and goodwill toward others. Their wit, charm, and warmth are legendary and have been their greatest weapons in their fight to make life better for others. These ladies have earned the respect and admiration of all work for social justice and aiding those in need.

These women have shown what can be accomplished when compassion, empathy and kindness transcend the family unit and are shared with the community. I am proud that this mother-daughter team has been such an ambassador of caring for the Tucson, Pima County and Southern Arizona community.

I applaud The Arthritis Foundation for recognizing the outstanding efforts of these amazing women and for designating Ms. Esther Don Tang and Ms. Patti Tang Crowley as its 1999 Humanitarian Award recipients. In closing, I commend these ladies for all of their admirable accomplishments and especially their societal contributions.

HONORING THE COMMUNITY SERVICE OF JANE WHITAKER

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. ROGAN. Mr. Speaker, the foundation of every community is built by those who give of themselves to others. Today, I would like to pay tribute to one such worker who has served the community of Glendale, California for more than thirty years—Jane Whitaker.

Jane moved to Glendale in 1969 with her young family and immediately became an active member of the community. For three decades, she has set the standard in our community for service and sacrifice.

Jane has been an active member of the California Parent Teacher Association for many years. She was elected to the Glendale Unified School District Board of Education in 1981 and served until 1997. Three years of her tenure she lead the board as its president.

During her tenure on the Glendale School Board, Jane was instrumental in developing many innovative programs, including Glendale Healthy Kids, a collaborative effort between the school district, local hospitals and health care professionals to provide students with medical and dental care without cost.

In addition, Jane gave her time and her love to numerous community organizations including the YMCA, the Greater Glendale Child Care Council, the Presidents Advisory Council of Glendale and the Glendale Neighborhood Task Force.

Mr. Speaker, I am proud to call Glendale, California home. What makes Glendale so welcoming as a hometown is the caliber of its residents. Jane Whitaker proudly displays this tradition—with her deeds—and I ask my colleagues here today to join me in saluting her lifetime of service, dedication and commitment to our community.

TRIBUTE TO LABOR LEADER HENRY NICHOLAS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor labor leader Henry Nicholas. Henry Nicholas has emerged as a national spokesman in the struggle to preserve quality patient care and is regarded as one of the most influential African-American leaders in Pennsylvania.

Born in rural Fayette, MS, in 1936, Henry Nicholas is a man representative of vision, advocacy, and triumph. After leaving the Deep South while still a young man, Nicholas moved to New York City where he began working as a hospital orderly in 1957. Two years later Nicholas was organizing his coworkers into what was then Local 1199 of the Drug and Hospitals Employees Union. That same year, he played a key role in the strike of hospital union workers that resulted in union contracts for thousands of New York City hospital employees.

While he started as a union volunteer, in 1961 Nicholas was named a union organizer and quickly moved up the union ranks. Assistant director of the 1199 National Organizing Committee, Nicholas led successful hospital workers, organizing campaigns in Pittsburgh, Ohio, and Detroit. He also directed a 113-day hospital strike in Charleston, SC, which was regarded as a national landmark in the struggle for civil rights for African-Americans. As a direct result of that success, the National Union of Hospital and Health Care Employees was established and Nicholas was elected its first secretary-treasurer.

Two years after he arrived in Philadelphia with the task of organizing health care workers, he won contracts for over 5,000 employees working in the city's major health care institutions. In 1974, due to the success of the Nicholas' organizing efforts, District 1199C, the Philadelphia local of the national union, was officially chartered and Nicholas was elected president. Today 1199C represents more than 15,000 hospital and health care workers in 110 health care institutions in the greater Philadelphia area, and five counties in southern New Jersey. As a result of the phenomenal growth of District 1199C, the union created a training and upgrading program for health care employees that has become a national model.

IN HONOR OF THE OUR LADY OF MOUNT CARMEL CHURCH PARISH ELEMENTARY SCHOOL'S 50TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Our Lady of Mount Carmel Church as it celebrates its 50th anniversary of the opening and building of the parish elementary school on September 22, 1999.

On September 6, 1949, Our Lady of Mount Carmel Church opened its doors to the Cleveland community under the leadership of its first pastor, Father Vincent Caruso, O.de M. Father Vincent Caruso, who on this day celebrates his 94th birthday, was born on September 22, 1905 in Italy. He was ordained as a Priest on September 24, 1927 in Orvieto, Italy. He then made the long journey across the Atlantic to the United States in 1927 and was assigned to Saint Rocco where he soon began to take on more responsibility at Our Lady of Mount Carmel. Father Vincent Caruso, realized the need for a Catholic School to teach children of the parish neighborhood about the Gospel and give them a solid education so that they may grow up to live and know their human dignity. Father Vincent Caruso continued his service to the community which culminated in the opening of the Our Lady of Mount Carmel School for elementary students on September 6, 1949.

Trinitarians Sister Mary Valentine Delfino was the first principal of the school and has continued teaching and serving children ever since. She has taught all grades from 1 to 7. Sister Valentine Delfino was also a principal and teacher at St. Marian's in Cleveland, at Mother of Divine Grace in Philadelphia, PA and at Saint Rocco's in Cleveland. She is presently the regional delegate for the Sisters of the Most Holy Trinity in the USA, residing at the Shrine of Our Lady of Lourdes in Euclid, OH.

My fellow colleagues, join me in honoring Father Vincent Caruso and Sister Mary Valentine Delfino for their leadership and dedication to the children and the families of the Cleveland area. Their piety, sincerity and devoted service to God and to the local parish enabled the expansion and development of Our Lady of Mount Carmel Parish Grade School which now celebrates its 50th Anniversary.

UKRAINE ON THE EVE OF ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SMITH of New Jersey. Mr. Speaker, Ukraine's presidential elections will be held in a little over a month, on October 31. These elections will be an important indicator in charting Ukraine's course over the next 4 years. The stakes are high. Will Ukraine continue to move—even if at a slow and inconsistent pace—in the direction of the supremacy of law over politics, a market economy,

and integration with the Euro-Atlantic community? Or will Ukraine regress in the direction of the closed economic and political system that existed during Soviet times? Clearly, the outcome of the elections will have significant implications for United States policy toward Ukraine.

Despite the many internal and external positive changes that have occurred in Ukraine since its independence in 1991, including progress in creating a democratic, tolerant society and the significant role played in the stability and security of Europe, Ukraine still has a long way to go in building a sustainable democracy underpinned by the rule of law. Specifically, Ukraine needs to improve its judiciary and criminal justice system, reduce bureaucratic arbitrariness and rid itself of the stifling menace of corruption. Indeed, corruption is exacting a huge toll on Ukrainian institutions, eroding confidence in government and support for economic reforms, and discouraging domestic and foreign investment.

Mr. Speaker, I am concerned about reports of violations in the conduct of the election campaign, including in the signature-gathering process and inappropriate meddling by officials, especially on the local level. I am also troubled by governmental actions against the free media, including the recent seizure of bank accounts of STB independent television and the suspension of four independent television stations in Crimea. The harassment of the print and electronic media is inconsistent with OSCE commitments. It undermines Ukraine's overall positive reputation with respect to human rights and democracy, including its generally positive record in previous elections.

The Helsinki Commission, which I chair, was in the forefront of supporting respect for human rights and self-determination in Ukraine during the dark days of Soviet rule. We have viewed—and still view—Ukraine's independence as a milestone in Europe's history. However, in order to consolidate its independence and reinforce internal cohesion, Ukraine needs to speed its transition to democracy and market economy. It needs to work toward greater compliance with OSCE standards and norms. The OSCE Office for Project Coordination in Ukraine can be a useful tool to assist Ukraine in this regard and I hope that the Ukrainian government will take advantage of and benefit from the OSCE presence.

Despite frustrations with certain aspects of Ukraine's reality, it is important for both the Congress and the Executive Branch to continue to support an independent, democratic Ukraine, both in terms of policies designed to strengthen United States-Ukraine relations, as well as with assistance designed to genuinely strengthen democratic and free-market development. The key is to be patient, but persistent, in encouraging progress.

THANK YOU, HARRY MOSGROVE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. McINNIS. Mr. Speaker, I would like to pause a moment to recognize a man who has contributed a great deal to the community of Colorado. The man is Harry Mosgrove. Harry has been president and CEO of Copper Mountain Ski Resort since 1987. In the 12 years since he took this office Copper Mountain has enjoyed great success. The 1995–96 ski season was their best ever. They have also begun many programs, such as ''West Fest'', and building projects that have already enhanced the services Copper Mountain offers its guests. Perhaps his most significant contribution was to help Copper Mountain smoothly join with Intrawest, its new parent company. Now, after 18 successful years with Copper Mountain, Mr. Mosgrove has announced his retirement. He is getting ready to be a grandfather and is going to take the time for a well-deserved rest.

The important thing about Mr. Mosgrove, however, is that he didn't start at the top. In 1981 he came on to the team as manager of real estate. From there he moved to the positions of executive vice president and chief operating officer. He has also served as chairman of Colorado Ski Country USA. He will continue to be an active member of the executive committee and the board of directors as well.

Harry Mosgrove has been called a ''guiding light'' and has also been said to be ''a man of great integrity and vision.'' Business and our communities as a whole could use more people with Harry Mosgrove's attributes. For all of these reasons, I am offering my congratulations to Harry Mosgrove on his retirement but, more than that, I am thanking him for all he has done throughout his years of service. I know that he will be missed at Copper Mountain and I wish him well.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BASS. Mr. Speaker due to mechanical difficulties with my flight from my district I missed rollcall vote 427. Had I been present I would have voted ''aye.''

INTRODUCTION OF H.R. 2898

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce legislation, H.R. 2898, which lowers the minimum age for individuals without children to be eligible for the earned income tax credit to 21 years-of-age.

The earned income tax credit was established in 1975 to provide cash aid to working parents with low incomes who care for dependent children. In 1994, this credit was extended to include low-income workers with no children.

Many workers today struggle to make a living wage. This credit provides these workers with a financial boost to help them in their struggles. It either reduces their tax liability, thus putting more money in their take-home pay, or it provides an actual cash benefit. This extra money is a great help for these taxpayers, and I fully support this credit.

However, it is extremely unfair to deprive someone in this financial situation the benefits of the earned income tax credit merely because he or she has not reached the age of 25.

But this is exactly what the current law does. A taxpayer who otherwise meets the income requirements of tax credit is not eligible if he or she is under the age of 25.

Congress justified this age requirement to prevent students, who are otherwise supported by their parents, from becoming eligible for the credit. However, by focusing on the age of these students, the age requirement is depriving thousands of young Americans who are truly struggling financially from receiving the credit.

In our inner cities and our rural areas, many young men and women do not have the luxury of going to college. After graduation, they must find jobs in order to support themselves. And, unfortunately, the jobs that one can get with only a high school diploma are not paying a living wage.

My bill corrects the problem of the earned income tax credit by simply reducing the minimum age requirement to 21 years of age.

I urge my colleagues to support our young workers by supporting H.R. 2898.

TRIBUTE TO JOHN W. BURKHART: CHAMPION FOR INCREASED EDUCATIONAL OPPORTUNITIES

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SOUDER. Mr. Speaker, it has been said that education is the great equalizer. No one can deny that an education unlocks the doors of opportunity. Few have unlocked and held open the doors of higher education more than John W. Burkhart of Indianapolis, Indiana. Burkhart, who died in Indianapolis last month, was a true pioneer in opening up access to higher education.

In 1960—five years before the Federal student loan program was established as part of the Federal Higher Education Act—John Burkhart organized USA Funds to privately guarantee student loans. USA Funds later became USA Group, which is now the nation's largest student loan guarantor and administrator. Through USA Funds' and USA Group's loan guarantees, students who would normally be unable to afford high education, can now receive a higher education on credit. The concept of ''college on credit,'' pioneered by Burkhart and other visionaries like him, has spurred a substantial increase in the number of Americans with access to higher education. In 1965, only 1.5 million students entered institutions of higher education. That number increased to an impressive 2.2 million students by 1996. Certainly there are a variety of factors which contribute to such an increase, but the efforts of John Burkhart in fostering educational opportunity cannot be discounted.

Burkhart's vision helped pave the way for thousands of college students to improve the quality of their lives. Indeed, as domestic and global economic competition grow, America will greatly benefit from the increased rolls of highly educated Americans. John W. Burkhart not only unlocked the doors of opportunity to higher education for generations of Americans, but he also raised the expectation that future generations might also pass over the door's threshold.

A HALF-CENTURY OF ''MOMENTS TO REMEMBER''

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mrs. JONES of Ohio. Mr. Speaker, the big 5–0 can be very traumatic for some, but others relish the nostalgia-filled meandering down memory lane. So it is for Brecksville Women's Club (BWC), as the ladies gather to celebrate the group's half-century milestone.

In the gold glow of post World War II, Brecksville Women's Club was born—an outgrowth of the Women's Committee of Brecksville Little Theater. Believing the community needed a cultural, philanthropic and social outlet for women in the area, 10 young women met on September 26, 1949 and founded the club. The years since then have proved it was a wise move.

In the golden glow of a half-century of ''making members useful to society and helpful to each other'', BWC will mark the Big One September 23. Fiftieth Anniversary Chairman Annette Gorris and committee have arranged for the organization to take over Swingos-on-the-Lake's entire restaurant that afternoon. The Four Lads will guide the BWC lassies in a reminiscent sail through ''Moments to Remember.''

''Although the celebration is a private party for members only, we are expecting recognition on the state and national levels'' said President Joan Kules. ''Governor Bob Taft has proclaimed Sunday, September 26 as Brecksville Women's Club Day. George Gintoli, CEO of Northcoast Behavioral Healthcare System (NBHS) is to present us with that proclamation and one from NBHS, where our members have volunteered for 50 years,'' she explained. At the beginning of this year Brecksville and Broadview Heights Mayors Jerry Hruby and Leo Bender issued proclamations naming ''1999 Brecksville Women's Club's 50th Anniversary Year.''

The formal presentations will be brief however and lighted-hearted merriment is expected to prevail as members recollect anecdotes about volunteering, fundraising, social gatherings and special events. Some are expected to appear in skits recalling humorous incidents chairmen have encountered in raising thousands of dollars to help hundreds of causes. Those attending will be asked to write a brief greeting to be put into a time capsule which will be opened by BWC in the year 2005.

When the club was founded late in '49, the world was on the verge of a new decade and now, 50 years later, the world is on the verge of a new century. Marian Huefner, BWC's second President, and Mary Hoffman, BWC's third president, recall some turbulent but fun times for the fledgling group which numbered 35 by the end of 1950–51. (Of course, Brecksville was only a village then—it would be 12 years later that it reached city status with a population of 5,000.)

In the 50's era when saddle shoes, poodle skirts and malt shakes were ''it'', the group often held social events with their husbands as guests. Marian, laughing, recalls being in charge of refreshments for one of these events, arriving at the party with her husband and not thinking about the desserts she left at home until it was refreshment time. Mary says she misses the camaraderie of the smaller membership when everybody knew everybody else. Today with a membership of 300 women from 35 Northeast Ohio communities and Florida, it is more difficult to know everyone. Both ladies treasure friendships they have made throughout the years and as charter members they will be awarded Lifetime Memberships at the celebration. The late Betty Hoffman, first president and founding leader, was awarded a Lifetime Membership when the Club marked its 30th anniversary in 1979. There are currently 19 past presidents on the active roster and 31 ladies who have belonged for 25 years or longer!

Since 1949, a chief money-making event has traditionally been a luncheon fashion show. At first these were in the form of garden parties with the members doing all the work. ''There was no such thing as rain insurance and the weather was undependable,'' said Orah DeHamm, past president and a member for more than 40 years. She remembers scrambling into a member's home when the rain hit the backyard party.

These events were moved indoors, but ''minor calamities'' also happened that weren't weather related. ''Old-timers'' recall one such incident when the food committee members all plugged in their electric roasters and blew out the lights in St. Basil's Church Hall.

More often, the fashion fundraisers came off without a hitch. ''One year we each roasted turkeys at home and combined the meat in a main dish salad,'' said Margaret Mansbery, a past president. ''This was a lovely affair we held at Camp Cheerful's main auditorium in the Metro Parks.'' The fashion show fundraisers have been held at various places—the Holiday Inn, Landerhaven, Windham Hotel, etc. BWC's 50th major fundraiser is set for May 1, 2000 at the Hilton Hotel across from Summit Mall.

In the fall of 1973, a second fundraising event—the President's Ball—became a part of the club's activities. After 10 years the ball's popularity declined and since then a variety of money-making affairs have been staged such as card parties, holiday bazaars, Day at the Races and a Celebrity Fingerpainting Auction. Profits from the fundraiser go into the philanthropic fund and are distributed at the end of each club year. BWC has given away more than $150,000 to a variety of causes with the largest percentage to education in the form of scholarships and education awards.

In addition to monetary help, BWC purchased a washer and dryer for patients at the old Broadview Center, bought books for the library, obtained eyeglasses for needy students and provided for families who needed assistance during the Christmas season. When a fire damaged Brecksville Old Town Hall, the club gave $2,000 for kitchen repairs. It has purchased paintings for both Brecksville and Broadview Heights city halls.

In its first year, the club began helping the less fortunate, staging monthly parties at Hawthornden State Hospital (now Northcoast Behavioral Healthcare System). Former president Mary Ann Celebrezze has chaired this project for the last five years and each month she and her workers take Bingo games, prizes and refreshments to the facility for the mentally ill.

Ruth McMahon, a NBHS volunteer for many years, remembers that in the early days the parties were held in the evenings and in the segregated cottages—dancing and singing with the male patients and playing games with the female patients. ''In those days it was not unusual for a female patient to strip naked,'' Ruth said. ''We would just ignore her and a staff member would take over.'' Ruth also recalls one snowy evening the volunteer group came in the back entrance and the gate was closed they went to leave. There was nothing they could do but back up the steep hill to get off the grounds. Nowadays that gate is closed and the parties are in the afternoon with mixed groups.

Throughout the years, BWC members have served as nannies for the babies of unwed mothers at Marycrest School and helped with the mentally handicapped at the old Broadview Center.

''In the early '70s, BWC received a great deal of recognition from the Federation of Women's Clubs of Cleveland for its volunteer work and types of projects,'' said Cecile Clarenbach, a former president. ''We won the first place award among 45 clubs numerous times over the years for our philanthropic events and volunteer efforts.''

The Federation was dissolved in the early '90s with the decline of women's clubs making BWC rather unique for its longevity and healthy operations.

''We had baby-sitting service for our members in the '70s,'' said Rita Morris, another past president. ''The cost of the baby-sitter was partly subsidized by the club so young mothers could attend the meetings,'' she explained. Nowadays, many of these members' children are grown. The group no longer prepares their own lunches and for the past seven years has considered St. Michael's Woodside Party Center as its headquarters.

Many friendships have been built up in participating in bowling, bridge, golfing, antiquing, special lunch outings, bus tours, Cleveland Orchestra Concert series, and theatrical productions. These and many more activities through the years will give those attending the ''Moments to Remember'' celebration a true sense of renewed sisterhood and commitment to BWC.

H.R. 2116, VETERANS MILLENNIUM HEALTH CARE ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PACKARD. Mr. Speaker, America's veterans are forgotten far too often. My colleagues and I are committed to protecting veterans' programs and ensuring that our nation honors its commitment to our men and women in the military. To do anything less would be to abandon the very principles that veterans fought so hard to preserve.

We are committed to securing our veterans' future and are working now to provide funding to honor our promise to them. Last week the House of Representatives approved the Veterans Administration/Housing and Urban Development Appropriations bill, which contained a $1.7 billion increase for veterans health care, totaling $196 billion.

Yesterday, Congress passed the Veterans Millennium Health Care Act, which expands veterans eligibility for care and dramatically improves the care provided to veterans in their homes. The expanded care includes geriatric evaluations, nursing home care, adult day health care, and other types of home health care. The act also requires the Veterans Administration to operate and maintain a national program of extended services.

The Veterans Millennium Health Care Act coupled with the funds provided in our annual veterans appropriations legislation, affirms our nation's appreciation for our aging veterans and our commitment to provide them with the health care they will need in the coming years. I thank my colleagues for supporting veterans by voting in favor of this crucial legislation.

MR. RAY ARVIZU, CHAIRMAN OF THE BOARD OF DIRECTORS OF THE U.S. HCC

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PASTOR. Mr. Speaker, I rise today to recognize Mr. Ray Arvizu's recent election to Chair the Board of Directors for the U.S. Hispanic Chamber of Commerce (USHCC). I am confident that the experience, knowledge and passion Mr. Arvizu brings with him will ensure the continued growth and effectiveness of the USHCC.

For more than 15 years, Mr. Arvizu has pledged his time and talents to promote and elevate marketing to Hispanics. In recent years, Mr. Arvizu has guided his company, Arvizu Promotions and Marketing Events, in Phoenix, Arizona, onto the short list of Arizona's most successful ad agencies. From the beginning, hard work and dedication to be the best have been Mr. Arvizu's hallmark.

In addition to his professional accomplishments, Mr. Arvizu has been active within the Hispanic and local communities throughout his career. He currently serves on several distinguished boards, including: the Boys and Girls Club of Metropolitan Phoenix, Phoenix Chamber of Commerce, and the Grand Canyon Minority Council. He is also the Co-Chair of the National Community of Latino Leadership Forum and prior to his election to Chair the USHCC, Mr. Arvizu served as the Vice-Chair of the Chamber.

As the former Vice-Chair of the Chamber and successful businessman, Mr. Arvizu has demonstrated the foresight and creative energy which make him an asset in all his endeavors. Without a doubt, these traits will serve him well as he continues to fulfill the USHCC mission: To advocate, promote and facilitate the success of Hispanic businesses.

I wish him the best of luck as he leads the U.S. Hispanic Chamber of Commerce into the new millennium.

HONORING THE NATIONAL CHAMBER ORCHESTRA OF ARMENIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the National Chamber Orchestra of Armenia (NCOA) for their performances around the world and genuine cultural representation of their country.

The NCOA consists of 25 of the most accomplished instrumentalists in the young republic under the baton of Artistic Director and Principal Conductor Aram Gharabekian. They have been honored with great success in the past, such as representing Armenia in 1997 at the Cultural Capital of Europe Festival in Thessaloniki, Greece. And in December 1998, the orchestra released a compact disk through PolyGram/Germany presenting a synthesis of ancient and contemporary works of Armenian composers. At home, the NCOA performs every third week at the Komitas Chamber Music Hall in Yerevan. In addition, the orchestra performs around the globe and has toured Europe, South America, and the United States.

Conductor Gharabekian was born in the Old World in 1955 and moved to the United States as a youth. He received his Master's Degree in Music Composition from the New England Conservatory of Music in Boston and engaged in postgraduate studies at Mainz University in Germany. Maestro Gharabekian's numerous honors include the Lucien Wulsin Performance Award for the best concert aired on National Public Radio; the American Society of Composers' Award for adventuresome programming; the Harvard Music Association's "Best Performance Award," and the Boston Globe's "Best of the Year" designation.

Mr. Speaker, it is my pleasure to honor the achievements of the National Chamber Orchestra of Armenia, for being one of the leading instrumental groups of the Republic of Armenia and sharing such beautiful cultural music across the world. It is Principal Conductor Aram Gharabekian's exceptional leadership and devotion that has warranted this recognition, and has lead to the success of the orchestra. I ask my colleagues to join me in wishing the National Chamber Orchestra of Armenia and Conductor Gharabekian many more years of continued success.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BASS. Mr. Speaker, due to mechanical difficulties with my flight from my district I missed rollcall vote 429. Had I been present I would have voted "aye."

HONORING COAST GUARD VOLUNTEER JIM CLOUD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. THOMPSON of California. Mr. Speaker, I am pleased to join the citizens of Crescent City in honoring Jim Cloud, who for 6 years served without pay as Crescent City Harbor's sole marine safety examiner for the U.S. Coast Guard.

During the August district work period, Jim was honored by his volunteer peers and the Coast Guard for his dedication to marine safety. Indeed, Jim was known for taking his job seriously and, as the Coast Guard said during the ceremony honoring him, Jim "contributed to the overall safety of more than 425 fishermen and 170 fishing vessels."

Crescent City Harbor is home to more than 25 percent of the fishing vessel fleet between the Oregon border and San Francisco Bay. The coastal waters fished by these vessels are treacherous and the weather ever-changing. As such, the role of the marine safety examiner is critical to ensuring that commercial vessels are seaworthy and prepared for any emergency.

For Jim, the work was a labor of love. Coming from a long family history of seamen, Jim joined the Brookings Coast Guard Auxiliary in the mid-1980's. During his tenure, he assisted the Coast Guard in search and rescues and teaching boating and safety classes.

But, in particular, his service as a marine safety examiner will always be remembered and appreciated. In conferring its Award of Operational Merit, the Coast Guard acknowledged that Jim's efforts "helped reduce the number of fishermen deaths, injuries, as well as property loss and environmental damage."

To which Jim replied "I feel good about doing my little part. It was a good deal for the harbor and a good deal for me."

Thank you, Jim, for a job well done.

TRAGEDY IN TAIWAN

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. HILLIARD. Mr. Speaker, today I rise in great sadness to recognize the enormous

tragedy that has stricken the citizens of Taiwan. I extend condolences to the Ambassador and the numerous families that have been devastated by this earthquake. The people of this country have been great allies to the United States and their ongoing struggle for independence parallels the many perils experience by my people here in this country.

I have visited Taiwan on numerous occasions and have always been warmly received by both its government officials and private citizens, and believe that it is only right that I continue to carry the torch of friendship during their time of need. While the United States is currently recuperating from the aftermath of its own natural disaster, it is important that we share in Taiwan's grief. I have personally been in contact with the Ambassador and have pledged my full support toward helping them recover from this tragedy. I ask my colleagues in the House to follow my act of solidarity and pledge their support to our comrades in Taiwan.

THE HERMELIN BRAIN TUMOR CENTER—NEW HOPE FOR CANCER PATIENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. LANTOS. Mr. Speaker, this year in the United States some 20,000 new cases of primary brain tumors will be diagnosed, and more than 100,000 cases of cancer migrating to the brain from a different site will be found. Traditional treatment regimens of surgery, chemotherapy, and radiation have not stopped the natural progression of the disease in far too many cases, and new therapies are desperately needed.

Finding new treatments often means years of laboratory investigation, followed by both clinical trials and the examination of results, before such therapies can be deemed successful and made available to patients. Speeding up this process is of vital importance to innumerable cancer patients. With this in mind, friends and family of David B. Hermelin have pledged $10 million to launch a brain tumor research center at Henry Ford Hospital in Detroit.

Mr. Speaker, David Hermelin is the United States Ambassador to Norway, and earlier this year he was successfully treated for a brain tumor. Currently, he is undergoing therapy at the Henry Ford Hospital. The funds donated in his name will launch the Hermelin Brain Tumor Center, housed within the Department of Neurosurgery. The center will be directed by Mark L. Rosenblum, M.D., Chair of the Department of Neurosurgery, and by Tom Mikkelsen, M.D., of the Departments of Neurology and Neurosurgery.

''The center at Henry Ford Hospital is now positioned to make a significant impact on this disease,'' said Dr. Rosenblum. ''With state-of-the-art technology for diagnosis and surgery, with continual ability to provide the most advanced surgery and treatments available, and with new discoveries from our research team, we are confident we will be able to change life-threatening brain tumors into a chronic, controllable disease like diabetes.''

The Hermelin Brain Tumor Center will support three main areas of novel investigation to help control brain tumors: (1) antiinvasion therapy (which stops a tumor from invading healthy brain tissues), (2) gene therapy (which uses scientifically engineered viruses which recognize and kill cancer cells), and (3) antiangiogenesis (which stops a tumor from building its network of blood vessels, effectively starving it). In addition, the Center will sponsor annual brain tumor workshops focusing on each of these three areas of research. Brain tumor scientists from around the world will be invited to share their knowledge and compete for a research grant, thus providing new ways to share novel findings and to use these findings to fund research that will bring new treatments to patients in the most rapid possible manner.

Mr. Speaker, David Hermelin is an outstanding citizen of our Nation, and as United States Ambassador to Norway, he has made an important contribution to strengthening traditional good relations between our country and Norway. In addition, he is a leading philanthropist who has spearheaded major fundraising efforts which have garnered millions of dollars for academic, medical, civic, religious and charitable organizations. The Hermelin Brain Tumor Center is a fitting and unique recognition of his generous contributions. I invite my colleagues to join me in honoring Ambassador David Hermelin and recognizing the importance of the Hermelin Brain Tumor Center.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained in my district on September 21, 1999.

If I had been present for rollcall No. 427, I would have voted '' yes'' if I had been present for rollcall No. 428, I would have voted '' yes'' if I had been present for rollcall No. 429, I would have voted '' yes''

RECOGNIZING ED HARRIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to recognize the hard work and tireless dedication of Principal Ed Harris to Edwardsville High School. He was recently named Illinois Principal of the Year by MetLife and the National Association of Secondary School Principals. School District Superintendent, Ed Hightower, praised the principal's work. ''[Harris] has made positive changes at the High School and has proven quality leadership in this position''

Ed Harris will continue his outstanding work this year at Edwardsville High School. His goals for the year will include maintaining the safety of students and staff, and ensuring that the administrators are visible and available to students.

A principal like Mr. Harris shows us what a difference individual attention and caring can do for our schools and our children. I would like to thank him for his great contribution to the school and the community.

A TRIBUTE TO BOB REED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. LEWIS of California. Mr. Speaker, I would like today to recognize Bob Reed, who over the past 25 years has become a local institution as the ''chairman of the bar'' at one of the most pleasant eating establishments on Capitol Hill, the Monocle.

Nearly a generation of Members of Congress and others who toil on the Hill have found refuge in Bob's company. He is that rarest of personalities in this town: strictly nonpartisan and unopinionated, a sympathetic ear for anyone, regardless of their politics or philosophy. For 25 years, he has always met his guests on a positive note—even during those times when there wasn't much to be positive about.

Bob was raised in West Virginia and enlisted in the Navy during World War II. He has resided in Washington since 1951. Since joining the Monocle in September 1974, he has been a friend to me and many other Members of Congress from both parties.

Mr. Speaker, I'm sure you and my colleagues will join me in congratulating Bob Reed on his career milestone, and thank him for providing a quiet harbor from turbulent political seas.

COMMEMORATING THE RETIREMENT OF ROSA VERRETT WILSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DIXON. Mr. Speaker, I rise today to commemorate the retirement of Ms. Rosa Verrett Wilson from Southwest Administration of the County of Los Angeles. Ms. Wilson worked for the Southwest Administration for 18 years before her retirement on June 30, 1999. During her long tenure with Southwest Administration, she never received a complaint about her work. Prior to her work with Southwest, Ms. Wilson spent 15 years working with Blue Cross of Southern California and 12 years in fashion in Seattle, Washington.

Ms. Wilson's good works are an inspiration to us all. For 24 years, Rosa Wilson has been a member of Mount Moriah Church. She met her husband, Brother Jordan H. Wilson, at Mount Moriah and has served on many church auxiliaries and committees. She has been a Sunday School teacher for the Nursery and

Kindergarten Departments, a Vice-President of the Courtesy Committee, and a Program Chairperson for the California Baptist State Secretaries and Treasurers of the Los Angeles Area.

In 1987, Ms. Wilson, her husband, and their children, Carolyn Rence Wilson-Bowles and Keith Lamont Wilson, joined the Zoe Christian Fellowship of Los Angeles. Ms. Wilson is also a member of Alpha Christian Women Ministry. She has received several awards, including ''Honored Mother of the Year'' in 1983 and the ''God's Woman Award'' in 1994.

Rosa Wilson is also the founder of the Committed To Service Ministries at Southwest Administration. The group meets once a week to pray for the growth and success of the company and for healing. In addition, Ms. Wilson spends time visiting sick relative of co-workers and praying for their health.

I congratulate Ms. Wilson on her time with Southwest Administration and extend to her my best wishes as she begins an exciting new chapter in her life.

HONORING THE U.S. FOREST SERVICE LAW ENFORCEMENT DIVISION OF CLEVELAND NATIONAL FOREST IN SAN DIEGO COUNTY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. HUNTER. Mr. Speaker, I rise today to celebrate the accomplishments of our men and women of the U.S. Forest Service Law Enforcement division in the Cleveland National Forest in San Diego county's back country.

During the year 1996, twenty-two illegal immigrants died from exposure in the Cleveland National Forest. In 1997 nineteen died. Since 1996, Mr. Tommy LaNier, the Special Agent-in-Charge, of law enforcement for the forest and his team of dedicated officers have apprehended over 20,000 illegal aliens in the Cleveland Forest, potentially saving many immigrant's lives who could well have perished in hostile conditions.

The apprehension of illegals in the forest is also serving to pervent further ecological degradation to the forest. In addition, the strong law enforcement in the forest precludes portions of public lands from having to be closed to U.S. taxpaying families who want to visit our natural areas.

Foot trails in once pristine natural habitat have now been pounded into the forest floor by as many as 300 illegal entrants in a given day passing through the Cleveland National Forest. These illegal trails grow deeper and deeper by the day causing erosion and irreparable damage to the forest. Contamination of streams is a major concern and in 1997 over eleven tons of trash left by illegal aliens passing through the forest had to be collected.

It is interesting to note that the U.S. Forest Service, nationwide, has more acreage and more visitors per year than the National Park Service and the U.S. Fish and Wildlife Service combined. The U.S. Forest Service has twice the number of violations to respond to with less than than half the enforcement officers of the two previously mentioned agencies.

The Cleveland National Forest is unique in its locality; it lays continguous to the Southwest U.S.A./Mexico border. The enhanced efforts of the U.S. Border Patrol in the San Diego area have pushed thousands of illegal aliens, heading North into the interior cities of the U.S., into this forest. Our defense against this invasion is a dedicated group of five U.S. Forest Service Law Enforcement Officers who are on call 24 hours a day, seven days a week.

The rate of incidence of illegal aliens campfires rose from 855 fires in 1996 to 1,044 in 1997. Law Enforcement officers have the dual burden of apprehending these illegal aliens so as to prevent their camp fires from breaking loose and endangering not only the forest, but also the illegals hiding in the forest. Fire damage is not the illegal's only threat to the forest. Degradation of the forest from the uncontrolled massive gathering of firewood for cooking and nighttime warming fires by thousands of trespassers in devastating and will take centuries to mend.

Mr. Speaker, Tommy LaNier and the Law Enforcement officers of the U.S. Forest Service have set a standard to which all law enforcement specifically, and public servants in general, can aspire. The efforts of these dedicated officers make it possible for taxpaying American citizens, from all walks of life, to safely enjoy some of the most beautiful forest area in our great nation. I invite all Members to stand with me in saluting the law enforcement efforts in the Cleveland National Forest by Tommy LaNier and his team.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 424, the DOD Authorization Conference Report, I was held up in a traffic accident. Had I been present I would have voted ''yes''.

TRIBUTE TO GEORGE W. ''WILL'' GAHAGAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. FARR of California. Mr. Speaker, today I would like to note the passing of a prominent American citizen, George W. ''Will'' Gahagan, who died in Carmel, California on December 8, 1998 at the age of 86.

Will was a man of broad interests, and notable achievements. He was well-educated, graduating in 1949 from Dartmouth, and worked as a newspaper reporter, federal public relations officer and foreign press liaison officer at the 1945 inaugural United Nations conference in San Francisco. Will attended Harvard during his graduate years, and in 1957 received his master's degree from Stanford University. During his Dartmouth years he met the poet Robert Frost, who was on the faculty, and later founded the California Friends of Robert Frost, a non-profit organization that helped establish Frost Plaza in San Francisco, Mr. Frost's birthplace.

Will was an educator as much as he was a student. He taught English for 15 years at high schools, including Tularcitos, Junipero Serra High School and Santa Catalina School in Monterey. He also taught at an international school in Rome, His students benefited greatly from his tutelage and enthusiasm for learning.

Will's contributions to Monterey County were as far-reaching as his range of interests. He wrote a column ''Word Wise'' for the Monterey Herald, produced and hosted a foreign affairs television program in Salinas, and wrote a guidebook about the Monterey Peninsula. He worked with many local organizations including the Carmel Foundation, the World Affairs Council, the Carmel City Planning Commission and the Carmel Library. Will helped create the Dennis the Menace Playground in Monterey, and helped raise $250,000 for the Robinson Jeffers Tor House in Carmel. He was a member of the senior and super-senior national tennis teams, successfully competing in tournaments in Canada and Europe. Will has been inducted into the Dartmouth College Athletic Hall of Fame.

No list of accomplishments can represent the generosity of spirit, the vitality, and the intelligence that Will demonstrated every day. Will is to be remembered as an exemplary human being. He is survived by his wife Lorna; his sons Michael and Mark; his daughters Tappy and Lissa; his brother John; and, seven grandchildren. He will be sorely missed by all who had the privilege of knowing him.

TRIBUTE TO EARL REEDER

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Earl Reeder who is celebrating his 90th birthday this week. Earl was born on September 20, 1909, in Edgewood, IL., the son of Merrill and Myrtle (Hackney) Reeder. Earl is a lifelong Democrat and has dedicated over forty years of his life to public service. In celebration of his 90th birthday, a card shower was thrown for Earl and he has received well over a hundred birthday greetings; a testament to his popularity among his friends and neighbors.

Earl's career in public service has spanned over forty years and is a ''public servant'' in the true meaning of the term. He was made County Assessor in 1941 and resigned as Supervisor effective September 9, 1982. Earl was on the Board of Review in 1961 and again in 1972. Earl also served as a precinct committeeman from around 1963 till his retirement in 1982. Throughout his career, Earl was always committed to the people he served and the Democratic Party he supported.

Mr. Speaker, Earl's dedication to public service is evident and I am commending him

now for a lifetime of work. Earl is still a man who is in good health, has an excellent sense of humor and enjoys watching basketball and baseball. I encourage all my colleagues to join me now in wishing Earl a happy 90th birthday and a long and healthy future.

PERSONAL EXPLANATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. McKEON. Mr. Speaker, I was not present for rollcall vote 418, on September 14, 1999. Please let the RECORD reflect that had I been present, I would have voted ''aye.''

WORLD STANDARDS DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mrs. MORELLA. Mr. Speaker, today, the United States observes ''World Standards Day.''

Since 1970, World Standards Day has raised awareness of the need for international standardization in an increasingly global economy.

Harmonized technical standards provide open export markets for U.S. products. According to the Department of Commerce, standards play a role in $150 billion worth of U.S. exports, and serve as a barrier to the export of between $20 billion and $40 billion worth of U.S. goods and services.

As other barriers to trade are torn down, non-harmonized technical standards are one of the last restraints on the free flow of international commerce.

World Standards Day is an example of how the public and private sectors can work together to ensure U.S. products and services are accepted in the global marketplace.

The co-chairs of the World Standards Day Committee are the American National Standards Institute (ANSI), a private institution, and the National Institute of Standards and Technology (NIST).

This type of public/private cooperation is crucial to ensure America's competitiveness in overseas markets.

Mr. Speaker, today, on World Standards Day, I ask the Congress to recognize the important role international standards pay in our economy and in our international competitiveness.

RECOGNITION OF THE ONE HUNDREDTH BIRTHDAY OF JOHN MAGNOTTE

HON. DAVID E. BONIOR

OF MIGHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BONIOR. Mr. Speaker, today I rise to recognize the 100 years of John Magnotte's life. John was born on September 22, 1899, in Detroit Michigan. Today John lives in the beautiful community of St. Clair Shores where he settled in the 1950's.

John married Dorothy Fraquelle in 1927, and raised three children, two sons and a daughter, while working for General Motors for 30 years. Though he has been a widower for the last 10 years, Mr. Magnotte is today surrounded by five generations of children, grandchildren, great grandchildren and even great-great grandchildren.

Mr. Magnotte is still very active in senior groups today, especially the St. Clair Shores Senior Cruisers Club. He is often found playing cards and socializing with the Cruisers, as well as the other senior groups in the area. He is always surrounded by friends and family and takes great pride in showing off the roses in his yard.

Besides his long life, we should recognize the experiences that John has acquired in his 100 years. He has lived through the administration of 18 different U.S. Presidents and the creation of five U.S. States. John went from the days of horse and buggy travel to witness space travel on television. Many of us can only dream of 100 years worth of visions and sights, a 100 years worth of character, a hundred years worth of emotions. John Magnotte's life is fit for framing, and should be cherished as a national treasure. I invite all of you to join me in honoring a true historian of the American Dream and wish John Magnotte a very happy one hundredth birthday.

IN HONOR OF REVEREND ALAN DAVIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the passing of Reverend Alan Davis, an activist who fought in the interests of justice for the poor and the oppressed without counting the costs. Reverend Alan Davis dedicated his life to helping the underprivileged.

Reverend Davis spent more than 23 years serving as a pastor at St. Phillip's Christian Church on E. 30th St. near one of the city's poorest housing projects. He led the church community in providing emergency food supplies and tutoring for area families. During this time he was also the executive director of the City Club where he brought in diverse philosophers and speakers from around the world to discuss issues important to the club. As City Club executive director, and as pastor at St. Phillip's, Reverend Davis devoted much of his time to the Volgograd Forum, a free speech forum similar to the City Club in Volgograd, Russia.

As a veteran of World War II and serving in the signal corps, Reverend Davis demonstrated his commitment to both God and country. From 1953 to 1961, Reverend Davis served at North Royalton Methodist Church and then moved on to Aldersgate Methodist Church in Warrensville until 1968. Since then he spent 23 years serving St. Phillip's Church in Cleveland.

His commitment also extended to serving society and defending the civil rights of all Americans. As a social activist he was associated with Dr. Martin Luther King, Jr. and affiliated with numerous programs to feed and house the poor. Reverend Davis soon went on to Yale University where he graduated with a bachelor's degree and then a graduate's degree from Yale Divinity School in 1953.

My fellow colleagues, join me in recognizing the passing of Reverend Alan Davis, a man who consistently and without pause adhered to the principles and values of God at the price of self-interest. Let us aspire in our own efforts to show such a commitment and passion to truth.

COMMEMORATING THE INDEPENDENCE OF THE REPUBLIC OF ARMENIA

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. ROGAN. Mr. Speaker, yesterday the people of Armenia celebrated the eighth anniversary of their republic—honoring a national referendum in support of a free and democratic Republic of Armenia. Less than 1 month ago, I had the honor and the privilege of visiting this proud nation and would like to share with my colleagues what I learned about this nation whose culture and tradition dates back some three millennia.

Perhaps the most inspirational lesson I brought back concerns a terrible experience endured not only by the Armenian people, but by the world—the atrocities committed at the hands of the Ottoman Turks in the first decades of this century. Despite a cultural and political annihilation—indeed a genocide—the Armenian people have flourished as a defining culture in the Caucasus, in the United States, and on the world stage.

This resilience is evident in the Republic's rise from former captive nation under the Soviet empire state to independent democracy. As I learned on my recent trip, the Armenian people—in the United States and Armenia—have united behind the cause of a prosperous community and a productive nation. Today, Armenia is leading the region in development of infrastructure, technology and education.

As we celebrate this independence, I reflect on my meeting with the President of Armenia, Robert Kocharian. Through his efforts and those of his Azerbaijani colleague, Heidar Aliev, the release of Armenian prisoners of war recently was secured. This is just one example of their work to end decades of bitter feuding in the region. President Kocharian also has guided his nation into a new era of education reform, of artistic rejuvenation and of economic development.

Mr. Speaker, our Nation is built upon a foundation of freedom, democracy, and independence. The Republic of Armenia, I am proud to report, follows this same tradition. The Armenian people have proven that the triumph of the human spirit—despite decades of war, of genocide, and of oppression—can not stifle the will of a people to make their world

a better place to live. I am honored to represent one of the largest populations of ethnic Armenians outside Armenia, and I am deeply grateful for the opportunity to have visited their homeland.

As we move toward a new century, and look back on the successes of our past, I would ask my colleagues to join me in saluting the remarkable achievements in the Republic of Armenia. To the Armenian people we send our respect and admiration on the occasion of your nation's eighth anniversary of independence.

BAPTIST CHURCH TARGETED BY AZERBAIJAN AUTHORITIES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I rise today to highlight a disturbing incident involving governmental harassment of religious believers in Azerbaijan. We have received reports of religious liberty violations perpetrated by governmental authorities. As a participating State of the OSCE, Azerbaijan has committed to insuring the freedom of individuals to profess and practice their religion. These recent governmental actions are a clear violation of Azerbaijan's OSCE commitment to the freedom of thought, conscience, religion or belief.

On September 5th, government officials in Baku forced their way into a legally-registered church, Baku Baptist Church, and arrested sixty members of the religious group. The pastors of the church as well as a dozen foreigners were among those arrested and interrogated. The arrested Azeri religious believers were detained and asked to sign a statement affirming that they had attended an ''illegal meeting'' and promising not to attend the religious meetings in the future. Ultimately, two leaders of the church were sentenced to 15 days in prison on charges relating to resisting police. Likewise, then other foreign members of the religious group were charged with ''engaging in religious propaganda'' and ''propagating against the Muslim faith,'' in violation of an Azeri law that forbids such activity. On September 8th, all ten foreigners were deported and more deportations are likely.

These events are alarming, Mr. Speaker. While there had been reports of governmental harassment in the past, especially of unregistered religious minority groups, these current events are especially problematic because the target of these actions was a legally registered religious group.

Mr. Speaker, these actions are in direct violation to Azerbaijan's OSCE commitments, including section 16 of the 1989 Vienna Concluding Document, which explicitly delineates the wide scope of activities protected, including the right to establish and maintain places of worship and granting them status under law to both profess and practice their faith. In the 1990 Copenhagen Concluding Document Article 9.1, Azerbaijan has reaffirmed ''that everyone will have the right to freedom of expression, including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.''

The actions by Azerbaijani officials clearly violate these commitments. I truly hope that these government actions are merely an aberration and will be dealt with accordingly and are not the signal of even more repression of religious believers in Azerbaijan.

I would like to commend to my colleagues the work of our Embassy in Baku on religious liberty. Embassy personnel have taken this recent incident very seriously and have followed the situation from the start. I urge those of my colleagues who interact with Azerbaijani Government officials to raise religious liberty issues in their discussions, stressing the essential role that religious liberty—and indeed human rights in general—play in maintaining a free, stable, and democratic civil society.

IN RECOGNITION OF 1999 LAWSUIT ABUSE AWARENESS WEEK IN THE STATE OF OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GILLMOR. Mr. Speaker, I rise to call attention to an important designation this week in the state of Ohio. The week of Sunday, September 19 through Saturday, September 25, 1999, has been officially designated by Ohio Governor Bob Taft as lawsuit Abuse Awareness Week.

The 1999 Lawsuit Abuse Awareness Week campaign attempts to better educate citizens throughout the state of Ohio about the ongoing concerns of the legal problems in our judicial system. During this campaign, the Ohio Citizens Against Lawsuit Abuse (OCALA) has undertaken a public awareness campaign to voice the concerns about lawsuit abuse and draw attention to the impact it has on the state of Ohio. Citizens from across the state have assisted with the campaign to help OCALA spread its message.

Mr. Speaker, the overwhelming rise in lawsuit abuse is not a concern specific to the state of Ohio. Certainly, these problems carry both state and national implications, which affect all Americans. In recent years, our society has become more prone to litigation. In fact, some statistics show the number of lawsuits filed each year approaching 300,000. The sheer number of these lawsuits requires millions of dollars in expenses and thousands of hours from employees. These figures demonstrate that lawsuit abuse is a heavy burden that interferes with our continued economic growth.

As lawsuits continue to climb in number and scope, the impact on our standard of living is evident. Frivolous lawsuits result in higher operating costs for businesses, the withdrawal of products from the marketplace, and the potential decline in growth and overall expansion. Simple economics shows us that these costs are inevitably passed along to consumers and workers in the form of higher prices, lost opportunities, and fewer jobs.

Mr. Speaker, lawsuit abuse is a serious issue facing the United States. As such, it is important for groups like OCALA to be recognized for their efforts in curtailing this abuse. Dedication to change, like that shown by OCALA and other groups, will further the cause to end lawsuit abuse and bring about overall legal reform. I would urge my colleagues to stand and join me in recognizing the week of Sunday, September 19 through Saturday, September 25, 1999, as ''Ohio Lawsuit Abuse Awareness Week.''

HONORING HILMAR MOORE

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DELAY. Mr. Speaker, today I would like to honor a man whose dedication and commitment to his community should not go unnoticed. Today, September 22, 1999, marks the 50th anniversary of Hilmar Moore's continuous service as the mayor of Richmond, TX.

The mayor's term is a unique one in Texas and the Nation's history. Mayor Hilmar Moore was appointed to serve an unexpired term for Richmond, TX, on September 22, 1949. Since then he has unselfishly served for the advancement of the community. Mayor Moore has deep-seeded Texas roots. He is descended from several of Stephen F. Austin's original colonists who settled Texas. In fact, Mayor Moore is a life member of the Sons of the Republic of Texas. His family's strong commitment to community has lasted generations and many have served in State and local governments.

From 1970 to the present, the mayor has been and continues to be, a leader in the livestock community. He has served on the Texas & Southwestern Cattle Raisers Association as second vice president, first vice president, and president from 1974–76. He has served on the Beef industry Council of Meat Board as vice chairman from 1979–81 and as chairman from 1981–83. In 1983–84, Mayor Moore served as treasurer of the National Livestock and Meat Board and in 1984–85 as chairman-elect. Also, in 1985, he was named Trustee Emeritus of the Gulf Coast Conservation Association. Mayor Moore has received numerous awards and recognitions from the National Livestock and Meat Board Association, Texas Brahman Breeders Association, and the Golden Spur Award. Presently, along with his mayoral duties Hilmar Moore is the director of the King Ranch.

I wish to extend to Mayor Hilmar Moore my heartfelt congratulations and I know my colleagues here in the U.S. House of Representatives do so as well. It will be a pleasure to continue working with him for the improvement of the city of Richmond and the Fort Bend community.

JOHN NESPOLI HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. John L. Nespoli, who has been named Community Leaders of the Year by the Arthritis Foundation of Eastern Pennsylvania. I am proud to have been asked to participate in this event.

This prestigious award has been described by Arthritis Foundation Chairperson Deborah D. Hannon as an honor ''presented to an individual who epitomizes the word 'leader' in both their personal and professional life. The recipient is someone who gives back to their community as a way of thanking them for achieving success in their own life.''

John Nespoli is the president and chief executive officer of Mercy Health Partners and one of the senior vice presidents of Catholic Healthcare Partners, which makes him responsible for a $200 million health care system, including a tertiary referral center, community hospitals, skilled nursing facilities, home health care, physician group practice and managed care operations.

In addition, John serves on a large number of diverse community organizations. A native of Berwick, John is a dedicated professional with strong commitment to our region. He is the husband of the former Geri Kamps and the father of twins.

Mr. Speaker, I applaud the Arthritis Foundation for this year's choice for the ''Community Leader of the Year'' and am pleased to send my year very best wishes to John as he accepts this prestigious honor.

GEORGE NEAVOLL MAKES THOUGHTFUL CONTRIBUTION TO MAINE

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BALDACCI. Mr. Speaker, I rise today to pay tribute to George Neavoll, who edited the opinion pages of the Portland Press Herald and the Maine Sunday Telegram newspapers from 1991 until his retirement earlier this month. His readers, myself included, know that he leaves behind very large shoes to fill.

In the words of his colleagues, George Neavoll ''set an unapologetically upbeat tone for the opinion pages, wrote extensively about the State's environment and worked to create a consciousness among Mainers that they live in the Atlantic Rim region.''

During his time as editorial page editor, Mr. Neavoll championed many causes and highlighted problems in need of attention. From management of our fisheries and protection of our air, land, and water, to the return of passenger rail service in Maine and the need for improved East-West travel routes in our State, George Neavoll enhanced public discourse and made us think.

He also opened up the editorial board meetings to the public, and redesigned the editorial pages to provide more space for letters to the editor and more opportunity for local residents to submit columns.

Throughout his 30-year career in the newspaper business, Mr. Neavoll was recognized for his commitment to excellence numerous times. He received awards for writing, particularly in the areas of environmental protection and human rights. He received a Global Media Award from The Population Institute in 1996; a Human Rights Award from the Portland chapter of Amnesty International in 1995; and the first Portland Bias Crime Task Force's Diversity Bridge Building Award in 1995.

Although originally from Oregon, his obvious love for Maine and his concern for its people make George Neavoll a true Mainer. His impact on public policy, civic life and political dialogue will be remembered and appreciated for many years to come. I join his many friends and colleagues in offering George and his wife, Laney, best wishes for the future. They have made Maine a better place, and they richly deserve this opportunity to travel and spend time with their children.

A SPECIAL TRIBUTE TO THE BRADNER TOWN HALL AND OPERA HOUSE ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GILLMOR. Mr. Speaker, it is my distinct honor and privilege to rise today to pay special tribute to an outstanding community from Ohio's Fifth Congressional District. On Sunday, September 19, 1999, the Village of Bradner will celebrate the One-Hundredth Anniversary of the Bradner Town Hall and Opera House.

In the final year of the Nineteenth Century, the citizens of Bradner decided to take an enormous step—to solidify their position and build a town hall. The Village embarked on a venture to locate a site, procure the necessary funding and materials, and build a truly remarkable building. Their efforts, after concluding the necessary paperwork, votes, and administrative matters, were finalized in 1899 as F.K. Hewitt was hired to design and J.W. Stiger hired to build the Bradner Town Hall.

The Bradner Town Hall has long been the centerpiece of this wonderful community. This small, yet vibrant area holds the same inner-strength found throughout the Fifth Congressional District and throughout the state of Ohio. That strength and common bond is driven from the town hall. For one-hundred years, the Bradner Town Hall has served as the focal point for the community, the symbol of independence and freedom, and the source of the community's pride.

With all its beauty, the Bradner Town Hall symbolizes all that is good in our communities—strength, fortitude, grace, and resilience. The Bradner Town Hall and Opera House has housed the Village fire department, jail, and public utilities offices. It also contains an upstairs Opera House and a library. Throughout the many changes, its use as the governmental center of Bradner has remained constant as it is home to the mayor's office and village council chambers. After first opening the building one-hundred years ago, the Village of Bradner conducts official business in the town hall to this day.

Mr. Speaker, the individuality of the American culture and the freedom of the American spirit are embodied in our local communities and the town halls located in them. I would urge my colleagues to stand and join me in paying special tribute to the Bradner Town Hall on its One-Hundredth Anniversary.

HONORING BRUCE P. MARQUIS, HOUSTON INDEPENDENT SCHOOL DISTRICT CHIEF OF POLICE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Houston Independent School District ''HISD'' Police Chief Bruce P. Marquis for his outstanding contribution to the safety and well-being of our children attending HISD schools, which was recently highlighted in an article in the Wall Street Journal.

Since the day he took office in 1994, Chief Marquis has embraced a simple, guiding principle—to foster an environment, as he puts it, ''for teaching and learning to take place.'' His work to make our Houston community schools safer for students and teachers has been nothing less than outstanding. Not only has he made our schools safer, but he has made our children feel safer. Chief Marquis is a strong believer in the concept that our children must feel secure in order to learn.

HISD officials made a forward-thinking decision 5 years ago when they created a new Police chief position for the schools and hired Bruce, who was distinguished by his extensive management experience and his background in law enforcement. A former agent in the FBI's Houston office, Bruce brought long-range vision and can-do pragmatism to the creation and management of HISD's police department. Only Texas and Florida State laws allow school districts to create their own police forces. Bruce has built the HISD police department from the ground up, expanding it into the largest in the state.

Since Chief Marquis took over, aggravated assaults in Houston schools have decreased by three-quarters, and weapons' violations are down by two-thirds. Chief Marquis' proactive and aggressive leadership became evident from the beginning of his tenure when he helped persuade the Texas Legislature to transfer authority over school police officers from principals to school police chiefs. Once that was done he made sure that HISD officers wore uniforms and badges, and that they carried guns just like community peace officers. Whether it's dealing with gang activity, drug deals or weapons, Marquis stations his officers throughout our schools to proactively stop problems before they start.

Other innovations Chief Marquis has helped institute include: HISD officers making arrests

and keeping records, issuing citations for truancy and fighting, and jailing kids aged 17 and over for not paying fines. He went above and beyond duty when he extended his department's jurisdiction to include a shelter for battered women.

Chief Marquis's law enforcement credentials run deep. In addition to his 10 years with Houston's FBI office, he served as a former U.S. Air Force officer, chief of police at the Los Angeles Air Force Station, and security manager for the 1984 U.S. Olympic Games. Chief Marquis has put his experience and professionalism to good use for Houston's children. I am proud that my friends and constituents Bruce and his wife Traci Bransford-Marquis have chosen to share their spirit of giving with their community, and are teaching their two children those same values.

Mr. Speaker, I congratulate Chief Marquis for his contributions toward ensuring our children are safer. To protect our students in today's increasingly violent society, Chief Marquis has transformed a loose coalition of school security guards with essentially no law enforcement tools into a modern, efficient team of officers who, armed with a full range of police training and expertise, form a network of safety within our Houston school district.

I insert in the RECORD at this point The Wall Street Journal article on Bruce Marquis which appeared September 20, 1999.

[From the Wall Street Journal, Sept. 20, 1999]

READING, WRITING AND MIRANDA RIGHTS: COPS PATROL SCHOOLS

(By June Kronholz)

HOUSTON—Armed, trained in assault tactics, equipped with bulletproof vests and bomb-sniffing dogs, supported by and bomb-sniffing dogs, supported by 24-hour emergency dispatchers. Chief Bruce P. Marquis and his 177-member police department walk the country's highest-profile beat this fall.

They patrol public schools.

Schools are safer than they have been in years, the U.S. Department of Education reports. Crimes against kids while they're in school are down by 20% in three years; one-third fewer children were suspended for bringing a gun to school in 1998 than the year before. Education Secretary Richard Riley calls schools the safest place for a child to be.

But the gun rampage in Littleton, Colo., the deadliest in a three-year string of school shootings, is the flip side of that good news, and has sent school districts rushing to upgrade their security. Kids returned to school to find metal detectors, fences, dress codes, security cameras. And, in the Houston schools, one thing more: a police department.

Forget the days when the football coach doubled as security chief, checking the boys' room for idlers and cigarette smoke. The Houston Independent School District Police Department stations armed officers in the 58 middle schools and high schools and many of the 35 magnet and other alternative schools in its 312-square-mile jurisdiction. It patrols school neighborhoods with bicycles and a fleet of squad cars, fields gang and drug task forces and operates a crime-scene communications van.

Over and over on a recent, stifling-hot afternoon, a new Special Response Team practices skulking down an alley below window level, crouching behind a bullet-proof shield and then, with guns drawn, rushing a stairwell to overwhelm an imaginary gunman.

CHAIN OF COMMAND

There is a horse-mounted unit for traffic control. An investigations division handles crimes short of rape and murder. Dispatchers fielded 14,000 calls last year. And heading it all is a 47-year-old former FBI agent who holds a doctorate in education, earns $84,000 a year and has shaped his department down to the smallest details, including designing the uniforms and the department flag himself. Chief Marquis—so mindful of chain-of-command protocol that he and his longtime deputy address each other by their titles—offers this description of his job: ''We exist for teaching and learning to take place.''

Education is a local function in the U.S., so districts handle security in lots of different ways, and no one collects nation-wide information. Most districts, if they use any security at all, use armed local police, reasoning that because schools are part of the community, they should be protected by community police. But some districts use police just to patrol the halls, while others ask them to run safety and counseling programs as well. Some pay local police with school funds; others depend on the police force to pay the costs and handle the administration.

In Texas and Florida, state laws allow school districts to create their own police forces, and 82 of the 1,042 school districts in Texas have done just that. With a budget of about $12 million, the HISD police department is the largest in the State. But beyond that, Houston shows how the job of protecting school kids has expanded and become professionalized since the days when coaches patrolled the halls.

The starting salary for an HISD police officer is $28,000, only about $1,000 less than for Houston Police Department rookies. New hires must be graduates of a police-academy program, hold a police license and have 60 hours toward a college degree. By state law, officers receive at least 20 hours of training a year. Bike patrols and drug and gang specialists receive training beyond that. And the Special Response Team practices hostage rescues and school evacuations two days a month, including training with the Federal Bureau of Investigation.

SHAPING UP

That's a far cry from the department that Chief Marquis inherited in 1994—a ''ragtag bunch'' in mismatched uniforms, he says, who applied the decals to their squad cars themselves. Because Houston's schools use site-based management, giving principals control over some of the day-to-day details of running their schools, HISD policemen carried guns and wore uniforms in schools where principals favored them but didn't elsewhere.

Houston's superintendent, Rod Paige, says the school board decided to upgrade its policing when focus groups told it that middle-class parents, and particularly whites, were leaving the district because they viewed the schools as unsafe. Of Houston's 211,000 students, more than half are Hispanic, a third are African-American and three-quarters are poor. Big-city superintendents worry, says Dr. Paige, ''that school districts so at odds demographically with the rest of the community'' risk losing community support, especially financial support. And operating unsafe schools is one certain step on that path.

In the 1993–94 school year, HISD police reported 89 aggravated assaults, two murders, seven rapes and 244 cases of children carrying weapons to school. Hired mid-year, Chief Marquis already had been a U.S. Air Force officer, chief of police at the Los Angeles Air Force Station, security manager for the 1984 Olympic Games and a 10-year member of the FBI. The son of a San Francisco bus driver, he graduated from the University of Portland, earned a business degree from Pepperdine University in Los Angeles and got his doctorate from Texas Southern University in Houston. He expects to earn a second master's degree, in criminal-justice management, this spring, and after that is eyeing a program at Harvard.

Two years into his HISD job, Chief Marquis, a Democrat, ran for sheriff of heavily Republican Harris County and took a drubbing. But he moves easily in Houston's civic circles, from the YMCA to the rodeo, and entertains a steady stream of TV reporters who ask about the schools.

A typical Marquis day begins at 4 a.m. with a workout and allows for one cup of coffee, weekdays only. He does the cooking for his wife, a former Justice Department lawyer, and two small children, and sews a missing button on his daughter's dress before she leaves for preschool.

Still, the screen saver on his office computer declares ''Always Forward.'' Vince Lombardi quotations hang framed on the wall (''What It Takes to Be No. 1''). And Chief Marquis delights in pushing the boundaries of his job description: He recently extended his department's jurisdiction to include a shelter for battered women, on whose board he sits, by reasoning that the children of the abused mothers probably attend Houston schools. ''I'm not a status-quo kind of guy,'' he says.

BEARING ARMS

Indeed. Among his first changes, Chief Marquis helped persuade the Texas Legislature to put school police officers under the direction of school-police chiefs, taking them out of the orbit of principals. With that, HISD officers began wearing uniforms and badges—and carrying guns. Without guns, ''they're not police officers,'' the chief says.

Where HISD police formerly backed up Houston police on calls in schools, now it's the other way around, with school police making the arrests and keeping the records, (although still using Houston police substations for bookings). Emergency dispatchers, who once routed 911 calls through the Houston police, now relay them directly to HISD. And four years ago, HISD police received the authority to issue citations: Disrupting school can bring a Class C citation that carriers a $400 municipal-court fine. Violating a 9:30 a.m. to 2:30 p.m. curfew—imposed by the city to keep kids off the street when they should be in school—can bring a $250 fine. And citations for fighting can start at $250 and soar to $1,300.

At age 17, moreover, a youngster can be sent to jail for not paying his fines. ''That gets their attention,'' says HISD Capt. Al Barnes. More important, he adds, it helps keep fights off the school grounds and out of the classrooms.

With site-based management, Houston's schools can decide to use their detectors and security cameras, and they can opt for school uniforms and bans on trench coats. Milby High School is banning denim this year, and because of thefts and fires in the lockers, Austin High has bolted them shut, which means students all carry around their days' books and supplies.

RANDOM SEARCHES

But to add to the schools' precautions, Chief Marquis also issues hand-held metal detectors to his officers and next year, will add computers to link them with headquarters—a converted telephone-company building—and into the records bureau. Prompted by the Littleton shootings, HISD will begin twice-monthly drug and weapons searches this year, randomly picking out a school and then two classes in that school for searchers. More typically, though, his officers linger at front doors as school begins each morning, picking up on tensions or bad moods. They wander hallways, shooing stragglers into class. They direct traffic at dismissal, breaking up knots of loiterers who might, out of idleness, start trouble. And they listen for word of gang fights, drug deals and weapons.

That word usually gets out, Officer Marvin Lee says with reassuring certainty, because ''the good kids outweigh the bad kids.'' Officer Lee has patrolled Lamar High, a middle-class school with 3,000 students, for 15 years, and he has a clear sense of his job: ''It's stepping out little fires before they become big fires.''

Across town, a little fire appears to be smoldering at Yates High as a skinny sophomore is brought into the tiny police office, accused of kicking an assistant principal who has reprimanded him for not wearing the regulation khaki pants. The parents have been called, and the teenager, clearly fearful of his stepfather, sits worried and resentful as Officer Ernest Lang outlines his strategy.

Officer Lang, who scored 33 touchdowns in his senior year at Yates in 1951 and is still known in Central Houston as ''The Legend,'' plans to get the boy into the school ROTC program, and assigns a sleepy-looking senior nicknamed Wolf to serve as his mentor. An officer who knows the stepfather will look in at home from time to time, and a Baptist preacher who was tossed out of Yates 20 years ago but has returned as a counselor will work on the youngster's attitude. ''We can reach him if we take the time.'' Officer Lang says easily. Then, as the parents arrive for a conference, he leans toward the youngster and warns: ''Don't you act ugly now.''

Juvenile crime has fallen nationwide in the past five years: In Houston's schools, aggravated assaults are down by three-quarters, and weapons' violations are down by two-thirds since Chief Marquis took his job. Dewey Cornell, a psychologist who studies youth violence at the University of Virginia in Charlottesville, credits better policing for part of the decline. But he also credits a strong economy, the calming of the cocaine wars, success in arresting gang leaders, a federal law that mandates expulsion for bringing guns to school, and the spread of character-education and conflict-mediation programs.

CHARACTER EDUCATION

Ten years ago, worried about what they saw as declining social and moral values, local business leaders raised $2 million to fund one of the country's early character-education programs in Houston's schools. The idea is to teach values such as honesty and self-discipline as part of every class, says Dot Woodson, who was a University of Houston basketball coach before coming to HISD to head the program. So, in a class on the Boston Tea Party, she tells teachers to ask kids, ''What would make you so angry that you would want to rebel, and what are the appropriate ways to rebel?''

In a decade, Houston has trained 16,000 of its teachers in character education and bought or written character-education curricula for all its schools. Ten state legislatures (although not Texas's) now mandate that schools teach character education, and six others encourage it. ''This is the place to spend money,'' Virginia's Dr. Cornell insists.

Certainly, compared with hiring policemen, character education is cheap. Security is barely a blip on the $1.2 billion budget of the Houston schools, but even so, the district sets aside $9 million. Chief Marquis says his spending, which comes from several budget pots, actually is at least a third more, and even that doesn't include what the schools individually spend on security hardware. Meanwhile, Houston's character-education program is still operating, in part, off its original $2 million grant.

With schools under huge pressure to raise standards and test scores, special-response teams and communications vans can seem like an extravagance—until they're needed, of course. Herbert Karpicke, principal of the 700-student High School for the Performing and Visual Arts, offers a tour while Chief Marquis is giving an interview in the school's video lab. Doors open onto a choir practice, a jazz band, a corps of ballerinas, dramatic soliloquies. Dr. Karpicke has persuaded the district to contribute $15 million toward a new, larger school, but he has to raise the other $15 million himself in the next five years, and he is wondering how.

Even this school—its hallways lined with cellos, its students hand-picked—has an armed HISD police officer at the front door, though. Chief Marquis concedes the benefits of violence-prevention programs: They're ''a spoke in the wheel,'' he says. ''But as long as problems from the community come onto the campuses, the police are necessary,'' he says, and that means armed, trained and equipped officers. He is lobbying to hire 40 more.

TRIBUTE TO REV. ROBERT TAYLOR

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to an individual who spent his life not just preaching about the needs of the poor, but by doing something in meaningful ways to help meet the needs of the poor. Rev. Robert Taylor was a priest, a licensed clinical social worker and what we commonly call a community activist.

Father Taylor was an Episcopal Priest for decades in Chicago, he was one of the 15 priests fined and sentenced to jail after they had led a prayer pilgrimage in Jackson, Mississippi to protest segregation in 1961. Father Taylor spent about three weeks in jail but breach of peace charges were dropped.

St. Leonard's is a halfway house located on Washington and Hoyne on the westside of Chicago, in the Henry Horner Housing Project area across the street from the Mile Square Community Health Center where I worked for a number of years. Father Taylor began working at St. Leonard's House in the 1950's with ex-convicts and also worked as a chaplain at Cook County Jail. by the end of the decade, he had helped to build St. Leonard's from a small service for only a handful of ex-convicts to a well-regarded refuge for men looking to rebuild their lives. In 1963, he was appointed executive director and led St. Leonard's House until 1970.

When he first got involved with St. Leonard's House, Father Taylor lived with his wife and children at the westside halfway house in the midst of what was usually called a ghetto. He opened himself up to ex-offenders and helped them to get jobs. ''He was one of the greatest priests I've ever known,'' said Father Jones. ''When he gave his heart and soul to the ex-prisoners they learned that people were not all down on them.'' Father Taylor later joined the Episcopal Diocese of Chicago in 1980, as the director of the Office of Pastoral Care, in 1987, he became director of program and mission for the diocese. For years he worked with his wife, also a social worker, and together they helped scores of people overcome alcohol and drug addictions.

When you give of yourself that is when you truly give. Robert Taylor, an advocate for the poor, truly gave of himself.

THE MAINTAIN UNITED STATES TRADE LAW RESOLUTION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. VISCLOSKY. Mr. Speaker, today, I, along with over 100 of my colleagues, introduced the Maintain United States Trade (MUST) Law Resolution. This resolution will send a clear message to our trading partners that the President and the Congress will maintain our antidumping and countervailing duty laws. This measure will put the House on record as opposing the renegotiation of these critical trade laws at the upcoming Seattle round of the World Trade Organization. These laws are the cornerstone of a free and fair open market policy, and represent one of the few means of redress for American producers and workers.

According to the U.S. International Trade Association, as of March 1, 1999, over 290 products from 59 different countries were under antidumping and countervailing duty orders. Following my statement are a list of over 120 of these products. Throughout the steel crisis, antidumping and countervailing duty laws have represented one of the few means of relief for American steel workers. These laws are far reaching and affect countless products throughout the United States. It is imperative that the administration uphold these important trade laws at the WTO Seattle Round.

The World Trade Organization's Ministerial Conference, to be held in Seattle from November 30 to December 3, 1999, will launch a new round of trade negotiations. These talks will focus on reshaping WTO rules regarding agriculture, services, and intellectual property. However, many foreign countries are seeking to expand the agenda in order to debate the WTO's antidumping and countervailing duty laws. The MUST Law Resolution will allow the Administration to attend the Seattle negotiations with a unified statement from the Congress declaring that the United States must

not agree to reopen negotiations on any antidumping and countervailing duty laws.

The MUST Law Resolution will call upon the President to not participate in any international negotiation in which antidumping and antisubsidy rules are part of the negotiation agenda, refrain from submitting for congressional approval agreements that require changes to the current antidumping and countervailing duty laws and enforcement policies of the United States, and enforce the antidumping and countervailing duty laws vigorously in all pending and future cases.

We, as elected members of Congress, have the obligation to protect American producers and workers from unfair foreign trade practices. Consequently, I urge my colleagues to cosponsor and support this resolution to protect free and fair trade.

AGRICULTURAL PRODUCTS

Canned Pineapple Fruit, In Shell Pistachios, Fresh Kiwifruit, Fresh, Chilled and Frozen Pork, Fresh Cut Flowers, Frozen Concentrated Orange Juice, Red Raspberries, Preserved Mushrooms, Live Swine, Lamb Meat, Sugar, Pasta, Codfish, Honey, Garlic, Rice, Wool, Agricultural Tillage Tools, Freshwater Crawfish Tailmeat, Fresh and Chilled Atlantic Salmon, Fresh Atlantic Groundfish.

INDUSTRIAL PRODUCTS

Dry-cleaning Machinery, Carbon Steel Wire Rod, Barbed Wire and Barbless Wire Strand, Line and Pressure Pipe, Oil Country Tubular Goods, Iron Construction Castings, Malleable Cast Iron Pipe Fittings, Brass Sheet and Strip, Industrial Nitrocellulose, Stainless Wire Rod, New Steel Rails, Tapered Roller Bearings, Heavy Forged Hand Tools, Chrome-plated Lug Nuts, Tungsten Ore Concentrates, Compact Ductile Iron Waterworks Fittings, Helical Spring Lock Washers, Brake Rotors, Nitrile Rubber, Mechanical Transfer Presses, Drafting Machines and Parts Thereof, Gray Portland Cement and Cement Clinker, Gas Turbon Compressors, Extruded Rubber Thread, Low Fuming Brazing Copper Wire & Rod, Industrial Nitrocellulose, Industrial Phosphoric Acid, Professional Electric Cutting/sanding/grinding Tools, Collated Roofing Nails, Antifriction Bearings, Calcium Aluminate Cement & Cement Clinker, Large Newspaper Presses & Components, Industrial Belts, Industrial Phosphoric Acid, Pressure Sensitive Plastic Tape, Brass Fire Protection Products, Internal Combustion Industrial Forklift Trucks.

MANUFACTURING MATERIALS

Silicon Metal, Ferrosilicon, Silocomanganese, Elemental Sulphur, Pure and Alloy Magnesium, Potassium Permanganate, Chloropicrin, Barium Chloride, Manganese Metal, Sodium Thiosulfate, Sulfanilic Acid, Sebacic Acid, Furfuryl Alcohol, Glycine, Polyvinyl Alcohol, Sorbitol, Anhydrous Sodium Metasilicate, Granular Polytetrafluoroethylene Resin, Roller Chain Other than Bicycle, Methione, Synthetic, Melamine in Crystal Form, Calcium Hypochlorite, Benzyle P-hydrosybenzoate, Polyethylene Terephthalate (PET) Film, Aramid Fiber of PPD–T, Uranium, Titanium Sponge, Ferrovanadium and Nitrided Vanadium, Solid Urea, Animal Glue, Inedible Gelatin, Electrolyte Manganese Dioxide, Persulfates.

COMMERCIAL AND HOUSEHOLD GOODS

Melamine Institutional Dinnerware, Porcelain-on-steel Cooking Ware, Top-of-the-stove Stainless Steel Cooking Ware, Aspirin, Leather, Spun Acrylic Yarn, Paper Clips, Pencils, Cased, Textiles, Castor Oil Products, Cotton Shop Towels, Petroleum Wax Candles, Natural Bristle Paint Brushes and Brush Heads, Coumarin, Greig Polyester Cotton Print Cloth, Sparklers.

TECHNOLOGY AND ELECTRONICS

Color Television Receivers, Telephone Systems and Subassemblies, Drams of 1 Megabit & above, Multiangle Laser Light Scattering Instrument Semiconductors, 3.5 Prime; Microdisks & Media Thereof, Static Random Access Memory, Random-access Memory Chips, Memory Semiconductors, Video Random Access Memory, Color Picture Tubes, Defrost Timers, Cellular Mobile Telephones & Subassemblies, Supercomputers.

PERSONAL EXPLANATION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. SPRATT. Mr. Chairman, I would like to ask that I might have a statement placed in the RECORD. On rollcall vote No. 430 on the bill H.R. 1402, I mistakenly voted "yes" when in fact I intended to vote "no" on this amendment.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 1999

SPEECH OF

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1999

Mr. VENTO. Mr. Speaker, I rise today in strong support of this important human rights bill that protects and provides hope to survivors of torture.

I join my colleagues in acknowledging the outstanding work of the center for Victims of torture (CVT) located in my home state of Minnesota. I had the honor or participating in a special event in Minnesota earlier this summer in celebration of the second United Nations International Day in Support of torture Victims by planting a tree that symbolizes the growth and healing that the CVT hopes to bring to survivors of torture.I commend the hard work and efforts of the CVT for treating these broken persons and injured spirits; trying to take away the living nightmares of these victims. They refer to this as "rising from the ashes," in terms of these broken spirits and broken bodies that are delivered to our shores and communities.

We must surely embrace these persons and give them protection fro religious and political persecution. We must be cognizant of the fact that they are going to need more than just refuge in this country. They need a helping hand.

According to the CVT, it is estimated that as many as 400,000 victims of torture now reside in the United States, with an estimated 12,000 to 15,000 residing in Minnesota. The Center's clients have come from around the world—52 percent from Africa, 25 percent from South and Southeast Asia, 11 percent from Latin America, six percent from the Middle East and three percent from Eastern Europe. An estimated two-thirds of CVT clients are seeking asylum from persecution at the time they first contact the Center.

Many torture survivors suffer from severe psychological effects such as fear, guilt, nightmares, flashbacks, anxiety and depression. The debilitating nature of torture makes it extremely difficult for survivors to hold steady jobs, study for new professions and careers, or acquire other skills needed for a successful integration into our nation's culture and economy. Congress should provide hope for these talented, educated and productive people who were purposefully disabled by their own governments.

In response to this human suffering, I was a cosponsor of the Torture Victims Relief Act that was enacted into law last Congress, and I continue to strongly support this legislation in the 106th Congress. This Reauthorization builds upon last year's success and provides an important first step in healing the wounds of government-inflicted torture on individuals, their families and their communities. Specifically, this bill authorizes $10 million for the next three years for grants to centers and programs that treat victims of torture in foreign countries and centers and programs in the United States that aid victims of torture. Such funds will cover the costs of supporting torture victims, including rehabilitation, social and legal services and research and training for health care providers. Furthermore, this legislation funds $5 million per year for the U.S. contribution to the UN Voluntary Fund to find new and innovative ways to support torture victims treatment programs and encourage the development of such programs. Finally, this bill provides training for foreign service officers to help them identify torture and its effects upon innocent civilians.

Torture is a crime against humanity. It is the single most effective weapon against democracy. As members of Congress, it is our responsibility to protect and shield the world from this strategic tool of repression. I urge all members to support this much needed Reauthorization which will respond to the evils of torture and its physical, social, emotional and spiritual consequences upon our communities.

INTRODUCTION OF THE INTERCOUNTRY ADOPTION ACT OF 1999, H.R. 2909

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to introduce today the "Intercountry Adoption Act of 1999" along with 36 of my colleagues. This is an important consumer measure that will protect American adoptive parents and the children from other nations they want to adopt.

This bipartisan bill provides the Executive Branch with the necessary authorities to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

The Hague Convention was developed in response to abuses in the intercountry adoption process, including illegal child trafficking.

The Hague Convention sets forth standards and procedures that can be recognized and followed by countries involved with intercountry adoptions. This legal framework provides protection to the adoptive children and their families by ensuring that agencies and individuals involved in the intercountry adoption process meet standards of competence, ethical behavior and financial soundness.

Americans are widely engaged in international adoptions. American adopted over 13,000 children international in 1997. By adopting the system developed by the Hague Convention, we can ensure that these adoptions are completed with a minimal risk of fraud, child abuse or illegal child trafficking.

Mr. Speaker, this bill adheres to two important principles. First, the legislation fully meets the requirements of the Hague Convention without attempting to reach beyond those requirements. Secondly, the bill does not override state laws on adoption except where it is absolutely necessary to conform with the Hague Convention.

Under our bill, the State Department will monitor intercountry adoption cases and liaise with foreign governments on behalf of adoptive parents. In addition, State will maintain a case registry to track all adoptions involving immigration of a child into the U.S. and all adoptions involving emigration from the U.S. to any other Convention country.

The bill also designates the Department of Health and Human Services with the responsibility of accrediting adoption service providers. In allows for HHS to designate one or more private, non-profit organizations to serve as accrediting entities. The bill also provides oversight authority and prescribes actions that can be taken by the Secretary of HHS should an accrediting agency or an accredited entity fail to comply with the standards.

My intention is to promptly move ahead with this legislation and the International Relations Committee plans to hold hearings on this legislation in the near future. I greatly appreciate the interest and assistance provided by my colleagues in crafting this bill. I look forward to working with House members as we move this bill forward.

INTRODUCTION OF THE INTERCOUNTRY ADOPTION OF 1999

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. CAMP. Mr. Speaker, I am very proud to join with my friend and colleague, the Chairman of the House International Relations Committee BENJAMIN GILMAN, in introducing the Intercountry Adoption Act of 1999, legislation to implement the Hague Convention on Intercountry Adoption. His leadership on this important issue is a testament to his concern for the safety and well-being of children looking forward to permanent and loving adoptive families.

More and more, American couples are looking abroad as they seek to expand their families through adoption. The United States adopts more children than any other country. We're the land of opportunity, in so many ways, and intercountry adoption is yet another example of that fact. As the world's leader in adopting children of other countries, we have a responsibility to ensure that intercountry adoption take place in a way that guarantees the children's safety and fully protects the rights of both the adoptive parents and the birth parents.

For that reason, the United States in 1994 signed the Hague Intercountry Adoption Convention, which establishes basic international procedures for concluding safe intercountry adoptions. We've heard too many stories about the small minority of unscrupulous agencies and individuals who have brided parents or foreign officials, deceived prospective adoptive parents about the costs of an adoption or actually who the child is that they are adopting, and even stories about the selling of children. Though such horror stories are a small minority, we need to ensure that international standards are in place so only competent and law-abiding agencies and individuals are involved in intercountry adoptions.

The Intercountry Adoption Act, which we are introducing today, implements the Hague Convention. The bill's first main provision would establish the State Department as a ''Central Authority,'' to monitor intercountry adoptions and provide assistance to adoptive parents in dealing with officials in other countries.

Secondly, the bill calls for the Department of Health and Human Services to designate one or more private, non-profit organizations to serve as accrediting bodies which would then accredit U.S. adoption service providers in accordance with strict standards of ethics, competence, and financial soundness. These accredited agencies could then facilitate intercountry adoptions in other countries under the Hague Treaty.

Mr. Speaker, we can be proud of our success domestically, in increasing adoptions here in the U.S. and decreasing the time many of our children spend in foster care. Our 1997 legislation, the Adoption and Safe Families Act, has led to enormous increases in domestic adoptions. The Intercountry Adoption Act takes the next step, to ensure that international adoptions are safe, and that they are in the best interests of the child, the birth parents, and the adoptive parents. I look forward to working with Chairman GILMAN and other Members of Congress interested in international adoption, and I urge my colleagues to join us in supporting this important legislation.

PROTECTING CHILDREN IN INTERCOUNTRY ADOPTIONS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GEJDENSON. Mr. Speaker, I rise in support of the Inter-Country Adoption Act of 1999, bipartisan legislation that has been introduced today. This legislation, of which I am an original co-sponsor, seeks to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the ''Hague Convention''), which the President transmitted to the Senate for its advice and consent on June 11, 1999.

For many years, children from across the world have found loving and nurturing homes here in the United States. American families have opened their arms to these needy children who might otherwise have remained orphans in their own countries. Likewise, while fewer in number, U.S. children are also placed with foreign nationals who seek to grow their families through adoption. And yet, amid the many shining examples of successful intercountry adoptions, there remain a substantial amount of cases where the results have not been as positive. For this reason, it is absolutely imperative that we take prompt action to ratify and implement the Hague Convention here in the United States—above all, to protect the rights of, and prevent abuses against, children, birth families and adoptive parents involved in inter-country adoptions. The Convention provides a legal framework whereby agencies and individuals would be required to meet internationally agreed upon standards of competence, financial soundness and ethical behavior.

The legislation before you today would also ensure that such adoptions are indeed in the children's best interests. Among other matters, it establishes a central point of contact for intercountry adoptions under the Convention, provides for minimum standards for agencies and other persons involved in facilitating intercountry adoptions, and includes stiff civil and criminal penalties for anyone involved in misconduct such as fraud relating to intercountry adoptions. Through these and other mechanisms, this bill would facilitate the Federal Government's efforts to assist U.S. citizens seeking to adopt children from abroad and residents of other Convention countries seeking to adopt children from the United States. At the same time, this bill seeks to achieve these objectives in a way that would not preempt state law except to the minimum extent necessary.

There is no reason why we should not take this important step towards safeguarding the rights of needy children, their birth parents and adoptive families. We must work together to strengthen international cooperation in adoption cases and do everything within our power to prevent abuses. I want to commend Chairman GILMAN for his work in introducing this legislation, the many members who worked together to fashion a bipartisan bill, and all members who have joined us as original cosponsors of this legislation.

Please join me in pledging your support for the Inter-Country Adoption Act of 1999.

HAGUE INTERCOUNTRY ADOPTION ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. BLILEY. Mr. Speaker, I am a proud cosponsor of the Hague Intercountry Adoption Act introduced today on behalf of thousands of children and adoptive families. After months of work,this bill represents a bipartisan approach

to address only the issues necessary to implement the Hague Convention on Intercountry Adoption. The future success of this bill dictates that we fulfill our obligations under the Hague Convention and leave all other matters for another time.

As an adoptive father, adoption is very close to my heart. My profound commitment to helping vulnerable children has been shown in legislation I have sponsored to promote adoption over the years. I am committed to helping children without parents in the U.S. and around the world join a loving home. The Hague Intercountry Adoption Act builds upon a foundation established by adoptive families in America. The willingness of many families to travel across the world to adopt orphaned children shows the true spirit of America.

Thousands of children worldwide are waiting helplessly for parents to read to them, to teach them how to tie shoe laces, to say bedtime prayers with them, and to eat ice-cream with them on a summer night. It is in the best interest for a child to be part of a loving family. Only as a last resort should intercountry adoption be a option. However, after all steps to place a child for adoption in their birth country are exhausted, intercountry adoption must be a viable and safe option for the children and adoptive parents. It takes a great deal of faith for one country to allow their children to be adopted by people from another country. As a result, officials in other countries are looking for accountability at a federal level to ensure the safety and rights of their children.

In the last year, I have met with several Members of the Russian Duma and the Director General of China Center on Adoption Affairs. I informed both delegations that the U.S. Congress places significant emphasis on the future of intercountry adoption. The Hague Intercountry Act specifically addresses the issue of a central authority in the U.S. State Department for other countries to contact in case there is a problem with an intercountry adoption.

Adoptive parents will benefit by an accreditation system required by all agencies who provide intercountry adoption services. A strong accreditation process will help prevent some people from taking advantage of vulnerable parents in the process of building a family through adoption. Adoptive parents in America deserve to know that their adoption agency has passed a vigorous and thorough accreditation standard.

Adoptive parents and government officials demand to know unethical behavior will not be tolerated. The Hague Intercountry Adoption Act provides for civil money penalties up to $25,000 for a first violation and up to $50,000 for each subsequent violation by unscrupulous individuals and agencies.

In order to ensure ethical behavior for all involved, the above-mentioned civil penalties apply to any individual who provides adoption services in the United States in connection with Convention adoptions without proper accreditation or approval. Additionally, if one provide false statements, improperly induces consent from a birth mother to relinquish her parental rights or violates the privacy provisions contained in Section 401, they will also be subject to fines of up to $25,000 and $50,000. Criminal penalties in the same amounts will also apply for violations. The strong enforcement provisions included in the Hague Intercountry Adoption Act are a necessary tool to ensure penalties go far beyond the cost of merely doing business.

Rarely does Congress have an opportunity to improve the lives of children and families. The Hague Intercountry Adoption Act gives the U.S. Congress an opportunity to stand-up and reaffirm our support for intercountry adoption.

INTRODUCTION OF THE INTERCOUNTRY ADOPTION ACT OF 1999

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DELAHUNT. Mr. Speaker, I am proud to join with Chairman GILMAN and over 30 of our colleagues in introducing the Intercountry Adoption Act of 1999.

This bipartisan legislation will implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the "Hague Convention"), which the President transmitted to the Senate for its advice and consent on June 11, 1999.

Prompt U.S. ratification and implementation of the Hague Convention is of enormous importance to many thousands of needy children throughout the world and the American families who adopt them. The Convention establishes a legal framework for protecting these children and families by ensuring that agencies and individuals involved in the intercountry adoption process meet standards of competence, financial soundness, and ethical behavior. It creates a structure to strengthen international cooperation in adoption cases, and to ease the burdens of what can be an expensive, time-consuming and stressful process.

As the adoptive parent of a child born overseas, I know what the Convention will mean to countless families like mine.

The Intercountry Adoption Act provides a blueprint that will enable the United States to carry out its obligations under the Convention, ensuring reciprocal recognition of adoptions by the United States and other Convention countries, eliminating much current paperwork connected with the legalization of documents, and creating legally enforceable safeguards for adoptive children and their families.

The bill designates the Department of State as the "central authority" for the United States, with responsibility for liaison with the central authorities of other Convention countries and the coordination of Convention activities by persons subject to U.S. jurisdiction.

The bill also assigns certain key functions to various domestic agencies, to be carried out in consultation with the Secretary of State. The Secretary of Health and Human Services is given responsibility for overseeing the accreditation and approval of organizations and individuals providing adoption services in the United States in connection with Convention adoptions. To the Attorney General are given various duties related to immigration, record keeping and privacy requirements.

This legislation is the culmination of many months of hard work, and is the result of extensive consultation with many parties, including the administration and the U.S. adoption community.

We have taken a "minimalist" approach to our task, deferring, wherever possible, to the state laws by which we have always regulated adoption in this country, and resisting attempts to use the bill as a vehicle for carrying out changes to domestic adoption practices at the federal level that are not required to bring our laws into compliance with the Convention.

Our goal throughout this process has been to put adoptive children first, through the prompt ratification and implementation of the Convention. We have done our utmost to steer clear of extraneous issues that might delay or derail that objective

The International Relations Committee and the Committee on Ways and Means will shortly begin consideration of this legislation, and it is my sincere hope that the bill will move forward expeditiously in the same spirit of cooperation that has enabled us to reach this milestone.

AMERICA'S SENIORS DESERVE FAIRNESS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. UNDERWOOD. Mr. Speaker, it is no secret that drug manufactures all across the nation have and continue to engage in the unfortunate practice of price discrimination. On the brunt end of this discrimination is our senior citizens, a constituency who by no means deserves this ill and insensitive treatment. Today, seniors who purchase their own prescription drugs are forced to pay twice as much for their drugs as the federal government and Health Maintenance Organizations (HMOs). This financial burden must be eliminated and this discrimination must come to an end. Fairness for our seniors can prevail by Congress addressing this situation now.

Price discrimination on the part of drug manufacturers in this country has brought devastating effects on older Americans. Acting on their vulnerability, drug manufacturers have taken advantage of older Americans while giving breaks to their most favored customers: the federal government and HMOs. The exorbitant cost of prescription drugs forces seniors to choose between buying food to feed themselves, paying the electric bill to warm their home in the brutal winter, and paying for the medications they so desperately need to stay healthy and well. It is not fair to put seniors, who have limited and fixed incomes, in a situation of having to choose between life's necessities. Allowing this discrimination and unfairness to continue is simply wrong and only exacerbates this situation.

Mr. Speaker, there is a solution to this problem. Legislation crafted by my colleagues, TOM ALLEN, JIM TURNER, and MARION BERRY, will reduce prescription drug prices for older Americans by over 40 percent without any significant cost to the federal government. I am a

proud co-sponsor of this important legislation, H.R. 664, the Prescription Drug Fairness for Seniors Act, which relies on market forces to lower the costs of prescription drugs for seniors. The bill would allow pharmacists to purchase drugs for senior citizens at the same price the federal government purchases prescription drugs through the Department of Veterans Affairs, Medicaid, or other programs. My constituents, especially the seniors on Guam know all to well the dilemma of acquiring needed medication without sacrificing the other essential necessities of life, strongly support this legislation and have called upon me to urge my colleagues to do the same.

Mr. Speaker, I want to particularly thank my colleague, Congressman TOM ALLEN, for his diligent work in bringing this issue to our attention, of his work in sponsoring this legislation and for his unwavering commitment to older Americans. Mr. Speaker, I sincerely hope that the Prescription Drug Fairness for Seniors Act receives its due consideration and reaches the floor for passage as soon as possible. Our senior citizens deserve no less than affordable medication and a Congress that cares.

DEVASTATING EARTHQUAKE HITS TAIWAN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. LIPINSKI. Mr. Speaker, a devastating earthquake struck Taiwan earlier this week. The quake was centered 90 miles south of Taipei in Nantou county. Registering 7.6 on the Richter scale, the quake has claimed more than 1,800 lives and destroyed hundreds of homes. Thousands more are believed to be trapped in the rubble, and the death toll is expected to increase. Aftershocks continue to rumble through Taiwan.

The earthquake crippled Taiwan's infrastructure in the hardest hit areas. Phone, power and water lines were knocked out. Over 100,000 people were left homeless sleeping on blankets in makeshift shelter areas. Roads are barely usable as large gashes crisscross many of the main thoroughfares in central Taiwan making it extremely difficult for rescue workers to deliver aid.

I understand that a number of Americans may have family or friends in Taiwan. Many of them may be extremely worried due to the lack of information and the inability to contact them by phone. I call upon the U.S. Department of State and the Taipei Economic and Cultural Representative Office. Taiwan's de facto embassy in the U.S., to coordinate efforts to keep them informed of further developments and to provide all reasonable assistance in locating and determining the status of their family and friends.

The U.S. Agency for International Development, the lead U.S. agency for international humanitarian efforts, has activated a team of 100 search and rescue personnel and 106,000 pounds of equipment. They have also provided a general information number that can be reached at 1–800–USAID–RELIEF. I commend USAID for their swift and efficient response to this humanitarian disaster, and I am certain that they will continue to work closely with Taiwan to coordinate relief efforts.

USAID has indicated the transportation of relief goods to Taiwan is very difficult and inefficient at this time, so monetary donations are preferred. To that end, the Taipei Economic and Cultural Representative Office established the "Taiwan Earthquake Relief Fund" for individuals interested in providing support. Donations can be made to Riggs Bank, account number 17306006, 1913 Massachusetts Avenue, NW., Washington, DC, 20016.

The U.S. is not the sole nation involved in the search and rescue effort. The response from the international community has also been swift. Switzerland, Germany, Singapore, Japan and Russia have all sent personnel and equipment to Taiwan to assist with search and rescue efforts.

All the rescue teams are working non-stop to comb through the rubble in search of survivors. God bless them for their tireless and courageous efforts.

My thoughts and prayers are with them all in the aftermath of this tragic disaster.

U.S. CONGRESSIONAL LETTER CALLS FOR RELEASE OF POLITICAL PRISONERS IN INDIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DOOLITTLE. Mr. Speaker, last month several of my colleagues and I sent a letter to Indian Prime Minister Atal Bihari Vajpayee calling for the release of political prisoners in India. So far we have received no response.

According to Amnesty International, thousands of political prisoners are being held in illegal detention without charge or trial. Several Sikh political prisoners wrote a letter from the Nabha Security jail on the Sikh Nation's 300th anniversary in which they urged Sikhs to get involved in getting them released. Some of these Sikh political prisoners have been held since 1984. Fifteen years in illegal detention without charge or trials is the tactic of a police state, not of the democracy India claims to be.

Our letter reminds the Indian leader that if India is going to proclaim its democratic principles, it should release all political prisoners and bring the police who have committed atrocities against the Sikhs to justice. If it does not, we should be ready to take appropriate action to deprive India of the privileges that accrue to democratic and friendly countries.

If India continues to oppress its minorities and hold thousands of political prisoners without charge of trial, America should stop aid and trade to the repressive Indian regime. In addition, we should support self-determination for all the nations and peoples of South Asia. This is the way to ensure that all the people and nations of South Asia may live in freedom.

Mr. Speaker, I would like to place the Congressional letter to Prime Minister Vajpayee into the RECORD.

WASHINGTON, DC,
July 30, 1999.

Hon. ATAL BIHARI VAJPAYEE,
Prime Minister of India, Chanakyapuri, New Delhi, India.

DEAR MR. PRIME MINISTER: We are very disturbed by a recent Amnesty International report that thousands of political prisoners are being held in Indian prisons without charge or trial. In a democracy, there should not be political prisoners.

In addition, a group of political prisoners held at Nabha Security Jail wrote to the Sikhs earlier this year asking for help in getting them released. There are thousands of Sikh political prisoners being held in India. Some Sikh political prisoners have been held since 1984 without charge or trial. How can a country that proclaims its support for democratic principles continue to hold political prisoners?

Human-rights activist Jaswant Singh Khalra wrote a report showing that tens of thousands of Sikhs were abducted, tortured, murdered, and declared "unidentified," then their bodies were cremated. After Mr. Khalra published this report, he was kidnapped by the police and they killed him six weeks later, according to a witness. The police responsible for this act have never been punished, despite a court order. Neither has Swaran Singh Ghotna, the police officer responsible for the torture and murder of Akal Takht Jathedar Gurdev Singh Kaunke, who was torn in half.

Mr. Khalra's findings were confirmed by a recently-issued report from the Committee for Coordination on Disappearances in Punjab, which issued an "interim report" that identifies at least 838 cases of arbitrary execution and secret cremation. These are not the acts of a democratic country.

As members of the United States Congress, we will be watching with interest the actions that you take. If these kinds of acts continue, we will be forced to consider cutting off American aid and trade to India. We expect a democratic state like India to live up to the principles of democracy and the rule of law.

Sincerely,

Edolphus Towns, Dan Burton, William Jefferson, Roscoe Bartlett, John T. Doolittle, Jack Metcalf, Sam Farr, George Radanovich, Eni Faleomavaega, Bobby L. Rush, James Traficant, Wally Herger, Gary Condit, Lincoln Diaz-Balart, Peter King, J.C. Watts, Donald Payne, Cynthia McKinney, Brian P. Bilbray, Major R. Owens, Bernard Sanders, Richard Pombo, Albert R. Wynn, Carlos Romero-Barceló, James Rogan, Duke Cunningham, Ileana Ros-Lehtinen, David McIntosh, Collin C. Peterson.

THE INTERCOUNTRY ADOPTION ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. POMEROY. Mr. Speaker, I am delighted to join my colleagues from both sides of the aisle today in introducing the Intercountry Adoption Act. By providing for the implementation of the Hague Convention, this legislation will help unite American families with waiting children from around the world.

For years, American families have reached across cultural and national boundaries to embrace children through international adoption. In 1998 alone, almost 16,000 children were adopted by Americans from abroad. By signing the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, the United States and over 60 other nations recognized the importance of international adoption. The Hague Convention creates a structure to strengthen cooperation among nations in adoption and protects adoptive families from fraud and abuse.

Although the United States signed the Hague Convention in 1994, Congress has yet to ratify and implement the Convention. The Intercountry Adoption Act, by providing for the enactment of the Hague Convention, would strengthen the process that builds thousands of international adoptive families every year. Our legislation sends a strong signal that the United States is committed to providing permanent homes for its own children and for children all across the globe.

Mr. Speaker, the Hague Convention promotes cooperation among national governments, but its most significant impact is deeply personal. My own family was forever changed and enriched by the adoption of our two children from Korea. I am profoundly grateful to have Kathryn and Scott in my life. The legislation we introduce today will allow me to express my gratitude by aiding efforts to unite every waiting child in every nation with a ''forever family.''

SPANISH PEAKS WILDERNESS ACT OF 1999

SPEECH OF

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1999

Mr. MCINNIS. Mr. Speaker, thank you for the opportunity to make additional remarks regarding the bill H.R. 898, the Spanish Peaks Wilderness Act of 1999, which I had the pleasure of introducing and sponsoring in Congress this year.

This legislation will give permanent protection, in the form of wilderness, to the heart of the beautiful Spanish Peaks area in Colorado. The bill is cosponsored by several of my colleagues from Colorado, including Mr. SCHAFFER, whose district includes the portion of the Spanish Peaks within Las Animas County. I am also pleased to be joined by Mr. HEFLEY, Mr. TANCREDO, and Mr. MARK UDALL of Colorado. I greatly appreciate their assistance and support.

Also, across the Capitol, Senator ALLARD has introduced an identical companion bill. I would like to extend my appreciation to the Senator for his active support of this worthwhile legislation. I would also like to thank Chairman YOUNG and Subcommittee Chairwoman CHENOWETH for their work in the Committee on Resources to get this bill through committee quickly and onto the floor.

Finally, I would offer a note of appreciation and thanks to the former Members of Congress whose efforts made today's legislation possible. First, approximately 20 years ago, Senator William Armstrong of Colorado began this worthwhile process by proposing wilderness in Colorado, and in 1986, Senator Armstrong proposed protected status and management for the Spanish Peaks. His efforts set in place the foundation upon which today's bill is built. Second, I would like to thank the former Congressman from the Second District of Colorado, Mr. Skaggs. Together, he and I introduced this legislation in the 105th Congress, which passed the House but due to time constraints did not pass the Senate. The efforts by both of these individual legislators helped make this bill possible.

The mountains known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks for native Americans as well as some of Colorado's other early settlers.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks. The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free-standing dikes and ramps of volcanic materials radiating from the peaks. The lands covered by this bill are not only beautiful and part of a rich heritage, but also provide an excellent source of recreation. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service originally reviewed and recommended the Spanish Peaks area for possible wilderness designation in 1979. The process since then has involved several steps, and during that time, the Forest Service has been able to acquire most of the inholdings within Spanish Peaks area. So the way is now clear for Congress to finish the job and designate the Spanish Peaks area as part of the National Wilderness Preservation System.

The bill before the House would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revisions that will exclude some private lands. I would like to note that Senator ALLARD and I have made significant efforts to address local concerns about the wilderness designation, including: (1) adjusting the boundary slightly to exclude certain lands that are likely to have the capacity for mineral production; and (2) excluding from the wilderness a road used by locals for access to the beauty of the Spanish Peaks. Senator ALLARD and I did not act to introduce this bill until a local consensus was achieved on the wilderness designation.

The bill itself is very simple. It would just add the Spanish Peaks area to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of that act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, I close my statement by thanking all of my fellow members for your time and by urging all Members of the House to support of passage of H.R. 989.

STUDENT PRIVACY PROTECTION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, as kids get settled in to school this year, I want to make sure that they and their parents are aware of a disturbing trend taking place on campuses across the country.

Companies are increasingly entering the classroom to acquire hard-to-get information about the purchasing preferences and personal habits of young people. They are doing this because kids aged 4 through 12 are the hottest market group being targeted by retailers and others.

The problem is, kids do not always know if they are divulging personal information, and parents may not know that their children are spending part of their school day teaching companies how best to target young people.

That is why I am introducing legislation today that will protect student privacy and parents' rights to information about their children's education.

The legislation would prohibit schools from letting students participate in various forms of market research at school without their parent's written permission. My bill also would require a broad study of commercial involvement in the classroom.

I am proud to have the support of Consumers Union and the National Parent Teacher Association in this effort. The PTA has been a leader in supporting efforts to improve educational quality and Consumers Union has been a champion of consumer' privacy.

I strongly urge my colleagues to join me in supporting this important legislation.

Normally, we do not think of privacy and educational quality as issues that overlap. But the fact that both these groups are here today illustrates how market research in schools touches upon a range of issues that concern diverse groups.

As you know, there is a growing concern over privacy in this country, where Americans are becoming increasingly aware of the fact that the benefits of new technology can also lead to a loss of control over personal, medical and financial information.

I hear about this concern all the time. I support efforts by my colleagues to restore the privacy protections most of us have taken for granted.

Another major concern that nearly everyone in California and the Nation is talking about is the quality of our young children's education.

For good reason, most Americans believe that our schools are not doing enough to prepare kids for the difficult challenges that lie ahead.

Educational quality and privacy concerns come together when private companies seek out the hotly contested youth market. Kids aged 4 to 12 directly spent more than $24 billion and influenced their parents to spend $187 billion in 1997, according to a Texas A&M study.

The classroom is fast becoming a preferred site to learn about student purchasing preferences because, ''That's where the kids are,'' says Alex Molnar, director of the Center for Analysis of Commercialism in Education at the University of Milwaukee, Wisconsin.

According to the promotional literature for ZapMe! Corporation, a company that offers free computers to schools, ''Children in grades K–12 are arguably the toughest audience for marketers to reach and quite possibly the most valuable . . . Pinpoint targeting of such an elusive audience is made possible via the most revolutionary educational medium in the world, the ZapMe! Knowledge Network.'' James Twitchell, author of ADCULT USA, for advertisers, said that when it comes to kids in schools, ''It doesn't get any better. These people have not bought cars. They have not chosen the kind of toothpaste they will use. This audience is Valhalla. It's the pot of gold at the end of the rainbow.''

Students should go to school to learn, not to provide companies an edge in a hot market. But increasing numbers of companies are targeting schools as the best place to learn the purchasing preferences of young people. Unfortunately, they can do this today without the permission of parents, and sometimes without the knowledge of the students themselves.

Parents have a right to know how their children are spending their days at school. If parents do not want their children to be objects of market research firms while in school, they should have the right to say no. My bill gives parents that right.

By requiring parental consent for a student to contribute to any market research in school, students and parents will be able to retain more control over how the school day is spent and will be able to make an informed decision as to whether to reveal personal information that private companies otherwise might not be able to obtain.

Existing school privacy laws only protect official records and research funded by the Federal Department of Education. Current law leaves a loophole for companies to go into classrooms to get information directly from kids without parental consent. This information is then sold to advertisers and marketers, who use it to target students.

Consider these examples of the growing trend of using the classroom to solicit personal information from kids for market research:

Kids in a New Jersey elementary school filled out a 27-page booklet called ''My All About Me Journal'' as part of a marketing survey for a cable television channel.

Elementary school students in Kansas answered marketing questions over the school computer.

Students in a Massachusetts elementary school spent two days tasting cereal and answering an opinion poll.

The ZapMe! Corporation provides schools with free computers but then monitors students' web browsing habits, breaking the data down by age, sex and ZIP code.

Students in Honolulu schools divulge extensive buying habit information to the private company that runs its SmartCard system. The cards are used as student IDs as well as a means to purchase school supplies, concession stand items and school lunches. Promotional arrangements are also linked to the card.

It is clear that companies have a powerful incentive to go into class to solicit information from kids. My legislation will ensure that parents retain the ultimate authority to determine if they want their kids to participate in this type of activity at school and thereby help protect the parent-child relationship.

By raising the issue of commercialism in the classroom, my goal is not to usurp local decision-making by schools, but rather to protect parents and students and encourage an informed discussion of all of the costs and benefits of these arrangements.

NORTH CAROLINA HURRICANE FLOYD DISASTER RECOVERY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. TOWNS. Mr. Speaker, I rise today to salute the courage and tenacity of the citizens of my birthplace, the great State of North Carolina. They have endured, over the last few days, one of our Nation's worse natural disasters: Hurricane Floyd. I also want to lend my support to their recovery efforts.

As fellow Brooklynite Jackie Robinson once resonated, ''a life means nothing except for the impact it has on others.'' At this moment, we must all reach out and lend a helping hand to North Carolina.

Although the impact of Hurricane Floyd was felt from the Bahamas to New England, North Carolina has shouldered the brunt of the storm. Governor Jim Hunt of North Carolina reported that at least 10,000 people are in shelters, an estimated 1,500 people are still stranded, and that preliminary property damage figures may exceed $1.3 billion. The Federal Emergency Management Agency (FEMA) has predicted that this could be the most challenging recovery effort in the organization's history. Unfortunately, it has become painfully clear that Hurricane Floyd, combined with Hurricane Dennis, is shaping up to be the worst disaster North Carolina has ever witnessed.

So today I rise to say that this is not just a North Carolina problem; this is a national problem. We must all work together to ensure that the citizens of the great Tar Heel state fully recover from this unforgettable event.

That is why I will join with Congresswoman EVA CLAYTON of North Carolina and other members of Congress to send a legislative package that will provide further relief to the Hurricane survivors. I have also called North Carolina Governor Jim Hunt's office, which recently organized the N.C. Hurricane Floyd Relief Fund, to determine what other immediate assistance is needed. As we speak, thousands of people urgently need bottled water, non-perishable foods, clothing and bedding. For those who want to lend a helping hand, the donation hotline number is 1–888–786–7601.

Mr. Speaker, let us all take a moment out of our busy lives to remember North Carolina. To the citizens of North Carolina, I want you to know that you have my unwavering support. May God bless you.

MIDDLESEX COUNTY AMERICAN HUNGARIAN DEMOCRATS' 25TH SILVER ANNIVERSARY DINNER DANCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. PALLONE. Mr. Speaker, on Sunday, September 26th, the Middlesex County, NJ, American Hungarian Democratic Organization will be holding its twenty-fifth Silver Anniversary Dinner Dance at the Victorian Manor in Edison, NJ. I am proud to pay tribute to this exciting event and the great organization behind it.

The highlights of the event will include the presentation of the Anthony M. Yelencsis Memorial Citizen Award to Steve J. Yelencsis, brother of former Mayor Anthony M. Yelencsis of Edison, the founder of the Middlesex County American Hungarian Democratic Organization. The award will be presented by Anton Yelencsis, Tony's son.

The Anthony M. Yelencsis Memorial Scholarship Award is presented to high school graduates of Hungarian lineage who exhibit excellent scholastic achievements and other distinguished activities and service during their school years. This year, the award will be presented to Valentine S. Tarr by his uncle, Steven Tarr, the Chairperson of the Scholarship Committee.

In addition, the Distinguished Service Awards will be presented to Helen R. Gottlieb, Middlesex County and Edison Democratic Vice-Chairwoman by Dr. Thomas H. Paterniti, Edison Chairman, and to Edison Councilman William A. Kruczak by Edison Councilman Peter J. Barnes III for their contributions to the community and to the organization.

Mr. Speaker, the Hungarian-American community in Middlesex County is one of the largest in the Nation. The members of this community continue to make their mark on the community in numerous ways. When Hungarians left their homeland for the promise of America, particularly in response to the imposition of Communist tyranny, Middlesex County was one of the major areas that provided a home and a sense of hope for the future. The Hungarian immigrants and their sons and daughters, in turn, have contributed mightily to the growth and development of Central Jersey through their hard work and commitment to family and community.

While Hungarian-Americans have become an integral part of the larger American community, thoughts about the great Magyar motherland are still in their hearts and minds.

Fortunately, we live in very exciting and hopeful times for the development and renewal of the Hungarian society and the steady improvement of U.S.-Hungary ties. It's hard to believe for some, impossible to forget for others, that just a few years ago the people of Hungary were trapped by the harsh realities of the Cold War, which they did not create but which nonetheless dominated their existence.

Hungary was a leader among Central European nations in establishing a democratic system, before the fall of the Berlin Wall. In the last decade, Hungary has steadily transformed itself into an independent, democratic, market-oriented society, integrated into Europe and the international trading network, a member of NATO and a serious candidate for membership in the European Union. Unlike other areas of Europe where ancient hatreds have been allowed to fester, Hungary has worked to repair damaged relations with its neighbor Romania. Hungary, in particular among its neighbors, has shown an impressive degree of stability. Even during the Cold War, Hungary worked very hard against tough odds to establish itself as a society independent of Soviet domination in certain key political and economic spheres, and was granted Most Favored Nation status by the U.S. in 1978. Free and fair elections and a proliferation of political parties allow Hungarians of all viewpoints to participate in society. Even parties affiliated with former Communists maintain a commitment to maintaining integration with Western institutions.

A sister-city relationship has been established between New Brunswick, the county seat of Middlesex County, and Debrecen, Hungary, an arrangement to benefit the people of both communities. Developing business partnerships between New Jersey and Hungary will be good for business on both sides of the Atlantic, creating jobs and providing an increased flow of, and access to, goods and services. It's also good for peace and stability, removing the shadow of fear and suspicion that so often got in the way of U.S.-Hungarian relations during the bad old days of the Cold War.

I also want to pay special tribute to Hungary for its contributions to NATO in the operations in the former Yugoslavia, and in taking in refugees from those terrible conflicts. The instability in many of the surrounding lands will continue to test the ability of the new Hungarian democracy to be a force of stability. I am confident that democracy, civil and human rights and a healthy growing economy will triumph in Hungary, given the strong character, values and traditions of the Hungarian people and the help and support from the United States and other Western democracies.

To the leaders and members of the Middlesex County American Hungarian Democratic Organization, I say, Kosonom! (Thank you) and Egeszsegere! (To your health).

TRIBUTE TO LA AGENCIA DE ORCI AND ASOCIADOS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to a new business which is locating and office on my Congressional District. La Agencia de Orci and Asociados, is one of the most successful Hispanic owner and operated advertising agencies in the United States and I pay tribute to them for their vision and commitment to better serve the needs of the Hispanic/Latino and other communities.

Established in 1986, in Los Angeles, California, La Agencia de Orci and Asociados opened offices (today), in Chicago, Illinois at 401 N. Michigan Avenue to better provide service to its clients in the Midwest and throughout the Country. The people and the business community of Chicago, unique in their diversity, will greatly benefit from La Agencia's innovative marketing philosophies such as "Share of Heart." Acknowledged as 1998, Established Business of the Year by the Latin Business Association, La Agencia clients include Allstate Insurance, American Honda, Bell Atlantic, Hormel Foods, Ricosito Corn, Shell Oil and Washington Mutual.

This tribute is to recognize and honor the individuals who have demonstrated leadership, volunteerism and dedication. La Agencia de Orci Partners, Hector Orci and Norma Orci, founders and co-chairs, Roberto Orci, President, and Mariene Garcia, Executive Vice-President are committed to their industry leadership. La Agencia was instrumental in forming the Association of Hispanic Advertising Agencies (AHAA) with Hector Orci elected as its founding President. Actively engaged in building relationships with organizations in meaningful ways, La Agencia consistently develops solutions that make a positive difference for individuals and communities throughout our country.

La Agencia and their 83 agency associates actively participate in cultural and civic programs by providing award winning probono advertising to the United Way, Mexican American Legal Defense and Education Fund (MALDEF). The National Association of Elected and Appointed Officials (NALEO). Census 1990 and 2000, and the Children's Bureau of Southern California.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to La Agencia de Orci as they continue their extraordinary commitment to the community. They have earned and deserve our recognition, respect, and praise.

HONORING MR. JEROME COHEN, SOUTHTOWN COUNCIL 1999 AMERICAN CITIZEN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor a legendary Kansas Citizen and extraordinary friend, Mr. Jerome Cohen. This week Jerry Cohen will be recognized as the Southtown Council's 1999 American Citizen for his historic record of civic service and volunteerism. This philanthropy and devotion to our community is an extraordinary model for all of us to follow. It is often said that Jerry's life is the consummate 20th Century Horatio Alger's story. He created a successful business and then focused on charity and helping those most in need. This tribute acknowledges his amazing capacity to give and the monumental impact he continues to have in our community.

Annually, the Southtown Council nominates an outstanding leader whose efforts greatly serve the area. This year's beneficiary of their American Citizen award, Jerry Cohen, is no exception. Born to Lithuanian immigrant parents and equipped with a strong work ethic, Jerry Cohen built a prosperous modern copier and business machine enterprise. Our community recognizes his friendship and an amazing six decades worth of charitable support to organizations like the Mayor's Christmas Tree Fund, the Starlight Theatre, the Shriners, the Liberty Memorial, the Parks and Recreation Department, the American Humanics Foundation, and the Boy Scouts of America.

The Southtown Council was created by businesses, organizations, neighborhood associations to address the community concerns of Southtown Kansas City specifically from 47th to 75th Street and Prospect to Main Street. The Southtown Council has a 17 year record of philanthropy and is committed to the public development of South Kansas City. Mr. Cohen's involvement as a civic and business leader supports the Council's remarkable success and mission to preserve the priceless legacy not just of Southtown Kansas City but of the Greater Kansas City area as well.

I take great pride in knowing Jerry Cohen as a friend and mentor. Mr. Speaker, please join me today in congratulating Jerry Cohen as a model American Citizen.

THE DAKOTA WATER RESOURCES ACT OF 1999

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduce a revised version of the Dakota Water Resources Act of 1999. The bill I introduced today makes important changes to legislation I introduced earlier this year, H.R. 1137. In addition to technical clarifications, the vast majority of these changes represent the culmination of an agreement reached between the state of North Dakota and the Administration which lead to the Administration's support of the bill. I want to highlight the key items of agreement incorporated into the bill that I am introducing today.

First, this improved Dakota Water Resources Act provides $200 million in funding for statewide municipal, rural and industrial (MR&I) program, a $100 million reduction from H.R. 1137. Further, the bill clarifies that if a MR&I revolving loan fund is established, the

funds will be treated as federal funds, therefore requiring compliance with federal laws such as the National Environmental Policy Act (NEPA). Additionally, the bill today removes the $40 million in authorized funding for the replacement of the Four Bears Bridge across an arm of Lake Sakakawea on the Ft. Berthold Indian Reservation contained in H.R. 1137.

The bill also includes a provision to ensure the interests of Canada are met. Prior to the construction of any water delivery system to deliver Missouri River water into the Hudson Bay Basin, the Secretary of Interior, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided.

Further, the State of North Dakota would be required to pay a pro-rata share of the operation, maintenance and replacement (OM&R) costs on existing principal supply works, including associated mitigation, based on a percentage of capacity use. Secondly, the state would pay 100 percent of OM&R on all new facilities with the exception of facilities required to meet treaty obligations or those for compliance with Reclamation law. Further, the state would be required to pay for all energy costs to authorized facilities.

Finally, the bill eliminates the provision in H.R. 1137 which linked the full funding of the Natural Resources Trust to the completion of the Red River Valley project.

Mr. Speaker, the Dakota Water Resources Act today represents a broad consensus among various interests across the state of North Dakota and the Administration. I believe that the changes made today further improve the bill and will ensure that we are able to meet North Dakota's future water needs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 23, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 28

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on Parkinson's disease research and treatment.
SH–216

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine public ownership of the United States stock market issues.
SD–538

Commerce, Science, and Transportation
To hold hearings on the nomination of Michael J. Frazier, of Maryland, to be an Assistant Secretary of Transportation; the nomination of Stephen D. Van Beek, of the District of Columbia, to be Associate Deputy Secretary of Transportation; and the nomination of Linda Joan Morgan, of Maryland, to be a Member of the Surface Transportation Board.
SR–253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the proposed fiscal year 2000 budget request for the General Services Administration and the Courthouse construction program.
SD–406

10:30 a.m.
Foreign Relations
To hold hearings to examine the disarray in the international community, focusing on facing Saddam's Iraq.
SD–419

2 p.m.
Judiciary
Youth Violence Subcommittee
To hold hearings to examine effective juvenile intervention programs.
SD–226

SEPTEMBER 29

9 a.m.
Small Business
Business meeting to consider proposed legislation regarding women owned businesses.
SR–428A

9:30 a.m.
Indian Affairs
To hold hearings on S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes.
SR–485

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on S. 1501, to improve motor carrier safety.
SR–253

Environment and Public Works
To hold hearings on pending calendar business.
SD–406

10 a.m.
Joint Economic Committee
To hold hearings on biotechnology issues.
SH–216

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the practices of the Bureau of Reclamation regarding operations and maintenance costs and contract renewals.
SD–366

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine national technical information services issues.
SR–253

SEPTEMBER 30

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review the Administration's agriculture agenda for the upcoming World Trade Organization meeting in Seattle.
SR–328A

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on S. 1130, to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.
SR–253

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1457, to amend the Energy Policy Act of 1992 to assess opportunities to increase carbon storage on national forests derived from the public domain and to facilitate voluntary and accurate reporting of forest projects that reduce atmospheric carbon dioxide concentrations.
SD–366

OCTOBER 6

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR–328A

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business.
SR–485

OCTOBER 7

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review public policy related to biotechnology, focusing on domestic approval process, benefits of biotechnology and an emphasis on challenges facing farmers to segregation of product.
SR–328A