HOUSE OF REPRESENTATIVES—*Friday, September 24, 1999*

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We know, O God, that people in distress pray for peace and there is no peace; people pray for the stilling of the storm and there is none; people look for healing and yet the illness rages. O gracious God, creator of life and the rock of ages, speak to us in the depths of our souls with eternal hope and grace and strength that You alone can give so we can face the ravages that seem often to rule the world and face that world with confidence and with inner peace. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2466. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2466) ''An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BURNS, Mr. BENNETT, Mr. GREGG, Mr. CAMPBELL, Mr. BYRD, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. DORGAN, Mr. KOHL, and Mrs. FEINSTEIN, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 one-minutes on each side.

PRESIDENT VETOES TAX RELIEF PACKAGE

(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, oftentimes politicians talk about improving people's lives, but usually that is about as far as it goes, just talk.

Well, true to form, yesterday the President had an opportunity to sign into law a bill that would directly help the American taxpayers, but he did not.

The tax relief package just vetoed by this President would have given working families more freedom to run their lives the way they see fit, more freedom giving them more power, more time, more control over their lives. It would have reduced the marriage tax penalty, one of the most blatantly unfair demons in the Tax Code. It would have made it easier for workers to buy and cover themselves with health insurance. It would have made it easier for parents to save for their children's education. It would have eliminated the death tax, making it easier to pass on the family farm or family business to loved ones after a lifetime of work. It would have made it easier to invest and save for our future.

Balanced and fair, it would have provided substantial debt reduction, protected Social Security and Medicare, and provided tax relief to American taxpayers. And Washington would have gotten a little less so that hard-working, taxpaying families could have a little more.

I yield back the balance of any money Mr. and Mrs. America have left in their pockets.

GUN CONTROL 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, for 5 months, common sense gun safety measures have been stymied by the Republican leadership. Our efforts to close the loopholes that give kids and criminals easy access to guns have been repeatedly stifled. Every day results in lives that are lost.

Thirteen children in this country are killed by guns every day, 13 American youngsters every single day. The other side argues that no laws can stop bad men with evil in their hearts from shooting innocent people. Perhaps they are right. But they are masking a very important truth.

I am sad to say that thousands of children are killed by guns by accident. These children find loaded guns without safety locks and they pull the trigger. The frequency of these deaths is heartbreaking, and they could be prevented.

I urge my colleagues to pass the common sense measures that could reduce our country's epidemic of gun deaths.

Today I continue reading the names of children who have been killed by guns since Columbine:

Kenneth Acoff, age 17, killed by gunfire on September 4, 1992, Cleveland, Ohio; Casey Crow, age 15, killed by gunfire on September 6, 1999, Maple Heights, Ohio; Nicholas Lenz, age 13, killed by gunfire on September 9, 1999, Clear Lake, Iowa; George Mark, age 17, killed by gunfire on September 12, 1999, Quinhagak Alaska; Joseph B. Frazier, age 16, killed by gunfire on September 14, 1999, Durham, North Carolina; Cassandra Griffin, age 14, killed by gunfire on September 15, 1999, Fort Worth, Texas.

PROGRESSIVE INCOME TAX SOCIALISM

(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, in 1848, Karl Marx said, a progressive income tax is needed to transfer wealth and power to the state. Thus, Marx's Communist Manifesto had as its major economic tenet a progressive income tax.

Think about it, 1848 Karl Marx, Communism. Now, if that is not enough to tax our history, 1999, United States of America, progressive income tax socialism. Stone cold socialism.

I say it is time to replace the progressive income tax with a national retail sales tax, and it is time to abolish the IRS, my colleagues.

I yield back all the rules, regulations, fear, and intimidation of our current system.

CRIME OUGHT NOT TO PAY

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

Mr. STRICKLAND. Mr. Speaker, I believe that crime ought not to pay and the public agrees with me that crime should not pay and that is why a recent national survey has concluded that a vast majority of the American people oppose the privatization of America's jails and prisons.

In fact, 51 percent oppose and 34 percent strongly oppose the privatization of these institutions. Voters believe that government-run prisons are more accountable to the public, do a better job of preventing escape and do a better job of protecting public safety.

Further, voters also think that prisons run by private companies are more likely to be understaffed, to have poorly trained staff, and to be less accountable by cutting corners.

That is why I urge my colleagues to join me in cosponsoring the public safety act, which is an act which would prevent the further privatization of our Federal institutions and would discourage our States from privatizing their jails and prisons.

CARDIOPULMONARY RESUSCITATION TRAINING

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

Mr. BROWN of Ohio. Mr. Speaker, we often hear the acronym for cardiopulmonary resuscitation, CPR, and know what it means. But do we know what to do if, say, someone walking next to us goes into sudden cardiac arrest? Sadly, most people would answer no.

Cardiac arrest is one of the leading causes of death in the U.S., with a survival rate of only 5 percent. CPR can link an arrest victim with professional emergency care. But its success is dependent on the knowledge of our general population, And only 2 to 3 percent of Americans are trained to perform CPR.

I have introduced a resolution supporting National CPR Weekend, an effort by the American Heart Association and Red Cross to train 15,000 people in CPR. Free training sessions will be held this weekend in Medina, Ohio, and Cleveland, Ohio, and nine other cities across the country. Medina General Hospital will train over 300 volunteers in five training sessions throughout the day.

We do not have to be a doctor. We do not have to be in top physical condition. We just have to be willing to join in an important cause, saving lives.

Please call the local Heart Association for CPR trainings in the area.

TAXPAYERS HAVE TO WAIT FOR A REPUBLICAN IN THE WHITE HOUSE FOR TAX RELIEF TO BECOME A REALITY

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

Mr. BALLENGER. Mr. Speaker, yesterday the President vetoed the tax relief legislation passed by Congress.

In the face of a $3 trillion budget surplus over the next 10 years, the President concluded that there was no room for any of it to go to the taxpayers. Liberals everywhere cheered. The taxpayers, on the other hand, did no celebrating. Wall Street crashed, the Main Street was told that small business would not be getting any help anytime soon.

Those who are so ardently opposed to tax cuts do not do so because they want the money to go towards debt reduction, despite the rhetoric.

If they were sincere, then they would not be proposing billions and billions of dollars in new spending, creating new entitlements, and expanding Government programs.

They oppose tax relief because they want to grow Government. They want to spend the money. And they do not want us to spend the money.

Washington knows best. That is their bedrock principle.

Taxpayers will just have to wait for a Republican in the White House for tax relief to become a reality.

PRESIDENT'S VETO—A RESPONSIBLE COURSE OF ACTION

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

Mr. VENTO. Mr. Speaker, I understand that the President's vetoing yesterday the tax bill was disappointing to the majority of our colleagues in the House. But I would suggest that, given the alternatives, there was no other course of action that could responsibly be taken.

The fact is we are less than a week away from the beginning of a fiscal year and, by and large, the House and Senate have not even come to agreement on most of the major spending bills. We have only presented three or four bills to the President really of a noncontroversial nature, and most of the controversial issues and big issues still have not been resolved even for the next fiscal year.

So in attempting to try and portray or to put in place tax policies that are based on projected revenues and we cannot even deal with fiscal year 2000, which begins October 1, I think speaks out loud as to the fact that we are not getting our work done and we are not prepared.

I mean, we should put the decisions in terms of our spending policies, the decisions in terms of our revenue policies on the table first before we begin to undercut the ability to deal with those issues.

So I commend the President.

□ 0915

GUN SAFETY LEGISLATION—NOW

(Mrs. LOWEY asked and was given permission to address the House for 1 minute.)

Mrs. LOWEY. Mr. Speaker, once again we are calling on the House leadership to move gun safety legislation now.

Wherever I go in any district, whether it is in the supermarket; at the post office; on the streets, local streets; my constituents cannot understand it. People are afraid. In the United States of America, 1999, to be afraid to go to school, to be afraid to go to church, to be afraid to go to a synagogue: This is madness. It does not make any sense.

Mr. Speaker, we have to have the courage to stand up for what is right and not cave to the special interests.

I will continue to read the roll of those children who have lost their lives since Columbine:

Kristi Beckel, age 14, killed by gunfire on September 15, 1999, Fort Worth, Texas; Justin M. Ray, age 17, killed by gunfire on September 15, 1999, Fort Worth, Texas.

RENDEZVOUS WITH OBSCURITY

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

Mr. DOGGETT. Mr. Speaker, when this House recesses early today at 2:00 in the afternoon, it will be another recess from reality. To continue the normal operation of our Federal Government, Mr. Speaker, 13 appropriation bills should be passed by next Thursday, the last day of the Federal fiscal year. One has thus far been signed into law. With so much yet to be done and so many other issues, from gun safety to public education that this Congress should be addressing, the Republican leadership response is to declare a long weekend recess and to meet next week for 3½ days before the end of the fiscal year.

Mr. Speaker, if this plan represents ''making the trains run on time,'' as the Republican leadership has so often professed, maybe we would be better off taking a plane or even a bus.

Little wonder that one distinguished congressional historian recently observed that ''this Congress has a rendezvous with obscurity.''

PROVIDING FOR CONSIDERATION OF H.R. 1487, NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida).

The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 296 would grant H.R. 1487, the National Monument NEPA Compliance Act, an open rule providing one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule makes in order the Committee on Resources' amendment in the nature of a substitute as an original bill for purpose of amendment which shall be open for amendment at any point. The rule further authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit with or without instructions.

H.R. 1487, the National Monument NEPA Compliance Act, would provide for much needed public participation prior to the designation of national monuments under the Antiquities Act of 1906. Unfortunately, under current law such designations can be made by the administration acting without the benefit of public input into the decision-making process.

For example, on September 18, 1996, President Clinton designated the Grand Staircase-Escalante National Monument in Utah without informing or consulting with the citizens of the State or their elected congressional representatives. This incident is especially troubling in light of documents obtained from the Clinton administration indicating that the monument in question was being planned for months. Incredibly, Mr. Speaker, State officials in Utah were not even notified, or I should say were notified only at 2 a.m. in the morning of the day that the proclamation was signed into law.

Enactment of H.R. 1487 will ensure that this never happens again. Mr. Speaker, the bill requires the President to actively solicit public participation and comment before creating any national monument and to consult with the Governor and the congressional delegation of the affected State at least 60 days prior to the designation.

After all, the establishment of a national monument is a significant step with far-reaching consequences for surrounding States and communities. Simple common sense dictates that local jurisdictions at least should be consulted before any land use change as dramatic as the designation of a national monument.

The authors of H.R. 1487 have proposed a mechanism for doing exactly that. The bill received bipartisan support in the Committee on Resources, and the Congressional Budget Office estimates that enactment of H.R. 1487 would have no significant impact on the Federal budget.

Accordingly, Mr. Speaker, I urge my colleagues to adopt both this open rule and the underlying bill.

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

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

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

This is an open rule which will allow consideration of H.R. 1487, a bill to clarify the requirement for public involvement in the designation of national monuments under the Antiquities Act.

As my colleague from Washington explained, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. Under this rule germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

The Antiquities Act of 1906 permits the President to protect a historic or scientific landmark by designating it as a national monument. This bill requires that the President seek public participation and consult with the affected Governor and congressional delegation before making such a designation. Although the bill was reported out of the Committee on Resources on a voice vote with bipartisan support, some changes are needed in the bill to clarify congressional intent. Since this is an open rule, Members will have the opportunity to offer amendments improving the bill. The rule was adopted by a voice vote of the Committee on Rules. I urge my colleagues to support the rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from Utah (Mr. Hansen), the chairman of the subcommittee dealing with this legislation.

Mr. HANSEN. I appreciate the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. Today is an important day where we have a chance to restore the right to the American people and their elected representatives to have input in public land discussions.

Mr. Speaker, I would like to talk about two things. First, I want to talk about United States Constitution.

The Constitution gives the authority over the public lands to the Congress. It does not give the authority to the President. Yes, Congress can delegate a certain amount of that power to the Executive Branch, but Congress also has indisputable right to take that power back if it is being abused. The antiquities law is being abused. Huge national monuments have been created

and are currently in the process of being created for political reasons and to avoid congressional scrutiny and public input. Congress has the right to stop this abuse and has the obligation to stop this abuse.

This public participation, Mr. Speaker, it is very important in a democracy that the public have the right to participate in important decisions. I think it is particularly important for all the public to participate in public land decisions. It is after all, it is their land; is it not?

As my colleagues know, Mr. Speaker, on September 16, 1969, the President of the United States did the same thing in Arizona and declared 1.7 million acres a national monument. How many of us were aware of this? Very, very few. In fact my AA called up the White House the day before and said, We are hearing this rumor. Is it true that the President is going to declare part of southern Utah, a piece bigger than most of our eastern states; it would take all of the eastern States for a lot of my colleagues in one fell swoop.

Oh, no, we do not know anything about it; we have heard the same rumor. Yet later in that day, the next day they declared this huge, huge piece of land a national monument.

Now why did they do it? Well, we wanted to know. Of course we wanted to know. I chair the Subcommittee on Public Lands and National Parks; I really thought I had a right to know. Did not Governor Leavitt have a right to know? Did not our two senators have a right to know? Did the rest of the delegation? What about the people in Utah; did they not have a right to know? Apparently not, Mr. Speaker.

So we subpoena all these papers, the volumes of papers after a little hassle with the White House. Do my colleagues know what they said? We are doing it for political reasons. We are doing it because the environmental community will think it is wonderful. As my colleagues know, these folks from New York and other areas, they think that is great. What about the people who live there? Do they not have a say in anything?

So we have a national monument, yet to this day I do not think anyone has delineated what it really protects. So we have this huge piece of ground of rolling hills, of sagebrush and rattlesnakes, and I sure hope somebody enjoys it because everyone that goes there only goes once, and anyway all this little simple bill is about is to say: ''Let us have a little notice, Mr. President. We don't want to take away your rights.''

In the last term on this floor, we passed one that said let us reduce it to 50,000 acres. We have 73 national monuments, most of them are very small, and let us make sure that the President names what the historic or scientific area is.

How big is 50,000 acres? Pretty good chunk of ground. Realize all of Washington, D.C. is 38,000 acres; bigger than Washington, D.C., and yet the other body did not see fit to pass the legislation.

So this bill is about public participation. All we are saying is the Governor of the State, the congressional delegation of the State really ought to have the courtesy, that word that does not seem to be so prevalent recently, just the courtesy for someone to let us know when we are going to do this, 60 days so someone can react.

I urge support of this rule, Mr. Speaker.

□ 0930

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the rule. I appreciate the work of the Committee on Rules providing for an opportunity to fully consider this matter. Hopefully we have come to a resolution and an agreement with regards to public participation in the notification.

The 1906 law that we are amending has had an important history. Over 105 monuments have been declared over the history of presidential use of this power, which is, I think, essential to try to keep intact with some public participation, notification requirements as are outlined in the bill. This is a meaningful step, a necessary step, and I think it will provide for the opportunity where emergencies dictate for the President to take alternative action. I intend to offer an amendment during the consideration of the bill. I appreciate the format and the House consideration of this matter, and this process.

Mr. Speaker, I rise in support of an open rule to H.R. 1487.

H.R. 1487 was written out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act. Although I had several concerns with the original legislation, Mr. HANSEN and I worked together and offered an amendment that Members on both sides of the aisle could support. As a result, I offered an amendment in the nature of a substitute that passed the committee by voice vote.

Because of the bipartisan work on this legislation, I see no reason why this Chamber should not fully discuss the merits of this legislation under an open rule. Mr. HANSEN and I worked through our differences to achieve an equitable solution to a problem that divided this House last year. I plan to offer an amendment today whose intent states that nothing in this Act shall be construed to modify the current authority of the President to declare a national monument as provided to him under the Antiquities Act. I am offering this amendment because the Resource Committee's report didn't accurately represent the intent and scope of my substitute amendment.

I realize that this legislation does not accomplish everyone's goals, but I also must acknowledge that it is legislation that we can all support. Mr. HANSEN and I have worked on this legislation to try and resolve the issue of the monument declaration procedures and are pleased to offer a proposal that hopefully can win broad support. I would like to express my thanks to the Rules Committee for the positive response and action in approving an open rule for the House consideration. This House should openly debate and openly discuss the merits of this proposal and this important presidential power. I urge my colleagues to vote in favor of this rule.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2559, AGRICULTURE RISK PROTECTION ACT

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

Mr. HASTINGS of Washington. Mr. Speaker, this afternoon a ''dear colleague'' letter will be sent to all the Members informing them that the Committee on Rules is planning to meet the week of September 27 to grant a rule for the consideration of H.R. 2559, the Agriculture Risk Protection Act.

The Committee on Rules may grant a rule which would require that amendments be pre-printed in the CONGRESSIONAL RECORD. In this case, amendments must be pre-printed prior to consideration of the bill on the floor. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the office of the parliamentarian to be certain that their amendments comply with the House rule.

NATIONAL MONUMENT NEPA COMPLIANCE ACT

Mr. HASTINGS of Washington. Pursuant to House Resolution 296 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. 1487.

□ 0932

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. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the

Antiquities Act of 1906, with Mr. MILLER of Florida 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 Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) each will control 30 minutes.

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

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

Mr. Chairman, I appreciate the opportunity to bring this important bill to the floor. H.R. 1487 was designed to inject more public participation and input into national monument proclamations. The bill as reported from the Committee on Resources is the result of a bipartisan cooperation between the gentleman from Minnesota (Mr. VENTO) and myself and would amend the Antiquities Act to require the President to allow public participation and solicit public comment prior to creating a national monument.

It would also require the President consult with a congressional delegation and governor of the affected States at least 60 days prior to any national monument proclamations. H.R. 1487 as reported from the Committee on Resources requires the President to solicit public participation and comment while preparing a national monument proposal, to the extent consistent with the protection of historic landmarks, historic and pre-historic structures and other objects of historic or scientific interest located on the public lands to be designated.

In addition, H.R. 1487 as reported requires the President to consult, to the extent practical, with the governor and the congressional delegation of the State in which the lands in question are located, at least 60 days before declaring a monument.

I have several specific concerns regarding the qualifiers. The first is the possibility that a President could still ignore the public consultation and official notice provisions of the Antiquities Act because of ambiguous phrases such as, quote, ''to the extent consistent,'' and, quote, ''to the extent practical.''

While such phrases are intended to give the President a certain amount of latitude to cope with unusual circumstances, they are not intended to give the President carte blanche to ignore the provisions of the Antiquities Act. Nor were they intended to preclude judicial review if the President does abuse the limited discretion.

The committee strongly intended that the phrases ''to the extent consistent'' and ''to the extent practical,'' should not be interpreted as allowing the President to ignore the public participation and consultation provisions of the Antiquities Act simply because he can point to possible problems that may occur from delay.

A certain amount of delay is inherent in a statutory scheme that requires public participation, and subsequent to the passage of this bill, Antiquities Act decisions should take considerably more time to make. The President, however, may not skip the public participation phase simply because it may take time. The President is expected to use other available provisions of law to protect the land if such protection is needed while public participation proceeds.

For example, the President should use all other tools at his disposal to protect lands short of a monument declaration. An example of this would be the secretarial ability to conduct a segregation or withdrawal, under Section 204 of the Federal Land Policy and Management Act, while public debate on the proposed monument proceeds.

The second issue is the nature of public participation that the President is required to allow prior to a national monument declaration. The original bill would have required the preparation of an environmental impact statement pursuant to NEPA. The bill as amended does not address, I want that point to be clear, does not address the NEPA issue, but comparable public participation is still required.

It is the committee's strong intent that the President, subject to a few modifications reflecting the peculiarities of national monument declarations and the intent of this legislation, should follow the same general public participation pattern that the Interior Department follows in compliance with NEPA.

The President should provide at all stages of the public process full dissemination of appropriate information, meaningful hearings and allow generous comment periods.

It is anticipated that the President may delegate the creation and administration of these procedures to an appropriate agency, such as the Department of Interior or the Department of Agriculture.

The committee also expects any designation process under the Antiquities Act to address pertinent issues that are necessary for meaningful public comment and sound decision-making.

Finally, H.R. 1487 would require any subsequent management plan developed for a national monument to comply with NEPA. The fact that the President has gone through an extensive public input process on a decision whether to declare a monument should not be interpreted to replace the NEPA process that is associated with the subsequent management plan.

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

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

Mr. Chairman, I want to commend my colleague, the gentleman from Utah (Mr. HANSEN), the chairman, for his work on this process. For the past 5 years, there has been a great deal of concern and some acrimony concerning the designation of the Escalante-Grand Staircase National Monument by President Clinton in his home State of Utah.

Clearly, that has propelled us to a point where we are seeking to try to make the Antiquities Act, the presidential power to declare national monuments, work in a way that does engage the public and does provide notification to elected Members of the House and Senate, and to the governor of the State. That is basically what this legislation does.

I know that there are a lot of other initiatives that he has put forth with regard to this, but I think this one does get to the issue at least of notification so that there can be perhaps somewhat of a more open debate with regards to this matter.

The legislation, as was amended in the Committee on Resources, offers a common sense approach to the designation of monuments under the Antiquities Act. I was pleased to work out the provisions with the chairman of the Subcommittee on National Parks and Public Lands. He initially wrote H.R. 1487 out of concern that there was a lack of public involvement in the designation of national monuments under the Antiquities Act.

Congress, of course, established the Antiquities Act in 1906 to provide the President an opportunity to protect historic landmarks, and pre-historic structures and other objects of historic or scientific significance that face possible damage or destruction due to Mother Nature or man's encroachment.

I might say that the Antiquities Act only applies to public lands. Generally, of course, we are talking about Federal lands. It does not apply to State lands. It does not apply to private lands, although sometimes there are, in terms of the Federal lands, those lands could be within those parcels.

At the time, of course, of its passage early in this century, Congress realized that its very nature as a deliberative body precluded the House and Senate from acting swiftly when important scientific and cultural objects or landscapes were at risk. Because of the potential threat with conflicting Federal land policies impacting public land, Congress recognized the need to expedite national monument designations and accorded presidents broad new powers embodied in the Antiquities Act of 1906. Congress did not identify a specific plan for the level of public involvement, or notification that may be appropriate in the designation of national monuments by the President.

The fact of the matter is, even at that early date there was great controversy over it. In fact, then President Theodore Roosevelt was taken all the

way to the Supreme Court for his designation of the Grand Canyon, which, of course, was something over a million acre designation. It was a very large designation at the time, because Congress has, then and now continued to jealously guard its role in terms of land use questions.

I mean, in fact, the committee that the chairman presides over is a committee that I chaired for almost 10 years; and I think that he will attest to, certainly I would, to the level of work that we are involved with. I think as a subcommittee, it probably acts on more legislation than almost any other subcommittee in the Congress. So it is, I think, an indication of not just the role of Congress but the exercise of that role in terms of making these land-use decisions.

The President at that time, when this issue was contested in the Supreme Court, the President's powers were upheld and to, in fact, make the types of designations that he has made. Since then, as has been rolled off my tongue so many times, there has been 105 such designations. Many of them have, such as the Grand Canyon, become really the gem stones, the jewels and the crown, we might say, of our national land conservation system.

Today, with the passage of various other public lands bills, such as the Organic Act or the Federal Lands Policy and Management Act, the laws that govern parks, wild and scenic rivers, the Antiquities Act has leveled the playing field for the President. That is, we do a lot more. If Congress languishes on a public land designation, of course, the President possesses the authority to immediately protect the land in question under the Antiquities Act, as he did in 1906. Congress, conversely, has been, I think, very aggressive over the last 2 or 3 decades in terms of moving to declare wilderness, to, in fact, designate parks and to, in fact, recognize the special qualities of our lands.

□ 0945

I might say that one of the issues in terms of the Antiquities Act is that Congress has given great authority to in fact the use of our lands for public education purposes, under the Morrill Act and the 1872 Mining Act. There are laws that govern the appropriation of surface waters, largely, obviously, governed under the jurisdiction of some of the States, but nevertheless embodied in Federal policy. So there are many potentially conflicting uses of public lands under the governance of laws that frankly run to the earliest history of our Nation.

The Antiquities Act obviously was intended to recognize largely, as is indicated in its body, and as I have repeated, the cultural, the historic, the natural qualities, the natural landscapes that have become recognized as being very important.

As originally introduced, the measure we are considering I think was unworkable language that effectively would have undermined the authority of the President to designate threatened public lands as national monuments. This important power, while as important today as it was yesterday, obviously, being limited by other laws would have prevented the President from acting in a timely manner, indeed, if the need would arise.

The legislation led Members to believe it required the President to follow, for instance, the National Environmental Policy Act compliance requirements, although the requirement was unusual in itself, since actions taken, congressional or judicial or presidential actions, are not subject to NEPA. This legislation actually forced the President not just to follow NEPA, but even go beyond the requirements of NEPA.

The measure that was introduced attempted to identify the effects before any cause could be studied, and seriously deviated from the public view and comment period mandated in NEPA. It set, I think, an unfortunate precedent by subjecting the presidential actions to judicial review before a final decision on land designation was made. It allowed the President to withdraw land on an emergency basis for only a 24-month period.

Even after all of that process, any time you have a deadline of this nature, it works against the land designation, because surely that would run out. Congress may not act. There are, obviously, a group of competing interests in place practically, by definition, when the President would make such a declaration.

Finally, the time requirements on the environmental impact statement are such that land could still be open to development prior to the designation being made. For these reasons and many others, my colleagues in the committee and the administration, of course, strongly opposed the initial bill.

Prior to the committee meeting, the gentleman from Utah (Mr. HANSEN) and I agreed to a substitute amendment. We achieved, I think, the goal of public participation and notification, and also an amendment that Members on both sides of the committee could support. The substitute amendment directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment in the development of the declaration, to consult the Governor and the congressional delegation 60 days prior to any designation, to consider any and all information made available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of the National Environmental Policy Act.

As a result, of course, of this agreement, the amendment passed the full committee by voice vote. I would say with regard to NEPA that very often our public lands, whether it is under the Bureau of Land Management, resource management plans under the Forest Service, where we have the Forest Practices Act, there is a plan under Park Service lands, Fish and Wildlife, almost all of our public lands come under a guideline where periodically, ideally, at least every 10 years, there is a revision of that plan. That plan for the land use has to go through a NEPA process. So I would say embedded in the data system that we have, there are NEPA plans that exist that give us a good view or at least a current view of what the National Environmental Protection Act policy is with regard to plans that are proposed, so there is a body of information concerning that.

In fact, that does require public participation, and it is the action of the President, in this case in terms of the declaration of a monument, that does not in this instance, just as the actions of Congress or a court, do not require NEPA participation. Of course, once a monument is declared and a plan is put forth with regard to how to manage that, again, that would be subject. But the action itself would not be subject to NEPA.

I am also going to be offering an amendment today to this measure. This amendment, which the gentleman from Utah (Mr. HANSEN) has indicated his acceptance of, states that nothing in the Act should be construed to modify the current authority of the President to declare national monuments, as provided to him under the Antiquities Act. It reaffirms the intent of the bill's substitute amendment, which establishes public participation and consultation on the national monument designation to the extent consistent with the protection of the resource values of public lands to be designated.

I, of course, feel it is necessary to offer this amendment to rectify confusing report language to H.R. 1487 which did not accurately reflect the intent and the scope of our agreed-to substitute amendment.

Mr. Chairman, the Antiquities Act is a cornerstone, really, of the United States environmental policy. It springs from the earliest origins, in a sense, of the conservation movement under then President Theodore Roosevelt. It has been used throughout this century.

I believe this legislation is a good compromise. It allows this Antiquities Act to come full circle regarding its participation provisions, something I think that is desirable. It still grants the President full authority to designate national monuments. It provides for public input, and allows for

each congressional delegation to take part in the consultation process.

I am pleased that the gentleman from Utah (Mr. HANSEN) and I were able to work together on a potentially difficult issue that has divided the House for 5 years. I urge my colleagues to support this legislation, and hope that the Senate will act on it. I am optimistic that the President will accept these qualifications and process issues with regard to the Antiquities Act of 1906.

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

Mr. HANSEN. Mr. Chairman, I yield 90 seconds to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise today to support H.R. 1487, the National Monument NEPA compliance Act of 1999. I thank the gentleman from Utah (Mr. HANSEN) for his efforts in bringing this legislation to the floor.

Since President Clinton abused the 1906 Antiquities Act in 1996 and designated the Grand Staircase Escalante National Monument without any participation from the surrounding public interest directly affected, citizens from across eastern Washington have contacted me to express their concern about how this type of action could happen again and affect their livelihood.

While I, too, want to preserve the heritage of our public lands, especially given their importance to the history, commerce, and recreational possibilities of our region, we should not be afraid to let people participate in this process.

Mr. Chairman, experience has taught us that ambiguous laws and Federal directives give the power of interpretation and enforcement not to citizens and local elected officials, but to Federal agencies. This often means that they could set policy at odds with the priorities of local government, businesses, property owners, and other citizens. A great variety of individuals, from fishermen to farmers to businessmen to loggers to Native Americans, depend upon the public lands in the Pacific Northwest for their recreation and livelihood.

I have made it a priority to protect the people's right of access against intrusive Federal programs, and most importantly, to give my constituents an opportunity to participate in such important public policy decisions. Such public input should be an integral part of this process, and can still lead to environmentally sensitive policies.

Mr. Chairman, I urge my colleagues to vote to include the public, and join me in supporting H.R. 1487.

Mr. HANSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I rise in support of this bill introduced by my good friend, the gentleman from Utah (Mr. HANSEN), the National Monument NEPA Compliance Act.

H.R. 1487 will provide a much needed fix to a very antiquated law. I commend the gentleman for introducing this bill.

Mr. Chairman, in 1906, the United States Congress provided the President of the United States or a representative, the opportunity to designate national monuments. When done correctly national monument designations are an important tool in preserving historic landmarks, and objects of historic and scientific interest. But, Mr. Chairman, the use of the Antiquities Act has been severely abused, most recently by the current Administration.

Mr. Chairman, H.R. 1487 will provide a much needed fix to an antiquated law. H.R. 1487 ensures public participation in the declaration of national monuments. H.R. 1487 would require the President to consult with the Governor and Congressional delegation of the affected State at least 60 days before a national monument proclamation can be signed. This legislation would also require the President to consider any information developed in forming existing plans before such declaration.

Mr. Chairman, I support this bill wholeheartedly and urge full House support of The National Monument Public Participation Act.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I want to commend the gentleman from Utah (Chairman HANSEN) for this legislation, the work that he has done, and the cooperation we have seen from the other side, as well.

I rise today in support of H.R. 1487, a bill that would require public participation, public participation in the declaration of national monuments under the Antiquities Act.

Today the President can create a national monument on virtually any Federal land that he or she believes contains an historic landmark, an historic structure, or other object of historic or scientific interest. In doing so, the President is to reserve ''the smallest area compatible with the proper care and management of the objects to be protected.''

Do we suppose when Congress passed the Antiquities Act in 1906 that they thought a future president would use the act to protect 56 million acres in one fell swoop, as President Carter did in Alaska? Did Members think that the residents of Utah would one day wake up to learn that 1.7 million acres of their State had in effect secretly been declared a national monument, again without any public hearings or comments?

That is the real issue here: Did Congress truly intend to abdicate its jurisdiction and empower a sitting president with the authority to designate literally millions of acres, without even notifying the Governor or the elected congressional delegations of the affected States? I do not think so.

This really hits home in my district. Farmers, ranchers, landowners in my district are frankly concerned. They are scared. They are scared that one morning they, too, will wake up to learn that the President has designated Steens Mountain as a national monument. They are afraid that the characteristics of that mountain will change with the impending influx of tourists who would travel to visit a national monument. We have seen this, and we have heard reference to the Grand Canyon. We know the kind of tourist activity that occurs after these things are highlighted.

Last month the Secretary of the Interior visited Steens and made it clear that if some form of legislative designation is not placed on the Steens, then this administration will act before they leave office.

Do Members understand why my constituents are afraid? They are afraid because something is going to happen that they do not have any ability to have any say in. That is what they are concerned about.

I went down there over Labor Day weekend and spent a couple of days looking firsthand at Steens Mountain. I toured it with ranchers, recreationalists, local Department of the Interior employees, and others who live and work, and have for centuries, around this mountain. I wanted to understand what it was the Secretary was talking about, and what it was that was going on in the Steens.

After a couple of days of walking and flying and horseback riding over this mountain, I ended up with more questions than answers about why the Secretary was making this threat. From what or from whom was he rushing to protect the Steens, and what will the local effects be of another divisive edict from Washington, D.C.?

That is what people are concerned about about our Federal Government, is that they pay the taxes and have no say; that these things come down in the middle of the night, and they are left out of the process. That is wrong.

Before someone blindly places a designation on Steens Mountain, we need to carefully ask, does the mountain really need Washington, D.C.'s protection or meddling, beyond the public and private cooperation that exists today, and has for nearly a century? From what I have seen, I am not convinced it does.

Steens Mountain is a treasure. The current management and protection of it appears to be working well. But as we progress, let us first clearly identify what the problems are, and then take the time to carefully consider the needs of the mountain and those whose livelihood depends on it for ranches, recreation, and tourism, before it is subject to some sort of executive mandate driven by political whim.

That is why this bill is so important, Mr. Chairman. It is an excellent bill because it gets at the very issue of public participation. What is wrong with

requiring the President to solicit public participation and comment and then consider it? What is wrong with requiring consultation with a State's delegation to Congress and the State's Governor? What is wrong with asking that a significant action affecting everyone have to meet the procedural requirements of the National Environmental Protection Act?

This bill is an important piece of legislation that will go a long way toward alleviating the fears of the residents of Harney County and others who live near proposed monuments.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

□ 1000

Mr. GIBBONS. Mr. Chairman, I congratulate the gentleman from Utah (Mr. HANSEN) for his leadership on this issue, and I rise in strong support of the bill H.R. 1487, a bill that will ensure public participation in the creation of national monuments.

Quite frankly, I am surprised that there would be any type of opposition to this legislation. We are not abrogating the President's power or his authority under the Antiquities Act in any way except to require him to allow public participation into the process.

He can still create monuments. No size limitations will be imposed except those already existing or contained in the original 1906 act. The President can still act quickly. In fact, he can even avoid public participation provisions in this bill if there is some unforeseen emergency that cannot be taken care of by existing withdrawal authorities.

There is simply no reason to oppose this bill. All we are asking is that national monument proposals see the light of day before being sprung on Congress, a State, and the American public. Even President Clinton's most ardent supporters admit that the creation of the Grand Staircase-Escalante National Monument was unfair, discourteous, and partisan.

I would like to add that it was also a slap in the face of the people of Utah and showed general disdain and lack of respect for democratic principles. There is nothing to stop it from happening again in my State or in my colleagues'.

If we pass this legislation, the American public will be able to participate in the national monument proclamation process. That should not be too much to ask from any administration. In almost every other public lands decision, they are afforded the right to receive information on pending public lands decisions and afforded the right to submit comments.

This is not anything unusual. In fact, it is the right way to conduct business. Mr. Chairman, if the public participation is good, and I submit that it is, then it should be applied across the board.

H.R. 1487 is a great bill. It will inject light and open us into a process that needs to be more open. I intend to vote for H.R. 1487, and I urge all my colleagues to do likewise.

Mr. HANSEN. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. CANNON). The district of the gentleman from Utah has the entire Grand Staircase in it.

Mr. CANNON. Mr. Chairman, I rise in support of H.R. 1487, which is a bill to ensure public participation in the monument designation process.

Our colleagues know all too well how President Clinton recently used the 93-year-old Antiquities Act to create the Grand Staircase-Escalante National Monument in my district in Utah. Although there are certainly lands within the monument that are worthy of designation, I believe that the process, or the lack thereof, was fundamentally flawed. Not one local elected official was included in the planning or evaluation of this designation. This, Mr. Chairman, is wrong and should not continue.

Mr. Chairman, millions of people have moved to Utah or remained in Utah for generations to enjoy our beautiful landscape and pristine environment. Utahans are very proud of and cherish our State and want to work to protect our lands. To suggest that Utah officials that have been elected by these Utahans are incapable of making or at least being included in land management decisions affecting our lands is deeply offensive.

This is exactly what occurred in 1996 when, literally, during the dark of night, the designation of the Grand Staircase-Escalante National Monument was drafted. Each and every public official in Utah was blindsided. For the last 2 years, businesses, citizens, and local government have had to react to the designation rather than to work with the administration to achieve some kind of beneficial outcome.

Since 1906, when the Antiquities Act became law, Congresses have passed legislation which requires public participation and input. Unfortunately, in 1996, the people of Utah were never given the opportunity for input. Had we been included in the deliberations of how to protect this land, much of the bitterness and heartache that is felt in southern Utah regarding the monument could have been avoided.

The use of the Antiquities Act in my district was wrong. It should not happen again. I am pleased that the gentleman from Utah (Chairman HANSEN) and the gentleman from Minnesota (Mr. VENTO) were able to craft language to improve the process. I congratulate them both on their work. The Hansen-Vento language simply requires the administration to notify, and consult with, the governor and the congressional delegation of the State at least 60 days prior to any monument designations in the State.

Mr. Chairman, there are rumors that many other monument designations are planned before the end of this administration, and to simply to require that the affected local officials be consulted is common sense and consistent with current law and congressional intent.

This is a common sense approach that will require that a little light be shed on the land management practices of this administration. The gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) worked hard on this bipartisan compromise legislation, and I urge all of our colleagues to support it.

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

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman from Utah (Chairman HANSEN), and I want to congratulate him for his good work on this bill.

We have a National Environmental Policy Act, and the intent of that act is so that, when public land management decisions are made in this country, those making the decisions are required to examine the environmental impacts, economic impacts, and social impacts. The process requires them to scope all those potential impacts and then to try to balance and mitigate how those will affect that decision-making process.

The 1906 Antiquities Act obviously was drafted before the National Environmental Policy, and so it is not subject to the NEPA process. So we really do not have a very good process for how those decisions will be made.

Of course, we have heard the President designated 1.7 million acres in the Escalante-Staircase as a national monument. He did so without any public comment at all. In fact, he sought secret input from selected groups but, in the process, actually ignored, even misled members of his own party and the local political leaders in making this decision.

This was a profound decision. It impacted 1.7 million acres. In the past, monument designations were relatively small parcels. So this decision by the President highlighted the weakness and the shortcomings of the Antiquities Act.

So this bill, while it does not subject that decision to the NEPA process, which I personally would prefer, does begin the process of opening it up. It requires the President to seek public comment and to consult with local leaders before making that decision.

We have always felt, or in recent years we felt, that public land management decisions should be made in an open process, that we ought to seek the input of citizens in making that decision. Why? So that we get input from the wide variety of different opinions about how that decision should be made.

This decision was made in secret. This decision was made in a fashion that actually misled local landowners, local political leaders, the governor, even the congressional delegation.

So this bill, in opening up the process, is really about good government. I think open government is good government.

Will this bill have any negative impact on the President's authority to protect the environment? No, it will not. The President has other emergency powers to withdraw lands temporarily and to propose permanent withdrawals to development if he feels there is a threat to the environment. This bill does not affect that at all.

However, I would point out to my colleagues that that kind of a decision is subject to the National Environmental Policy Act, and it would be my preference that we make this designation that way, too.

But this does not affect the President's emergency powers, temporary powers, or his permanent powers. This is a good government bill. I urge that we support this bill because it will open the process. I urge all my colleagues to support it.

Mr. HANSEN. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this very modest, common sense, and much-needed proposal. I thank the gentleman from Utah (Mr. HANSEN) for yielding me this time, and I commend him for bringing this very fine legislation to the floor of this House.

Our Founding Fathers established a Government which is supposed to be of, by, and for the people. Unfortunately, what happened in Utah shows that what we have now is a Government of, by, and for the bureaucrats and a few elitists at the top.

Unfortunately, what we saw with this Utah land grab was an abuse of power through a very old law that is really no longer needed. There were no checks and balances. There was no public discussion. There was no consultation with the Utah congressional delegation or the Governor of Utah. There was a deliberate attempt to keep this thing as secret as possible for as long as possible.

H.R. 1487 simply requires the administration to solicit public participation and comment while preparing a national monument proposal. It also requires that the President consult with the governor and congressional delegation of the State in which the lands are located.

To oppose this bill is to oppose even very minimal public participation in this process. What we saw with the designation of this 1.7 million acres in Utah was a very real abuse of power.

During a hearing before the House Committee on Resources in 1997, the Governor of Utah testified that the first reports that he had received regarding this proposal were from a story in the Washington Post. In addition, he testified that he did not receive official word of this proposal until 2 a.m. in the morning the night before the announcement was being made.

At this same hearing, Senator ROBERT BENNETT testified that his staff found a letter from the Interior Department to a Colorado professor who was responsible for drafting the proclamation. In this letter, the Interior Department official stated, ''I can't emphasize confidentiality too much. If word leaks out, it probably won't happen so take care.''

This almost makes one wonder if we have people running our Government today who want to run things in the secret, shadowy way of the former Soviet Union and other dictatorships.

People in other parts of the country should be concerned about this. We should all be concerned because of the political wheeling and dealing, the arrogance, the extremism of the way this designation in Utah was carried out. But perhaps even more importantly, if they do it in one place, they will do it in another if people do not speak out against this type of political shenanigans.

With that said, let me just note that all this legislation would do is make a minor modification to make sure that the public can be involved in decisions that affect large portions of public land. This Utah land grab affected 1.7 million acres, which is three times the size of the Great Smoky Mountains National Park, the most heavily visited park in the country. So millions of people all across this country realize how significant this is.

Mr. Chairman, is it really so bad that we allow the public to participate in such important decisions? I do not believe the President should be able to designate such a huge amount of land as a national monument without some extensive public discussion and meaningful participation.

Mr. Chairman, this legislation is a modest proposal. This is not a Western or an Eastern issue; this is a democratic issue that affects us all. If my colleagues think that we should have just a small group of people at the top making significant, important decisions like this in secret, without any real meaningful public involvement, then they should vote against this bill. However, if they think it should be the right of the American people to have at least a small say in what their Government does, then I hope they will vote for this legislation.

I urge my colleagues to support H.R. 1487 so that we can put the people back in the process at least in a small way.

Mr. HANSEN. Mr. Chairman, I yield 1 minute to the gentleman from the second district of Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I rise in strong support of H.R. 1487. This excellent bill will allow the public to participate and comment on any proposed national monument declaration. I commend the gentleman from Utah (Mr. HANSEN) for his tireless effort to protect democracy.

This bill requires the President to consult with the governor and the congressional delegation of the affected State 60 days prior to the designation of a monument. Now, this modification of the Antiquities Act, an act in large measure brought forth by one of the greatest Presidents of the United States, Teddy Roosevelt, is absolutely necessary to prevent the kind of abuse that this President was involved in in the creation of the Grand Staircase monument in Utah.

The bill of the gentleman from Utah (Mr. HANSEN) still gives the President the ability to move more quickly, if necessary, to protect an endangered site. I urge my colleagues to support the bill and to vote to protect America from presidential excesses.

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

Mr. Chairman, I wanted to point out the dilemma, frankly, that any chief executive faces with regards to these land-use decisions. As has been articulated accurately by my colleagues from the committee, the President has some emergency powers for 36 months to, in fact, withdraw public lands from mineral entry. Of course we have, through other land designations, excluded lands, some lands from mineral entry under the Wilderness Act and under other conservation designations that we make.

But we are still, in terms of looking at our National Forests and looking at our BLM lands, looking at about a half million acres of lands that lie within them; and better than about two-thirds of them are still open to mineral open, which would constitute some 300 to 350 million acres of land that would be open to such mineral entry and for other appropriations for water, for other uses, even under the Homestead Act and under other uses.

So the President, one of the phenomena that occurs whenever there is a suspicion that a chief executive or, for that matter, that Congress is going to take some action to, in fact, prevent the use under the mining acts, under various other limitations, wilderness designations, road-type of access issues, very often we see a phenomena where those interests that have an interest in mining claims or perfection of those mining claims or access questions or riparian questions with regard to water, when they see we are going to take any such action, they begin to make such claims on these lands.

□ 1015

This is a problem that we face. And, of course, because we are much more

encumbered in Congress in terms of moving, we cannot just move without the Senate and without the President and without our colleagues supporting us, very often these instances of claims can take place and they really, in a sense, very much provide new barriers and provide new obstacles in terms of trying to clarify the use of such lands.

So, too, the President faces the same problem in this issue of monument declaration. It is sort of all or nothing. If in fact, he shares with the public the fact that he intends to designate a piece north of the Grand Canyon, in the case of my colleague's concern, my friend and classmate, the gentleman from Arizona (Mr. STUMP), then, of course, there could be, obviously, activities that take place that would, in fact, contradict the various features that the President may seek in the end to protect. The particular corridor of my friend, who has introduced the bill, might be compromised in the process because we are not moving ahead on it. So I think this is the issue.

In terms of being open, yes, I think we want to be open, but we do not want to undercut the very purpose that the Antiquities Act or, for that matter, any proposals that we might make in Congress dealing with wilderness or dealing with park designations. So there has to be some degree of nondisclosure, I guess, with regards to specific actions. And that is one of the dilemmas that the President faced in this case in terms of not sharing all the actions he was going to take.

I would just say that there has been some challenge as to the nature of this, the appropriateness of this area, and some aspects about what is important about it. But it is a spectacular area. Southern Utah, since early in this century, has been recognized for the outstanding characteristics and landscapes that exist there. They are among some of the most remote areas on the North American continent. They were some of the last areas, in fact, to even be surveyed because of the remote nature of these vast lands that exist in southern Utah. In the 1930s, then Secretary of the Interior Ickes had proposed the designation of a significant-sized park in that area.

Now, some pieces of that had subsequently been declared national monuments and have evolved into becoming part of the park system, including Zion National Park, and, of course, we had spoken earlier about the Grand Canyon, but I do not know if Bryce was specifically in that area or how it was declared. But, again, as I talk to friends that have visited these areas, they are absolutely astounded at the beauty and the serenity of these magnificent landscapes in Utah.

And, of course, beyond that, since 1930, at the very least, all of my colleagues that are participating in this have been sponsoring legislation one way or another to place parts of what is the Grand Staircase-Escalante National Monument, prior to its being designated, putting part of it into wilderness. There have been proposals from Members of Utah, from the gentleman from Utah (Mr. HANSEN), from others that have served in this chamber, Congressman Wayne Owens, to, in fact, declare significant portions of this area as wilderness.

So they, too, have recognized that some of these landscapes are very special and deserving of our highest degree of protection that Congress and the national laws can accord; that these are special lands. Whether they agreed to precisely the boundaries and the final action and the process decision here will be debated for a long time. I will not get into that. I think the idea of having public participation, having notification is appropriate, where possible.

We also have to understand the dilemma that we are actually in a sense trying to face and that has to be resolved in these cases where conflicting claims can be made, even after we have made proposals in Congress, or if the President were to lay his cards on the table, so to speak, any president, with regards to this. He would be faced with conflicting uses and claims that may be made, may be made in some cases not even in good faith, solely to extract a payment from the national government for the purchase of that use or that right to use that public land for water, for mineral entry, for access and for other factors.

So we have to be cognizant of what is possible. We would hope that everyone would act in the spirit of good faith that this legislation would envision; that they would, in fact, conduct themselves in a way that would make the public participation meaningful, without contradicting and undercutting, at the expense of the U.S. taxpayer, the efforts to protect these conservation lands.

Mr. Chairman, I provide for the RECORD the Presidential Proclamation regarding the Grand Staircase-Escalante.

PRESIDENTIAL PROCLAMATION—GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

The Grand Staircase-Escalante National Monument's vast and austere landscape embraces a spectacular array of scientific and historic resources. This high, rugged, and remote region, where bold plateaus and multihued cliffs run for distances that defy human perspective, was the last place in the continental United States to be mapped. Even today, this unspoiled natural area remains a frontier, a quality that greatly enhances the monument's value for scientific study. The monument has a long and dignified human history: it is a place where one can see how nature shapes human endeavors in the American West, where distance and aridity have been pitted against our dreams and courage. The monument presents exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists.

The monument is a geologic treasure of clearly exposed stratigraphy and structures. The sedimentary rock layers are relatively undeformed and unobscured by vegetation, offering a clear view to understanding the processes of the earth's formation. A wide variety of formations, some in brilliant colors, have been exposed by millennia of erosion. The monument contains significant portions of a vast geologic stairway, named the Grand Staircase by pioneering geologist Clarence Dutton, which rises 5,500 feet to the rim of Bryce Canyon in an unbroken sequence of great cliffs and plateaus. The monument includes the rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau. That Plateau encompasses about 1,600 square miles of sedimentary rock and consists of successive south-to-north ascending plateaus or benches, deeply cut by steep-walled canyons. Naturally burning coal seams have scorched the tops of the Burning Hills brick-red. Another prominent geological feature of the plateau is the East Kaibab Monocline, known as the Cockscomb. The monument also includes the spectacular Circle Cliffs and part of the Waterpocket Fold, the inclusion of which completes the protection of this geologic feature begun with the establishment of Capitol Reef National Monument in 1938 (Proclamation No. 2246, 50 Stat. 1856). The monument holds many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare ''double arch.'' The upper Escalante Canyons, in the northeastern reaches of the monument, are distinctive: in addition to several major arches and natural bridges, vivid geological features are laid bare in narrow, serpentine canyons, where erosion has exposed sandstone and shale deposits in shades of red, maroon, chocolate, tan, gray, and white. Such diverse objects make the monument outstanding for purposes of geologic study.

The monument includes world class paleontological sites. The Circle Cliffs reveal remarkable specimens of petrified wood, such as large unbroken logs exceeding 30 feet in length. The thickness, continuity and broad temporal distribution of the Kaiparowits Plateau's stratigraphy provide significant opportunities to study the paleontology of the late Cretaceous Era. Extremely significant fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, have been recovered from the Dakota, Tropic Shale and Wahweap Formations, and the Tibbet Canyon, Smoky Hollow and John Henry members of the Straight Cliffs Formation. Within the monument, these formations have produced the only evidence in our hemisphere of terestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages. This sequence of rocks, including the overlaying Wahweap and Kaiparowits formations, contains one of the best and most continuous records of Late Cretaceous terrestrial life in the world.

Archeological inventories carried out to date show extensive use of places within the monument by ancient Native American cultures. The area was a contact point for the Anasazi and Fremont cultures, and the evidence of this mingling provides a significant opportunity for archeological study. The cultural resources discovered so far in the monument are outstanding in their variety of cultural affiliation, type and distribution. Hundreds of recorded sites include rock art

panels, occupation sites, campsites and granaries. Many more undocumented sites that exist within the monument are of significant scientific and historic value worthy of preservation for future study.

The monument is rich in human history. In addition to occupations by the Anasazi and Fremont cultures, the area has been used by modern tribal groups, including the Southern Paiute and Navajo. John Wesley Powell's expedition did initial mapping and scientific field work in the area in 1872. Early Mormon pioneers left many historic objects, including trails, inscriptions, ghost towns such as the Old Paria townsite, rock houses, and cowboy line camps, and built and traversed the renowned Hole-in-the-Rock Trail as part of their epic colonization efforts. Sixty miles of the Trail lie within the monument, as does Dance Hall Rock, used by intrepid Mormon pioneers and now a National Historic Site.

Spanning five life zones from low-lying desert to coniferous forest, with scarce and scattered water sources, the monument is an outstanding biological resource. Remoteness, limited travel corridors and low visitation have all helped to preserve intact the monument's important ecological values. The blending of warm and cold desert floras, along with the high number of endemic species, place this area in the heart of perhaps the richest floristic region in the Intermountain West. It contains an abundance of unique, isolated communities such as hanging gardens, tinajas, and rock crevice, canyon bottom, and dunal pocket communities, which have provided refugia for many ancient plant species for millennia, Geologic uplift with minimal deformation and subsequent downcutting by streams have exposed large expanses of a variety of geologic strata, each with unique physical and chemical characteristics. These strata are the parent material for a spectacular array of unusual and diverse soils that support many different vegetative communities and numerous types of endemic plants and their pollinators. This presents an extraordinary opportunity to study plant speciation and community dynamics independent of climatic variables. The monument contains an extraordinary number of areas of relict vegetation, many of which have existed since the Pleistocene, where natural processes continue unaltered by man. These include relict grasslands, of which No Mans Mesa is an outstanding example, and pinon-juniper communities containing trees up to 1,400 years old. As witnesses to the past, these relict areas establish a baseline against which to measure changes in community dynamics and biogeochemical cycles in areas impacted by human activity. Most of the ecological communities contained in the monument have low resistance to, and slow recovery from, disturbance. Fragile cryptobiotic crusts, themselves of significant biological interest, play a critical role throughout the monument, stabilizing the highly erodible desert soils and providing nutrients to plants. An abundance of packrat middens provides insight into the vegetation and climate of the past 25,000 years and furnishes context for studies of evolution and climate change. The wildlife of the monument is characterized by a diversity of species. The monument varies greatly in elevation and topography and is in a climatic zone where northern and southern habitat species intermingle. Mountain lion, bear, and desert bighorn sheep roam the monument. Over 200 species of birds, including bald eagles and peregrine falcons, are found within the area. Wildlife, including neotropical birds, concentrate around the Paria and Escalante Rivers and other riparian corridors within the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) authorizes the President, in his discretion, to declare by public proclamation historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

Now, therefore, I, William J. Clinton, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Grand Staircase-Escalante National Monument, for the purpose of protecting the objects identified above, all lands and interest in lands owned or controlled by the United States within the boundaries of the area described on the document entitled ''Grand Staircase-Escalante National Monument'' attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 1.7 million acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument. Lands and interests in lands not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to diminish the responsibility and authority of the State of Utah for management of fish and wildlife, including regulation of hunting and fishing, on Federal lands within the monument.

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

The Secretary of the Interior shall manage the monument through the Bureau of Land Management, pursuant to applicable legal authorities, to implement the purposes of this proclamation. The Secretary of the Interior shall prepare, within 3 years of this date, a management plan for this monument, and shall promulgate such regulations for its management as he deems appropriate. This proclamation does not reserve water as a matter of Federal law. I direct the Secretary to address in the management plan the extent to which water is necessary for the proper care and management of the objects of this monument and the extent to which further action may be necessary pursuant to Federal or State law to assure the availability of water.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twenty-first.

WILLIAM J. CLINTON.

Mr. Chairman, may I inquire of the time remaining on each side at this point?

The CHAIRMAN (Mr. MILLER of Florida). The gentleman from Minnesota (Mr. VENTO) has 10 minutes remaining, and the gentleman from Utah (Mr. HANSEN) has 6 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HINCHEY), who has long been an advocate of participation in the land use decisions of the great State of Utah.

Mr. HINCHEY. Mr. Chairman, I thank my colleague, the gentleman from Minnesota, for offering me the opportunity to speak on behalf of the Grand Staircase-Escalante National Monument and the need to protect and preserve this very valuable piece of American heritage.

The first point that I think that I would like to make in this context is that the land in discussion with regard to Grand Staircase-Escalante is, of course, public land. It is land that is held in trust by the Federal Government for all of the people of the United States. And as the gentleman from Minnesota (Mr. VENTO) pointed out so clearly just a few moments ago, this is land that has been regarded as having great value for archeological reasons, historical reasons, and for the sheer extraordinary beauty of the landscape itself. And that regard dates back to the early days of exploration of the West in our country. And in terms of political action, it dates back to the early days of the Roosevelt administration, that is the Franklin Delano Roosevelt administration, and even, in fact, to the administration of Teddy Roosevelt, who recognized also the extraordinary importance of this landscape.

President Clinton, I think much to his credit and to the great joy and admiration of many people around the country, designated the Grand Staircase-Escalante as a national monument. He did so not completely out of the blue, as some people would contend, but he did so with very substantial indication and notice. It came as no surprise to me, it came as no surprise to any member of the Interior Committee at that time in the House, and it came as no surprise to a great many Americans who are concerned about these issues. The designation was a welcome one in almost every quarter.

And, in fact, that designation has resulted in very substantial and significant economic benefits as well as those benefits that arise from the protection of this federally protected, publicly-owned land held in trust by the Federal Government. Those economic benefits can be seen very dramatically in the communities surrounding the Grand Staircase-Escalante National Monument. They can be witnessed in the fact that a great many small businesses have now sprung up in that area. These small businesses are providing jobs for people in the community and they are also creating significant amount of wealth for those people who are the owners of these small businesses.

That is true entirely for only one reason, the designation of this national monument and the hundreds and thousands of people who have traveled to that part of the country to witness this national monument. And in so doing, of course, they spend their money in the surrounding region, in hotels and motels, and restaurants, and in various other establishments, all of which has been to the benefit of the local economy.

So the designation of this national monument was a very wise one. It was the culmination of a tradition of interest by various administrations, both Republican and Democratic, over the course of this century in the United States. It is much to the credit of President Clinton that this designation went forward, and it is much to the benefit not only to the Nation and to every member of our public who values the extraordinary beauty that is so apparent in this part of the country, the most dramatic that can be found anywhere in the West, but also for the preservation of the ecological resources of this region, the archeological resources of this region, and the opportunity that it has provided for significant economic growth in the surrounding communities.

So this is a fine act, and any attempt, I think, to subvert the process by which presidents, again both Republican and Democrat, have used over the course of the years since it was first established to recognize the unique value of certain portions of our country and to so designate them then as national monuments, that process should not be subverted. It should be allowed to continue in the same vein that it has for many decades.

Notice, of course, is fine, and the amendment that the gentleman from Minnesota (Mr. VENTO) proposed in the Committee on Resources, and which was adopted by that committee, is very neat and fitting and suitable. However, any attempt to undermine the intent of that amendment, which was adopted by the majority of the members of that committee, and which I believe would be supported by the majority of the Members of this House, any attempt to subvert that language is wrong, it is out of place, and it ought to be rejected.

So I rise here in support of the activities of the gentleman from Minnesota on the Committee on Resources, in support of the President's naming of the Grand Staircase-Escalante as a national monument, and opposed to any action that might subvert those efforts.

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

In closing, I would just suggest that there will never be agreement, I expect, on the process that occurred with regard to Grand Staircase-Escalante. Our purpose here today is to obviously demonstrate the features of this area, to somehow talk about the problems that the President faces under the existing process, some of the problems we face under the process we have for designation of lands for various purposes, and some of the conflicting laws that we are trying to untangle in terms of clarifying or providing for public participation and notification so that there is a good understanding.

In any case, I think this legislation is a positive step, a very positive step in terms of addressing what has been, obviously, a contentious matter with regards to this recent designation and throughout the history, frankly, of the Antiquities Act. So, hopefully, with that said, Mr. Chairman, and with the action today and action on our amendments, we will help alleviate some of these problems.

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

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

Mr. Chairman, I think we have heard a lot about this 1906 Antiquities Act. Keep in mind that that is when it was passed, 1906; and from that time to this time, do we have other laws that protect the lands in the State of Utah? We have probably more than we need. We have the 1916 Organic Act, where the parks came from; we have the 1976 FLPMA; we have the 1969 NEPA; we have the 1964 Wilderness Act; we have the Wild and Scenic River Act. We have so many acts we do not know which ones we are dealing with. So we have all these acts. This truly is an antiquated law.

But we are not trying to change it, contrary to what some people are trying to allude to. We are merely making a minor, minor change in the law that says people should do things in the light of day. We are not going to do it in closets. We are going to do it on sunshine laws. Yesterday, as I sat in the Chair that is all I heard from the other side, there should be sunshine laws, when we were talking about juvenile justice and things such as that.

What is this bill about, Mr. Chairman? It is about the word abuse. That is what the word is, it is abuse. The 1906 Antiquities Act says this, it says that the President will designate why he is doing something; is it historic or an archeological reason.

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Now we look at things like where the two trains met, the Golden Spike, obviously a historic area of less than a hundred acres. Now look at the beautiful things such as the Rainbow Bridge, obviously archaeological.

Now read the proclamation of the 1906 Antiquity Law. Does anyone see anything in there where the President says, I am doing this for a historic area; I am doing it for an archaeological area? No, it does not say that anywhere. So why is he doing it? Again, it goes back to the word ''abuse.''

As my colleagues know, we were completely ignored in this issue, all members of the delegation, no member of our State legislature, no member of the governor's office, including the governor himself. And so, we subpoenaed all of these papers, we got them in our own hands, why did you do this? And we wrote a pamphlet and we happen to have copies of it here. It is called ''Behind Closed Doors: The Abuse of Trust in the Establishment of the Grand Staircase-Escalante National Monument.''

What did they say in this? Did anyone overhear or did anyone read it? Well, maybe we ought to take a look at some of the things that were said, which I find very interesting.

In a memo of August 14, 1996, a memo to the President from Kathleen McGinty, chair of the CEQ, candidly discusses this thing:

''The political purpose of the Utah event is to show distinct, Mr. President, your willingness to use the Office of President. It is our considered assessment that an action of this type of scale would help to overcome the negative effects toward the administration created by the timber rider. Designation of the new monument would create a compelling reason for persons who are now disaffected to come around and enthusiastically support you.''

On March 25, 1996: ''I am increasingly of the idea that we should drop these Utah ideas. We do not really know how the environs, how are the environs going to respond? I do think there is a danger of abuse.''

March 22: ''The real remaining question is not so much what this letter says but the political consequences.''

And then they go on to say: ''This ground is not worthy of protection.'' Is that not interesting? ''This ground is not worthy of protection.''

Well, did anybody know, yes, some people did know, the environmental community was told, I guess they are more important than the elected officials of the State of Utah, and a lot of

movie actors were told; and they were standing there and cheering, and these people do not have a clue of what is going on in the West or any of our laws, not a clue; and yet they are told and they are standing there working on these particular issues.

So, Mr. Chairman, we may ask ourselves, I guess we get a little paranoid in this job and we start wondering what is happening. The paranoia, now we are hearing these rumors again, much like my AA calling up and saying is this going to happen and Ms. McGinty saying, no, we do not know anything about it; and yet this pamphlet here shows she knew about it for nine months and planned it herself, and the administration knew about, and the Department of the Interior knew about it and all these movie actors knew about it. But, of course, we are not told about it.

So here we find ourselves in a position, is anybody else going to get this? Who of the 435 districts is next? Who is the lucky guy that is next, has this thing come zooming down on him and all of a sudden he has it?

I am amazed at my Eastern brethren, who I have great respect for, who love to come out to Utah and the West and tell us how to run our ranches. I guess we are too stupid to know ourselves. But still, on the other hand, I would think the people that are there should have some input on what goes on.

People who have never been to the West drop bills in that particular area. Maybe it is a good throw-away vote. It does not mean anything to us if they take 1.7 million acres of Utah, bigger than their entire State in many cases. Why do we care, or Nevada, or Wyoming, or any of those areas? Why do we care? It is nothing to us, who are a bunch of redneck Westerners. What do we care? They do not know anything.

So I really think a lot of us from other areas ought to think seriously. Maybe we ought to follow the administration of the gentleman from Alaska (Mr. YOUNG) when he says, why do they not just take care of their own district.

That is the theory of the gentleman from Alaska (Mr. YOUNG). I do not know if that entirely works. But still, on the other hand, still I think everybody in their own district knows what is going on there and does a good job of it.

Mr. Chairman, this is about abuse, that is the whole thing, and how to stop it. We are not changing the law that much. I urge people to support this bill.

Mr. UDALL of Colorado. Mr. Chairman, when the Resources Committee held a hearing on this bill earlier this year, I found it a very troubling measure—one that I could not then support. However, because the Committee made significant revisions in the bill, I joined in voting to send it forward for consideration and further refinement by the House.

Shortly, we will consider an amendment to further clarify the bill's very limited scope. I will support that amendment, and, if it is adopted, I then will support the bill for two reasons—because of what the bill as so amended will do, and because of what it will not do.

What it will do is highlight the value of public input about managing public lands—lands that belong to all the American people.

It will do that by urging the President, so far as practicable, to seek public participation and comment and to consult with relevant Governors and Members of Congress about possible actions under the Antiquities Act. It also will call on those involved with such possible actions to consider relevant information, including previous public comments about the management of the lands involved.

These are very modest provisions, but I think they are worthwhile.

Even more important is what the bill will not do. It will not weaken the Antiquities Act, and it will not diminish the ability of the President to act quickly when that's required to protect vulnerable resources and values of the public lands.

Mr. Chairman, the Antiquities Act is a very important law that has proved its value over the years. Since its enactment, almost every President—starting with Theodore Roosevelt—has used it to set aside some of the most special parts of our public lands as an enduring legacy for future generations. In some instances, those Presidential actions have been controversial when they were done. But they have stood the test of time.

In my own State of Colorado, we are very proud of the special places that have been set aside. We do not want to abolish the Colorado National Monument, as established by President Taft and enlarged and revised by Presidents Herbert Hoover and Dwight Eisenhower. We do not want to weaken the protection of Dinosaur National Monument, as established by Presidents Woodrow Wilson and Calvin Coolidge. We highly prize the archeological and other values of Yucca House, protected by President Wilson, just as we do those of Hovenweep, a National Monument set aside by President Harding and enlarged by Presidents Truman and Eisenhower.

And we are very protective of two more of our brightest gems—the Great Sand Dunes National Monument, first proclaimed by Herbert Hoover, then enlarged by Presidents Truman and Eisenhower, and the Black Canyon of the Gunnison National Monument, which also was established by President Hoover.

Coloradans do not want to lose those National Monuments—we know their value. That's why the Colorado delegation has taken the lead to further expand the Black Canyon monument and to redesignate it as a National Park—something I strongly support.

In Colorado, we know the value of the Antiquities Act, and we know why it should remain available to future Presidents. If the amendment I mentioned is adopted—as I hope and expect—this bill would not deprive future Presidents of this important tool.

Also, if amended as I expect, the bill would still let a future President act quickly—another reason I can then support it. So long as the mining laws allow anyone to stake a claim on public lands that aren't withdrawn, a President needs to be able to swiftly withdraw special areas before a speculative land rush could make it harder—maybe impossible—to give needed protection to threatened resources.

And, frankly, sometimes a future President may need to use the Antiquities Act on short notice to make sure that Congressional deadlocks don't endanger priceless parts of the public lands. That was why President Carter invoked the act when a filibuster threat by one member of the other body stalled passage of an Alaska lands bill shortly before the expiration of the statutory withdrawal of vulnerable areas in that state.

Thanks in large part to that timely use of the Antiquities Act, those areas now include important National Parks and National Wildlife Refuges as well as outstanding units of our National Wilderness Preservation System, all established by the Alaska National Interest Lands Conservation Act—that is, by Congressional action that built on and revised what the President had done.

In fact, Mr. Chairman, that's really the bottom line here—the Antiquities Act lets the President act, but what a President does Congress can undo. For example, by actions of Congress the Mount of the Holy Cross, that famous landmark near Minturn, Colorado, is no longer a national monument—instead now it is protected as part of the Holy Cross Wilderness within the White River National Forest.

As that and other examples show, if we in the Congress disagree with a President's decision to use the Antiquities Act, we can reverse or modify anything that the President has done through that authority—provided that our own preferences have enough support for them to be enacted into law. That's balanced and fair—and that would not be changed by this bill if it's amended as I expect. So, Mr. Chairman, I urge adoption of the amendment I mentioned—and, if that amendment is adopted, and if the bill is not further amended in a way that would throw it out of balance, I think the bill should be passed.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of this legislation, though I believe it doesn't go nearly far enough to rein in the political chicanery surrounding Antiquities Act withdrawals and declarations.

I don't know whether to laugh or cry when I hear opponents of this bill deplore the simple requirement that the President follow the National Environmental Policy Act—NEPA—the same stringent environmental review law that other federal agencies have to follow.

Why does the President of the United States have the prerogative to make a small inholder in my state, owning just 20 acres inside a 6-million-acre park, pay hundreds of thousands of dollars to conduct extensive NEPA studies (on behalf of the Park Service) just to have access to his property. How can he justify this at the same time the public—American citizens—cannot demand these studies when millions of acres of land are about to be declared a monument?

This is about accountability and credibility. It's hard to believe, but the public knew less about the President's motives behind the Grand Staircase Escalante withdrawal, than about his mysterious motives behind the pardoning of Puerto Rican terrorists!

Only through the untiring work of my Committee on Resources did we reveal the politically motivated, back-room, election-year deal-

making to sacrifice the rights of Utah school children just to please a few Hollywood actors.

I am outraged at the abuse of the Antiquities Act, and it only makes me wonder who's next. Alaska? Arizona? Missouri? I guess that depends on where Republican districts are located, and which Hollywood celebrity bedazzles the President and his aides. But we all know that this is just politics as usual.

This bill simply makes the President do what all other Americans are forced to do for major federal actions: do a NEPA Environmental Impact Study.

If they truly believe that NEPA is a worthy law and protects our environment, then the Clinton/Gore Administration should be required to comply with it, just like everyone else.

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 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 is as follows:

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

SECTION 1. PUBLIC PARTICIPATION IN THE DECLARATION AND SUBSEQUENT MANAGEMENT OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431; popularly known as the Antiquities Act of 1906), is amended—

(1) by striking ''SEC. 2. That the'' and inserting ''SEC. 2. (a) The''; and

(2) by adding at the end the following:

''(b)(1) To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest located on the public lands to be designated, the President shall—

''(A) solicit public participation and comment in the development of a monument declaration; and

''(B) consult with the Governor and congressional delegation of the State or territory in which such lands are located, to the extent practicable, at least 60 days prior to any national monument declaration.

''(2) Before issuing a declaration under this section, the President shall consider any information made available in the development of existing plans and programs for the management of the lands in question, including such public comments as may have been offered.

''(c) Any management plan for a national monument developed subsequent to a declaration made under this section shall comply with the procedural requirements of the National Environmental Policy Act of 1969.''.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO:

At the end of the bill, add the following:

SEC. 2. RULE OF CONSTRUCTION.

Nothing in this Act or any amendment made by this Act shall be construed to enlarge, diminish, or modify the authority of the President to act to protect public lands and resources.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. VENTO. Mr. Chairman, I rise to offer an amendment to H.R. 1487.

When the bill was brought before the Committee on Resources, the gentleman from Utah (Mr. HANSEN) and I, of course, worked out a compromise legislation that all of our colleagues in the committee could support. I appreciate that ability to work with the gentleman on that.

The amendment that I offered was accepted in the committee, and it directs the President, to the extent consistent with the protection of the resource values of the public lands to be designated, to solicit public participation and comment on the development of the national monument declaration, to consult the governor and the congressional delegation 60 days prior to any designation, to consider any and all information made available to the President in the development of the management plan, and to have the management plan of that area comply with the procedural requirements of the National Environmental Policy Act.

The intent of the amendment that I will offer today says nothing in this Act shall be construed to modify the current authority of the President to declare national monuments as provide to him under the Antiquities Act.

I feel obligated to offer such an amendment due to the report of the Committee on Resources on this measure which did not actively represent the intent and scope of my substitute amendment adopted in the committee. Since the committee did not discuss the substance of this report with me before it was printed, the intent of my substitute amendment was significantly misunderstood and I believe inaccurately represented.

I am concerned that the report directs the President before designating national monuments to go far beyond even the specifics of current law or the changes in the proposed legislation. The report, like the original legislation, discusses a public participation process that goes beyond that of NEPA public participation requirements. Such procedure and requirements discussed in the report would threaten to harm and possibly destroy the natural and cultural artifacts that the President is trying to protect under the Antiquities Act.

In addition, the report further misrepresents and rewrites the consultation provisions adopted by the full committee by making these consultations distinctly separate from the public participation provisions.

Therefore, Mr. Chairman, I offer this amendment, which is obviously a repeat of the powers of the President. It does not modify our intent that there be public participation and consultation unless it is not practicable, but the fact remains that these designations when necessary can and will and should override these procedures. I would hope and I think that in most instances that these public participation and consultation processes will be workable and will alleviate much of the misunderstanding and acrimony that has obviously surrounded the most recent declaration that the President has made in Utah.

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

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. VENTO) for his efforts to work out legislation that could be supported on both sides of the aisle.

I believe the substitute amendment offered by the gentleman in committee is very clear and the amendment offered here is somewhat superfluous. But it is there. There appears to be concern that that legislation will somehow restrict the authority of the President to act quickly if necessary. This certainly is not the case.

The committee language of the gentleman from Minnesota (Mr. VENTO) reads: ''To the extent consistent with the protection of the historic landmarks, historic and prehistoric structures'' the President shall solicit public participation and comment.

The language goes on to state that the President shall also consult with the governor and the congressional delegation of the affected State ''to the extent practicable.''

This is clear that in a real emergency the President may act under the authority he enjoys today. So I think the amendment is unnecessary and really has no effect, but it is fine with me.

The language of the reported bill may be considered somewhat vague and does not specifically address what is meant by the phrase such as ''to the extent consistent'' and ''to the extent practicable.''

I assume this amendment is offered to clarify that if existing withdrawal

authorities available to the President or his subordinates would not adequately protect endangered lands, the President can act under the Antiquities Act without following the public participation procedures.

The present administration also clarifies the point that while this bill will establish some prerequisites to the President's authority to act, it does not diminish his ultimate authority, after he has jumped through the appropriate hoops to act to protect public lands and resources. Thus, while it does not affect the timing and procedure of the President's authority to use the Antiquities Act, it does not restrict his authority to act to protect public lands and resources.

Mr. Chairman, when the Vento language was accepted at full committee, it was agreed between the gentleman from Minnesota (Mr. VENTO) and myself that bill report language would be written that would make it clear that the President could only avoid the public participation and consultation requirements of this bill in an emergency, specifically, when there is land in some sort of legitimate peril and the President or his appropriate secretaries could not protect the land in question under other withdrawal or protection authorities.

Mr. Chairman, we made that agreement in committee. We drew up appropriate report language. And the gentleman from Minnesota (Mr. VENTO) filed supplemental views. The supplemental view of the gentleman did not contradict the report language in any way. I assume that this was because the report language accurately reflected our agreement and sharpened the points that we agreed should be clarified.

We agreed that the acceptance of the Vento language was contingent on a bill report that would add some teeth to the Vento language. The agreement and the resulting bill report are part of the legislative history of this bill. Nothing in the Vento amendment now under consideration appears to change that fact, and that is the reason I support the amendment. With this understanding, I support this and I ask my colleagues to do that.

Mr. Chairman, I would like to clarify a couple of points here that were brought up earlier when some people reported that this was all public land in the Grand Staircase-Escalante. That is completely false. 200,000 acres of this was not public land that is surrounded in the Staircase.

Also, the idea the great economic benefits brought about. The children of the State of Utah, those kids we are trying to educate, lost over $1 billion out of this. I would like to see somebody make up that appropriations that we lost.

Mr. Chairman, I support the Vento amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to the bill?

If not, 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. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having resumed the chair, Mr. MILLER of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1487) to provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906, pursuant to House Resolution 296, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. MCHUGH). 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 committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the 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.

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

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

The point of no quorum is considered withdrawn.

□ 1045

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Mr. DOOLITTLE. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. MCHUGH). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOOLITTLE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 1501 be instructed to insist that the conference report not include Senate provisions that—

(1) do not recognize that the second amendment to the Constitution protects the individual right of American citizens to keep and bear arms; and

(2) impose unconstitutional restrictions on the second amendment rights of individuals.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from California (Ms. Lofgren) each will control 30 minutes.

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

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

Mr. Speaker, I have heard numerous statements made about the further efforts to secure gun control which I believe to be in violation of our fundamental liberties as citizens of this Republic and which I believe do violence to our United States Constitution and the Second Amendment contained therein. And I offer this resolution to instruct our conferees to abide by the Constitution and to do no harm thereto in the deliberations that will occur in the points of agreement arrived at in this conference committee.

Mr. Speaker, let us begin with the Second Amendment: ''A well-regulated militia being necessary for security of a free state, the right of the people to keep and bear arms shall not be infringed.''

I would submit that it is not the right of the Army, not the right of the National Guard; it says the right of the people, an individual right.

In the Second Amendment, James Madison used the phrase: right of the people, as he often did throughout the entire Bill of Rights. In each case the right secured has been considered an individual right.

For example, the First Amendment contains the right of the people peaceably to assemble and to petition the government for a redress of grievances. The Fourth Amendment contains the provision, the right of the people to be secure in their persons, houses, papers, and affects against unreasonable searches and seizures.

The structure of the Constitution is persuasive, I believe, in upholding the right of the individual to exercise his Second Amendment rights. The right to bear arms appears early in the Bill of Rights, listed with other personal liberties such as the personal right to free speech, the right to the free exercise of religion, the right to assembly as well as the freedom from unreasonable searches and seizures. Even more persuasive evidence comes from Madison's original proposal to interlineate

the new rights within the Constitution's text rather than placing them at the end of the original text as, in fact, actually happened. Madison in his proposed Constitution placed the First and Second Amendments immediately after Article 1, section 1, clause 3, which includes the Constitution's original guarantees of individual liberties, freedom from ex post facto laws, and from bills of attainder.

If, as some claim, that the Second Amendment protects a collective right that resides with the State or the local militia, in his original plan Madison surely would have placed the Second Amendment in Article 1, section 8, which deals with the powers of Congress including Congress' power to organize and call out the militia. But Madison did not do that. He placed it with the individual rights because that is what it was intended to protect.

In Federalist Paper No. 46, James Madison, who later drafted the Second Amendment, argued that, quote, the advantage of being armed, which the Americans possess over the people of almost every other Nation, would deter the central government from tyranny. That view was consistent with Madison's contemporaries and certainly with the framers of the Constitution.

The new Constitution respected individuals' rights, Madison wrote, whereas the old world governments, quote, were afraid to trust the people with arms. Surprise, surprise. Nothing has changed over 200 years later, and the present governments of the world are afraid to trust people with arms, and unfortunately some in their own government have now succumbed to that fear.

But indeed that is what we face today, a distrustful government that wants to take away guns from the people in the name of safety and which unfortunately at State and local levels all too often has been successful, and we see a direct rise in violent crimes as a result of that limitation of handguns.

Not only does this effort discount the thousands of lives saved by firearms each year, it strips away a precious freedom. Let us not forget what Benjamin Franklin said, quote:

Those who would give up essential liberty to purchase temporary safety deserve neither liberty nor safety.

The importance of individual gun rights was a point on which both the Federalists led by Madison and the anti-Federalists agree.

Though he was strongly critical of Madison in the course of many other constitutional disputes, Richard Henry Lee wrote, quote:

To preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them.

Patrick Henry, the great Virginian, said, quote:

The great object is that every man be armed.

When Madison wrote the Constitution and Bill of Rights, he was not writing on a clean slate. Many States were demanding inclusion of a list of fundamental rights before they would agree to ratify the Constitution. Madison purchased a pamphlet containing the demands of the States of over 200 rights listed therein. He chose a total of 19 for express listing. This number was eventually whittled down, but one right Madison had to include, which was demanded by State conventions in Pennsylvania, Massachusetts, New Hampshire, Virginia, and New York was the express right to keep and bear arms. The States did not equivocate as to whether this right belonged to individuals or the State militia. Here from Pennsylvania is what was contained in their Constitution, quote:

That the people have a right to bear arms for the defense of themselves and their own State or the United States or for the purpose of killing game.

New Hampshire Constitution says this, quote:

Congress shall never disarm any citizen unless such as are or have been in actual rebellion. End of quote.

New York has this. Quote:

That the people have the right to keep and bear arms, that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defense of a free state.

Here is a great one. I am not going to tell my colleagues who said this, but let me just read it, and I will tell them at the end. Quote:

What country can preserve its liberties if its rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take arms. The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.

That was not a quote from a modern militia member. That was a quote. It was not Charlton Heston talking or it was not some official from the National Rifle Association. Those words were spoken by the author of the Declaration of Independence himself, Thomas Jefferson.

Mr. Speaker, I have taken the time to go through these quotes by way of background to illustrate that the Second Amendment is a precious personal right of every American. I believe, if we gave full force and effect to it, that we would see a safer society, and it is my desire to have a safer society that leads me to stand up and make this privileged motion. I believe it is very wrong to continue to head down this path of Federal regulation, taking away fundamental rights on the supposed premise that somehow this is going to improve our society when, in fact, all of the empirical evidence shows that restrictive gun control makes us a less safe society, that it makes our cities very dangerous places to be. The urban areas have the most violent crime, have the least number of handguns. There is a direct correlation, and later on here I will talk about that, but for now, Mr. Speaker, I will conclude.

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

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

Mr. Speaker, my colleague from California (Mr. DOOLITTLE) has offered a motion that, if adopted, would impair the ability of the House and Senate to adopt reasonable gun regulations, gun safety measures, and that is because in his motion he distorts the actual interpretation of the Second Amendment and interprets it in such a way that courts do not.

I would like to briefly reference some of the U.S. Supreme Court decisions that have addressed the issue of the Second Amendment. The most prominent one is U.S. versus Miller, a 1939 case where the court said, In the absence of any evidence tending to show the possession or use of a shotgun at this time has some reasonable relationship to the preservation or efficiency of a well-regulated militia. We cannot say that the Second Amendment guarantees the right to keep and bear such an instrument with obvious purpose to assure the continuation and render possible the effectiveness of such forces the Declaration and guarantee of the Second Amendment will note it must be interpreted and applied with that end in view.

In another case, U.S. versus Hale, a 1992 case from the 8th Circuit and not overturned, but the Supreme Court opined that the purpose of the Second Amendment is to restrain the Federal Government from regulating the possession of arms where such regulation would interfere with the preservation or efficiency of the militia.

The Second Amendment has often been used to try and thwart sensible gun safety measures. In 1992, six of the Nation's former attorneys general wrote in a joint and bipartisan letter, and I quote:

For more than 200 years the Federal courts have unanimously determined that the Second Amendment concerns only the arming of the people in service to an organized State militia. It does not guarantee immediate access to guns for private purposes.

Mr. Speaker, the Nation can no longer afford to let the gun lobby's distortion of the Constitution cripple every reasonable attempt to implement an effective national policy towards guns and crimes, and that was signed by attorneys general Nicholas Katzenback, Ramsey Clark, Elliot Richardson, Edward Levy, Griffin Bell, and Benjamin Civiletti. I think it is important to outline the vast number

of cases that have reached the same conclusion, and I submit for the RECORD a list of all of the court citations that established this point:

Court decisions supporting the ''militia'', rather than ''individual rights'' reading of the second amendment

U.S. SUPREME COURT

U.S. v. Miller, 307 U.S. 174 (1939)

Lewis v. United States, 445 U.S. 55 (1980)

U.S. COURTS OF APPEALS

U.S. v. Oakes, 564 F.2d 384 (10th Cir. 1977), cert. denied, 435 U.S. 926 (1978)

U.S. v. Swinton, 521 F.2d 1255 (10th Cir. 1975)

Hickman v. Block, No. 94–55836 (9th Cir. April 5, 1996)

U.S. v. Farrell, 69 F.3d 891 (8th Cir. 1995)

U.S. v. Hale, 978 F.2d 1016 (8th Cir. 1992)

U.S. v. Nelsen, 859 F.2d 1318 (8th Cir. 1988)

U.S. v. Cody, 460 F.2d 34 (8th Cir. 1972)

U.S. v. Decker, 446 F.2d 164 (8th Cir. 1971)

U.S. v. Synnes, 438 F.2d 764 (8th Cir. 1971), vacated on other grounds, 404 U.S. 1009 (1972)

Quilici v. Village of Morton Grove, 695 F.2d 261 (7th Cir. 1982), cert. denied, 464 U.S. 863 (1983)

U.S. v. McCutcheon, 446 F.2d 133 (7th Cir. 1971)

U.S. v. Warin, 530 F.2d 103 (6th Cir.), cert. denied, 426 U.S. 948 (1976)

U.S. v. Day, 476 F.2d 562 (6th Cir. 1973)

Stevens v. U.S., 440 F.2d 144 (6th Cir. 1971)

U.S. v. Johnson, Jr., 441 F.2d 1134 (5th Cir. 1971)

Love v. Pepersack, 47 F.3d 120 (4th Cir.), cert. denied, 116 S.Ct. 64 (1995)

U.S. v. Johnson, 497 F.2d 548 (4th Cir. 1974)

U.S. v. Tot, 131 F.2d 261 (3rd Cir. 1942), rev'd on other grounds, 319 U.S. 463 (1943)

U.S. v. Toner, 728 F.2d 115 (2d Cir. 1984)

U.S. v. Friel, 1 F.3d 1231 (1st Cir. 1993)

U.S. v. Graves, 131 F.2d 916 (1st Cir. 1942), cert. denied, sub nom., Velázquez v. U.S., 319 U.S. 770 (1943)

Fraternal Order of Police v. United States, 173 F.3d 898 (D.C. Cir. 1999)

United States v. Wright, 117 F.3d 1265 (11th Cir. 1997)

Gillespie v. Indianapolis, 1999 WL 463577 (7th Cir. July 9, 1999)

United States v. Broussard, 80 F.3d 1025 (5th Cir. 1996)

United States v. Williams, 446 F.2d 486 (5th Cir. 1971)

United States v. Graves, 554 F.2d 65 (3d Cir. 1977)

Thomas v. City Council of Portland, 730 F.2d 41 (1st Cir. 1984)

National Ass'n of Gov't Employees, Inc. v. Barrett, 968 F. Supp. 1564 (N.D. Ga. 1997), aff'd, 155 F.3d 1276 (11th Cir. 1998)

U.S. FEDERAL DISTRICT COURTS

Hamilton v. Accu-Tek, 935 F. Supp. 1307 (E.D.N.Y. 1996)

In re Brown, 189 B.R. 653 (M.D. La. 1996)

In re Evans, 57 Cal. Rptr. 2d 314 (Cal. Ct. App. 1996)

National Ass'n of Gov't Employees, Inc. v. Barrett, 968 F Supp. 1564 (N.D. Ga. 1997), U.S. v. Gross, 313 F. Supp. 1330. (S.D. Ind. 1970), aff'd on other grounds, 451 F.2d 1355 (7th Cir. 1971)

U.S. v. Kraase, 340 F. Supp. 147 (E.D. Wis. 1972)

Thompson v. Dereta, 549 F. Supp. 297 (D. Utah 1982)

Vietnamese Fishermen's Association v. KKK, 543 F. Supp. 198 (S.D. Tex. 1982)

U.S. v. Kozerski, 518 F. Supp. 1082 (D.N.H. 1981), cert. denied, 496 U.S. 842 (1984)

Moscowitz v. Brown, 850 F. Supp. 1185 (S.D.N.Y. 1994)

Mr. Speaker, I think we should be clear about what we are doing here today. The maker of the motion does not believe that we ought to have gun regulation, he does not believe we ought to have gun safety measures. He has a right to that opinion. He voted against the Brady bill. He voted to repeal the assault weapons ban. He voted to repeal the ban on the domestic production of large capacity clips. He and I do not agree on the issue of sensible gun safety regulation.

But I think we ought to be clear that his motion is to prevent gun safety regulations from being adopted by this House. The Second Amendment has nothing to do with it, and I would urge my colleagues to see through the kind of legal murkiness that is being put forth here today and to understand that this is really once again a disagreement between those who stand for sensible, moderate, reasonable gun safety regulation and those who believe we ought not have that.

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

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

The Second Amendment has everything to do with it; that is my point. The proponents of unconstitutional gun control want to avoid the Constitution because we do have a Second Amendment, and that cuts against them, so they want to talk about gun safety and how they have such reasonable, responsible proposals, proposals which have never worked, which have utterly failed.

Crime continues to get worse or has gotten worse until demographic trends kicked in in the early 1990's, having nothing to do with gun control, and yet we continue to see these relentless efforts by our left wing advanced to take away our precious fundamental rights.

□ 1100

So I believe it has everything to do with it. The issue is precisely joined here, and that is why I began with talking about the Second Amendment and with the statements of the author of the Second Amendment, and with contemporaries who wrote and voted on the Second Amendment back in the days when it was approved. I just think it is important, Mr. Speaker, that that be noted.

I also want to point out that the Supreme Court has never ruled that the Second Amendment is not an individual right. Interestingly enough, Justice Scalia has come out with a book recently where he says it is a personal right. Now, that is one member of the Court, I stipulate, but nevertheless it is a member of the Court.

Justice Thomas in the Printz case, which thankfully overturned the Brady law, it was a great decision, made this observation,

This court has not had recent occasion to consider the nature of the substantive rights safeguarded by the Second Amendment. If, however, the Second Amendment is read to confer a personal right to keep and bear arms, a colorable argument exists that the Federal Government's regulatory scheme, at least as it pertains to the purely intrastate sale or possession of firearms, runs afoul of the amendment's protections.

So the fact of the matter is, it has been some 60 years since the Supreme Court has actually interpreted the Second Amendment. We may have a case heading there now, and we will finally get to hear what the justices think that it means.

I just want to emphasize, we have never had a U.S. Supreme Court decision where they have held that the Second Amendment is not an individual right, nor could they reasonably so hold, because it is so clearly in the history of statements of Madison, the other Founders, meant to be an individual right.

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

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding me this time.

Mr. Speaker, I rise in strong support of the Doolittle motion which simply reaffirms the importance of our Second Amendment right. Mr. Speaker, we take for granted the amount of lives that the Second Amendment right has saved, and I would like to take a moment and share with the House just a few experiences of actual people who in the last year have been able to protect their own lives and their property because of this very necessary and critical right.

In December of 1998, Kenneth Thornton of Memphis, Tennessee, protected himself from a personal assault at his business. In January of 1999, 62-year-old Perry Johns of Pensacola, Florida, was able to stop an assailant from taking him to the bank and forcing him to withdraw his money. In December of 1998, Jerry and Mary Lou Krause were able to ward off two intruders in their Toledo, Ohio, home, and in January of 1999, Gregory W. Webster of Omaha, Nebraska, was able to defend himself from three individuals wearing masks who fired shots at him in his own basement.

Now, in June of 1999, David Zamora was able to stave off an attempted highjack of his car at a fast foods drive-in at Phoenix, Arizona, and in June of 1999, 83-year-old poet Carlton Eddy Breitenstein of Rhode Island was able to defend himself from a repeated intruder.

Now, in June of 1999, Jack Barrett of Augusta, Georgia, was able to stop a prowler from invading his home who was dressed in black military clothing and brandishing a knife. In July of 1999, a former Marine was able to protect seven of his family members from

five gun-toting thugs who descended on him and his family in their Tucson, Arizona, home.

In July of 1999, a Boulder, Colorado, woman was able to ward off and detain her estranged husband who threatened to murder and burglarize her in her very own home.

Mr. Speaker, the stories go on and on, and, in fact, in 1997, the Clinton Justice Department study found that as many as 1.5 million people use a gun in self-defense every year.

Mr. Speaker, it is so important that we not learn to appreciate what we have by losing it. If we even slightly diminish our Second Amendment rights, millions of Americans will be left vulnerable to attack. Let us continue to uphold that very right, which has allowed law-abiding citizens to protect themselves from cold blooded criminals. I urge a yes vote for the Doolittle motion.

Ms. LOFGREN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from California (Ms. LOFGREN) for yielding the time.

Mr. Speaker, I rise in opposition to the motion to instruct, first because there are no provisions in either the House or Senate version of H.R. 1501 which violate the Second Amendment to the Constitution, and second because the motion suggests an individual right to bear arms, which is, in fact, not found in the Constitution.

The argument offered by some and by the sponsor of the amendment is that the Second Amendment prohibits Congress from passing laws regulating individual gun laws.

The Second Amendment provides, quote, ''A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.''

Mr. Speaker, the United States Supreme Court declared in 1939, in the case United States versus Miller, that the Second Amendment right to keep and bear arms applies only to the right of a State to maintain a militia and not to an individual's right to bear arms. More specifically, the Court stated that the obvious purpose of the Second Amendment was to assure the continuation and render possible the effectiveness of the State militia and that the amendment must be interpreted and implied with that end in view.

Following the Miller decision, numerous court decisions have consistently held that the Second Amendment guarantees a right to be armed only by persons using the arms in service to an organized State militia. The modern, well-regulated militia, is the National Guard, a State-organized militia force made up of ordinary citizens serving as part-time soldiers. Courts have consistently held that gun control laws affecting the private ownership, sale and use of firearms do not violate the Second Amendment because such laws do not adversely affect the arming of a well-regulated militia.

In fact, during the May 27, 1999, hearing on firearm legislation before the House Committee on the Judiciary's Subcommittee on Crime, I personally asked the executive director of the National Rifle Association to cite any court decision which interpreted the Second Amendment as granting an individual right to bear arms, and he could not cite a single court decision.

The sponsor of the amendment likewise has offered his analysis but has been unable to cite a single Supreme Court decision which supports those views. Thus, the Second Amendment does not constitute a barrier to congressional regulation of firearms. Rather, the real challenge before us is to determine what Congress can do in the form of regulating firearms which will actually result in the reduction of gun violence.

Now, we do know that some modest provisions currently in existence have made a difference. 300,000 felons, fugitives and others prohibited from receiving firearms were prevented by the Brady law between 1993 and 1998 from making those purchases. Provisions passed in the Senate would bring about a significant reduction in the number of criminals acquiring guns.

Unfortunately, those good provisions in the Senate version of 1501 are coupled with counterproductive provisions affecting the system of juvenile justice in this country. Several of those provisions, such as jailing more children with adult criminals and kicking children with disabilities out of school without alternative educational services have been shown to be counterproductive.

On the other hand, the bill also contains bipartisan legislation reflecting proven initiatives which will, in fact, reduce juvenile crime. So, Mr. Speaker, we should focus on these reasonable gun safety provisions and proven juvenile justice provisions which will assist localities in substantially reducing the carnage of youth violence in this country and focus not on the counterproductive sound bites and flawed interpretations of the Constitution. I, therefore, ask my colleagues to oppose the motion.

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

Mr. Speaker, I would just observe how odd that the Constitution would give the individual the right to freedom of religion, the right to free speech, then give a right to the State about keeping and bearing arms and then go back to the right of the individual to be free from unreasonable searches and seizures. It just does not flow.

The fact of the matter is, the gentleman says there is no Supreme Court decision that supports my position. I have quoted the author of the Second Amendment and of the Constitution, James Madison, and of contemporaries who voted on the amendment themselves. Those are the ones the Supreme Court looks to when it renders its decision.

Are the Supreme Court decisions muddled on this issue? Yes. Have we had a Supreme Court decision on the Second Amendment in the last 60 years before the gentleman and I were even in existence here on this Earth? We have not. So the fact of the matter is, we need the Supreme Court to speak out, but I did say what one member of the Court said, Justice Scalia.

I do want to just also point out with reference to the Brady law, this book contains the most comprehensive study of gun control laws ever done. It is entitled, More Guns, Less Crime, Understanding Crime and Gun Control Laws. It is by John R. Lott, Jr.

So with that background, I just want to cite this statement in rebuttal of what the gentleman said.

> No statistically significant evidence has appeared that the Brady law has reduced crime and there is some statistically significant evidence that rates for rape and aggravated assault have actually risen by about 4 percent relative to what they would have been without the law.

So here are the facts and the statistics, but better than that we have the Constitution itself.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, when our forefathers came here a number of years ago and in 1776 wrote the Declaration of Independence, they broke with a tradition in essentially all of the countries they came from, mainly then from Europe and the British Isles. That tradition was a divine right of kings, that somehow people accepted the notion that the rights came from God to the king and the king would then give what rights he wished to his people.

In the Declaration of Independence, they made a radical departure from that because they said that we, we the people, are endowed by our Creator with certain unalienable rights and among these are the right to life, liberty and the pursuit of happiness.

Consistent with this notion that the rights belong to the people, and with their concern about the tyranny of the crown, the tyranny of the State, they wrote and it was ratified in 1791, 4 years after the ratification of the Constitution, the Second Amendment, part of the first 10 amendments which we know as the Bill of Rights, and there they continue this theme that has been mentioned a couple of times now by my

good friend, the gentleman from California (Mr. DOOLITTLE), that they really were concerned that the people should have this right, the people.

Let me read the Second Amendment. My liberal friends rarely read the whole amendment. They read the second part of it: ''a well-regulated militia being necessary to the security of a free State.''

What does one think that means? What that means is that they were concerned that without a well-regulated militia, without the people having the right to keep and bear arms, that we could not be assured of all of the freedoms guaranteed to us, given to us by God, and guaranteed to us by the Constitution.

Let me read again: ''A well regulated militia, being necessary to the security of a free State, the right of the people,'' the right of the people, not the National Guard, not the Army, not the Navy, the right of the people, ''to keep and bear arms shall not be infringed.''

We meddle with this at the risk of losing all of those great guarantees of freedom, of rights that we have in the Constitution. I support wholeheartedly this privileged motion.

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

Mr. Speaker, I would just like to note that although reasonable people can differ, there are many cases that have held that the Second Amendment allows for reasonable regulation, and I have submitted to the RECORD two pages of the names of those cases which will be printed in the CONGRESSIONAL RECORD today.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

□ 1115

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

The eloquent statements that are referred to by James Madison, Richard Henry Lee, and others made 200 years ago were proper and a reflection of their great leadership at that time. But it was also a time when slavery was legal and we slaughtered Native Americans to take their land; when we resolved disputes by gunfights at the OK Corral or wherever. We were a pioneering Nation and, in fact, most families had guns. It was a small population. It was a population in danger. Our enemy was England at that time.

However over the last 200 years, we have progressed to become the greatest democracy in the history of western civilization. And yet, this issue is the one aspect of our society and our democracy which is the least civilized, which is the most embarrassing distinction of our country because every other civilized Nation in the world today has a handful of deaths by firearms. Whereas, the United States has more than 20,000 deaths by firearms, most of them innocent, accidental, or victims of the kind of carnage that we have witnessed this year and in so many subsequent years: teenagers getting their hands on lethal weapons.

There is a reason, and it is because of this perverse distortion of the meaning of the Constitution.

Let me just cite the words of Chief Justice Warren Burger, who was a gun collector. He loved guns. He had almost every major gun in his collection. He prized them. He was also a Republican appointee to the Supreme Court, became Chief Justice, served with great distinction. This is his public statement: ''One of the greatest pieces of fraud,'' and he said, ''I repeat the word 'fraud,' on the American people by special interest groups that I have ever seen in my lifetime is this interpretation of the Second Amendment.''

Our Federal courts have ruled that this did not give individuals the right to bear arms. The purpose of this language was clearly to enable people to bear arms to the extent that it contributed to a well-regulated militia that was essential at that period of our growing Nation.

We have statements that reflect this interpretation of the Constitution that explain why the NRA has never challenged a gun control law by taking it to the Federal courts. They try the Tenth Amendment, they try other ways; they know they would lose on the Second Amendment. Nicholas Katzenbach, Ramsey Clark, Elliot Richardson, Edward Levi, Griffin Bell, Benjamin Civiletti, all of our U.S. Attorneys General, they say, For more than 200 years, the Federal courts have determined that the Second Amendment concerns the arming of the people in service to an organized State militia; it does not guarantee access to guns for private purposes.

All we are trying to do is to reflect the intent of the American people in a democratic society. The vast majority of the people want reasonable gun control. They want their children to live safely in their streets and to be safe in their schools. That is why this amendment should be soundly rejected.

Mr. DOOLITTLE. Mr. Speaker, may I inquire as to how much time each side has remaining.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from California (Mr. DOOLITTLE) has 11 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 17 minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I just wanted to make the point that there are, in fact, have been presented two interpretations of the Second Amendment to the Constitution. One, that there is an individual right; another is that the right is connected to the well-regulated militia.

I would point out and remind the Speaker that the gentlewoman from California has entered into the record a list of court cases, including Supreme Court cases in 1939 and 1980, and over 20 cases decided in the United States Court of Appeals that support the militia interpretation of the Second Amendment. We have not found a single court decision offered today or previously, just public statements and interpretations supporting the individual right to bear arms.

I think that the people can read the court cases for themselves. They will be listed in the CONGRESSIONAL RECORD. It is an important documentation of the militia interpretation of the second amendment.

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

In a way, I appreciate the debate this morning, because I think it is a more direct division of where we are with the Members of the House, and the American people can really see what the dispute is about.

We have heard a lot of cases and quotes today, but former Supreme Court justice Warren E. Burger, a very conservative Chief Justice who served on the court from 1969 to 1986, had a quote that I think really does sum it up quite well, and I would like to mention that to my colleagues. He said, and I quote,

> It is the simplest thing, a well-regulated militia. If the militia,

which is what we now call the National Guard essentially,

> has to be well regulated, in heaven's name, why shouldn't we regulate 14, 15, 16-year-old kids having handguns or hoodlums having machine guns. I was raised on a farm, and we had guns around the house all the time. So I am not against guns, but the National Rifle Association has done one of the most amazing jobs of misrepresenting and misleading the public.

The issue here is whether or not we will take modest steps to make the children, and I would add, the adults of America a little bit safer from crazed individuals who want to harm them with weapons of destruction.

I think of the bills that we have put in place, and although they are not enough, they have done some good. The Brady law, which the author of the motion to instruct voted against, and the Federal assault weapons ban, which he also voted against, have proven to be successful and effective tools for keeping the wrong guns out of the wrong people's hands. In fact, violent crime has fallen for 6 straight years, thanks, in some part, to the strong gun laws that provide mandatory background checks and banned the most dangerous types of assault weapons and limited, to some extent, the accessibility to kids and criminals. The Brady law has proven that criminals do try to buy handguns in stores. The background checks nationwide stopped approximately 400,000 felons and other prohibited purchasers from buying handguns

over the counter from federally-licensed firearm dealers.

Now, what does this mean? Thousands of murderers, spousal abusers, drug traffickers, fugitives from justice, people who were mentally unstable were unable to get a gun and go out and harm someone. That is important, and what we want to do here today, and the reason why we are continuing to discuss this issue is that we want to close the loopholes that exist in current law so that those same murderers, spousal abusers, mentally ill individuals cannot, when they are turned down for the gun at the licensed gun dealer merely go over to the flea market and buy that weapon. That is really what we are here about.

We are here because, without closing that loophole, real people are suffering real harm.

Now, I have heard a lot of discussion that we have problems in American society. Clearly, we are not a trouble-free society. Clearly, regulation and sensible gun safety measures will not solve all of the problems of American society. We know that. But we also know that if those boys who were so distorted and filled with evil had walked into Columbine High School without arms, without guns, they would not have been able to kill as many children as they did. We know that if that middle-aged, hate-filled maniac who shot little 5-year-old children in the day care center in the Jewish community center in Los Angeles, if he had not had access to those weapons, he would not have been able to do the damage that he did.

So these are modest issues that we are trying to deal with. We are opposed by people who have, I believe distorted the law, but who, in fact, just oppose having regulations of any sort on guns. Now, they can have that opinion. They answer not to me, but to their own constituents. But I would like this House to give an answer to the mothers of America and say, we are going to put the gamesmanship behind us; we are going to focus on what matters to the mothers and fathers of America, which is to do something reasonable, modest, rational, that will make guns less prevalent in our society, that will make it harder for people who have no business having those weapons to have them, so that children like those little kids who were in the day care center will not have to face some crazed maniac with a gun, so that children like those in Columbine High School will not have to live in fear that they will suffer, be killed or be harmed by young people so disturbed and well armed. That is what this debate is about.

Mr. Speaker, I would urge my colleagues to search their heart and to understand that we ought to reject this motion. This motion really is about shall we have any gun control or gun safety legislation, or not. That is what this motion is about. I hope that this House will stand proudly and say, yes, we do think we can have some gun safety measures that make sense. We can yield that result to the American people.

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

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

Mr. Speaker, I find it unbelievable, that we are the ones who are accused of distorting the Second Amendment. The gentleman from Virginia submitted a list of cases which he claims supports his position. I will tell my colleagues, not one of those cases that he has submitted supports the proposition that the Second Amendment is not an individual right, because the U.S. Supreme Court has never so held.

I heard Justice Burger quoted. He is not a member of the Supreme Court anymore. But Justice Scalia is, and he just wrote it is an individual right. He is a well-known conservative on the court, but let us take a well-known liberal, not on the court, but a legal scholar known to all, Laurence Tribe who, in his latest treatise, has just acknowledged that the Second Amendment is, surprise, a personal right. Is Laurence Tribe committing gross distortions?

I think, Mr. Speaker, that it is clear what Madison and the founders intended, and I have submitted a list of his statements and other statements of the Founders to be in the RECORD. It is very clear they believed it to be an individual right. The gentleman from Virginia (Mr. MORAN) got up here and said well, the Second Amendment is outdated. Well, in view of all of the violent crime we are seeing, we ought to have a little more of the Second Amendment, and we would reduce some of that crime.

□ 1130

But the fact of the matter is if the Second Amendment is outdated, then introduce a bill in Congress to repeal it and submit it to the States for ratification. That is the procedure we go through.

Alternatively, he can abandon or waive his Second Amendment rights, but do not waive mine and do not waive the rights of the people I represent and the people we collectively represent. Mr. Speaker, I would submit that it clearly is an individual right.

Reference to slavery was made. I cannot resist doing this. The Supreme Court, in the Dred Scott decision, rendered a lengthy opinion. In that opinion, the supporter argued that the States adopting the Constitution could not have meant to consider even free blacks as citizens, and outlined the rights which black Americans would have if given citizenship. And then in Dred Scott they outlined these rights that blacks would have if indeed they had been citizens at the time.

Guess what one of them was? I am quoting from Dred Scott: ''And to keep and carry arms wherever they went.'' So that was Dred Scott. Now, we fought a Civil War over that. When the slaves were freed as a result of the Civil War, the southern States reenacted the slave codes, which made it illegal for blacks to exercise basic civil rights, including the right to purchase, own, and carry firearms.

So then the co-equal branch of Congress to the Supreme Court responded to this action of the States by passing the Freedmen's Bureau Act of 1866, which provided ''the right . . . to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, enjoyment, and disposition of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoyed by all the citizens of each State or district without respect to race or color or previous condition of slavery.''

That was what the Congress did in 1866 by passing that law. Obviously, they believed that citizens had the right to keep and bear arms because they put it right there in the Federal statute.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, as I was listening to the debate in my office, I could not help but realize that there are times when students all across the United States tune in to C-Span, and not only students in school but individuals tune in to find out how their government operates, even to learn a little bit about constitutional issues, and how constitutionally the branches should operate, sometimes referred to as co-equal, discussions of separation of powers, and the like.

I find it intriguing that in many of these discussions and debates there are a great many people that rely on the opinion of the Supreme Court, somehow giving the inference to those who view and those who want to learn a little something about government when they view C-Span to believe that the Supreme Court guides the decision-making of the United States House of Representatives or United States Congress.

Mr. Speaker, this is a very intriguing doctrine. It is one that I know is stressed in many law schools. However, I am not an attorney, I am not a lawyer. I do not really know a lot about what Supreme Court Justices have said in the past about the Constitution. All I know is what the Constitution says.

We have to go back from time to time and actually read the Constitution, which the Framers made very simple so that an individual that was not a trained attorney could realize

just what in fact the government was recognizing as rights, for example, in the Bill of Rights.

This is so prevalent in days gone by that Congress and the President have not felt the need or an obligation to give in to the wills and whims of whoever may be sitting on the Supreme Court, in that President Jackson, in his veto message regarding the creation of the Bank of United States on July 10, 1832, spoke directly about this issue of what Congress or the President should do with regard to the opinion or decision of the Supreme Court, when he said, ''Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others,'' for example, the Supreme Court.

''The opinion of the judges has no more authority over the Congress than the opinion of Congress has over the judges, and on that point the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the executive.''

Mr. Speaker, I could go on and on quoting from people who actually knew what the Constitution says, and were not necessarily impressed by the opinions of another branch of the Federal Government.

What I want to say in conclusion is that the gentleman from California has offered a great deal to the debate on the Constitution itself, and specifically the Second Amendment. I believe his motion to instruct is reasonable, rational, and bottom line, constitutional. I thank him for doing it.

POINT OF ORDER

Ms. LOFGREN. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. MILLER). The gentlewoman will state the point of order.

Ms. LOFGREN. Mr. Speaker, I believe that unless one is a member of the committee, one does not have the right to close.

The SPEAKER pro tempore. The proponent of a motion to instruct has the right to close.

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

Mr. Speaker, I would like to comment very briefly on the comments just made regarding our constitutional system.

I think it is actually a frightening concept to, at this late date, as we enter the next century, question the role of the Supreme Court in our Constitution as the interpreter of the Constitution itself. That is well settled law.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, just for the record, I would like to state that I disagree the with the Dred Scott decision. It has been overturned and is not good law at this time.

Second, I would like to point out that some citations made by the supporters of the motion that certain Supreme Court Justices have made certain statements in regard to their interpretation, no case for which those statements were in the majority has ever been cited.

Mr. Speaker, I would like to read part of the 1939 Miller case, so that it is clear what the Miller case said: ''In the absence of any evidence tending to show that possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces, the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.''

That is the Miller case in 1939. Later, in 1980 in the Lewis case, we have this language from the case: ''These legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria nor do they trench upon any constitutionally protected liberties. The Second Amendment guarantees no right to keep and bear a firearm that does not have some reasonable relationship to the preservation or efficiency of a well regulated militia.''

Mr. Speaker, if we are going to state our opinion about what the constitutional law ought to be, we ought to acknowledge that the clear state of the law is that the Supreme Court and U.S. Court of Appeals decisions are clear that there is no individual right. It has to be connected with the militia.

If we wish the Supreme Court would change its mind, then we ought to say that. But the constitutional interpretation by the Supreme Court is clear that any right to bear arms must be reasonably related to the well regulated militia.

Ms. LOFGREN. Mr. Speaker, I yield 5½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, let me acknowledge my colleague, the gentlewoman from California (Ms. Lofgren), for continuing the fight on this issue, and as well, my colleague, the gentleman from California (Mr. Doolittle), for allowing us, I think, to have a very important debate on the Second Amendment.

The reason why I am delighted that he has brought this to the attention of the American people and to this body, and I would hope the Senate would have the equal opportunity to debate the Second Amendment, is that the Second Amendment has been used and abused by the opponents of what we would like to think is real gun safety reform, reasonable gun safety reform; gun safety reform in fact, Mr. Speaker, that has been supported by almost 80 percent of the American people, and I might add the large numbers of communities and parents tragically who have lost their children, their babies, in the midst of gunfire and the use of guns.

The reason why I think this debate is extremely important is because the Second Amendment has been used to create unnecessary hysteria among those in all of our communities. It has created hysteria in the African-American community. It has created hysteria in the rural and suburban communities. It has created hysteria among those groups that I believe have a right to express their view, but I disagree with, many of them militias, many of the people who feel the government is out to get them, and they must undermine the government and must keep themselves armed.

I disagree with that philosophy, I think it is not a reasonable perspective to take at this point in time in our history, but they have every right under the First Amendment to enjoy that position.

But as they enjoy that position, the fuel and fire is being lit, using that fear and apprehension. They are then being stimulated with real misinformation that this Congress or those of us who propose reasonable gun regulation, gun safety, are opposed to or are eliminating the Second Amendment.

Let me first of all provide those who may be somewhat confused as to what it means to undermine a constitutional amendment. One, it can be done. Certainly there is some suggestion that statutes may in fact undermine particular constitutional amendments. But if that is the case, if a statute passed by this body is viewed to undermine a constitutional amendment, the petitioner has every right to go to the other body of government, the judiciary, and challenge that that law is unconstitutional.

Might I say, Mr. Speaker, that in many instances those petitioners have prevailed; that laws in this Congress, passed with good intentions and good minds and good hearts, have been ruled unconstitutional by our Supreme Court or by our Federal court system. I might say, some of that I agree with. Some I disagree. It means that the system of checks and balances does work in this particular Nation.

The motion to instruct offered by the gentleman from California is again fueling the fire of that hysteria. But might I educate the listening and viewing public, and maybe Members on both sides of this issue. My understanding is that if we were to eliminate

the Second Amendment, as has been suggested, or we might do such damage to it, that is in actuality putting forth a constitutional amendment that takes away the Second Amendment. If this body did that, it would take a two-thirds vote of this House, a two-thirds vote of the Senate, and a three-fourths vote of the State legislatures.

My question to my colleague is, have any of us done that? Do we have a motion to instruct from any of us who are advocates of strong gun safety reform to eliminate the Second Amendment? I think not. The Second Amendment stands on its own two feet. But let me cite again for my colleagues the 1939 Miller case, which has been stated previously before.

It says, ''In the absence of any evidence tending to show that the possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces, the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.''

What we are saying, or what I believe the Miller case is saying, the U.S. Supreme Court, 307 U.S. 174, 1939, is saying, we are reasonable people, here. We understand the intent of the Founding Fathers on retaining a well-organized militia under the Second Amendment. It was to protect us, this fledgling Nation, against the invasion of outside forces.

We are not intending, with real gun safety regulation, to go into the homes of law-abiding citizens and take away the arms that they might have. We are not asking for that, Mr. Speaker. We are not asking to stop the sports activities.

Some of us may disagree with the overproliferation of guns. We have too many guns in this country. But all we are asking for is a reasonable background check. We are asking for the unlicensed dealers who willy-nilly sell guns illegally, by the ATF's own documentation, the Bureau of Alcohol, Tobacco, and Firearms, we are asking for the ban of ammunition clips, for child safety locks, for a ban on juvenile possession of semi-automatic assault weapons. We should reasonably ask that children be accompanied by adults when they go to gun shows. We are asking for juvenile Brady.

What we are really asking for is to ensure, for the mothers and fathers of those who have died, who have lost their children, that those children not die in vain.

□ 1145

How many more of our children's funerals can we go to? My community, Houston, Texas, the fourth largest city in the Nation and colleagues of mine in other inner cities have suffered year after year when no one was paying attention to gun violence, when our children were dying, when, yes, they were taking guns against each other; but also they were caught in the midst of adult violence and they lost their lives. No one was crying out. Now we are crying out together, Mr. Speaker.

I think the Second Amendment is an unfortunately bogus argument. I ask for my colleagues to vote against this instruction and that we get down to business in saving the children of America.

Mr. Speaker, today I rise in opposition to the Doolittle Motion to Instruct. The Doolittle Motion to Instruct would do little other than upset 60 years of American Jurisprudence. The Doolittle Motion is yet another attempt by the Republican leadership to delay and distract Americans from the real issues facing this nation.

The NRA is trying to kill any gun safety legislation and the Republican leadership is the trigger man. This phony argument, long floated by the NRA, has been rejected by virtually every court and is merely an effort to distract from the reasonable and commonsense gun safety measures the Senate passed that would help keep guns out of the hands of dangerous criminals and protect children from gun violence: Requiring a criminal background check on every sale of a gun at a gun show; Banning the Importation of high capacity ammunition clips that have no other purpose than to kill lots of people very quickly; Requiring that a child safety lock be sold with every handgun; Banning the juvenile possession of semiautomatic assault weapons; and Juvenile Brady.

The NRA wants to kill gun safety legislation of any kind and has launched a massive lobbying campaign. Under the headline ''NRA Achieves its Goal: Nothing,'' James Jay Baker, the chief Lobbyist for the NRA said: ''Nothing is better than anything. *NRA Achieves its goal: Nothing,'' Washington Post, June 19, 1999, A01.

The Republican Leadership never wanted a gun safety bill—''(The defeat of the gun safety bill in the House) is a great personal victory for me.''—Tom Delay, House GOP Whip,'' House Defeats Gun Control Bill,'' Washington Post, June 19, 1999, A01. Despite the GOP's accusations, it is the GOP that is using the gun safety issue for partisan political gain. DELAY's spokesman, Michael Scanlon said, by November 2000, ''the gun debate this month will be long forgotten, with the exception of 2.8 million screaming mad gun owners who belong to the NRA. And I can tell you this, my friend: They will be lined up at the voting booth three days in advance to vote on this issue along, and they'll be pulling the Republican lever each time.'' ''Strategy Change Seen in Battle Over Gun Control,'' Baltimore Sun, June 28, 1999, A1.

The Doolittle Motion would preclude adoption of any provision of the Senate bill because it is so poorly drafted. By its own terms, the Doolittle motion's instruction that the conferees reject any Senate-adopted provision which does not affirmatively ''recognize'' that the second amendment to the Constitution applies to the rights of individuals would preclude the conferees from adopting virtually any Senate provision, since every Senate provision is silent with respect to the second amendment.

The second amendment is a nonissue in this debate, virtually every court has held that reasonable restrictions on gun ownership. The substance of the motion doesn't hold up to logical scrutiny any better than its form. The bottom line is that, until April of 1999, every federal court which has examined the question—the Supreme Court, every Circuit Court of Appeal and every Federal District Court—has flatly rejected the utterly baseless claim that the second amendment has anything to do with an individual's rights as opposed to the collective rights of the people (with a capital *P*) to form a ''well regulated militia.''

In the 1939 Miller case, the Supreme Court said on the facts there that: ''In the absence of any evidence tending to show that possession or use of a [shotgun] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument . . . With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.'' U.S. v. Miller, 307 U.S. 174 (1939).

Forty years later, the Court reaffirmed this principle in Lewis v. United States (445 U.S. 55 (1980)) even more explicitly:

> These legislative restrictions on the use of firearms are neither based upon constitutionally suspect criteria, nor do they trench upon any constitutionally protected liberties . . . the Second Amendment guarantees no right to keep and bear a firearm that does not have some reasonable relationship to the preservation or efficiency of a well regulated militia.

Since Miller was decided in 1939, only a single Federal District Court (last April) has interpreted the second amendment to confer an individual right and that interpretation was immediately rejected by both federal courts that have since addressed the issue. In United States v. Boyd, 52 F. Supp. 2d 1233 (D.Ct. Kan. 1999) Boyd challenged his indictment under 18 U.S.C. 922(g)(9) the domestic restraining provision Emerson challenged as violative of the Second and Tenth Amendments.

The court cited United States v. Oakes, 564 F. 2d 384, 387 (10th Cir. 1977) which held that ''[t]o apply the [Second][A]mendment so as to guarantee appellants' right to keep an unregistered firearm which has not been shown to have any connection to the militia,*, would be unjustifiable in terms of either logic or policy.'' The Tenth Circuit has relied on Oakes to summarily reject all subsequent Second Amendment challenges. Boyd's Second Amendment challenge failed.

Similarly, in United States v. Henson, 1999 U.S. Dist. LEXIS 8987, *3 (S.D. W. Vir., June 14, 1999) the Court held that:

''Defendant's reliance on Emerson is misplaced (in his attempt to overturn his indictment under the same federal statute prohibiting those under a domestic restraining order

from possessing weapons). Our Court of Appeals has held consistently that the Second Amendment confers a collective, rather than an individual right to keep and bear arms.''

Moreover, very recently in Gillespie v. City of Indianapolis Police Department, et al., 1999 U.S. App. LEXIS 15117, *42 (7th Cir. July 9, 1999) yet another Federal Court has found that:

''Whatever questions remain unanswered, Miller and its progeny do confirm that the Second Amendment establishes no right to possess a firearm apart from the role possession of the gun might play in maintaining a state militia.''

No one has gotten to the bottom line on the second amendment myth ruthlessly promoted by the gun lobby better than six of the nation's former Attorneys General in a joint and bipartisan letter to the Washington Post on October 3, 1992. They wrote:

''For more than 200 years, the federal courts have unanimously determined that the Second Amendment concerns only the arming of the people in service to an organized state militia; it does not guarantee immediate access to guns for private purposes. The national can no longer afford to let the gun lobby's distortion of the Constitution cripple every reasonable attempt to implement an effective national policy toward guns and crime.'' Nicholas deB. Katzenbach, Ramsey Clark, Elliot L. Richardson, Edward H. Levi, Griffen B. Bell, Benjamin R. Civiletti

It is precisely such distortion for precisely the purpose of thwarting an ''effective national policy toward guns and crime'' that is transparently at the core of the Doolittle Motion. Will we have the courage—once and for all—to turn our backs on an argument that Warren Burger, former Chief Justice of the Supreme Court, called *one of the greatest pieces of fraud, I repeat the word ''fraud,'' on the American public by special interest groups that I have ever seen in my lifetime.'' [Appearing on McNeil/Lehrer News Hour]

But the best proof of the bankruptcy of the ''individual rights'' claim comes from the NRA and the rest of the gun lobby itself. How many times do my colleagues think that the second amendment has served as the basis of an appeal by the NRA or anyone else trying to invalidate a gun control statute? Exactly NEVER; not once. Not when the Brady Law was challenged by sheriffs. Not when the NRA sued to block the assault weapons ban. NEVER. It isn't even mentioned. They cite the 10th Amendment, other amendments; NEVER the second. Why? Because they know themselves that no court in the nation (now save one likely to be reversed on appeal) will tolerate such nonsense.

For the Framers. For our children. Reject the Doolittle Motion and its gun lobby authors.

Ms. LOFGREN. Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentlewoman from California (Ms. LOFGREN) has 1½ minutes remaining. The gentleman from California (Mr. DOOLITTLE) has 4½ minutes. The gentleman from California has the right to close.

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

Mr. Speaker, I think we can make this very simple for the Members today. This motion basically asserts, and the debate has emphasized, that the Second Amendment prohibits the ability of Congress to regulate in any manner guns or weaponry. I think that is clearly not what the Second Amendment does.

What we are really wanting it do here is to come up with some modest, reasonable, sensible gun safety measures. Why? Because children all across America are at risk from evildoers who are armed at the teeth; and children, in fact up to 13 children a day, are losing their lives to arms and to weaponry.

We are not talking about the duck hunter. Duck season, duck hunting season will go on again this year, and that is absolutely fine. The Brady bill and its extension to juveniles is intended to keep guns out of the hands of criminals, not the duck hunters, but of criminals.

We are trying to close a loophole that has allowed criminals and people who are mentally unstable to get guns from flea markets and the like because the Brady law has prevented them from getting their hands on those weapons at licensed gun dealers. That is really all this is about. I believe that the American people strongly want us to do that very simple thing. Why? Because they know it is in their best interest.

So I would urge my colleagues to oppose this very ill-founded motion.

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

Mr. Speaker, what is great about this issue is we can quote liberals and make our point. I quoted Lawrence Tribe who says it is a personal right. I am going to quote the icon of liberal journalism throughout the country, the Washington Post. Sunday, September 19, 1999, the headline, and this is in the front page of the paper by the way, ''Gun controls limited aim bills. Would not have stopped recent killings''.

For weeks we have heard people come up here on the other side and orate about the terrible killings that have occurred, and, yes, they are terrible. What is also terrible is that they have represented that the bills, the legislation that they are trying to pass would have prevented them.

What this article goes on to say, if I may quote, ''None of the gun control legislation under discussion in Congress would have prevented the purchase of weapons by shooters in a recent spate of firearms violence, including last week's massacre at a Texas church, gun control supporters and opponents agree.''

The fact of the matter is I find the left's approach on gun control is just like it is on the so-called campaign finance reform. The assault on the Second Amendment is just like the assault on the First Amendment. These things do not work. They are undesirable. They are unconstitutional. But they do not give up. The more violence we hear about, the more shootings we have, the more bad legislation that comes forward promising to do something when, in fact, what they have already given us has utterly failed. For that reason, Mr. Speaker, we need to take a new approach.

Here is an interesting quote by the way, just to see what the other half of society thinks about all of this, the criminal half. This is a quote from Sammy ''The Bull'' Gravano, former Mafia member. Check this one out:

> Gun control, it's the best thing you can do for crooks and gangsters. I want you, the law-abiding citizen, to have nothing. If I am the bad guy, I am always going to have a gun. Safety locks? You will pull the trigger with a lock on, and I will pull the trigger without the safety lock. We will see who wins.

This is tragic that we continue to push this disastrous legislation which strips us of our constitutional right and, further more, which does not even work, which disarms the very communities that need protection.

I told my colleagues about this book, More Guns, Less Crime, by John R. Lott, Jr., the most exhaustive authoritative statistical analysis of gun control laws in the United States.

Let me just quickly cite some points that he makes in his conclusions in this book, because I think it illustrates what we are really up against.

Point number one, ''Preventing law-abiding citizens from carrying handguns does not end violence; it merely makes victims more vulnerable to attack.'' So now we have the professor saying this, agreeing with the former Mafia member, and, by the way, agreeing with what we all know is perfect common sense.

Number two, ''My estimates indicate that waiting periods and background checks appear to produce little if any crime deterrence.''

Most exhaustive study ever done.

Point number three, ''The evidence also indicates that the states with the most guns have the lowest crime rates. Urban areas may experience the most violent crime, but they also have the smallest number of guns.''

Point number four, ''Allowing citizens without criminal records or histories of significant mental illness to carry concealed handguns deters violent crimes and appears to produce an extremely small and statistically insignificant change in accidental deaths. If the rest of the country had adopted right-to-carry concealed-handgun provisions in 1992, about 1,500 murders and 4,000 rapes would have been avoided.''

This approach works. Our constitutional approach works. Our constitutional approach is still the law. Because the other side cannot manage to change the law, it does not give them

the right to do an end run and try and pass a bill through Congress which strips us of our sacred constitutional rights.

I ask my colleagues to vote for my motion.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for the motion to instruct conferees offered by the gentleman from California (Mr. DOOLITTLE) because, like him, I want the conferees on the Juvenile Justice legislation to omit any provisions that would be contrary to the Constitution. However, I do not think that the Constitution prohibits carefully-drawn, measured provisions dealing with access to firearms by minors and criminals or with firearm safety. In particular, I agree with the gentlewoman from California (Ms. LOFGREN) that there is no constitutional impediment to the kind of provisions specified in her motion to instruct, which is why I also will vote for that motion.

The SPEAKER pro tempore. All time has expired.

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 gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. 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 motion will be postponed.

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 that the committee on the conference recommend a conference substitute that includes provisions within the scope of conference which are consistent with the Second Amendment to the United States Constitution (e.g., (1) requiring unlicensed dealers at gun shows to conduct background checks; (2) banning the juvenile possession of assault weapons; (3) requiring that child safety locks be sold with every handgun; and (4) Juvenile Brady).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XX, the gentlewoman from California (Ms. LOFGREN) and the gentleman from Florida (Mr. MCCOLLUM) 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, every year, an estimated 2,000 to 5,000 gun shows take place across the Nation in convention centers, school gyms, fairgrounds, and other facilities paid for and maintained often with taxpayer money. These arms bazaars provide a haven for criminals and illegal gun dealers who want to skirt Federal gun laws and buy and sell guns on a cash-and-carry, no-questions-asked basis.

The Brady law background check applies to licensed gun dealers only. The same is true of most State firearm background checks. At gun shows, it is perfectly legal in most States and under Federal law for individuals to sell guns from their private collections without a waiting period or background check on the purchaser. However, licensed Federal firearm dealers operating at these same shows must comply with background checks and waiting periods.

Many unscrupulous gun dealers exploit this loophole to operate full-fledged businesses without following Federal gun laws. Since so many sales that occur at gun shows are essentially unregulated, guns obtained at these shows that are later used in crime are difficult, if not impossible, to trace.

When the United States Senate debated juvenile justice legislation in June of this year, an amendment proposed by Senator FRANK LAUTENBERG to require that background checks be done on all purchases made at gun shows was passed and included in the legislation. However, when this House debated its version of the juvenile justice legislation, no such amendment was included.

It is not clear what the outcome will be in the conference committee, but we believe it is important, and I believe, to instruct the conferees to include this crucial loophole closure on the Brady bill.

The Brady bill has made our country safer. It has proven that criminals do try to buy handguns at many shows and has stopped over 400,000 criminals and other prohibited persons from obtaining weapons in the licensed gun offices.

The second provision in the motion to instruct is the banning of juvenile possession of assault weapons. The assault weapons ban has been effective, but it could be even more effective.

In 1989, when President Bush stopped the importation of certain assault rifles, the number of imported assault rifles traced to crime dropped by 45 percent in 1 year. After the 1994 ban, there were 18 percent fewer assault weapons traced to crime in the first 8 months of 1995 than were traced in the same period in 1994. The wholesale price of grandfathered assault rifles nearly tripled in the post-ban year.

Assault weapons are terrific weapons if one wants to do a lot of damage to innocent people in a hurry. I remember so well the shooting in the school yard in Stockton, California, in 1989 when a maniac with an AK–47 that held 75 bullets killed five little children on the school ground and wounded 29 others.

In San Francisco, California, just about 40 miles to the north of my home in San Jose, a disturbed person with a TEC–9 holding 50 rounds went into a San Francisco law firm and killed eight people and wounded six others with these assault weapons; to kill four ATF special agents and wound 16 others at the Texas incident.

Although assault weapons comprise only 1 percent of privately owned guns in America, they accounted for 8.4 percent of all guns traced to crime in 1988 and 1991.

Now, although juveniles 18 and younger are prohibited by Federal law from purchasing handguns, neither the Federal Government nor most States restrict the purchase and ownership of these guns. This loophole allows teenagers with rifles and shotguns. It also allows them to possess semi-automatic AK–47s, AR–15s, and other assault rifles manufactured before 1994 and grandfathered under the 1994 assault weapon ban.

□ 1200

No kid should be allowed to buy or possess an assault weapon. And the gun lobby and the NRA, who has opposed the assault weapon ban and attempted to get the assault weapon ban repealed in an earlier Congress, has actually in some cases said that maybe it would be okay to keep assault weapons out of the hands of teenagers. So I would hope that that small concession might allow us to move ahead on this provision.

Section 3 of the motion would require that child safety locks be sold with every handgun. Every day in America, 13 children under the age of 19 are killed with firearms. Some of those are the result of violent assault, but some of them are easily preventable. They are accidents or suicides. And one of the best ways to prevent and keep children from gaining access to a gun at home is to make sure that it is locked.

Public opinion surveys indicate that, really, the public does not understand why we would not do this simple thing. It has nothing to do with duck hunting, it just would keep children safer throughout our country.

And, finally, the background check that is applied under current law to adult criminals should be applied equally to juveniles who have committed a criminal offense. I think that just makes good common sense.

So I am hopeful that we can support this motion to instruct. It is completely modest. It is consistent with what the Senate was able to achieve. It would give an increased measure of safety to the children of this country. And I believe that it is the least we can do for the mothers and fathers of America.

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

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Florida (Mr. MCCOLLUM) is recognized for 30 minutes.

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

Mr. Speaker, as a conferee on this bill, and the original sponsor of the underlying bill, I claim the time in opposition, but I do not oppose the actual measure here. I support the gentlewoman's motion. It states several provisions that I agree with and that I believe that the majority of the Members of the House agree with.

I believe most of us agree today that there ought to be a background check before somebody can buy a gun at a gun show. And most of us agree today that juveniles should not possess assault weapons, except in the narrowest of circumstances under direct parental supervision. And most of us believe, without much convincing, that it is a good idea to require gun dealers to give customers who buy a gun a gun safety lock, which they can decide whether to use or not. In fact, this idea is so good that 90 percent of gun dealers already do this without the government telling them to do so. And I believe most of us today support the concept of a juvenile Brady law, in other words, a law that will prevent people who commit serious violent acts as juveniles from owning a gun, even after they reach the age of 18.

And so, as written, this motion is not objectionable. But while I will support the motion, I must also say I fear it is so general that some Members may get the wrong impression. This motion may lead other Members to think that these provisions are still in dispute. In fact, most of us working to achieve a compromise between the two bodies on this issue have already agreed to include these provisions. The real problem that remains is that Members on the gentlewoman's side of the aisle will not seem to accept any language other than that which passed in the other body.

The provision they insist on, the so-called Lautenberg provision, would do the following: It would require anyone visiting a gun show, who merely discusses selling a gun, to sign a ledger and provide identifying information even if they do not bring a gun to the gun show to sell.

It would make gun show promoters liable if a person who is not a vendor at the show sells somebody else a gun without first doing a background check.

It would require persons who merely discuss selling a gun during the gun show, but who do not sell the gun for weeks after the show, to nevertheless have a background check performed. Even current law does not require background checks for gun sales by private citizens.

It would require licensed dealers to perform all of the background checks at the gun show, even for purchasers who do not intend to buy a gun from that dealer.

And it could turn estate sales, yard sales, even casual gatherings of friends who collect or trade guns into a gun show by definition, with all of the regulatory requirements and attendant liability for failing to follow these regulations.

In short, the Lautenberg provision goes far beyond simply requiring background checks to be done for the sale of a gun at a gun show. And so I say to the gentlewoman, if she means what she says in her motion, that she wants background checks at gun shows, then I am confident we can produce a bill that will pass and do exactly that. But if what she means is to insist on the language from the other body, then she is seeking to regulate in a manner that goes far beyond what is stated in her motion.

So I support the motion. But I caution Members that this issue is not as simple as this motion might make it seem to look on first appearance. And I urge the gentlewoman and the Members of the other side of the aisle to work with us on a provision that will do what she seeks to instruct today but which does not bring with it all of the other regulatory requirements of the Lautenberg amendment in the other body's bill.

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

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume before yielding to the gentlewoman from California, because I would just like to comment that I would love to work on this supposed compromise.

I know that the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and the gentleman from Illinois (Mr. HYDE) have had some discussions. I am a conferee. I am a member of the conference committee. And the only time I have ever had an opportunity to discuss this was on August 3. And we did not have an opportunity to discuss it then. We gave speeches to each other and we left town, and there has been no communication. We have asked for these proposed compromises. I would like to see the language. I would like to come up with good, strong legislation. I am willing to work through this so long as it actually achieves something.

However, what it has to achieve is a background check that will catch individuals who have restraining orders against them. It cannot define a gun show in a way that would exempt events where thousands of guns are sold. I would hope and absolutely insist that it would not repeal or reopen the question of the Lee Harvey Oswald law that prevents the interstate mailing or shipment of firearms. Those would not be an advance. That would not be an improvement under current law.

So I am eager to look at this supposed compromise. And if it is, as the gentleman says, an improvement on gun safety laws, I will be eager to support it. I cannot really understand why the members of the conference committee have not yet been afforded the opportunity to see this great proposal that is supposedly a compromise.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in support of the motion to instruct of my colleague, the gentlewoman from California (Ms. LOFGREN), as she has described it. I value the views of my colleagues who are speaking today of protecting our fundamental rights. America's children also have rights. They have the right to be safe from gun violence.

As a school nurse, I feel so strongly that we must keep guns out of our schools and away from our children. These feelings are not unique to Congress. Just last week, the Mayor of Santa Barbara came to Washington, D.C., along with mayors and police chiefs from around this country. Speaking for thousands of people in my hometown, our mayor called for passage of common-sense gun safety legislation.

Mr. Speaker, Americans around the country are shocked by the shootings that are plaguing this Nation, and they are stunned by the inaction and delay of this Congress. With this vote we must take a stand against gun violence and we must do it today.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I would say to my colleagues on this side of the aisle, as we debate these motions to instruct the conferees on the juvenile justice bill, that I would like to just share with them some recent information on the decline of Federal firearm prosecution. I do not ever hear the other side talk about this, and I think this should be something that we should all be concerned about.

Federal firearms prosecutions have dropped by 44 percent since 1992. And we know all too well it is not because criminals have started to obey the law, it is because our government does not enforce the law. We can sit here this afternoon and pass all kinds of gun laws, but if we are not going to prosecute, it does not matter.

The Brady Act prevented 400,000 illegal firearm purchases. Let us take for a moment that those statistics are correct. Two-thirds were attempted by prior felons. Let me repeat that. Two-thirds were attempted by prior felons. But there is barely a prosecution of these 400,000 illegal firearms.

So what I am saying this afternoon is that if we place our entire focus on gun control, which this side of the aisle continues to do, we miss the larger picture of this rampant violence. What is causing the depravity of our young people today? What makes one person's bad day turn into an act of taking another person's life?

Until we focus on the underlying cause of these horrific acts, no Band-Aid gun control laws will prevent another occurrence. And, more importantly, whatever gun laws are on the books, we need the Justice Department to prosecute and not just sit there and talk about more gun control.

So what we need to do is to instruct the Justice Department today to prosecute the laws that already exist on our books.

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

It occurs to me that some of the arguments being made about gun control are sort of like when we cook spaghetti at home. When we try to see if it is ready, or one of the techniques, is we can throw it at the wall to see if it sticks. And if it sticks, it is done. We have had now this morning three different things: The Second Amendment does not allow us to do any regulation of weapons. Or, well, we should not do anything about regulating weapons because we are not happy with enforcement. It should be better. Or, we should not have any regulation of assault weapons or other things because the laws do not work. And I think each one of those points is off base and will not stick to the wall.

First, we had a great discussion about the Second Amendment earlier. I will not go on at too great a length about that, but I would note that, clearly, we have the ability to do sensible regulation in this arena.

On the issue of enforcement, I have heard a lot of comments made about this. And, of course, there are darn lies and statistics, and so we all are a victim of that phenomena, but I do want to just lay out some facts.

Since 1992, the total number of Federal and State prosecutions has actually increased. About 25 percent more criminals are sent to prison for State and Federal weapon offenses than in 1992. And the numbers are 20,681 in 1992 to 25,186 currently. The number of high-level offenders, those sentenced to 5 or more years, has gone up nearly 30 percent. That is 1,409 to 1,345 in 5 years. The number of inmates in Federal prison on firearm or arson charges, the two are counted together, increased 51 percent from 1993 to 1998 to a total of 8,979. In 1998, the Bureau of Alcohol, Tobacco and Firearms brought 3,619 criminal cases involving 5,620 defendants to justice.

Now, on the issue of it would not make a difference, and none of the tragedies that have occurred would have been prevented had these gun safety measures been adopted, that is just not correct. Michael Fortier, the friend of Timothy McVeigh and Terry Nichols, helped both fence stolen guns at a Midwest gun show. If he had not been able to do that, we might have had a different outcome. We have had the serial murderer in Ohio, Thomas Dillon, who bought his murder weapon at an Ohio gun show so that he would not be detected at a licensed dealer. Gian Ferri, who did the massacre in San Francisco at the law firm, used a pistol, an assault weapon, that he bought at a Nevada gun show. If he had had a background check, that might not have occurred either.

So these many arguments are a little bit of protest here over what most of America knows should occur and would help make our country a safer place.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I commend her for once again sparking this important debate on the House floor.

□ 1215

Another day has passed and another 13 of our children have been lost to gun violence. But still the majority stalls and stonewalls, ignoring the cries of parents, of siblings, and of friends who continue to lose their loved ones.

Another day has passed. And while we debate gun safety in this room, on the streets of our cities and town, felons with guns threaten American families. While we debate, our constituents are left to fight the daily battle against gun violence alone. Another day has passed, and still handguns in homes where children play remain unsecured, criminals build collections at gun shows, and the numbers of victims mounts.

Passing comprehensive gun safety legislation does not limit the rights of people. The Constitution, the cornerstone of the philosophy of this Nation, is not compromised by protecting children and families from deadly weapons. Freedoms and responsibilities go hand in hand, and it is reasonable to require citizens to exercise their freedoms safely and responsibly.

Ensuring the safety of our schools, streets, and places of worship enables people to enjoy the inalienable right to which they are entitled under the Constitution.

We have simple goals: ensure that unlocked guns do not get into children's hands; ensure that juveniles are prohibited from possessing assault weapons; ensure that all people buying a gun, in any venue, are subject to the same thorough background checks. This is what the American people are asking for, and we have an obligation to respond.

With each passing day, the price of our inaction rises, the human toll of our procrastination increases, the loved ones of victims of gun violence plead with Congress to lead the charge to make our communities safe again. Each day that we turn our backs on the American people, we undermine the freedoms and rights that make the United States a safe and stable place to live.

I urge my colleagues in Congress to join me in showing the American people that their cries have not gone unanswered. Let us not delay one more day in passing comprehensive gun safety legislation. Again, I support the motion of my good colleague.

Ms. LOFGREN. Mr. Speaker, may I ask how much time remains.

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from California (Ms. LOFGREN) has 14 minutes remaining. The gentleman from Florida (Mr. CANADY) has 24½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, we come to the floor again to talk about the Republican leadership's failure to enact common sense gun safety measures for one simple reason, children's lives are at stake. We remember the tragedy at Columbine High School, where at the end of the day, 14 students and one teacher were dead because of guns. Columbine captured headlines 5 months ago, but it should not obscure the fact that 13 children die every day due to gunfire.

Many of the 13 children that die each day do so because handguns are not properly secured. This is not a question of whether or not someone should or can own a handgun. They can. This is about properly securing the handgun.

The motion of my colleague from California (Ms. LOFGREN) appropriately calls for child safety locks to be provided with handguns. It is a common sense measure that will stop the heart-wrenching deaths where young children find a gun in the house and they accidentally kill themselves or a friend or a brother or a sister. Providing a lock with a handgun is common sense.

I think that Westbrook, Connecticut's Police Union President Douglas Senn, put it well when he said, ''You keep plugs in outlets and medicine up in high cabinets to keep children safe. Why not put a lock on a gun?'' He said this during a program to provide free gun locks to Connecticut gun owners.

The Connecticut Police Union and, I might add, in conjunction with a company in Connecticut that, in fact, is a gun company, but they were cooperating in this effort in order to provide free safety locks so that our youngsters can be safe.

The Connecticut Police Union president gets it. The company gets it when

it comes to gun locks. What we are asking is that the Republican leadership get this.

If there was any question about the effectiveness of child safety locks for guns, that should be answered by a potential tragedy in Florida, a tragedy that was in fact averted because of a gun lock. An obviously troubled young 14-year-old girl planned to kill first her mother and then her father and her sister, too. She was a troubled youngster. She held a gun to her mother's head but could not fire the gun because of the trigger lock.

We must and we can do something about keeping guns out of the hands of children and of criminals. We do not want to prevent law-abiding citizens from their opportunity to own a gun and to do what is right. We want to provide a safety lock to make sure that our kids are safe.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will just make one comment. I commend the gentlewoman for recognizing the Second Amendment rights in her motion.

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

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

Mr. Speaker, I hope that this body will approve this motion. But when we convene for the votes that have been postponed, we will have several motions that we will be asked to cast a vote upon.

First, of course, there is the parks measure that is not the heart of the gun safety discussion we have had this morning. Then there will be a vote on the motion to instruct offered by my colleague, the gentlewoman from New York (Mrs. MCCARTHY), that basically says this, conferees, get to work, produce something, work every day until you come up with common sense, reasonable gun safety measures.

We have a motion to instruct offered by my colleague from California (Mr. DOOLITTLE) that distorts, I believe, the meaning of the Second Amendment and, as the Members who listened to the debate well understand, really asserts that we have no ability to do any regulation of guns at all because of the Second Amendment. That is clearly not what the Supreme Court has found. It is not the law in America. And it is also not what the American people want.

Finally, we will have a vote on this motion to instruct that says let us ask and instruct the conferees to adopt meaningful reasonable gun safety measures that are consistent with the Second Amendment.

Now, we have been here several days now engaged in these motions to instruct; and I am mindful that, instead of being here talking about these issues, instructing conferees through votes, we could have been meeting as conferees. I hope that we will finally have a meeting.

On August 3, when we had our first and only meeting of the conference committee when we gave the speeches to each other, the hope was that the staff, at least we were told by the chairman of the conference committee, that it was necessary for the staff to get together over the August recess and the hope was that we would have something we could get behind as schools started.

Now, I have two teenagers. They are both in high school. School started quite some time ago. As a matter of fact, they are starting to get a little nervous about midterms coming up. And we have not produced a darn thing.

Now, I hear about these compromises and how difficult it is, and I am sure it is not the easiest thing to find that sensible middle ground that really is the genius of the American political system, to find this sensible reasonable measure that we can send to the President that will make the American people safe. But we are not going to find that sensible middle ground if we never talk to each other.

Now, I am mindful that the chairman of the committee and the ranking Democrat on the committee are having discussions, and I commend them for that; but we have not seen the product of their discussions. And I really do believe that, while I am sure their discussions are undertaken in good faith, that if we were to shine the light of public view on what is being done, we would get to a conclusion a little bit faster.

Because some of the things that were said in this chamber today about the inability to do anything to regulate assault weapons, to keep criminals from getting guns is preposterous, it is preposterous, and the American people will have none of it.

So let us have that discussion in open session. Let us have the conference committee meeting. Let us come up with a measure. None of us can be in love with our own words. We need to be flexible and reasonable. But the bottom line is we need a measure that closes the loophole that does not purport to do so and not actually achieve that goal. If we can come together on that, we will end up with a bill that we can send to the President and sign into law. I hope that we can. But we are not going to do so if all next week we have to once again have motions to instruct instead of meetings of the conference committee.

I know that we will be in recess to go home to our districts for the weekend, coming back on Monday. I hope that Members can listen closely to what mothers are telling them in the supermarkets when they are home this weekend. Do the right thing, vote ''yes'' on the McCarthy motion to instruct. Oppose the Doolittle flawed motion and please vote ''yes'' 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.

Mr. CANADY of Florida. 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 will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

Passage of H.R. 1487, de novo; the motion to instruct of H.R. 1501 offered by the gentlewoman from New York (Mrs. MCCARTHY), by the yeas and nays; the motion to instruct on H.R. 1501 offered by the gentleman from California (Mr. DOOLITTLE) by the yeas and nays; and the motion to instruct on H.R. 1501 offered by the gentlewoman from California (Ms. LOFGREN) by the yeas and nays.

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

NATIONAL MONUMENT NEPA COMPLIANCE ACT

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 1487, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays were ordered.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 23, as follows:

[Roll No. 444]

YEAS—408

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

NAYS—2

Mollohan
Nadler

NOT VOTING—23

Baker
Burr
Burton
Calvert
Carson
Clayton
Coble
Cunningham
Frost
Gallegly
Holden
Jefferson
Jones (OH)
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Weygand
Wu

□ 1249

Messrs. BRADY of Texas, KING, CHAMBLISS and REYES changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above reocorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1487, the bill just passed.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentlewoman from New York (Mrs. MCCARTHY), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The text of the motion is as follows:

Mrs. MCCARTHY of New York 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—

(1) the committee of conference should this week have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions; and

(2) the committee of conference should meet every weekday in public session until the committee of conference agrees to recommend a substitute.

The SPEAKER pro tempore. The question on the motion to instruct offered by the gentlewoman from New York (Mrs. MCCARTHY).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 190, nays 218, not voting 25, as follows:

[Roll No. 445]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)

Menendez
Millender-McDonald
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nussle
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Wilson
Woolsey
Wynn

NAYS—218

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Buyer
Callahan
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Baker
Burr
Burton
Calvert
Carson
Clayton
Coble
Cunningham
Frost
Gallegly
Holden
Hunter
Jefferson
Jones (OH)
Kaptur
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Weygand
Wu

□ 1258

Mr. SMITH of Michigan changed his vote from ''yea'' to ''nay.''

Messrs. GILMAN, WELLER and LEACH changed their vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct conferees on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentleman from California (Mr. DOOLITTLE), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion

The SPEAKER pro tempore. The question on the motion to instruct offered by the gentleman from California (Mr. DOOLITTLE).

This will be the 5-minute vote.

The vote was taken by electronic device, and there were—yeas 337, nays 73, not voting 23, as follows:

[Roll No. 446]

YEAS—337

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Buyer
Callahan
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—73

Abercrombie
Ackerman
Becerra
Blagojevich
Blumenauer
Campbell
Capuano
Clay
Conyers

Coyne
Davis (IL)
DeGette
Delahunt
Dixon
Engel
Eshoo
Farr
Frank (MA)
Franks (NJ)
Frelinghuysen
Goodling
Gutierrez
Hastings (FL)
Hoeffel
Horn
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kennedy
Kilpatrick
Lee
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Markey
Martinez
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pastor
Payne
Pelosi
Porter
Rangel
Roybal-Allard
Rush
Schakowsky
Scott
Serrano
Slaughter
Stark
Tierney
Towns
Velazquez
Vento
Waters
Watt (NC)
Wexler
Woolsey
Wynn

NOT VOTING—23

Baker
Burr
Burton
Calvert
Carson
Clayton
Coble
Cunningham
Diaz-Balart
Gallegly
Holden
Jefferson
Jones (OH)
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Weygand
Wu

□ 1306

Mr. TOWNS and Mr. BLUMENAUER changed their vote from ''yea'' to ''nay.''

Mrs. ROUKEMA, Mrs. CAPPS, and Messrs. BOEHLERT, HALL of Texas, SMITH of Michigan and DEUTSCH changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, during rollcall votes 444, 445, and 446, I was unavoidably detained and unable to be on the House floor during that time. Had I been here I would have voted "yea" on rollcall vote 444, "nay" on rollcall vote 445, and "yea" on rollcall vote 446.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question on the motion to instruct conferees on the bill, H.R. 1501, offered by the gentlewoman from California (Ms. LOFGREN) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 167, not voting 25, as follows:

[Roll No. 447]

YEAS—241

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Capuano
Cardin
Castle
Clay
Clement
Clyburn
Condit
Conyers
Cox
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Goss
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Minge
Mink
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Northup
Nussle
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Quinn
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (MI)
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stearns
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wolf
Woolsey
Wynn
Young (FL)

NAYS—167

Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boucher
Brady (TX)
Bryant
Buyer
Callahan
Campbell
Cannon
Chabot
Chambliss
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Duncan
Emerson
Everett
Fletcher
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
King (NY)
Kingston
Knollenberg
Lampson
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Nethercutt
Ney
Norwood
Oberstar
Obey
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Radanovich
Rahall
Riley
Rogers
Rohrabacher
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Souder
Spence
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Whitfield
Wicker
Wilson
Wise
Young (AK)

NOT VOTING—25

Baker
Burr
Burton
Calvert
Carson
Chenoweth
Clayton
Coble
Cunningham
Gallegly
Greenwood
Holden
Jefferson
Jones (OH)
Largent
Miller, George
Moakley
Pryce (OH)
Scarborough
Shadegg
Smith (WA)
Tanner
Visclosky
Weygand
Wu

□ 1315

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

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

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, on Friday, September 24, 1999, I was in my district visiting with my constituents and local representatives of various sites devastated by the ravages of Hurricane Floyd. As a result, I missed four rollcall votes.

Had I been present, the following is how I would have voted: Rollcall No. 444, H.R. 1487, Public Participation in the Declaration of National Monuments, "yea"; rollcall No. 445, McCarthy Amendment to H.R. 1501, Juvenile Justice Reform Act, "yea"; rollcall No. 446, Doolittle Amendment to H.R. 1501, Juvenile Justice Reform Act, "nay"; and rollcall No. 447, Lofgren Amendment to H.R. 1501, Juvenile Justice Reform Act, "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2579

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2579.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purpose of inquiring from the distinguished majority leader the schedule for the rest of the day and the week and for the following week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to announce that we have completed legislative business for this week.

The House will next meet on Monday, September 27, at 12:30 p.m. for morning hour and at 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later today.

On Monday, Mr. Speaker, we do not expect recorded votes until 6 o'clock p.m.

Mr. Speaker, next week appropriations conference reports will obviously be our top priority, and as we approach the end of the fiscal year. Conference reports may become available as early as Monday and throughout the week for consideration by the House.

On Tuesday, September 28, and the balance of the next week the House will take up the following measures, all of which will be subject to rules: H.R. 2506, the Health Research and Quality Act; H.R. 2559, the Agricultural Risk Protection Act; H.R. 2436, the Unborn Victims of Violence Act; and H.R. 2910, the National Transportation and Safety Board Amendments Act.

The House is also likely to consider a continuing resolution at some point next week.

Mr. Speaker, I would like to also take the opportunity to remind Members that the annual congressional basketball game is scheduled for this coming Wednesday evening. That basketball game will benefit the country's only college for the deaf. This is a very worthy cause, Mr. Speaker, and I wish all the participants the best of luck.

Mr. Speaker, on Friday, October 1, no votes are expected after 2 o'clock p.m. I wish all my colleagues a safe travel back to their districts.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments.

Just a couple of questions, Mr. Speaker. Does the gentleman from Texas expect any late evenings next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, the gentleman is correct in asking. We have a large number of conference reports that we expect in the appropriations cycle. We should expect that we would be late Monday night. We would hope to do as many as two conference reports on Monday night.

With the exception of Wednesday, where we will try to accommodate that charity event, I think we would need to be prepared to work late every night. We will try to keep the Members apprised as conference reports are available.

Mr. BONIOR. I thank my colleague. With only three signable appropriation bills that have been sent to the President, I can understand the gentleman's concern to work the evenings next week.

We appreciate the slot for the Gallaudet basketball charity biennial game that is held every year.

Can the gentleman from Texas tell us about the tax extender bill and when that might be expected?

Mr. ARMEY. Again, if the gentleman will yield, I understand that the Committee on Ways and Means has marked up today a tax extender bill. This is a matter of some urgency to a great many Members. It is certainly under consideration. I can only say with some confidence that while it will be considered, it would not be something we would look for next week on the floor.

Mr. BONIOR. How about the minimum wage bill? Does the gentleman have any further news on that?

Mr. ARMEY. Again, let me thank the gentleman for asking.

I might mention, prior to responding to the question, while I collect my thoughts on that part of the question, Mr. Speaker, that we will be trying to do a rule early so we can have same-day consideration for the appropriations conference reports.

There are a great many people working on minimum wage legislation. It is a matter of great interest to a large number of our Members and to constituents across the country. We are receiving reports from these various efforts, the committees of jurisdiction obviously being involved.

While I anticipate some action may occur on that subject during this year, I do not see anything clearly consolidated for presentation to the floor yet at this time.

Mr. BONIOR. But it is the gentleman's desire, or has it been a subject of conversation in the leadership, to try to bring something to the floor this year, is that what the gentleman has just said?

Mr. ARMEY. Again, if the gentleman will yield, the leadership is well aware of the number of Members on both sides of the aisle that are interested in this subject. We are watching their work as it proceeds. They are doing this on a very methodical basis, checking always with the committees of jurisdiction, the committees also exercising their jurisdiction.

We see hearings, for example, in the Committee on Education and the Workforce. I can only say at this point we do not have something that we expect to put on the floor, but we do anticipate that some legislation could be consolidated for consideration prior to our closing this session of Congress.

Mr. BONIOR. Mr. Speaker, I will have to digest that last answer of the gentleman. Thank my colleague. Could I just ask one other question, because it relates to the scheduling.

We are entering the new fiscal year, as we all know, next week, and the prospects of a session next weekend was not discussed in the majority leader's statement. Are there any comments the gentleman would like to make with respect to that?

Mr. ARMEY. Again, Mr. Speaker, if the gentleman will continue to yield, I appreciate the gentleman's request. This is a matter of concern to a great many Members.

The gentleman from Michigan will notice that I included in my prepared remarks that we would expect votes to be concluded by 2 o'clock on Friday. That is our expectation. Obviously, we place a high priority on conference reports, but it is our anticipation that that urgent business will be completed by that time.

If there is a change, it will be my purpose to notify all Members as quickly as possible, but right now I think the safe presumption for us to make is that we would conclude business by that time.

Mr. BONIOR. I thank my colleague, Mr. Speaker.

ADJOURNMENT TO MONDAY, SEPTEMBER 27, 1999

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CLEMENCY FOR FALN TERRORISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I am disappointed that the House did not get an opportunity earlier this week to discuss the Senate's resolution condemning the President's decision to grant clemencies to members of the FALN.

I draw Members' attention to the USA Today's headline, ''FALN Brought Bloody Battle Into America's Streets.'' Let me read part of this newspaper article.

> The Puerto Rican separatist group FALN exploded into public view on January 24, 1975, by attacking an icon of American history. It quickly became the most feared domestic terrorist group operating on U.S. soil.
>
> The 1975 bombing of the Fraunces Tavern in New York City, where General George Washington bid farewell to his troops in 1783, left four dead and 54 wounded. It was the deadliest of more than 130 attacks linked to this group from 1974 to 1987, when most members were jailed.

Some Members here feel we are wasting our time talking about an issue that is already a fait accompli because the President has in fact signed the clemency and they are out of jail. They say we should be discussing social issues important to the American people.

Let me tell the Members, that is exactly what we are doing here in discussing the clemencies for FALN Members. We are talking about whether we should be a society that tolerates violence or a society that condemns it. It seems to me the people who propose more gun control measures, and some of it was discussed here today, as a solution to prevent future tragic acts of violence are the same ones who preach forgiveness and understanding for past acts of violence.

Following this twisted logic, we should create new gun control laws and then offer clemency to the people convicted of violating those laws.

It sounds like a bizarre scenario to me. But anyone who supports the President's decision to offer clemency to Members of the FALN is not serious about locking up those who violate our Nation's existing gun laws.

Of the 16 terrorists offered clemency by the President, 12 were convicted of the following violations of Federal firearm laws:

Possession of an ''unregistered firearm,'' a machine gun or sawed-off rifle or shotgun. Twelve were convicted of those crimes.

Nine were carrying a firearm during the commission of a seditious conspiracy and interference with interstate commerce by violence.

Nine were arrested and convicted for interstate transportation of firearms with the intent to commit seditious conspiracy and interference with interstate commerce by violence;

Three, conspiracy to make a ''destructive device'', such as a pipe bomb;

Two, possession of a firearm without a serial number.

These are people we let out of jail last week. For anyone who thinks that these terrorists will now be model citizens, let me share with them the 1997 statistics from the Bureau of Justice. Of the 108,580 persons released from prisons in 11 States in 1983, representing more than half of all released State prisoners that year, an estimated 62.5 percent were rearrested for a felony or serious misdemeanor within 3 years, 46 percent were reconvicted, 41 percent returned to jail. A high recidivism rate, I would assume.

Maybe those same people we let out last week will have a chance to display their good citizenship, as they did when they maimed, injured, and killed others.

I do not care if those offered clemency actually pulled the trigger, detonated the bomb, or drove the get-away car. The fact is they were active members of a terrorist organization dedicated to violence. Now they are free by an act of this president. That is more than a shame, it is tragic.

Let me also read, because people say that it is time for healing, time to get along, time to accept their apologies, time to recognize they have said they are sorry. Let us let them out of jail.

Jailhouse statements of FALN Members given clemency contrast with their recently stated claims to have renounced violence.

In October, 1995, for example, Luis Rosa, Alicia Rodriguez, and Carlos Torres told the Chicago Tribune that they have nothing to be sorry for and have no intention of renouncing armed revolution.

Another FALN member granted clemency, Ricardo Jimenez, told the judge in his case, ''We are going to fight. Revolutionary justice will take care of you and everyone else.'' I think that is a fairly strong threat.

Talk about four killed, 54 injured.

On October 26, five bombings in downtown New York City, more than $1 million in damage.

December 11, New York police were called to an upper east side building to collect a dead body. A booby-trap was set for them. A police officer was injured and lost an eye.

June 15, two bombs detonated in Chicago's loop area.

February, 1973, Merchandise Mart in Chicago bombed, damage totaled $1.3 million.

□ 1330

August 3, 1977, Mobil 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 the Carter-Mondale campaign office.

My colleagues, these people should not have been released. This is an outrage, and the citizens of America should recognize it for what it is. It was a political act and not a just act.

FAREWELL TRIBUTE TO ROUBEN SHUGARIAN, OUT-GOING AMBASSADOR OF THE REPUBLIC OF ARMENIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, earlier this week I spoke about the 8th anniversary of the Independence of the Armenian Republic, which is celebrated by the citizens of Armenia and by people of Armenian descent here in the United States on September 21. But one individual who has played a significant role in solidifying the bonds between the United States and Armenia during these early years of Armenian independence is the current ambassador, Rouben Shugarian. Mr. Shugarian has represented Armenia in Washington since March 1, 1993, and in a few weeks Ambassador Shugarian will be leaving Washington to take another post in the foreign ministry in Yerevan, Armenia's capital. Still only in his late 30s, Ambassador Shugarian obviously has a great future ahead of him in service to the Armenian Republic.

During his very distinguished tenure here, Ambassador Shugarian has done a great deal to help raise the profile of Armenia in the Capitol of the free world. For his efforts, he has earned the respect of Members of Congress, the administration, and his colleagues from many other nations in the Washington diplomatic corps. He has also earned the gratitude of the Armenian-American community for helping to advance Armenia's cause, while making the embassy an important focal point for Armenian Americans.

When Ambassador Shugarian arrived in Washington, Armenia did not really have an embassy per se, making do with cramped office space. But during his tenure, the Armenian mission in Washington moved to a beautiful facility in the embassy row area near Massachusetts Avenue. The physical presence of the embassy and its central location serves to symbolize Armenia's

arrival as one of the emerging nations of the post-Cold War world.

Yesterday, Wednesday, September 23, The Washington Post had an article on Ambassador Shugarian entitled ''A Reflection on Washington's Ways.'' The article says, ''The image of a nation that is coming back home,'' was the way the ambassador described to The Washington Post how he has sought to represent his country abroad. Again quoting from the article, it says, ''In a speech at a farewell reception at the Armenian embassy last Friday, Shugarian joked that in the first 2 years he and his staff learned what not to do in Washington, and in the next 5 years they learned about what to do.''

Mr. Speaker, it is no secret that Washington is considered the most prestigious and high-profile post for international diplomats. Ambassador Shugarian's appointment to this prestigious post at such a young age demonstrates the high regard he was held in by the leaders of the newly independent Armenian Republic. Indeed, his relative youth in some ways symbolized the energy and optimism of the newly born country that he represented. His success here shows how well deserved that reputation was.

Since becoming an independent country, Armenia has signed a wide range of agreements with the United States on trade and investment, on science and technology, on humanitarian issues, and the establishment of a Peace Corps program in Armenia. Ambassador Shugarian has played an important role in much of this progress, and his leadership will be sorely missed.

As The Washington Post article notes, Ambassador Shugarian recently had an opportunity to interact with his Turkish counterpart, Ambassador Baki Ilkin in the aftermath of last month's devastating earthquake in Turkey. Since Armenia came through a devastating earthquake in 1988, it has some experience with this type of natural disaster. Armenia offered to help its neighbor, despite their strained relations. Although the initial delivery of aid was rejected at the insistence of certain extreme nationalists in Turkey, eventually Armenian relief supplies did arrive in the stricken earthquake area.

A further hopeful sign was seen here last week when Turkish Ambassador Ilkin made an appearance at Ambassador Shugarian's farewell party. And that really was the first time in the annals of Washington diplomacy that the ambassadors of the two countries had met together formally.

Mr. Speaker, Ambassador Shugarian is in the process of completing a book on his recollections of his service in Washington, entitled On the Overgrown Path. And as he leaves Washington to return to Armenia, I want to wish Ambassador Shugarian, his wife Lilit Karapetian, and their two sons all the best. I hope we will have the opportunities to receive them as visitors in the country they called home for more than 6 years.

Mr. Speaker, I submit for the RECORD the article I referred to above.

[From the Washington Post, September 22, 1999]

DIPLOMATIC DISPATCHES—A REFLECTION ON WASHINGTON'S WAYS

(By Nora Boustany)

Seven years after arriving as Armenia's first ambassador to Washington, Rouben Robert Shugarian is moving on to greener pastures at the Foreign Ministry in Yerevan. The former university professor, specialized in American and English literature and philosophy, said that despite the maddening tempo of diplomatic life here, every day has been a revelation and a discovery.

''There is never a second chance to make a first impression,'' Shugarian noted stoically about his stiff learning curve in Washington. He is completing a book on some of his recollections here titled ''On the Overgrown Path,'' which looks at his homeland's independence since it broke away from the Soviet Union eight years ago tomorrow. It offers a conceptual look at U.S.-Armenian relations, touching on stereotypes and real perceptions of Armenia here and focusing on how best to represent Armenia abroad in its new incarnation.

''The image of a nation that is coming back home,'' was the way he described it. He said Armenia is a country that has suffered from extensive man-made and natural disasters, that is now trying to build its future differently. In a speech at a farewell reception at the Armenian embassy last Friday, Shugarian joked that in the first two years, he and his staff learned what not to do in Washington and the next five years they learned about what to do.

''This is a tough city. Any sign of exhausted creativity or ineffectiveness is not easily pardoned. This is an open society. Old career diplomacy tricks and buttoned up social graces don't get the job done,'' he said in an interview yesterday. ''This is a country where you have to be engaged in a sincere dialogue to reach your objectives.'' A country that had no diplomatic representation, Armenia now has 15 students at Tufts' Fletcher School of Law and Diplomacy who Shugarian hopes will benefit from his impressions. The book will not be a memoir as such because he will not be able to share some secrets until some time has elapsed. His most exhilarating moments in Washington came in 1993 when he celebrated Armenia's second anniversary of independence at Meridian International House.

''We did not have an embassy at the time. One felt the country becoming a reality, however, and that we were really going back home,'' he reminisced.

He said his first extended exposure to Turkey's ambassador, Baki Ilkin, was in the aftermath of the devastating earthquake Aug. 17 that killed more than 15,000 people. Armenia arranged to send a plane with seismologists, doctors, generators, blankets and medicine to the stricken areas. ''We went through a terrible earthquake 11 years ago in which 25,000 people were killed. It was a purely moral step, not a political one and we do not expect anything in return. We went through something like that and we know what it is like,'' the ambassador said.

Although Turkey and Armenia do not have embassies in one another's capitals, Ilkin made a 20-minute appearance at Shugarian's farewell reception, a first in the annals of Washington diplomacy. ''This is such a wonderful country where there is so much to see, to learn and to understand,'' Shugarian said in summing up his time here. ''The most striking thing about life here is the freedom that exists, the freedom that gives you an opportunity.''

AMERICANS DESERVE A BREAK WHEN IT COMES TO TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, the typical American family pays 38 percent of its income in taxes, more than it spends on food, clothing and shelter combined. We are taxed when we save for school, taxed when we get married, even taxed when we die. Mr. Speaker, it is about time the American family got a break. That is why this Congress passed comprehensive tax relief that includes the most meaningful tax relief passed in a generation.

The strongest evidence of all that Americans are paying too much is the size of the budget surplus. Conservatively projected at $2.9 trillion over the next 10 years, this surplus was earned by taxpayers. They are the ones who deserve to reap the benefits of their labors. The Republican tax relief package returned only a portion of that money to taxpayers, despite all that spin from this floor and the administration to the contrary.

Specifically, Mr. Speaker, our proposal returns 27 cents on each dollar of surplus over the next decade. The remainder we locked away to be used for protecting Social Security, strengthening Medicare, and paying off the national debt. Our tax relief package benefits all Americans, married couples, senior citizens, working families, the self-employed, public schools, and distressed neighborhoods.

We provide tax relief for married couples. One of the most unfair provisions in our present Tax Code requires married couples to pay more in taxes simply because they are married. Our plan eases this unfair penalty to the benefit of 42 million taxpayers.

We provide tax relief for education. Our plan helps parents and students facing educational expenses by raising the ceiling on education savings accounts and permitting their use for K through 12 costs, and changing bond rules to assist local school construction issues.

We provide tax relief for retirement. Our plan helps American workers gain access to a pension plan and enjoy greater retirement security by increasing limits to 401(k) plans and other retirement options, increasing portability of pensions, and simplifying pension rules.

We provide tax relief for medical expenses. Our plan makes health care and

long-term care more affordable and accessible for all Americans. It allows a 100 percent deduction for health insurance premiums and long-term care insurance premiums, and provides an additional personal exemption for financial hardships associated with caring for elderly family members at home.

We provide tax relief for survivors. Our plan gradually eliminates the hated death tax, the Federal estate tax, a monstrous tax bite that has shut down far too many family farms, ranches and small businesses. And we provide tax relief to create jobs and growth.

Finally, our plan also promotes investment, risk-taking, and job creation. We provide pro-growth incentives to help attract business and create jobs in at-risk communities, and stimulate growth and investment by providing capital gains tax relief.

Let us compare the Republican plan with the Democrat alternative, which would have raised taxes by $4 billion. That plan was defeated by this House 173 to 258. The minority leadership apparently does not believe American taxpayers deserve to get back at least some of their hard-earned dollars, nor apparently does the present Clinton-Gore administration.

The President has vetoed the tax bill. He is not committed to cutting taxes, saving Social Security, strengthening Medicare and paying off the public debt. If he were, he would realize that our plan devotes $2 of every $3 to the tax surplus specifically for those purposes.

Finally, Mr. Speaker, our logic is clear and simple. If we fail to give a portion of the budget surplus back to where it belongs, to the hard-working American taxpayers, Washington will spend every dime of it and more. Everybody knows it. That is the way this town operates. Always has been, always will be.

On the other hand, I am always happy to cast my vote for putting more money in the hands of the people who earned it, the American taxpayer, not in the hands of Washington big spenders.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WU (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, September 28.

Mr. EHRLICH, for 5 minutes, today.

ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, September 27, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4437. A letter from the Federal Register Liaison Officer, Regulations & Legislation Division, OTS, Department of the Treasury, transmitting the Department's final rule—Management Official Interlocks [Docket No. 99–36] (RIN: 1550–AB07) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4438. A letter from the Under Secretary Rural Development, Department of Agriculture, transmitting the Department's final rule—Manufactured Housing Thermal Requirements (RIN: 0575–AC11) received August 31, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4439. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Drug Elimination Program Formula Allocation [Docket No. FR–4451–F–04] (RIN: 2577–AB95) received September 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4440. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Conversion of Insured Credit Unions to Mutual Savings Banks—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4441. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received August 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4442. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

4443. A letter from the Secretary, Department of Education, transmitting Final Regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4444. A letter from the Secretary, Health and Human Services, transmitting a consolidated report on the Community Food and Nutrition Program for Fiscal Years 1996 and 1997; to the Committee on Education and the Workforce.

4445. A letter from the Secretary, Department of Health and Human Services, transmitting the report The National Breast and Cervical Cancer Early Detection Program, 1996, pursuant to Public Law 101–354, section 2 (104 Stat. 415); to the Committee on Commerce.

4446. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—DOE Authorized Subcontract for Use by DOE Management and Operating Contractors with New Independent States' Scientific Institutes through the International Science and Technology Center—received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4447. A letter from the Assistant General Counsel for Regulatory Law, Assistant Secretary for Environment, Safety & Health, Department of Energy, transmitting the Department's final rule—Air Monitoring Guide [DOE G 441.1–8] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4448. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Sealed Radioactive Source Accountability and Control Guide [DOE G 441.1.13] received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4449. A letter from the Special Assistant to Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses [MM Docket No. 97–234] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4450. A letter from the Deputy Division Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96–262] Price Cap Performance Review for Local Exchange Carriers [CC Docket No. 94–1] Interexchange Carrier Purchases of Switched Access Services Offered by Competitive Local Exchange Carriers [CCB/CPD File No. 98–63] Petition of US West Communications, Inc. for Forebearance from Regulation as a Dominant Carrier in the Phoenix, Arizona MSA [CC Docket No. 98–157] received August 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4451. A letter from the Supervisory Attorney/Advisor, Common Carrier Bureau Accounting Safeguards Division, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review— Review of Accounting and Cost Allocation Requirements [CC Docket No. 98–81, FCC 99–106] August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4452. A letter from the Chairman, Federal Communications Commission, transmitting

the Federal Communications Commission's ''Fourth Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services''; to the Committee on Commerce.

4453. A letter from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices [ET Docket No. 98–42] received August 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4454. A letter from the Administrator, General Services Administration, transmitting the annual report of personal property furnished to non-Federal recipients for fiscal years 1995 through 1997, pursuant to 40 U.S.C. 483(e); to the Committee on Government Reform.

4455. A letter from the Deputy Archivist of the United States, Information Security Oversight Office, National Archives & Records Administration, transmitting the Administration's final rule—Information Security Oversight Office [Directive No.1; Appendix A] (RIN: 3095–AA92) received September 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4456. A letter from the Director, Office of the Secretary of Defense, Office of the Secretary of the Army, transmitting a report of vacancy; to the Committee on Government Reform.

4457. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 1998, through March 31, 1999, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4458. A letter from the Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Late Season (RIN: 1018–AF24) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4459. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program [SPATS No. TX–041–FOR] received August 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4460. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's ''Major'' final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018–AF24) received September 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4461. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Arkansas Abandoned Mine Land Reclamation Plan [SPATS No. AR–029–FOR] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4462. A letter from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Magnuson-STEVENS Fishery Conservation and Management Act; Amendment of Foreign Fishing Regulations; OMB Control Numbers [Docket No. 981228324–9168–02; I.D. 121697A] (RIN: 0648–AJ70) received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4463. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species Fisheries; Bluefin Tuna Quota Adjustments [I.D. 080999K] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4464. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species [I.D. 052499C] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4465. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 090999A] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4466. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 082399A] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4467. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species; Commercial Fishery Closure Change [I.D. 052499C] received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4468. A letter from the Deputy Assistant Administrator, Drug Enforcement Administration, transmitting the Administration's final rule—Special Surveillance List of Chemicals, Products, Materials and Equipment Used in Clandestine Production of Controlled Substances or Listed Chemicals [DEA–172N] received June 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4469. A letter from the Chief Justice, Supreme Court, transmitting a notice that the Supreme Court will open the October 1999 Term on October 4, 1999 and will continue until all matters before the Court, ready for argument, have been disposed of or declined; to the Committee on the Judiciary.

4470. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Amendment to Section 5333(b) Guidelines To Carry Out New Programs Authorized by the Transportation Equity Act for the 21st Century (TEA 21) (RIN: 1215–AB25)—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4471. A letter from the Secretary of Transportation, transmitting the Demonstration Project Final Report on The Chittenden County Circumferential Highway; to the Committee on Transportation and Infrastructure.

4472. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to the NASA FAR Supplement on Brand Name or Equal Procedures—received September 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

4473. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Placer Mining Industry—received August 24, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4474. A letter from the Deputy Executive Secretary to the Department, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Graduate Medical Education (GME): Incentive Payments under Plans for Voluntary Reduction in the Number of Residents [HCFA–1001–IFC] (RIN: 0938–AI27) received September 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means 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. GOODLING: Committee on Education and the Workforce. H.R. 1102. A bill to provide for pension reform, and for other purposes; with an amendment (Rept. 106–331, Pt. 1). Ordered to be printed.

Mr. CANADY: Committee on the Judiciary. H.R. 2436. A bill to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes; with an amendment (Rept. 106–332, Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2679. A bill to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes (Rept. 106–333). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. House Concurrent Resolution 187. Resolution expressing the sense of Congress regarding the European Council noise rule affecting hushkitted and reengined aircraft (Rept. 106–334 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2436. Referral to the Committee on Armed Services extended for a period ending not later than September 29, 1999.

House Concurrent Resolution 187. Referral to the Committee on International Relations extended for a period ending not later than October 8, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KOLBE:

H.R. 2941. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; to the Committee on Resources.

By Mr. SMITH of Michigan (for himself, Ms. BALDWIN, and Mr. PICKERING):

H.R. 2942. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. BISHOP (for himself and Mr. KENNEDY of Rhode Island):

H.R. 2943. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care; to the Committee on Education and the Workforce.

By Mr. BARTON of Texas:

H.R. 2944. A bill to promote competition in electricity markets and to provide consumers with a reliable source of electricity, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Resources, and Ways and Means, 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. DEAL of Georgia (for himself and Mr. STRICKLAND):

H.R. 2945. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. GEKAS:

H.R. 2946. A bill to amend title 5, United States Code, to authorize the Merit Systems Protection Board to conduct an alternative dispute resolution pilot program to assist Federal Government agencies in resolving serious workplace disputes, and to establish an administrative judge pay schedule for administrative judges employed by the Merit Systems Protection Board; to the Committee on Government Reform.

By Mr. INSLEE (for himself, Mr. BARTLETT of Maryland, Mr. EHLERS, Mr. BAIRD, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. COOK, Mr. DEFAZIO, Mr. DICKS, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FROST, Mr. GILMAN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. LEACH, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. METCALF, Ms. MILLENDER-MCDONALD, Ms. PELOSI, Mr. STRICKLAND, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UNDERWOOD, and Mr. VENTO):

H.R. 2947. A bill to amend the Federal Power Act to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Commerce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. CARDIN):

H.R. 2948. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 2949. A bill to amend the Individuals with Disabilities Education Act relating to the minimum amount of State grants for any fiscal year under that Act; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon:

H.R. 2950. A bill to provide for the exchange of certain land in the State of Oregon; to the Committee on Resources.

By Mr. ROHRABACHER (for himself and Mr. LIPINSKI):

H. Res. 304. A resolution expressing the sense of the House of Representatives concerning the war crimes committed by the Japanese during World War II; to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

231. The SPEAKER presented a memorial of the Legislature of the State of Wisconsin, relative to the Enrolled Joint Resolution memorializing the Congress of the United States to enact legislation that would specify that no portion of the money received by the states as part of the tobacco settlement or of any other resolution of the tobacco litigation may be withheld, offset or claimed by the federal government; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. JONES of North Carolina, Mr. HULSHOF, and Mr. SANDLIN.

H.R. 41: Mr. PETERSON of Minnesota.

H.R. 53: Mr. KOLBE and Mr. SANDLIN.

H.R. 65: Mrs. CAPPS and Mr. PETERSON of Minnesota.

H.R. 72: Mr. TALENT.

H.R. 202: Ms. SCHAKOWSKY.

H.R. 303: Mr. SESSIONS, Mr. HOLT, Mrs. NORTHUP, and Mr. GOODLING.

H.R. 354: Mr. MOAKLEY and Mr. SALMON.

H.R. 382: Mr. MATSUI, Mrs. THURMAN, Ms. MILLENDER-MCDONALD, Mr. LIPINSKI, Ms. BROWN of Florida, Ms. DELAURO, and Mr. THOMPSON of California.

H.R. 460: Mrs. CAPPS.

H.R. 534: Mr. PRICE of North Carolina and Mr. BARTON of Texas.

H.R. 595: Mr. MARTINEZ and Mr. LEWIS of Georgia.

H.R. 637: Mr. ROGERS.

H.R. 664: Ms. KAPTUR, Mr. BAIRD, and Mr. GUTIERREZ.

H.R. 710: Mr. PICKETT.

H.R. 783: Mr. ISAKSON and Mr. PETERSON of Minnesota.

H.R. 784: Mr. GOODLING.

H.R. 802: Mr. MORAN of Virginia, Mr. HOYER, Mr. FORD, Mr. DOOLEY of California, Mr. STUPAK, and Ms. MCCARTHY of Missouri.

H.R. 864: Mr. YOUNG of Alaska and Mr. HOSTETTLER.

H.R. 865: Mr. CUNNINGHAM and Mr. SAM JOHNSON of Texas.

H.R. 946: Mr. LANTOS.

H.R. 1168: Mr. BOSWELL, Mr. RADANOVICH, and Ms. DANNER.

H.R. 1194: Mr. MCGOVERN amd Mr. CARDIN.

H.R. 1221: Mr. ISAKSON.

H.R. 1234: Ms. PRYCE of Ohio and Mr. STUMP.

H.R. 1300: Ms. BERKLEY, Mr. HYDE, Mr. OSE, Mr. WHITFIELD, Mr. SESSIONS, Ms. BROWN of Florida, and Mr. HOBSON.

H.R. 1336: Mr. DUNCAN.

H.R. 1531: Mr. GONZALEZ.

H.R. 1621: Mr. PETERSON of Minnesota.

H.R. 1660: Mr. UNDERWOOD and Mr. MOLLOHAN.

H.R. 1708: Mr. ENGLISH and Ms. ESHOO.

H.R. 1746: Mrs. CUBIN and Mr. REGULA.

H.R. 1776: Mr. SHAYS.

H.R. 1785: Mr. CLYBURN, Mr. HALL of Ohio, Mr. WEYGAND, Ms. STABENOW, and Mr. BORSKI.

H.R. 1899: Mr. SWEENEY, Ms. WOOLSEY, and Mr. BERMAN.

H.R. 2053: Mr. MCNULTY, Mr. RODRIGUEZ, Mr. TOWNS, Mr. FORBES, and Mrs. MCCARTHY of New York.

H.R. 2162: Ms. CARSON and Mr. HALL of Texas.

H.R. 2228: Mr. ABERCROMBIE.

H.R. 2240: Mr. SAWYER.

H.R. 2363: Mr. PICKERING, Mr. DICKEY, Mr. BOYD, Mr. MCINTOSH, Mr. BURTON of Indiana, and Mr. HINOJOSA.

H.R. 2389: Mrs. CLAYTON and Mr. SMITH of Michigan.

H.R. 2420: Mr. FORD.

H.R. 2433: Mr. SANDLIN and Ms. KILPATRICK.

H.R. 2436: Mr. HALL of Texas, Mr. KNOLLENBERG, Mr. DEAL of Georgia, Mr. COLLINS, Mr. BEREUTER, Mr. COOK, Mr. HULSHOF, Mr. HASTINGS of Washington, Mr. CHAMBLISS, Mr. SHADEGG, Mr. MICA, Mr. HANSEN, and Mr. BARTLETT of Maryland.

H.R. 2441: Mr. SAM JOHNSON of Texas and Mr. COBURN.

H.R. 2492: Ms. SLAUGHTER and Mrs. MALONEY of New York.

H.R. 2500: Mrs. MALONEY of New York.

H.R. 2543: Mr. SHAW, Mr. DUNCAN, Mr. PETERSON of Pennsylvania, and Mr. BALLENGER.

H.R. 2741: Mrs. MORELLA.

H.R. 2801: Mr. BALDACCI.

H.R. 2819: Mr. COSTELLO, Mr. HINCHEY, Mr. GILMAN, Mr. CAPUANO, and Mrs. NAPOLITANO.

H.J. Res. 48: Mrs. TAUSCHER, Mr. LEWIS of California, Mr. STARK, Ms. ESHOO, Mr. PASTOR, Mr. BAIRD, Mrs. CLAYTON, Mr. ETHERIDGE, Mr. HILL of Indiana, and Mr. GOODLING.

H.J. Res. 53: Mr. BILBRAY and Mrs. WILSON.

H.J. Res. 65: Mr. BASS and Mr. UDALL of New Mexico.

H.J. Res. 66: Mr. BACHUS, Mr. JOHN, Mr. STEARNS, Mrs. EMERSON, Mr. PITTS, Mr. SMITH of New Jersey, Mr. ROGAN, Mr. TIAHRT, Mr. HILL of Montana, Mr. BLUNT, Mr. DICKEY, Mr. BRADY of Texas, Mr. RAHALL, Mr. BARRETT of Nebraska, Mr. ROGERS, Mr. BISHOP, Mr. WAMP, Mr. POMBO, Mr. RILEY, Mr. WICKER, Mr. TRAFICANT, Mr. DOOLITTLE, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. BARR of Georgia, Mr. BEREUTER, Mr. BLILEY, Mr. HALL of Texas, Mr. PETERSON of Pennsylvania, Mr. HAYWORTH, Mr. BARCIA, Mr. NORWOOD, Mr. HULSHOF, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. COBURN, Mr. RADANOVICH, Mr. GARY MILLER of California, Mr. WELDON of Florida, Mr. TAYLOR of North Carolina, Mr. BARTLETT of Maryland, Mr. HILLEARY, Mr. CUNNINGHAM, Mr. TANCREDO, Mr. COOKSEY, Mr. GOODE, Mr. ARMEY, Mr. CONDIT, Mr. ROHRABACHER, Mr. LEWIS of Kentucky, Mr. HOEKSTRA, Mr. NEY, Mr. SHOWS, Mr. HERGER, Mr. CAMPBELL, Mr. YOUNG of Alaska, Mr. WATTS of Oklahoma, Mr. HUTCHINSON, Mr. GOODLATTE, Mr. HEFLEY, Mr. ADERHOLT, Mr. MCCRERY, Mr. KASICH, Mr. LUCAS of Oklahoma, Mr. BALLENGER, and Mr. LINDER.

H. Con. Res. 186: Mr. COX, Mr. HOSTETTLER, and Mr. RILEY.

H. Res. 292: Mr. RADANOVICH.

H. Res. 297: Mr. HOYER, Mr. BARTLETT of Maryland, Mr. GILLMOR, Mr. CHABOT, AND MS. DANNER.

H. Res. 302: Mr. SCHAFFER, Mr. DOOLITTLE, Mr. LUCAS of Kentucky, Mr. GREEN of Wisconsin, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. TANCREDO, Mr. COBURN, Mr. JONES of North Carolina, Mr. DEMINT, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. COBLE, Mr. VITTER, and Mr. RADANOVICH.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2579: Mr. INSLEE.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

50. The SPEAKER presented a petition of The National Conference Of Lieutenant Governors, relative to a Resolution petitioning the Federal Government to keep its promise to meet its responsibility and to fund special education; to the Committee on Education and the Workforce.

51. Also, a petition of National Conference Of Lieutenant Governors, relative to a Resolution petitioning Congress to amend the Internal Revenue Code to increase the annual state ceiling on tax-exempt Private Activity BONDS and to index the ceiling to inflation; to the Committee on Ways and Means.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. RANGEL on House Resolution 240: Mr. Robert E. Wise, Jr., Mr. Tom Lantos, James A. Barcia, and Jay Inslee.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 16: Page 6, strike lines 6 through 10 and insert the following:

''(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are members of one of the priority populations and the number of trained researchers who are addressing the priority populations.

H.R. 2506

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 17: 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 and socioeconomic factors in priority populations.

SENATE—*Friday, September 24, 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, Dr. Mark Dever, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. Mark Dever, offered the following prayer:

Great, all-powerful God, we come to You this morning in acknowledgment of Your greatness. We know something of Your power, that You have no need of us, that You are in no way dependent on our actions, that Your existence awaits no vote of this Chamber nor even our own personal assent.

We praise You that, being the One You are, out of Your love, You have made us in Your image.

We pray that You would today help this body in its deliberations. You know, Lord, the needs of the day, and You have promised Your daily provisions to those who truly call on You.

We ask that You would give a measure of Your wisdom to those gathered here today. Help them to pass laws that ennoble rather than enervate people. Give them wisdom to speak today with the liberty of knowing that they are about purposes that are not only great but are also good.

For those who are weary in well-doing and discouraged, finding only emptiness amid all the success which the world tells them they have, show them Yourself.

Thank You for the freedom of speech which we enjoy in this land. Help these Senators today to use that freedom, realizing what a privilege it is, for our good and for Your glory. In Christ's name we ask it. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Missouri is recognized.

SCHEDULE

Mr. BOND. Mr. President, on behalf of the leader, prior to beginning the time, I would like to announce that this morning the Senate will resume consideration of the VA–HUD appropriations bill and the pending Wellstone amendment regarding atomic veterans. Following the 2 minutes for closing remarks, the Senate will proceed to a vote on or in relation to the Wellstone amendment. Senators can therefore expect the first rollcall vote this morning in just a couple of minutes. Following that vote, Senator KERRY of Massachusetts will be recognized to offer an amendment regarding section 8.

There are further amendments on the list that must be disposed of prior to the vote on final passage. However, we hope the Senate will complete action on the VA–HUD bill today at a reasonable time. Therefore, Senators can expect votes throughout the morning.

I thank my colleagues for their attention. I yield the floor.

RESERVATION OF LEADER TIME

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

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2684, which the clerk will report.

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.

Pending:

Wellstone amendment No. 1789, to express the sense of the Senate that lung cancer, colon cancer, and brain and central nervous system cancer should be presumed to be service-connected disabilities as radiogenic diseases.

AMENDMENT NO. 1789

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate prior to the vote on amendment No. 1789.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this amendment is to express the sense of the Senate—that is all we are doing—that lung cancer, colon cancer, and brain and central nervous system cancer should be presumed to be service-connected disabilities as radiogenic diseases.

Colleagues, I am talking about Nagasaki and Hiroshima, atomic veterans who were in Nevada and Utah. They went to ground zero. Our government never told them they were in harm's way, never gave them any protective gear. It is just unbelievable, the incidents of cancer, and all I am saying is that we just right an injustice. We should make sure they get the health care they deserve; they should get the compensation they deserve. We do this presumption for Agent Orange and Vietnam vets. We should. We do it for Persian Gulf veterans. We should. We ought to do it for these atomic veterans. They have been waiting a half century. I understand the Department of Veterans Affairs is opposed to the Senate going on record with a sense-of-the-Senate amendment.

Let me just say that Ken Kizer, former Under Secretary of Health for the Department of Veterans Affairs, wrote that this is a mistake and that given our position on gulf war veterans and Agent Orange veterans, it is a matter of equity and fairness.

Please vote for this, colleagues. It is absolutely the right thing to do. These veterans have been waiting for justice for a half century.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I know the Senator from Minnesota has been a devoted advocate for veterans who have been exposed to atomic radiation. I commend him for his advocacy. He has for 3 years pursued attaching legislation to this bill. However, the legislation is properly under the VA subcommittee's jurisdiction. The VA has opposed amending this law because, No. 1, it would cost over $500 million in additional entitlement payments over 5 years. The VA has the authority and the responsibility to make the medical judgments as to whether these are, in fact, service-connected disabilities, and I suggest that this body does not have before it the medical evidence or the scientific proof needed to make that kind of judgment. We commend the Senator for being interested and concerned about these veterans, but we are not in a position to make the medical judgment.

I yield the floor.

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

Mr. WELLSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1789. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRAIG. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 76, nays 18, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—76

Abraham	Durbin	Lincoln
Akaka	Edwards	Lugar
Ashcroft	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Fitzgerald	Murray
Bennett	Frist	Reed
Biden	Graham	Reid
Bingaman	Grams	Robb
Boxer	Grassley	Roberts
Breaux	Hagel	Roth
Brownback	Harkin	Santorum
Bryan	Hatch	Sarbanes
Bunning	Hollings	Schumer
Burns	Hutchinson	Sessions
Byrd	Hutchison	Smith (NH)
Cleland	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thompson
Crapo	Kohl	Torricelli
Daschle	Landrieu	Warner
DeWine	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Domenici	Levin	
Dorgan	Lieberman	

NAYS—18

Allard	Gorton	McConnell
Bond	Gramm	Murkowski
Campbell	Gregg	Shelby
Chafee	Helms	Thomas
Cochran	Kyl	Thurmond
Enzi	Lott	Voinovich

NOT VOTING—6

Inhofe	Mack	Nickles
Inouye	McCain	Rockefeller

The amendment (No. 1789) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I will be proceeding momentarily on two amendments, one of which will be accepted, and one of which, it is my understanding, we still want to have a discussion about to see how we can proceed.

Before we do that, last evening, the chairman and the ranking member graciously agreed to include in the legislation an amendment with respect to the Montreal Protocol. Senator CHAFEE and I, the original cosponsors, along with Senator BROWNBACK and others, were not able to be here at that time. We wanted to take a very quick moment on that amendment, if we could. We promise not to tax our colleagues' patience. We want to say a few words about this because of its importance. We are very grateful to Senator BOND and Senator MIKULSKI for working with us to accept this amendment.

I am very grateful to Senator CHAFEE for his long commitment and labor in this area. He is chairman of the Environment and Public Works Committee, and he is one of the architects of the very successful Montreal Protocol.

I also want to thank our colleagues, Senators BROWNBACK, SNOWE, LIEBERMAN, LEAHY, MOYNIHAN, KENNEDY, BINGAMAN, JEFFORDS, DASCHLE, ROTH, BOXER, and GRAMS, who are cosponsoring this amendment.

Let me say very quickly where we are with respect to this.

The Montreal Protocol is the landmark international agreement to halt and eventually reverse the growing hole in the Earth's ozone layer. It is extremely important as an agreement in the context of international efforts for the environment as well as for public health. The destruction of the ozone layer and the resultant increase in ultraviolet radiation has been clearly scientifically linked to higher instances of skin cancer, premature aging, and other skin problems; to cataracts and other eye damage; and the suppression of the human immune system.

The American Cancer Society reports melanoma, the most serious form of skin cancer, is expected to be diagnosed in 44,200 people in 1999. It is one of the fastest growing cancers in the United States—growing 4 percent per year since the early 1970's. And, according to the EPA, one in five Americans will develop skin cancer in their life time—and that amounts to one American dying every hour from this disease.

According to a scientific assessment called the Environmental Effects of Ozone Depletion and published in 1998 by the United Nations, exposure to increased UV radiation can be highly destructive to the human eye. The assessment concludes that, ''The increases of UV-B radiation associated with ozone depletion are likely to lead to increases in the incidence and/or severity of a variety of short-term and long-term health effects.'' The effects, according to the report, will include cataracts, blindness from cataracts, ocular melanoma and other eye cancers, and death associated with cancers of the eye. Cataracts are the leading cause of blindness in the world, and in 1992 alone, the United States spent $3.1 billion treating cataracts.

It is because of this danger to human health that American Academy of Dermatology and the Physicians for Social Responsibility are supporting this amendment.

In addition to these health impacts, increased exposure to UV radiation can degrade terrestrial and aquatic species, including commercial crops. The damage caused to ecosystems can vary widely depending on the species in question—and we're learning more about how UV radiation can subtly—and not so subtly—damage a species. For example, it is becoming increasingly evident that UV-B and UV-A radiation have adverse effects on photoplankton, macroalgae and seagrasses. Now, I know it's not every day that we talk about photoplankton, macroalgae and seagrass, but if you care about fisheries and the well-being of our oceans, then to you these things matter. They are the building blocks of the marine ecosystem, the matter of the web of life and if they're not healthy, then our ocean and fisheries will not be healthy.

The multilateral fund, which is the specific program that our amendment supports, is the policy mechanism within the Montreal Protocol to reduce the emissions of ozone-depleting substances from developing countries.

I want to emphasize this. It happens by chance that the Chair at this moment is deeply involved in the issue of Kyoto and global warming. This is not global warming. But it does reflect the same principle of getting less developed countries to participate in the effort to be responsible about environmental damage.

The Montreal Protocol specifically brought developing countries into the process through the efforts of the multilateral fund.

The United States and other nations leading the effort to protect the ozone layer have long understood that emissions from developing countries which were not included in the last round of cuts because of their relatively low emission levels and their relative inability to act in the long run would be equally as destructive to the ozone layer as the emissions from the United States.

So to address the problem in 1990 we passed this effort, and we are now restoring $12 million to the funding within EPA's budget in order to support the Montreal Protocol.

To address this problem, the United States negotiated in 1990 the Multilateral Fund to provide technical and financial assistance to developing nations to undertake projects to reduce their emissions. It has been extraordinarily successful.

Mr. President, let me say now what this amendment would do—it's very simple. It restores $12 million in funding within EPA's budget to support the Montreal Protocol's Multilateral Fund.

Unfortunately, the VA–HUD bill now provides no funds for the EPA to participate in the Multilateral Fund—despite President Clinton's request of $21 million.

To fund this $12 million increase in the Multilateral Fund, the amendment makes an across-the-board cut to other accounts in the EPA's budget. I have sought this offset reluctantly. I strongly believe that Congress is making a mistake by cutting our national investment in environmental protection and natural resource conservation year after year. If it were my decision alone, this Senate would not have capped natural resource spending at $2.4 billion below last year's budget and $3.1 billion below the President's request. I opposed these low caps precisely because they jeopardize important federal programs Multilateral Fund. And, I want to stress that I commend Chairman BOND and Ranking Member MIKULSKI for the work they done to craft the VA–HUD Appropriations bill—under what I believe are more demanding constraints than any other appropriations committee.

Nonetheless, I strongly believe that we should fund this program, and I want to stress that it is only because of critical importance of the Multilateral Fund that I accept this shifting of funds within the EPA accounts.

Mr. President, I have asked my colleagues to support this amendment for the following reasons.

First and foremost, the Montreal Protocol is a success. In 1998, NASA, NOAA and other scientific bodies coauthored a report called the Scientific Assessment of Ozone Depletion. The assessment concluded—and it could not have been more direct or more succinct—that ''The Montreal Protocol is working.''

Too often we come to this floor to debate the failure of international agreements, whether they're about the environment, trade or peace—but not today. The Montreal Protocol, with the participation of over 162 nations, is working.

To support this claim, NASA and NOAA cited two compelling observations that clearly demonstrate the effectiveness of the Protocol:

Firstly, the abundance of ozone depleting chemicals in the lower atmosphere peaked in 1994 and is now slowly declining. Thanks to the Protocol we have turned the corner and we are now reducing the accumulation of these destructive substances in the atmosphere.

Secondly, the abundance of substitutes for ozone depleting chemicals in the atmosphere is rising. The abundance of chemicals that have been created to replace CFCs and other ozone depleting chemicals are on the rise in the atmosphere. These chemicals are providing us the same services we require, but not destroy the ozone.

This isn't to say that a danger doesn't still exist. One does—and that's the point of this amendment. The fact is that the ozone hole over the Antarctic was the largest it has ever been in 1998. While we have turned the corner, we must stat vigilant, follow through and get the job done.

Mr. President, I want to make an important point: In their report, NASA and NOAA concluded that the success of the Protocol would not have been possible without the strengthening amendments of 1990 that created the Multilateral Fund. The report reads ''It is important to note that, while the provisions of the original Montreal Protocol in 1987 would have lowered the [growth rates in ozone depletion], recovery would have been impossible without the Amendments and Adjustments.''—and it specifically includes the 1990 amendments creating the Multilateral Fund.

Second, the Multilateral Fund itself is working. Since its inception in 1990, 32 industrialized nations have contributed $847 million to the Multilateral Fund. These funds have sponsored more than 2,700 projects in 110 nations, whose implementation will phase out the consumption of 119,000 tonnes of ozone depleting substances.

These projects for technical and financial in developing countries are selected by an Executive Committee, which the U.S. chairs. In fact, it is the EPA that takes the lead in the U.S. role as chair of the Executive Committee. The Agency provides technical expertise and experience that has been crucial to the Multilateral Fund's success.

And the program has been well-run. In 1997, the GAO reviewed the Multilateral Fund's performance and concluded that it was well managed and fiscally sound. GAO reported that the Executive Committee reviews projects for their cost effectiveness and rejects projects that fail to meet cost standards. Further, the GAO concluded that the administrative costs of operating the Fund were appropriate. In fact, the GAO made a single recommendation to improve the program's fiscal operation relating to use of promissary notes—which the Clinton Administration has since instituted at the EPA.

Third, the Multilateral Fund has strong business support. I have a letter from the Alliance for Responsible Atmospheric Policy urging Congress to fund the U.S. treaty obligations. This letter demonstrates America's leadership in the development, manufacture and marketing of ozone-safe products. Alliance members include General Electric, Ford Motor Co., General Motors Co., Whirlpool, Johnson Controls, AlliedSignal and dozens of the others. These are some of leading names in American business.

In their statement, the Alliance writes that they support the fund for very simple reasons:

Firstly, the Multilateral Fund was part of the deal when the Montreal Protocol was negotiated in the late 1980s. They argue that American industry has been supportive because a fund to assist developing nations assured world wide compliance.

Secondly, U.S. industry has invested billions of dollars in ozone-safe technologies and the Multilateral fund will facilitate the world wide use of these technologies, creating markets for U.S. companies and reducing pollution. These companies know that we are creating jobs and profits by exporting American-made, ozone-safe technologies. According to EPA, the overwhelming majority of ozone-safe products utilized in the Fund's projects are American.

Thirdly, these more than 100 companies recognize that the phase out of ozone depleting chemicals in developing nations is the final step in protecting the atmosphere.

In a statement to Congress, the Alliance writes,

> The international effort to protect the Earth's stratospheric ozone layer has been one of the most successful global environmental protection efforts ever, with an unprecedented level of cooperation between and among governments and industry. To not fulfill our treaty obligations at this time is bad environmental policy, hurts U.S. credibility around the world, especially in important developing country emerging markets, and is self-destructive toward U.S. industry and workers who have, in effect, already paid for this contribution.

I ask unanimous consent that the statement of the Alliance for Responsible Atmospheric Policy, and a list of its member companies be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. KERRY. Mr. President, I want to discuss how it is that we decided to seek $12 million. This year the U.S. commitment to the Multilateral Fund is $38 million. The Senate has approved roughly $26 million in the International Operations Programs at the State Department. By restoring $12 million into the EPA program, this amendment will allow us to fulfill the U.S. commitment of $38 million. Further, we have funded the EPA program for the Multilateral Fund at $12 million in FY96, FY97 and FY98, and at nearly $12 million in FY99. Therefore, by providing $12 million we will meet our 1999 obligation and essentially level fund this program.

I want my colleagues to know that even if this amendment is accepted, it will do nothing to pay down the U.S. arrears to the Multilateral Fund—which is now at $23.8 million. Mr. President, that is unfortunate. I wish that we could do better—and I applaud President Clinton for requesting enough to pay our debt to the Fund—

and urge my colleagues to support this amendment so that, at the very least, we can meet our obligations for this year.

In closing, I want to stress the bipartisan nature of this effort, and not just this amendment. The Montreal Protocol was finalized in 1987 by the Reagan administration, and it passed the Senate by a vote of 93–0. The Multilateral Fund was created in 1990 by the Bush administration. Under the Clinton administration, with the EPA and the State Department's stewardship, the Protocol has been strengthened and the Multilateral Fund operated effectively and efficiently. And today, our amendment is sponsored by 9 Democrats and 6 Republicans.

The Montreal Protocol's Multilateral Fund deserves our nation's full support. I believe the offset we have chosen is reasonable and fair. I thank my colleagues who have sponsored this amendment, and want to thank again Senator BOND and Senator MIKULSKI for accepting the amendment.

EXHIBIT 1—THE ALLIANCE FOR RESPONSIBLE ATMOSPHERIC POLICY

SUPPORT FUNDING FOR THE STRATOSPHERIC OZONE MULTILATERAL FUND IN EPA FY 2000 APPROPRIATION

The Alliance for Responsible Atmospheric Policy, the largest industry coalition involved on the issue of stratospheric ozone protection, urges the continued funding of the US treaty obligations to the Stratospheric Ozone Protection Multilateral Fund.

The Administration budget request for FY 2000 is $21 million in the EPA budget. This amount, plus funding under the State Department budget would allow the US to meet its year 2000 treaty obligations and to allow it to make up its arrears to the fund. FY 99 funding for this activity in the EPA budget was approximately $12 million.

Industry supports this fund for several simple reasons. First, the fund to assist developing countries in the phase out of ozone depleting substances was part of the original bargain when the Montreal Protocol was negotiated in the late 1980s. Industry has been supportive of this treaty because it assured world wide compliance rather than damaging unilateral action.

Second, the developing country phase out of these compounds is the last critical step towards restoring the Earth's protective stratospheric ozone layer, without developing country phaseout the environmental objective cannot be completed.

Third, US industry has invested billions of dollars in substitute technologies to replace the ozone depleting compounds. The Multilateral Fund is designed to facilitate the shift to these new technologies. If the US does not meet its treaty obligations, it puts US industries at a disadvantage against competitors from Japan and Europe.

Fourth, US industry has been taxed more than $6 billion in excise taxes since 1990 on the ozone depleting compounds! Total contributions to the Multilateral Fund since 1991 have been less than $300 million!

The international effort to protect the earth's stratospheric ozone layer has been one of the most successful global environmental protection efforts ever, with an unprecedented level of cooperation between and among governments and industry. To not fulfill our treaty obligations at this time is bad environmental policy, hurts US credibility around the world especially in important developing country emerging markets, and is self-destructive towards US industry and workers who have, in effect, already paid for this contribution.

The Senate Appropriations Committee is urged to restore the funding for this important United States treaty obligation. A list of the Alliance members is attached. Please contact us if you have further questions regarding this matter.

1998–1999 MEMBERSHIP LIST

3M Company, Abco Refrigeration Supply Corp., Aeroquip Corporation, Air Conditioning Contractors of America, Air Conditioning & Refrigeration Institute, Air Conditioning & Refrigeration Wholesalers Association, Air Mechanical, Inc., Alliance Pharmaceutical Corp., AlliedSignal Inc., Altair Industries, American Pacific Corp., Anderson Bros. Refrigeration Service, Inc., Arthur D. Little, Inc., Ashland Oil, Association of Home Appliances Manufacturers, Ausimont USA Inc., Bard Manufacturing Co., Beltway Heating & Air Conditioning Co., Inc., Branson Ultrasonic Corp.

Cap & Seal Company, Carrier Corporation, Central Coating Company, Inc., Cetylite Industries, Inc., Chemical Packaging Corp., Chemtronics, Inc., Commercial Refrigerator Manufacturers Association, Commodore CFC Services, Inc., Copeland Corporation, Department of Corrections—Colorado, Dow Chemical U.S.A., Dupont, E.V. Dunbar Co., Elf Atochem, Engineering & Refrigeration, Inc., Envirotech Systems, Falcon Safety Products, Inc., Foam Enterprises, Inc., Food Marketing Institute, Ford Motor Company.

Forma Scientific, FP International, GE Appliances, Gebauer Company, General Electric Company, General Motors, Gilman Corporation, H.C. Duke & Son, Inc., Halogenated Solvents Industry Alliance, Halotron Inc., Halsey Supply Co., Inc., Hill Phoenix, Hudson Technologies, Inc., Hussmann Corporation, ICI Klea, IMI Cornelius Company, Institute of International Container Lessors, International Assoc. of Refrigerated Warehouses, International Pharmaceutical Aerosol Consortium.

Join Journeymen and Apprentice Training Trust. Johnson Controls, Joseph Simons Company, Kysor Warren, Lennox International, Library of Congress, Lintern Corporation, Luce, Schwab & Kase, Inc., MARVCO Inc., Maytag Corporation, McGee Industries, Inc., MDA Manufacturing, Mechanical Service Contractors of America, Merck & Co., Inc., Metl-Span Corporation, Mobile Air Conditioning Society, Montgomery County Schools, Nat. Assoc. of Plumbing-Heating-Cooling Contractors, National Refrigerants, Inc., New Mexico Engineering Research Institute, North American Fire Guardian. North Carolina State Board of Refrigeration Examiners, Northern Research & Eng. Corp., NYE Lubricants, Inc.,

Owens Corning Specialty & Foam Products Center, Polyisocyanurate Insulation Manufacturers Association, Polycold Systems International, Refrigeration Engineering, Inc., Refron, RemTec International, Revco Scientific, Ritchie Eng. Co., Inc., Robinair Div., SPX Corp., Salas O'Brien Engineers, Sexton Can Company, South Central Co., Inc., Society of the Plastics Industries, Sporlan Valve Co., Stoelting, Inc., Sub-Zero Freezer Co., Inc., TAFCO Refrigeration Inc., Tech Spray, Inc., Tecumseh Products Co., Tesco Distributors, Inc., Thermo-King Corporation, Thompson Supply Co., Tolin Mech. Systems Co., Total Reclaim, Inc., Trane Company, Tu Electric, Tyler Refrigeration Corp., Union Chemical Lab, ITRI, United Refrigeration, Inc., Unitor Ships Service, Inc., Valvoline Company, Vulcan Chemicals Co., Wei T'O Associates, Inc., Whirlpool Corporation, White & Shauger, Inc., W.M. Barr and Company, Worthington Cylinder, W.W. Grainger, York International Corp., Zero Zone Ref. Mfg.

Mr. CHAFEE. Mr. President, I wish to express my thanks to the distinguished Senator from Massachusetts and also to the managers of the bill for accepting this amendment. Once in a while, we pass some legislation that really works. With the Montreal Protocol, we have an example of that.

The Montreal Protocol has always enjoyed broad bipartisan support in the Congress and public support across the country.

As our colleagues well remember, it was President Reagan who negotiated and signed the Protocol in 1987. Since that time, many strengthening amendments have been adopted and ratified during the administrations of both President Bush and President Clinton.

One of the most effective provisions of the protocol is an international fund that provides assistance to developing nations to aid their phaseout of ozone depleting substances. This is not a U.S. aid program. It is an international fund supported by 35 countries. It has assisted projects to reduce ozone use in 120 developing countries.

Mr. President, I can tell the Senate that the Montreal Protocol Fund is a very cost effective program because the U.S. General Accounting Office audited the program in 1997 and gave it high praise. GAO had only one recommendation to make to improve its performance and that recommendation has since been implemented. I would note that the U.S. business community also strongly supports this program. Quite often the assistance provided by the fund is used by developing nations to buy our technology to reduce CFC use. So, there is no question that this program works and has been highly successful.

The only issue is whether there is room for the U.S. contribution in this budget. We have pledged approximately $39 million for this coming year. There is $27 million in the foreign operations appropriation. Which means that we need an additional $12 million to honor our commitment. The amendment by the Senator from Massachusetts would provide that $12 million from EPA's budget. This follows a long tradition of paying for part of our contribution from State Department funds and part of our contribution through the EPA budget.

Can EPA afford $12 million for this purpose? We know that the budget is tight this year. But it is not so tight that we need to entirely eliminate this expenditure. In fact, I would note that this bill provides EPA $116 million more than the President requested. As

the Senator from Maryland, Senator MIKULSKI, has said many times here on the floor, this bill is still a work in progress. I am confident that the very able managers of the bill can find room for the Montreal Protocol Fund in a budget for EPA that provides $116 million more than the President's request for the coming year.

We have our differences here in the Senate over environmental policy. But everyone has to admit that the international program to protect the stratospheric ozone layer negotiated by President Reagan has been a tremendous success. The work is not quite done. CFCs are not entirely out of our economy. In fact, the U.S. remains the third largest user of CFCs. But we are well on the way to a CFC-free world. And this program, the Montreal Protocol Fund, has been a very important part of the effort. It deserves our continued support.

We have been able to curb the CFCs. We are on a downward glidepath, not only among those nations that signed the Montreal Protocol, but the international fund is supported by 35 countries. We have also reached out to reduce the CFC use in 120 developing countries.

The CFCs are extremely dangerous substances in the destruction of the ozone layer. We are gradually eliminating them. This is a step forward.

This amendment takes from the total EPA budget some $12 million, which is then added to the $27 million in the foreign operations appropriations so that we then meet our commitment of $39 million for this international fund, which is the contribution of the United States. It is not the United States alone, as I mentioned before; we have some 35 other countries that are contributing.

Mr. KERRY. Mr. President, it is my understanding that Senator BROWNBACK wants to make a brief comment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of this amendment put forward by Senator KERRY, Senator CHAFEE, and myself and a number of other Senators. Also, I want to thank Senator BOND and Senator MIKULSKI for accepting it.

I think this is a great statement and a great amendment for us to push forward. It provides funding for the Montreal Protocol with the multilateral fund. The fund sponsors technical assistance to 110 developing nations to reduce the ozone-depleting substances. It is supported by 120 industrialized nations. I think it is an important way for the world to combat pollution cooperatively.

It will help phase out ozone-depleting substances in developing countries. GAO's 1997 report says this was a good working solution. It was working well.

The amendment is fiscally responsible as well. It provides $12 million for the fund, offset with a tiny reduction—less than .02 of a percent—in EPA's discretionary spending.

Today's world is an international, interactive relationship, particularly on the environment. Here is a very commonsense, practical approach for us to be able to work cooperatively with other nations. Twelve million dollars is economically responsible, budget-wise, coming out of the EPA discretionary fund.

This is a good way to work forward.

I thank my colleagues for their leadership. I think this is an excellent way for us to work toward international environmental cooperation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1756, AS MODIFIED

(Purpose: Amend Housing Opportunities for People with AIDS to increase by $7 million and section 811 by $7 million)

Mr. KERRY. Mr. President, I thank my colleagues.

Let me quickly proceed to the amendment that I know is going to be accepted. I have an amendment at the desk, No. 1756. We have worked out a modification with the ranking member and the Chair.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Massachusetts (Mr. KERRY), for himself and Mr. BOND, proposes an amendment numbered 1756, as modified.

Mr. KERRY. 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 35, strike ''$904,000,000'' and insert in lieu thereof: ''$911,000,000''.

On page 36, line 8, strike ''$194,000,000'' and insert in lieu thereof: ''$201,000,000''.

On page 28, line 2, strike ''$225,000,000'' and insert in lieu thereof: ''$232,000,000''.

Mr. KERRY. Mr. President, this amendment increases housing opportunities for people with AIDS—the AIDS account—and the section 811 disabled housing account by $7 million each.

As I said, this is with the consent of the Chair and the ranking member. I appreciate their willingness to work with me on this amendment.

These funds are going to help provide housing for an additional 1,850 people with HIV–AIDS, and also crucial new housing for the disabled.

This particular effort, housing opportunities for people with AIDS, serves a unique function within the HUD budget. It is a vital program for people with HIV–AIDS. Fully 60 percent of them will face a housing crisis at some point during their illness. Tragically, at any given time, half the people with AIDS are either homeless or on the brink of losing their homes.

This amendment would go a long way to solving that problem. I look forward to working with the Chair and the ranking member to maintain this in conference.

Mr. WYDEN. Mr. President, will the Senator yield briefly?

Mr. KERRY. I think we are going to pass this amendment. I am happy to yield for a quick comment.

Mr. WYDEN. I will be very brief. I, too, appreciate Senators MIKULSKI and BOND supporting this. I think the point Senator KERRY is making with this amendment—I hope in the days ahead it yields to a broader debate—is that at a time of record economic prosperity, we are having extraordinary crises in terms of access to affordable housing. All across this country we have waiting lists, sometimes for years, for the kind of people that Senator KERRY is trying to assist with this amendment. I think this is a start. Senator MIKULSKI and Senator BOND have been very gracious to accept this amendment. I commend them for it. But I hope in the days ahead that we can build on the Kerry amendment and really drive these waiting lists down. If anything, the hot economy we are seeing is driving up rents and, in effect, contributing to the problems we are having with these waiting lists.

I didn't want to take a lot of time of the Senate, and I am very pleased Senator KERRY is leading this effort. I hope this is seen as the beginning of a bipartisan effort to drive down these waiting lists that are years and years in some communities for disabled folks, seniors, and those with HIV.

I thank the Senator from Massachusetts for yielding time. I am glad this amendment has been accepted on both sides of the aisle.

Mr. KERRY. Mr. President, I thank my colleague from Oregon for his comments and for his own personal dedication to this issue.

Mr. BOND. Mr. President, we are pleased to be able to work with the Senator from Massachusetts, the ranking member on the housing authorization committee. We know there are great needs. We are very pleased we have been able to work with the Senator and provide an additional $7 million for section 8, for the HOPWA program and the section 811 program. When we talk about availability of housing, section 811 does provide additional housing. In many of the section 8 programs, we find they cannot create new housing. Having a certificate without a place to live, without a place to use it, doesn't do any good. The section 811 program has been at a static level of $194 million over the last decade. We were able to provide in the original mark for an additional $40 million in section 8 for persons with disabilities.

Section 811 is a construction program for persons with disabilities. This is a

modest increase. It is well deserved. I appreciate working with my ranking member, Senator KERRY, to get this done.

I yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, lend my support for this amendment. I thank the Senator from Massachusetts for his advocacy, and I thank the Senator from Missouri for the staff, along with my own staff, who helped find the funds.

For any person disabled or with AIDS, finding the kind of suitable housing with the appropriate physical architecture, the kind of things needed for the aged or for someone quite ill, is important. We need to make sure we provide the opportunity for people to be able to maintain self-sufficiency in the community and be able to get the treatment they need.

This goes a long way to adding help for 1,800 more people. I am willing to accept it.

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

The amendment (No. 1756), as modified, 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. 1761

(Purpose: To provide funding for incremental section 8 vouchers under section 558 of the Quality Housing and Work Responsibility Act of 1998)

Mr. KERRY. Mr. President, we now move to the last amendment I have, amendment No. 1761.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 1761.

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

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

The amendment is as follows:

On page 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''.

Mr. KERRY. Mr. President, again, let me summarize this as succinctly as I can. It is a critical topic and one I want to talk a couple of minutes on in order to share with my colleagues where we stand with respect to housing and section 8 in the effort to try to provide affordable housing in the country.

I have nothing but enormous respect for the difficult circumstances under which the Chair and ranking member of the Appropriations Committee have labored. It is fair to say their situation has been unfair, untenable, and it wasn't until there was a raid on the labor and education money that they conceivably had enough money to try to bring a bill to the floor.

Most Members know what will happen: There will be some other kind of raid which will take place to try to restore some money back into the labor and education fund so we can somehow bring a bill to the floor and create a fiction that we were able to do something.

My comments are not directed at the Chair or the ranking member, who have done an exemplary job of dealing with the most difficult constraints of almost any committee within the Senate. But there are some tough realities about which the rest of us, properly representing our States and our citizens, need to talk. Those tough realities are the situations we face with respect to housing in the country.

The amendment I have offered redirects $288 million in funds needed to renew the existing section 8 contracts, and to use those funds to provide an additional 50,000 section 8 vouchers. I come after this as the ranking member of the authorizing committee with an understanding there are back-end costs. I know the Chair will say it is not just the 50,000 you put up today; there will be back-end costs. I will talk about that in a moment. I fully acknowledge that reality.

However, the amendment we offer is supported by the National Low Income Housing Coalition, by the National Alliance to End Homelessness, the National Housing Conference, the Catholic Charities USA, the Center for Community Change, the National Housing Law Project, and the National Association of Home Builders which call for an increase in section 8 vouchers. I also point out the statement of administration policy in their letter on this bill says they object to the committee's decision not to fund new incremental section 8 vouchers.

The President asked for 100,000 new vouchers. I think the President's request for 100,000 new vouchers represents the commitment we reinstituted last year to try to begin a process of recognizing what was happening to housing in the country. The fact is we now face an extraordinary and growing shortage of affordable housing for poor and working families in America. It seems to me, and to a lot of my colleagues, in the economic times we have in this country, when the stock market—though obviously it is up and down, and yesterday was down—is at its highest level, the economy has been remarkable in its sustained consecutive months of growth, unemployment is at a record low—we all know those statistics—in the middle of this remarkable growth, when ownership of homes is at a new and historic high, we are seeing the stock of affordable housing decline. Indeed, we now have a record number of families that face a housing crisis of some proportion. Nearly 5.6 million American families have what is called worst case housing needs. Yesterday, HUD released new data showing that number was added to by some 260,000 households in the past 2 years. We are talking about worst case needs, according to our own definition.

These families pay one half of their income in rent. I ask all of my colleagues to think about that. We have a pretty good salary and a lot of Members in the Senate have income from other sources and don't face some of the choices that a lot of our fellow citizens have, but one half of family income going to rent for these families is an unacceptable level by any of the standards or guidelines we offer. Increasingly, these families are working families. For them, the economic bump in the road that can result is a bump that brings shortages of food, utility cutoffs, and even evictions and homelessness.

This is illustrated by a study recently completed by the Institute for Children and Poverty which shows that homelessness is rising among working families. The study shows that in Newark, working families constitute 44 percent of the homeless families. Mr. President, 44 percent of homeless families are also working families. In Boston, I know we found a huge increase in the rental market. So there is increasing difficulty for working families with students to be able to find adequate housing.

I might add, it is not just in the short term that this presents us a problem, it is in the long term that it presents us a problem. We have 50,000 or 100,000 vouchers we are looking for, which will only take care of a fraction of the need or the demand. But it is help that is sorely needed, and it reflects the efforts of the Government to try to respond within the limits we face today. I might add, this money is available. We are not taking it from somewhere else. We are taking it from unspent funds within HUD itself because of their lack of expenditure at this point in time.

Let me share with my colleagues one of the aspects of this problem on which

a lot of people do not focus. Dr. Alan Meyers, who is a pediatrician at the Boston Medical Center, did a series of studies on the impact of high housing costs on child nutrition. In each case, he found that children of poor families receiving housing assistance were better nourished and in better health than similar families without such assistance. In a stark illustration of the choices the unassisted families face, he found children were most likely to be undernourished during the 90 days after the coldest month of the year, highlighting what he called the ''heat or eat dilemma.''

In addition, let me underscore that lack of proper nourishment is only one problem that comes out of the housing crisis. The fact is, children who have a housing crisis are also forced to move from school to school. Social workers in Charlotte, NC, have told us about children they have seen going to as many as six different elementary schools in a single year. One expert estimated that as many as half the children in the Washington, DC, foster care system could be reunited with their parents if their families had access to stable housing.

So here we are in the Senate, arguing about changes in the welfare culture, arguing about schools that do not work, arguing about the need to have parents involved in families, and clearly one of the links that reunites parents with families and provides stability in the school system and capacity for children to stay out of trouble is available, affordable housing. It is an astonishing statistic, that half the children in Washington, DC, in the foster care system could actually be reunited with their parents if we had adequate housing available.

Some people will say to us that this costs a lot of money and is hard to do. There was a report that came out recently called ''Out Of Reach,'' which was done by the National Low-Income Housing Alliance. In my home State of Massachusetts, a person would have to work 100 hours every week at the minimum wage just to afford the typical rental on a two-bedroom apartment. It is even worse in a number of other cities where you need to work 135 hours a week or earn the equivalent of $17.42 hourly, more than three times the minimum wage, in order to afford to put a roof over your head. Massachusetts is not alone. Virginia, Maine, Maryland, Montana, New Hampshire, and other States are feeling the economic crunch of the housing shortage and the impact on families as a consequence of that.

We also talk a lot around here about making work pay. The fact is, if people go to work and work according to all the rules but they have a work-week of 135 hours, or 100 hours, at a wage of $17, which is three times the minimum wage, we are obviously creating a gap that breaks faith with the capacity of the Government to provide value for that work. I think that is a serious issue.

In addition, let me point out, this is not an enormous request. I ask my colleagues to look at this chart. In 1978, we were putting out 350,000 housing units a year; in 1979, close to 350,000; in 1980, 200,000; 1981, about 200,000; and from 1981 through the entire 1980s we went through a dramatic drop in housing, and in 1984, with the passage of the Balanced Budget Act, we went through the most dramatic decrease in housing, and we have had zero increase in housing starts until last year when, thanks to the good efforts of the chairman of the committee and ranking member and others working on it, we were able to get the first year's increase in 50,000 initial, new vouchers for section 8 housing.

But that only tells one part of the story. My colleagues in the Senate—and I share this belief—understand we have a lot of budget problems. But we ought to be treating things fairly. Every time we have a crisis in the Senate, in the budget, whether it is a hurricane, whether it is a farm problem, whether it is some other issue of Government, where we need to find funding for some project, the piggy bank is housing. What we have seen over the last years is what I call the ''Great HUD-Way Robbery.''

From 1995 until 1999, we have seen a year-by-year cut, or rescission, or diversion from housing. So it is not that housing was not originally on people's minds. It was not that we did not have an original sense that housing ought to be part of the budget process. But every time somebody wants to fund something else, they take it out of housing's hide.

The fact is, in 1995 we had $6.462 billion of rescissions; the next year, $114 million; the next year $3.8 billion; $3.03 billion the next year; $2 billion the next year. So we have had rescissions of $15.41 billion. We have had program cuts of $4.8 billion. So housing has lost $20 billion-plus in the course of the last years.

It is absolutely imperative that housing receive its fair share within this budget. In the final analysis, it is as critical a component of the social fabric and the social security of this country as almost anything else we do. We need to make work valuable. We need to ensure our citizens understand, if they play by the rules, it pays off. It is most important for our children and for a generation that are shunted from place to place, or separated from their parents, or taken from school to school to school. This is one of the things that contributes to juvenile violence, to the problems we have in our cities, people feeling disconnected—not just in the cities, also in rural communities—and I hope we will change it.

I look to our colleagues on the committee, who I know are committed to trying to do something, to hopefully share with us this sense that, even though in the conference ultimately there will be a negotiation—we all know that; ultimately there is going to be a showdown on what the final numbers are going to be—to guarantee, when that showdown comes, housing is not again going to be the piggy bank for everything else; it will be a priority at the forefront of our efforts and we will be able to continue the good work the chairman, I know, cares about, and the ranking member is equally committed about, that they began last year where they began to increase funds for housing.

Again, this is not a problem of their choice or their making. I know they share a belief this ought to be different. They were given the toughest budget figures of anybody in the Senate. That is why this is one of the last appropriations bills to be able to come to the floor. Everyone knows it only came to the floor by robbing Peter to pay Paul, by taking money from education and from the labor account in order to even make this possible. I hope we are going to change that trend in the next weeks. We certainly have that opportunity. I also believe we have that obligation and responsibility.

I know a couple of others of my colleagues wanted to say a few words.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank the Senator from Massachusetts for his eloquent leadership and his determination to keep this issue of affordable housing in front of us. We have 5 million American households that have either inadequate or unaffordable housing. We have 2 million of those families with children, and 1 million of them are seniors.

Each one of our communities is faced with this kind of a shortfall. We have a waiting list of over 1 million people for the vouchers, and this amendment will add a few.

There are three realities about which we are talking. One is a reality out on the street. That is the reality which millions of families face that do not have affordable housing or adequate housing. We have a budget reality which is driven by allocations through our appropriations subcommittees. This subcommittee has labored mightily to see what it could do with a very inadequate—totally inadequate—allocation. It has done an amazingly good job in fighting for at least a reasonably adequate number.

I commend the chairman and the ranking member of this subcommittee for what they have done, for the fight they have waged. It has been a long fight, and I know it has been a hard fight. They were shorted severely at

the beginning and less severely now. Nonetheless, they have been shorted, and that means America has been shorted.

The third reality is the conference, and that is the reality to which the Senator from Massachusetts made reference in closing. In supporting his effort to add back half of the vouchers which were requested by the administration for section 8, I can only add my voice, far less eloquently than his, to the hope that our chairman and our ranking member in conference will strive to find a way to do some justice for section 8 housing this year. Again, I thank him and thank both of our floor managers.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I very much appreciate the comments that have been made about the need for affordable housing. Unfortunately, this problem is bigger than just section 8. Section 8 is a real problem, as I outlined several days ago.

To repeat, we used to have multiyear section 8 contracts, 10-, 15-year section 8 contracts. That allowed landlords to obtain financing to build housing.

In the last 10 years, we have gone from 10-, 15-year contracts down to 2-year and 1-year budget authority appropriations. In order to save money in the overall spending caps in budget authority, they shortened the contracts. That means, No. 1, as these contracts expire, we are spending over $20 billion a year in outlays on section 8 contracts. Those outlays are in the budget. But the budget authority needed rises every year, from $3.6 billion in 1997 to $8.2 billion in 1998 to $11.1 billion in 1999, and the need is $12.8 billion for fiscal year 2000. That number goes up to $18.2 billion by the year 2004. Unfortunately, that is how we budget around here, on how much budget authority you request.

The problem we have with the administration seeking additional section 8s is that in their recommendations, their OMB budget request, they say they are going to appropriate $11.3 billion for the next 10 years. As those needs for more appropriations continue to rise, we will wind up kicking 1.3 million families out the back door.

First, let's make clear, we are not going to let that happen. We have to protect those who are actually in publicly assisted housing. We have to scrape, we have to do everything we can to find the funds to do so.

The Senator from Massachusetts mentioned the 50,000 additional vouchers the administration sought. Two things: I was promised by the Secretary of HUD the budget submission this year will account for those additional 50,000 vouchers, which we will accept into the stock, and we are renewing all the vouchers that are coming due. Unfortunately, instead of making provision in the budget for the additional 50,000, the administration proposed, and we have had to accept, a deferral on an advanced appropriation of $4.2 billion. In other words, we were $4.2 billion short of the budget authority needed to continue all of the section 8 certificates expiring this year. This means we rolled over into 2001 $4.2 billion. So we are falling way behind in the budget authority and being able to maintain the section 8 certificates we have now.

In addition, we have heard people say: The need is now for section 8 certificates. None of the 50,000 vouchers we approved last fall have been used. None. Zero. Zip. Nada. None of them have been used. The administration has not gotten them out. We have discussed this problem, but they have not gotten them out. We are trying to renew vouchers that have not been used this year. We cannot use money that was not used this year to add new vouchers next year when we have already included provisions for the vouchers that we authorized last year and they have not been used.

Probably the most important thing—and this is the point on which we really are going to have to get to work—is that a 1-year section 8 voucher does not create a house. It does not create an apartment. It does not create a condominium. Nobody can finance the construction of housing on the promise of a 1-year section 8 voucher.

Right now in St. Louis County, for every 100 vouchers they issue, only 50 of them are used because there are no places physically to house the people who need housing. That is why we put money into HOME, into CDBG, to increase the stock of housing. That is why we have the low-income housing credits. That is why we have section 202 which does build housing for the elderly.

We are not suffering a lack of housing because of a lack of section 8 certificates. We are suffering a lack of housing because in many areas they just have not been built.

We will work with people on both sides of the aisle to create housing that is needed, to give somebody a certificate. That certificate does not keep the rain off them; it does not keep them warm in the winter. They have to have shelter. Merely giving them a section 8 voucher does not create a shelter when there is no shelter available. It will enable them to pay the rent if there is one available, but in too many areas there is not.

This is a subject for much discussion later on. I look forward to working with the Senator from Massachusetts and the others who have talked about it. This is not a section 8 problem. We have our own section 8 problems with the budget authority needed. The real problem is providing housing.

I commend groups such as Enterprise and LIST. I commend local units. I commend people who are working under the low-income housing tax credit, housing authorities across the Nation such as the Missouri Housing Development Commission, and Habitat for Humanity. They are the ones who are providing shelter. These are the places we have to look in many areas for a house.

I thank the Senator from Massachusetts for his insights on this measure. Unfortunately, we are in a budgetary situation where we cannot provide additional section 8 certificates in this current budget.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair. Mr. President, I rise in strong support of Senator KERRY's amendment. Also, I recognize the very thoughtful analysis that Chairman BOND has done about the budget problems that face this committee as it struggles to fill many different needs in the area of housing.

All this discussion underscores a very fundamental question that transcends all of our considerations in the Senate and that is, we have many unfulfilled obligations in the country which make us very wary of significant reductions in our revenues and significant changes in policy until we address these very fundamental concerns: How would we provide going forward with resources so every American can have a safe, decent, affordable home?

I also agree with Senator BOND that we have to do a lot more in terms of construction policies, in terms of encouraging the creation of housing units. But the section 8 program is particularly critical to so many people throughout this country.

I think it is also very important to note that this is one of those very significant and very efficient combinations of public purpose and private enterprise because we are not, in most cases, operating at public facilities these housing units. They are private housing units which are receiving, through the section 8 subsidies, supports which are available to low-income people—again, a very efficient, very effective way to use very scarce Federal resources to allow individual Americans access to safe and decent housing.

I think we have to, in this situation—even recognizing the significant budgetary constraints—move forward because this is one of those situations where if we make the commitment we will find a way to fund it.

I think the essence of Senator KERRY's amendment is: Let's make this commitment. Let's make this commitment this year again to expand the section 8 voucher program so we can offer the real possibility of safe, decent, affordable housing to more citizens of this country.

I, too, agree with Senator BOND's analysis, which I have been listening to intently over the last several days, about the need to go deeper with our targeting for the low-income housing tax credit program, to support the HOME program, to support the CDBG program. All of these contribute to the housing market, to the availability of adequate, decent housing for all of our citizens. All of them will contribute to the solution of the dilemma facing us all: How do we provide affordable, decent, safe housing for all of our citizens?

I support very strongly Senator KERRY's amendment and commend him for doing this. I also commend, as I have said before, both Senators BOND and MIKULSKI for their great efforts to try to work through this very difficult thicket.

Let me, before I conclude, also raise another topic which I have addressed previously on the floor; that is, the staffing level within the Department of HUD, but in particular the HUD Community Builders Fellowship. I must confess I did not know too much about this particular program until we began this debate. But it has come to my knowledge this is an innovative program which is essentially selecting through some very rigorous means professionals in the area of urban policy planning, housing policy, to spend 2 years as a fellow at the Department of HUD after training at the Harvard Kennedy School of Government, to try to create an entrepreneurial spirit in HUD, to go beyond the box to create new opportunities in housing. Then these individuals, having served their fellowship, have the opportunity to go back to their communities and take these skills, this training, and their expertise and again contribute to their communities.

I think it is a worthwhile program. But I am prompted to speak not so much because of what I have heard on this floor but because of what I am hearing back in Rhode Island as a result of the success of this program. Stephen O'Rourke is the executive director of the Providence Housing Authority. He is a tough-minded administrator who stepped into a difficult situation decades ago in a housing authority that was crumbling, both physically and in terms of its management style, a housing authority that was beset with all the problems of urban cities—crime, drug use, violence, dilapidated units—and he has done a remarkable job. He has done it by being hard-nosed, aggressive. I suspect people would probably characterize his approach as ''tough love.'' And it has worked.

He has seen every fad and fancy in housing in the last two decades. He has taken it upon himself to communicate with the regional HUD office, commending the Community Builders Fellowship Program. In fact, in his words:

> I find their enthusiasm and ''can-do'' attitude infectious. They constitute a new, special breed of government workers.

When I start hearing about that kind of performance from a local official, I think there is something here we cannot discard totally.

In Rhode Island, this program is working to do things that people have wanted to do for years. But they have never been able to think outside the box or cross the bureaucratic lines of organization to get the job done. These fellows are doing that. They started a statewide ownership center so we can do what I think we all want to see—get people into their own homes.

They are working with the Welfare-to-Work Program to develop an innovative program where a housing authority is sponsoring a microbusiness, a van service, that not only employs individuals but contributes to one of the most significant issues facing people making the transfer from welfare to work—how do you physically get to work? This van service helps that.

These are the types of out-of-the-box, innovative, entrepreneurial solutions we should encourage and not discourage. There have been several preliminary assessments of the program.

Anderson Consulting company has looked at the program and has concluded that it has a positive effect on the ability of HUD customers to conduct their business and get the job done. Ernst & Young has interviewed many people involved in this program. They, too, are convinced. These are their words:

> They consider Community Builders to be responsive to their concerns and timely in addressing them.

Finally, the individuals at the Harvard Kennedy School of Government who were training these professionals believe the program is worthwhile. So I think at this juncture, after barely a year of experience, to totally eliminate the program is the wrong approach.

The other aspect we should know is that HUD has already seen significant reductions in its personnel rolls from 13,000 to 9,300. In fact, both GAO and the HUD IG are arguing that perhaps they have reached the limits of cuts that can be made reasonably. There is no way we can demand a new reformed, reinvigorated, entrepreneurial HUD if they do not have physically the men and women to hold the jobs and to do the jobs. If this program is eliminated totally, as proposed in this appropriation, 81 communities throughout the country will be affected, including Providence, RI, and others. In fact, for the sheer lack of personnel, many significant functions of HUD will be lost if this program is abandoned. If we are asking HUD to be more efficient, more effective, more customer conscious, I do not think at this juncture we should eliminate a program that shows promise.

There also has been a suggestion on the floor that there are some internal criticisms. There was reference, I think, to the Commissioner of the Federal Housing Administration, of Mr. Apgar's criticism. He, in fact, indicates there is potential for this program.

At this juncture, I ask unanimous consent to have printed in the RECORD a letter from Mr. Apgar.

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

U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
Washington, DC, September 21, 1999.

Hon. CHRISTOPHER BOND,
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: I understand that in the Senate Appropriations Committee discussion on the FY2000 HUD/VA Appropriations Act, you attempted to discredit HUD's Community Builder initiative by referencing a memo dated September 2 and signed by me. By taking this routine internal communication out of context, you presented a distorted picture of my views on the critical role Community Builders play in helping the HUD's Office of Housing manage its programs.

I would like to take this opportunity to set the record straight. My views on this topic are informed both by my experience as the Federal Housing Commissioner, as well as by two decades of research and teaching on housing and community development issues at Harvard's Joint Center for Housing Studies and Kennedy School of Government. Based on this experience, I truly believe that your efforts to ''fire'' some 400 Community Builders will significantly harm HUD's ability to accomplish its mission and protect the public trust. Initially, over 20 offices could be forced to close as they would not have adequate staff to function. To close these offices would be disastrous. In particular, the loss of 400 HUD employees could cripple HUD's ability to dispose of HUD held assets (Real Estate Owned Properties) in a cost effective manner and seriously undermine the financial integrity of the FHA fund.

The Community Builder initiative is an innovative effort to clarify the roles and responsibilities of HUD staff. Leading management experts frequently write and speak about the dysfunction that results from requiring employees to assume dual roles—at times offering assistance, facilitating and problem solving, and at other times performing oversight and enforcing compliance. Through a series of public forums on the future of the Federal Housing Administration that I led in 1994, I gained extensive first hand knowledge about the adverse consequences of the Department's historical failure to separate the service and compliance functions.

Even before joining the HUD team, I applauded Secretary Cuomo's plan to identify two distinct groups of HUD employees. ''Public Trust Officers,'' with responsibility for ensuring compliance with program rules and requirements and protecting against waste, fraud and abuse; and ''Community Builders,'' who function out in the communities as the Department's ''front door'' and access point to HUD's array of program resources and services. While working at HUD, I have watched the Secretary's vision become a powerful reality as each day Community Builders serve HUD, and FHA, taxpayers and low- and moderate-income families and communities.

I appreciate that you and many of your Senate colleagues are concerned about the effective and fiscally responsible operation of FHA and HUD. I am therefore hard pressed to understand how the Subcommittee's effort to terminate 400 essential HUD employees will help. Community Builders are vital to the success of FHA's homeownership and rental housing initiatives. Community Builders have primary responsibility for all marketing activities including ensuring that FHA's single-family programs effectively serve minority and other underserved communities. They work with community based organizations to implement the new Congressionally mandated single-family property disposition initiative. They also work with state and local agencies to expand availability of services for HUD's elderly and family developments. These are just a few of the ways that Community Builders assist the Office of Housing in meeting the needs of low- and moderate-income families and communities.

Community Builders play a particularly important role in HUD's effort to manage and dispose of distressed multifamily properties. The September 2 memo reflects HUD's ongoing commitment to manage these disposition efforts in a way that both empowers communities and preserves the public trust. Property disposition must be a team effort involving Community Builders working in cooperation with the Department's Enforcement Center, Property Disposition Centers, and Office of Multifamily Housing. As indicated in the memo, Edward Kraus, Director of the Enforcement Center, Mary Madden, Assistant Deputy Secretary for Field Policy and Management and myself constantly monitor the work effort of both Community Builders and Public Trust Officers to insure that each HUD employee knows his or her role and responsibility, and that through effective communication these employees operate as a team.

The Community Builders play an essential role in property disposition efforts. While all monitoring, compliance, and enforcement decisions must be made by Public Trust Officers, Community Builders serve as HUD's ''EYES AND EARS'' in the neighborhood, providing important early information about HUD insured and HUD subsidized properties obtained from their ongoing meetings with tenant and community-based organizations and state and local officials. Clearly, effective early communication with all interested parties is essential for the fair and quick resolution of issues associated with troubled properties, and if need be the cost-effective disposition of assets through foreclosure and sale.

In closing, I ask you to stop this wrong headed effort to fire 400 HUD employees. As you know, the management of HUD's portfolio of troubled properties has long been a source of material weakness in our operations. The loss of 400 front line workers, combined with the Subcommittee's equally questionable decision to cut back funding for Departmental salaries and expenses, could very well cripple HUD's capacity to manage these troubled assets. Rather than continue to use the memo of September 2 to present a distorted picture of the Community Builder program, I trust that you will share this letter with your Senate colleagues so that they will have a fair and accurate accounting of my own views on this matter.

Sincerely,

WILLIAM C. APGAR,
Assistant Secretary for Housing—Federal Housing Commissioner.

Mr. REED. Again, this is an example of a program that has great potential. I think it would be unfortunate to eliminate it in its first year of operation. Let us step back objectively and review it, look at it, and make a judgment. I think that judgment, based on what I am hearing from my home State of Rhode Island, would be a very favorable one. So I urge reconsideration of this program to go forward.

Again, I thank Senator KERRY for his leadership on this issue of Section 8. I recognize the difficulty both Senators BOND and MIKULSKI face, but this might be an issue, when it comes to section 8—particularly if we move forward boldly to serve the people who sent us here—we will find the means to do that.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I will take a quick minute. Other colleagues are waiting.

I thank the Senator from Rhode Island very much. He is a valuable and very thoughtful member of our committee; and clearly representing Rhode Island, he understands the pressures people are under in this respect. I thank him also for raising the issue of community builders and putting the letter from Secretary Apgar in the RECORD.

I ask unanimous consent that a memorandum from Ernst & Young, which discusses the Community Builder Program, and a letter from Harvard University regarding the training process for the community builders be printed in the RECORD.

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

ERNST & YOUNG LLP,
Washington, DC.

To: Douglas Kantor, HUD.
From: Ernst & Young LLP,
Date: September 21, 1999.

''ANALYSIS OF COMMUNITY BUILDER PROGRAM''

BACKGROUND

Ernst & Young is providing this memorandum as an interim status update of our Analysis of the Community Builder Program engagement.

We are finalizing our procedures and drafting our report on the effectiveness of the Department of Housing and Urban Development's Community Builder Program. Based on the case studies reviewed and the interviews conducted to date, Community Builders have been successful in facilitating positive communication between HUD and the communities they serve. Participants interviewed indicated that Community Builders are effectively serving as the ''front door'' of HUD, as envisioned in the Department's *2020 Management Reform Plan*.

Our work to date has included:

Review of a sample of 25 case studies provided by HUD covering a cross section of programs and each HUD region;

Research regarding the history, design and purposes of the Community Builder program;

Interviews of Harvard University Kennedy School of Government personnel; and

Interviews of over 50 HUD customers and stakehoders listed in the case studies with knowledge of the selected cases. The interviewees included Housing Authorities, Civic Leaders, other Federal, state and local government personnel and others.

INTERVIEWEE RESPONSES

Interviewees generally provided very positive feedback regarding the work of the Community Builders. They consider Community Builders to be responsible to their concerns and timely in addressing them. A number of interviewees indicated that:

The Community Builders have been very effective in bringing their private sector expertise to the public sector.

The Community Builders have been proactive in identifying opportunities and areas of need within their communities.

The Community Builders are acting as a point of contact which makes HUD seem much more accessible to interviewees.

The Community Builders are very knowledgeable about HUD programs and non-HUD programs alike.

The Community Builders are efficient. They are able to provide information on several programs rather than the client having to contact numerous departments.

The Community Builders are professionally competent and are well respected figures in their communities.

The Community Builders are a ''New Face'' for HUD. Several respondents commented that their perception of HUD is much improved due to their interactions with the Community Builders.

In fact, one interviewee indicated the Community Builder program was the most innovative program he has seen in his twenty (20) years of government service.

WORKING PARTNERSHIPS

The case studies indicate that Community Builders have performed outreach to a diverse group of community partners including private businesses, not-for-profits, health organizations, Federal agencies, resident groups, religious organizations, universities, investment banks, local government entities, and Housing Authorities. According to the case studies and the interviews, successful partnerships have been developed to date with a number of groups including:

National Housing Ministries,
Non-Profit Center of Milwaukee,
Cleveland Browns football team,
Federal Reserve Bank of Los Angeles,
Cherokee Nation Housing Authority,
AIDS Task Force,
Hawaii Governor's Office of State Volunteers,
Credit Counseling Center, Inc.,
Capitol Region Council of Churches,
Temple University,
University of Pennsylvania,
Harrison Plaza Resident Council,
Northwest Opportunities Vocational Technical Academy,
Council of Churches of Bridgeport, CT,
Valley Catholic Charities,
FEMA.

CUSTOMER AND STAKEHOLDER CONCERNS AND RECOMMENDATIONS

When asked, most of the interviewees did not express concerns or provide recommendations regarding the Community Builders. Some interviewees who did respond in this area provided comments such as additional clarification is needed regarding the roles and responsibilities of the Community Builder as well as Community Builders should have better familiarity with the community they serve. In addition some

interviewees indicated that some individual Community Builders had not yet been in place long enough to see all of their projects to completion. There were some differences of opinion among customers and stakeholders. For example, some customers thought that Community Builders should receive more of the Department's resources while others did not want resources diverted away from enforcement activities.

SUMMARY

Almost all of the interviewees told us that the Community Builder Program positively changed their perception of HUD. Please note that this is an interim status report. We will give you a final report on this project shortly after we complete our procedures and finish summarizing the results.

HARVARD UNIVERSITY,
Cambridge, MA, September 22, 1999.

CHRISTOPHER FEENEY,
Ernst and Young.

DEAR CHRISTOPHER. I'm writing to follow up your inquiry and our discussion about the Community Builders program of the US Department of Housing and Urban Development. I currently serve as the school's director and dean for executive education, though I should stress that the thoughts herein are my own.

Executive education is an important element in the Kennedy School's mission to train people to play leadership roles in their organizations, communities and in the larger society. In this capacity, we conduct dozens of executive education programs for public officials from the US and abroad. We have developed a three-week program (taught in two modules, of two and one week respectively) on community building, strategic management and leadership, which has been elected by the newly appointed Community Builders from inside and outside HUD. Over the past year and a half more than four hundred community builders have participated in the program. This involvement provides a vantage point to offer some observations about the program.

PURPOSE AND CONCEPTION

The need for and potential value of the program arises from several observations.

First, the federal government, through the vehicle of the Department of Housing and Development (HUD) has significant potential to add real value to the development process in America's communities and neighborhoods. HUD can draw upon a wide range of resources, including its knowledge and comparative perspective, research, its convening and coordination capacity as well as its legal and financial resources.

Second, I doubt that anyone would argue that HUD is as effective as it could be in bringing value to the process. Its program and activities have been historically organized and delivered through a number of specific programmatic and regulatory channels, stove pipers, in effect, each with its own discrete organizational structure, personnel, procedures, and norms, From the standpoint of community leaders, this often appeared as a bewildering array of possible channels and activities, no doubt at times it has seemed that HUD's left hand and right hand (and feet) were pointing in different directions.

Third, like many other federal agencies, HUD has been buffeted by the erosion in trust and confidence in government, has seen its budget and personnel levels cut, in some areas sharply, and the morale and commitment of HUD's career staff has certainly suffered.

Against this background, the concept of the community builders program, bringing in a mix of experienced HUD staff and diverse professionals from outside HUD; charging them to bring new energy and vitality to HUD's activities, to help communities around the country develop strategies that draw together resources from the complex array of federal programs, to bridge the various stovepipes on behalf of community needs and priorities, this makes a good deal of sense.

It is also predictable, as night follows day, that an initiative such as this, bringing several hundred new HUD officials into the field, charged up and inspired as they have been, is bound to generate friction, misunderstandings, and ill will in some locations, as the newly authorized community builders encounter the existing HUD establishment.

This surely has happened in a number of locations, and is a function of how well HUD's staff has prepared the ground for the community builders arrival, and the personalities, temperament and professionalism of the HUD staff both new and of longstanding (including, of course, the community builders). Anecdotal reporting suggests a wide range of experiences—both positive and negative—for the community builders and existing HUD staff.

EVALUATING THE PROGRAM

It is much too early to assess or properly evaluate the program. Some community builders have only recently taken up positions. Those of longest standing have been in their assignments less than one year of their two year contract. This is very much the shakedown and learning period for a venture such as this.

To do a reasonable evaluation, one would ideally wait until well into the second year of the initial cohort, then direct an assessment to key officials in local communities where the community builders are working, to the community builders themselves and to other HUD professionals, both in the field and headquarters.

One would look at whether and how communities had been able to concert resources from HUD (and elsewhere), bridging stovepipes and boundaries and taking full advantage of public and private resources. If a number of communities were able to cite such successes (as departures from past practice), and the community builders and demonstrably involved, there is a pretty good indication that the program is having the desired effect. But, it is just too early to expect such as accounting or to find this kind of evidence.

TEACHING AND LEARNING

We have had the experience of working with several hundred community builders—both from within HUD and those hired from outside, over the past year or so. In our classrooms, they have shown themselves to be serious, committed, bright, and thoroughly professional. They work hard, are open to learning and are well regarded by the faculty who teach them. It is my impression that their performance compares favorably with other groups of officials we teach in programs here and in government agencies at federal, state and local level.

Overall, the program holds considerable promise (not fully realized as it is still early) to make a distinctive contribution to community development in the US, helping local communities advance their development goals and contributing to more effective partnership between the federal government and those at the local level.

If I can answer any further questions, I'm happy to do so.

Sincerely,

PETER ZIMMERMAN.

Mr. KERRY. With respect to the community builders—and I think the Senator from Rhode Island summarized it; I will not repeat that—I have heard from many people in Massachusetts concerned about the cut. Many of them have had very positive experiences with the community builders.

I ask unanimous consent that letters supporting the Community Builders Program from the mayor of Boston, Mayor Menino; from the mayor of Springfield, Mayor Albano; from the Boston Police Department; and from the Veterans Department be printed in the RECORD.

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

STATE OF MASSACHUSETTS,
City of Boston, September 17, 1999.

MS. MARY LOU K. CRANE,
Regional Director,
U.S. Department of Housing and Urban Development, Boston, MA.

DEAR MARY LOU: I appreciate your discussion with me concerning the Community Builders Fellowship program which Secretary Cuomo has initiated, and I am very pleased to see the degree to which Community Builders in the Boston HUD Office have been involved with the City. I also like the fact that you have assigned several different people to work with us.

Certainly Community Builder Juan Evereteze has brought much knowledge and enthusiasm to his liaison work with our massive Disposition Demonstration program. In that same vein, it has been quite helpful to have Community Builder HOPE VI Specialist Abbey Ogunbola assisting the Boston Housing Authority on the complicated Orchard Park development.

One of my special initiatives has been the after-school program know as From 2 to 6, and Bonnie Peak-Graham has been a dynamic addition to our team for that program.

I would be remiss if I did not mention the substantive contributions Deborah Griswold makes in her role representing you as liaison to our Empowerment Zone. She has been very skillful in helping our folks craft their governance structures.

It is great having so many talented Federal partners working with my professional team. I know you have always been available to help us, but I also know that you have competing demands for your time. Having the Community Builders here has been very useful. Thank you for your careful attention to our myriad issues.

Sincerely,

THOMAS M. MENINO,
Mayor of Boston.

STATE OF MASSACHUSETTS,
SPRINGFIELD, MA,
September 13, 1999.

MARY LOU K. CRANE
HUD Secretary's Representative for New England, Boston, MA

DEAR SECRETARY CRANE: It has come to my attention that Senator Kerry has asked Secretary Cuomo to provide some objective analysis of the added value which the new Community Builders are bringing to HUD's relationship with its many partners. I would

like to comment on the significant contributions I believe this gentleman assigned to Springfield, MA, Jim Wenner, has made.

While I know that I have but to call you office whenever I have a question, it is very helpful to have a generalist with the skills and experience of Jim Wenner basically ''on call'' to our great city whenever we need him. Mr. Wenner has made a substantive difference in so many of the pending issues we must deal with on a daily basis. My Housing Department has praised his involvement in the Lower Liberty Heights neighborhood as we continue our work to bring back that area of Springfield. Jim has worked with the Board of Director's of a low-income cooperative housing development assisting in building their management capacity. In addition, Jim was quite helpful to Herberto Flores, Executive Director of Brightwood Development, Inc., on major foreclosure issue.

I can't tell you how pleased I am to learn that we have been selected to be a pilot city for the Asset Management Pilot Program which your property disposition team is launching. I know that Mr. Wenner's representation to tackle difficult projects was persuasive in your selection.

As Mayor of a city located a distance from Boston, we frequently complain that we never see our Federal and State partners. I can no longer say that now that we have a Community Builder. Jim Wenner has brought our partnership with HUD to a very professional and responsive level and I want to be sure you know how appreciative I am.

Sincerely,

MICHAEL J. ALBANO,
Mayor.

BOSTON MUNICIPAL POLICE,
Dorchester, MA, March 2, 1999.

MS. DEBORAH GRISWOLD,
Community Builders,
U.S. Department of Housing and Urban Development, Boston, MA.

DEAR MS. GRISWOLD: I was very impressed with your presentation of the ''Community Builders'' program at the Ramsay Park Coalition last week, and I was wondering if you would be available on March 9, 1999 to speak to the Grant Manor/Camfield Gardens/Roxse Homes and Lenox Camden Safety Task Force. The Task Force was established to coordinate safety and security for the H.U.D./M.H.F.A. Demonstration Disposition Program, and I feel many of the initiatives of the Community Builders Program would be an invaluable resource for the various tenant associations.

The Safety Task Force meeting will be held at the Lenox Camden Residents Association Office at 515 Shawmurt Ave. Also, if possible, could you send me a copy of your booklet ''Boston Connects''.

Thank you for your cooperation.

Sincerely,

ROBERT FRANCIS,
Deputy Director.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, November 27, 1998.

MR. RON ARMSTEAD,
U.S. Department of Housing & Urban Development, Boston, MA.

DEAR MR. ARMSTEAD: Thank you for your help in putting together and executing the Center for Minority Veterans most successful training conference to date.

Over 150 Minority Veterans Program Coordinators (MVPC) participated in this year's conference. Initial feedback indicates that conference goals were overwhelmingly accomplished. Participants walked away better prepared to build effective minority veterans programs at their local facilities. They have a more comprehensive understanding of VA benefits and programs, as well as ways to promote the use of these services.

This success was achieved through the collaborative efforts of everyone involved. Again, thanks for your role in making this a great event.

Sincerely,

WILLIE L. HENSLEY,
Director.

Mr. BINGAMAN. Mr. President, I would like to express my support for more section 8 housing vouchers to help local housing agencies meet local housing needs. Although many Americans have benefited tremendously from the current economy, many others have not shared in that wealth. In my state, housing costs in communities like Santa Fe and Albuquerque have risen faster than the incomes of low- and middle-income workers.

Many working families can no longer afford housing in the cities where they work, and many are forced to commute long distances just to stay employed. Section 8 vouchers fulfill a very great need in the communities where entry level housing costs are seven to eight times the annual income of its residents.

The need for vouchers in New Mexico far exceeds the number of vouchers currently available. The waiting list for section 8 vouchers is 14 months in New Mexico. The waiting time is even higher in places like Albuquerque and Santa Fe. Mr. President, the elderly, disabled and working families with children cannot wait 2 years to get into decent, affordable housing. Those on the waiting list do not have many alternatives in New Mexico as the waiting time to get into public housing is 9 months. Voucher recipients are not asking for free housing, they are asking for assistance in obtaining one of the most basic needs we have—shelter.

Although Congress authorized 100,000 new vouchers for fiscal year 2000, this bill failed to fund those new vouchers. Mr. President, I hope we can pass an amendment today that will adequately address the housing needs of our working families, disabled, and elderly.

Mr. KERRY. A final, quick comment. I couldn't agree more with what the Senator from Missouri, the chairman, said about the problems of the budget. What we are asking today is, when we go into the final negotiations and the numbers that are being fought over as to what the allocations really will be, when we have an opportunity to perhaps make good on certain efforts, that this program, this effort of housing, will be at the forefront of those priorities. We understand the limitations of the current allocation, but most people are assuming we have an opportunity to change that.

Secondly, the Senator from Missouri is correct about the problem of building housing, but that will never resolve the current problem of low-income working families who are simply out of reach of affordable housing. I think everybody understands that section 8 and other affordable housing efforts within HUD are the key measures that try to lift people up when they play by the rules, go to work, do their best to try to get ahead, but simply can't afford to put one half of their entire earned income into rent, therefore, at the expense often of health care, of food, of adequate clothing, and of the other essentials of life. I think that is really what we are talking about. Even in the best of circumstances, if we start building housing today, there will still be millions of American families in that worst-case situation.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise before you today in support of increased funding for the U.S. Department of Housing and Urban Development. Specifically, two programs—housing vouchers for low-income families and the Community Builders program—of interest to both Delaware and the nation, need additional funding that is not in this bill. I hope that my comments will be helpful to my colleagues when we eventually head into conference on this bill.

Before I speak, I wish to commend the managers of this bill. Competing demands and good programs are a recipe for tough choices. These managers have done an excellent job in moving this bill along smoothly and effectively and with a spirit of comaraderie.

But this bill would not fund a single new housing voucher for low-income Americans to obtain housing. Not a single one. This just makes no sense for two basic reasons. First, these vouchers enable low-income families to afford a reasonable place to live, to afford decent housing—but we now have more than one million Americans waiting for housing assistance. Not only are these numbers abominable, but Americans are waiting months and even years to get affordable housing. In my home state of Delaware, people are stuck on waiting lists for an average of 10 months for public housing and 18 months for section 8 vouchers. In Philadelphia, just down the road, the waiting time is 11 years. In Cincinnati, it is 10 years. How can we be freezing a program that provides housing vouchers when, before the freeze, HUD-assisted households were growing at a rate of 107,000 households per year? We are freezing out the elderly, persons with disabilities, and persons trying to get close to a good job. And what is the alternative for these million people on waiting lists? It is substandard housing or a paycheck that goes almost entirely to rent.

Second, we are in a time of booming growth and prosperity. A time when we have an actual surplus in our treasury.

But not all Americans are touched by this prosperity, as evidenced by the waiting lists. In fact, many Americans are discovering that they cannot pay their rents because this economy has driven up the cost of their rents. Over 5 million families have severe housing needs in this country. These vouchers are all the more necessary as rents rise more and more out of reach.

The administration has asked for a conservative number of new housing vouchers. These 100,000 vouchers would go to the elderly, the homeless and worst-case housing needs. In addition, these vouchers would support people moving from welfare to work. Mr. President, we are creating new jobs in this economy, but the people that need these jobs are not living where these jobs are. These vouchers would help get people to where they need to be in order to work and get off the welfare rolls. Last year we voted to add 90,000 new vouchers, the first growth since 1994. If we vote for new vouchers now, 259 families in Delaware would be able to receive housing assistance. To provide no new vouchers seems just unreasonable.

This bill also terminates the Community Builders program. This public service program has put HUD out into the community to strengthen and revive our neighborhoods. Frankly, in the past, HUD has not been an exemplary representative of good bureaucracy. But this administration has gone to great lengths to turn things around—and begin to provide services effectively and skillfully to our communities. The Community Builders program is a successful example of this turn-around. The program is not even 2 years old, yet what it has accomplished in my state of Delaware is remarkable. Let me tell you what the Community Builders program is doing in Delaware and why it is important.

We did not have a HUD presence in Delaware before the Community Builders. Now, for the first time, Delaware has a direct link to HUD programs. Let me tell you what that means. In Delaware, we have some pretty amazing people who are trying to help their communities by developing projects to create jobs and fair housing. They have the will and Community Builders gave them the way. The Community Builders, who are experts in technical assistance, are training these people on how to start community development programs.

Besides providing expertise, this program has literally put people on the street who facilitate and coordinate the community's access to HUD programs. Let me give you another example. Next week in the Terry Apartments on Bloom Street in Wilmington, computers will be installed for its elderly residents. The Community Builders helped secure the funding for these computers. It also teamed with the University of Delaware so that next week, people will come to the apartment building to train these residents how to use the computers. This means that persons living in section 8 buildings will now have access to the internet.

I have seen letter upon letter sent to HUD thanking them for what this program has brought to Delaware. Let me quote for you a letter from Patti Campbell at the University of Delaware written to HUD:

> The Delaware Community Builders have been instrumental in our continued progress on building community Neighborhood Networks, and have made possible the first ever Statewide strategic discussion and conference of faith-based community development groups. The input and advice from HUD's Community Builder . . . provides a unique housing perspective that has helped the program make strong, well-thought out strategic decisions. This expertise is an invaluable tool that assists in the forward progress of many of our affordable housing and community based programs. HUD's Community Builders have a unique position in Delaware in that they can offer information about the overall community-based development process with the full knowledge and support of HUD's broader programs.

As this letter vocalizes, the Community Builders have created a partnership connecting organizations trying to develop affordable housing in Delaware—and has built their capacity to do so. It is clear that closing this office in Delaware, which would happen if this program is disbanded, would harm this partnership.

Mr. President, again, I commend the managers of this bill. This bill would be an even better one if it secured more housing for the people that need it and if it continued HUD's presence in local communities. I hope that my colleagues will be able to find the resources to fund these programs by the time this bill comes out of conference.

I know my colleagues are ready to move on. Let me make three broad points. It will take about 3 to 5 minutes.

No. 1, the fact is, we have asked the Housing Department, HUD, to become more innovative. We have asked them to trim down. We have asked them to become more efficient. We have asked them to become more customer oriented. I think under Andrew Cuomo they have done just that. Now, because of problems beyond the control of the subcommittee, this is the caboose at the end of the train that is going to be empty. This is not going to get the kind of attention, the whole of HUD is not going to get the kind of attention, it deserves.

The second point is very basic. My colleague from Missouri made a very compelling argument about section 8. He made the point, why this tax cut is so brain dead, why we are here talking about cutting what everyone on this floor acknowledges there is a need for, recognizing but not saying that in order to be able to come up with a surplus of $1 trillion over 10 years, which is the projection, that encompasses a 20-percent cut across the board in all programs. If we increase defense, it means a 40-percent cut in some programs.

Here we are debating, tying up the end of a session. This is totally beyond the control of my colleagues on the subcommittee, totally beyond their control. I am not suggesting they agree with what I am saying. I am telling Senators, this is the classic example of why we are in such trouble.

Here we are with this booming economy, a projected surplus, very few appropriations bills passed. The only thing we are talking about is an $800 billion tax cut that now has been vetoed and now it is said there will be no compromise on until next year. We are spending a surplus we don't have, and we are kidding the American public that there is somehow a painless way of arriving at the surplus so we can give it back in a tax cut.

I defy anyone to tell me how we are going to meet the needs. Democrats and Republicans have stood up, to the best of my knowledge, and said: You are right; we have this serious section 8 problem; we have this serious problem in providing affordable housing; we should do something about it. Tell me how you do it. This, as well as education, as well as 10 other things we could name—defense, where we all acknowledge there are significant needs—by spending a surplus we don't have and that is premised upon a continued cut of 20 percent beyond what we have cut over the last 6 years on balance.

As the grade school kids used to say, I hope we get real here. These folks managing this legislation can't manufacture an allocation. They can't come up with magic money. I hope people who are setting policy, making the decisions about how to proceed on these overall budget items and how to deal with the projected surplus, which seems to have us completely tied up in knots—I have been here for 27 years. My friend from Massachusetts has been here longer than I have. I don't ever remember a time when things were in as much disarray at the end of the year and in the appropriations process. The difference is, nobody has a plan. Nobody has a plan. At least when Gingrich was in charge over there, they had a plan. There was a light at the end of the tunnel. It was the proverbial freight train, but it was a light. He had a plan—a bad plan but a plan. We don't even have a plan.

We are careening down this hill, having no notion what is going to happen. At least I don't have any notion. Maybe others are smarter than I am and can tell me what is going to happen in the next week, 2 weeks, 1 month, 6 weeks. I have no idea. I don't think there is a plan.

The plan relates to having a rational strategy towards the budget in terms of how we are going to deal with this booming economy, this projected surplus, and the spending priorities. Mark my words, this is not the only one. My friend from Massachusetts, Senator KENNEDY, and my friend from Illinois have talked about education and how it has gotten just gored—no pun intended. This is crazy.

I hope saner leaders decide how to approach this problem, so we are not here talking about something we all think we should do something about and the American public, with the economy booming, can't understand why we can't do something about. Yet we have no idea how to do anything about it. I find that fascinating, I find that deplorable, and I find that frightening.

I hope this illustration on this small issue in relative terms is able to be looked at by people. If there is a problem here, it is everywhere. All these priorities we say we want, and yet we are fighting over a surplus that doesn't exist and trying to give away $800 billion in a tax cut.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank the Chair.

I say, very quickly, to my colleague from Delaware, I appreciate the kind words he said about the ranking member and me, but I have to disagree with all the rest he said.

I am not going to make the argument here. There is a plan. We have a budget. We are faced with problems in this allocation, not because of any tax cut but because of the budget caps that were adopted by Congress and signed into law by the President.

There is a plan, and I will leave it to the Budget Committee members and the leadership of the committees to describe that plan. We have added money above the caps this year for the costs of military actions. That is why there will be work on the Labor–HHS bill to raise the money necessary within the available surplus. It has nothing to do with the tax cut. We will not be touching Social Security.

Because the Senator from Rhode Island raised a question about community builders, I send a memorandum to the desk and ask unanimous consent it be printed in the RECORD. It is a memorandum from the Assistant Secretary for Housing, the Federal Housing Commissioner, outlining the problems with community builders. We have heard from many people in HUD offices, who do not wish to be quoted, concerning their problems with the community builders. We are not going to argue that point here.

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

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, DC, September 2, 1999.

Memorandum for: Secretary's Representatives; Senior Community Builders; Departmental Enforcement Center, Headquarters Division Directors; Departmental Enforcement Center, Satellite Office Directors; Multifamily Hub/Program Center Directors; Property Disposition Center Directors; Headquarters Multifamily Office Directors.

Subject: Clarifying Community Builder Roles in Troubled FHA Multifamily Housing Projects.

In order for HUD to promptly and properly address troubled multifamily projects, it is essential that we act and speak with one voice, as ''One HUD''. As HUD is currently structured, the Office of Housing remains responsible for the asset management functions for these projects at all times. The Departmental Enforcement Center (DEC), working closely with Housing staff, is currently involved with several hundred of these projects.

It has come to our attention that in their effort to provide responsive customer service, Community Builders (CBs) in certain areas have misinterpreted or overstepped their role in dealing with HUD's identified troubled multifamily projects.

Handling these troubled multifamily projects must be a team effort at all times. To this end, it cannot be stressed too strongly that, *prior to responding to any inquiries, issues, etc. regarding any multifamily project, the Community Building MUST first consult with the Multifamily Hub/Program Center Director to determine whether it is a troubled MF project and how to respond*. If Housing advises the CB that the DEC is involved in the troubled project, then Housing and the Community Builder must communicate with the appropriate DEC Satellite Office. These three organizations will jointly determine the response and the role of the Community Builder, if any, in addressing the issue. In highly sensitive cases (e.g., involving OGC or OIG), the CB may be advised to refrain from any communication, or will be limited to discussion of only very specific aspects of the case.

At no time is it proper for the Community Builder to schedule meetings, respond to or initiate contacts directly with an owner, owner's representative, owner's agent, the media, tenants, Members of Congress or their staffs, etc. regarding a troubled multifamily project without the explicit prior agreement of the Director of the Multifamily Hub/Program Center and, where the DEC is involved, the DEC Satellite Office Director. Keep in mind that any separate communications between the Community Builders and any of these parties could compromise proposed or ongoing negotiations between the Departmental Enforcement Center and the owner. At all times, HUD must present itself to the public as speaking with one voice on troubled multifamily projects.

When a multifamily project has been referred to one of the Office of Housing's two Property Disposition (PD) Centers for foreclosure or taking over a project as mortgagee-in-possession or owner, responsibility for the property moves to the PD Center. In such cases, Community Builders remain an essential part of the HUD team, but will need to work closely and coordinate with the Director of the appropriate PD Center.

The policy outlined above must be adhered to immediately. More detailed guidance is being developed by a working group to be established by the Office of Housing, Departmental Enforcement Center, and the Office of Field Policy and Management.

If you have any questions, please contact Marc Harris, Office of Housing (202) 708–0614, ext. 2680; Jane Hildt, DEC Operations Division (202) 708–9395, ext. 3567 or Barry Reibman, Office of Field Policy and Management (202) 708–1123. Note that the Departmental Enforcement Center Satellite Offices are located in New York, Atlanta, Chicago, Fort Worth, and Los Angeles; the Property Disposition Centers are located in Atlanta and Fort Worth.

WILLIAM APGAR,
Assistant Secretary for Housing/Federal Housing Commissioner.
EDWARD J. KRAUS,
Director, Departmental Enforcement Center.
MARY E. MADDEN,
Assistant Deputy Secretary for Field Policy and Management.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I want to pay my compliments to Senators BOND and MIKULSKI. They have each made the best of a very difficult situation. I compliment them on their leadership. I particularly thank Senator MIKULSKI, who continues to be of service to people of my State and whose own priorities are written throughout this bill, which for all of us in our region of the country is particularly important. It is in furtherance of their priorities, not in contradiction, that I rise in support of Senator KERRY's amendment.

This legislation does not contain any funding for new section 8 housing vouchers. This amendment will provide $288 million for 50,000 of those new vouchers. It is a modest but necessary addition. It does not increase authority or outlays. There are offsets for each and every one of those dollars. It is simply a reordering of priorities to recognize the state of housing in America.

Rising economic prosperity in America erodes the foundation of many of our most endemic social problems. Housing is a single exception. Prosperity is not solving the housing crisis in America; it is exacerbating the housing problem in America. Indeed, what was a housing problem in the last decade is a housing crisis in this decade. Rents are rising, costs are increasing, there is homelessness, and homelessness increases as the demand on people's income to accommodate housing also rises.

The single weapon the Federal Government has available to deal with the housing crisis in America is section 8 vouchers. This is not a giveaway; this is no free ride for the citizens of America. Between 30 and 40 percent of people's income must be dedicated to paying rent from their own resources as part of this program. In many of our

urban areas, it is the single tool available to prevent children and families from going to the streets.

In Newark, NJ, over 172,000 families are paying more than 50 percent of their income in rent or living in substandard conditions. More than 1 million people are languishing on waiting lists for section 8 vouchers or affordable housing. And they are not waiting a few days or weeks or even a few months; the average is 28 months. You realize you are in trouble, you cannot provide affordable, decent housing for your children, and then you wait in substandard conditions, paying rent where you also cannot afford health care or food for your children. You wait 28 months—unless you live in Philadelphia, where you wait 11 years. In New Jersey, the average in our cities is 3 years. We have 15,000 people waiting for vouchers in Jersey City and 10,000 are waiting in Newark.

Every year, year in and year out, the numbers in America grow by 100,000. The simple reality is that this year, unless Senator KERRY's amendment is adopted, the number of section 8 vouchers will not increase—not by 100,000 to meet growing demand, not by 50,000 to meet half of the demand, but by none, not a single new family. The problem becomes a crisis, and the crisis deepens.

I strongly urge my colleagues to follow Senator KERRY's leadership to improve upon the work, the already considerable work, Senators MIKULSKI and BOND have done.

Also, as did the Senator from Rhode Island, I add my voice in defense of the Community Builders Program. This is America at its best, where young people, for modest remuneration, give their time and their talents to reach out to fellow citizens, to help them avail themselves of Government or private programs, to improve their own lives. In some cities of my State, virtually the only contact some desperate people in need of assistance for housing, drug abuse, educational services have is with these people. Their only contact with the Federal Government may be one of these young people giving a stage of their lives to go into a community and reach out. That program is not going to be reduced on the legislation. It could be eliminated.

This Senate voted to allow Andrew Cuomo to become a member of this Cabinet to provide leadership for HUD. This is one of his signature programs. His talents and his time have brought him to believe this is one thing we can do for a modest cost that would make a difference. He deserves that support. This modest vote will allow him to continue with a program that he believes and I believe is critical.

I urge adoption of Senator KERRY's amendment. I express my thanks, again, to Senator BOND, and particularly Senator MIKULSKI, for improving this legislation and bringing us to this point. We are all very grateful.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank all of my colleagues for their kind words about the Senator from Missouri and myself.

Speaking on the amendment of Senator KERRY of Massachusetts, I want to reiterate the fact that there is very keen interest on the part of the subcommittee to continue to expand the voucher program. What we lack is really the wallet. We hope that as we move to conference, working very closely with the administration, we can find an offset to pay for new vouchers, and an offset that will not only take care of this year's appropriation but will be sustainable and reliable.

I am pleased to report to my colleagues in the Senate that I have had extensive conversations with the head of OMB, who is working on this, along with our Secretary of HUD, Andrew Cuomo. I do not believe the eloquent statements by my colleagues on the compelling human need to be reiterated by me. I do want to reiterate my support for increasing the voucher program in conference. I know that the President is deeply concerned about this, and should we not be able to proceed with an expansion, his senior advisers are already advising a veto. We are not there yet.

I say to my colleagues that this is a work in progress. They have outlined the compelling human need. I could give the same kinds of examples from my own State of Maryland, where, though we are enjoying a prosperous economy, there are still very significant ZIP Codes of poverty. So working together, we will be able to do that.

With that, I want to convey, first, my support, and, second, I believe we can move forward and listen to the Senator from Massachusetts in relation to the bill.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the KERRY amendment. Let me explain that, as a member of the Budget Committee, I understand the burden this appropriations subcommittee faced. The budget allocations were entirely inadequate for the demands of this very important budget—the Veterans' Administration, the National Aeronautic and Space Administration, and certainly for the Department of Housing and Urban Development, as well as other agencies.

The chairman of the subcommittee and Senator MIKULSKI of Maryland have done the very best they could under the circumstances to try to address these critical national needs. I believe Senator KERRY and others have said perhaps one of the areas that really needs more attention when this bill goes to conference relates to the section 8 voucher program—a program which takes working families and gives them a helping hand to find affordable housing.

It is hard to imagine why, in this time of economic prosperity, we would have people still searching for housing. In my home State of Illinois, in the city of Chicago, we have seen this booming economy bring rents up even higher, and so working families, particularly with the low minimum wage, which has not been addressed for several years, are striving to do their very best for their children while rents are rising in an otherwise prosperous economy.

In the city of Chicago, we can have some pretty powerful winters. I can recall not too long ago visiting the flat of a working family. The man had recently become unemployed, his wife was on dialysis, and he had two small children. They had no heat in the apartment they were living in. They were all huddled in one room with a space heater. All of the plumbing had frozen. It was a miserable living condition. They were within minutes of the loop of Chicago.

I think it is an illustration of families that are struggling to provide decent, safe, healthy housing for their families under the worst of circumstances.

This bill does not provide any additional money for section 8 vouchers. For over 20 years, we have put more money into section 8 vouchers to try to keep up with the demand of those who cannot find adequate housing.

I might also add that we are now going through a revolution in thinking on public housing, which probably started several decades ago in the city of St. Louis—represented by the chairman of this subcommittee—when they decided the vertical slums, the public housing projects, were to be torn down, and they were to try to build things which were more habitable and housing which was more decent for the families that needed them.

We are doing the same thing in Illinois and in the city of Chicago. But as these high-rise, public housing units are torn down, the people living there need a place to live. Section 8 vouchers give them money in hand to supplement with their own money to find something in the community. When this bill provides no new money for section 8, it reduces, if not eliminates, the possibility that these families can find that kind of housing.

When you take a look at the situation in the State of Illinois, when it comes to housing, it is an illustration, as my colleague from New Jersey noted earlier, of the problems they face. The number of families with unmet worst

case needs for housing in the metropolitan area of Chicago is 151,000 families. The average time on waiting lists for public housing and section 8 vouchers in Illinois for public housing is 16 months. If you wanted to get into a public housing unit, the average wait is 16 months, if you are eligible. If you apply for a section 8 voucher to stay in the private market and rent a flat or a unit or an apartment, you wait 63 months—over 5 years to qualify for section 8 vouchers.

That will get worse if in conference we don't put money in for section 8 vouchers.

In addition, the number of families on waiting lists in the metropolitan area of Chicago is 31,000 families looking for public housing, and 30,000 for section 8 vouchers. If we don't put additional money for section 8 in this bill in conference, the number of families in my State that will not receive assistance for section 8 is over 12,733 families that, frankly, will be out on their own.

Why do we have such a crisis at this time of otherwise economic prosperity? Because, frankly, despite the fact that between 1977 and 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 in 1984 to 1994—in 1995, we saw a historic reversal in Federal housing policy, freezes on new housing vouchers, despite a growing need.

If you travel through some cities in this country, even our Nation's Capital of Washington, in the cold of winter, you will see homeless people. Some of these folks have serious personal problems. Others are desperate to find housing. What we do in this bill relates directly to the relief they need.

I salute the Senator from Massachusetts for his leadership. I hope in conference the Senators from Missouri and Maryland and other members of this subcommittee can find the resources and wherewithal to increase the number of section 8 vouchers in this bill.

The last point I will make is this: This bill also eliminates 400 employees in HUD for community builders who are generally young people who have decided to give 2 years of their life to leave a job or career and dedicate it to public service. These are people working in communities throughout the United States to provide housing and counseling, and their counseling is very good.

Ernst & Young, a very well-respected organization, did an audit of the Community Builders Program in HUD, and didn't stay in Washington to speak for the bureaucrats here. They went out in the communities and asked the people who served. They applauded community builders. They said community builders work. These are people doing a good job for the government, people with idealism and energy whom we need to make this already good department an even better agency.

It is sad to me this appropriations bill eliminates these 400 community builders, and will close down offices in some 81 cities across America.

That is a disservice to the people who truly need their services. I hope in conference the conferees will reconsider this.

Let me close by commending Senator MIKULSKI and Senator BOND for their hard work. I understand the burden they face with the budget allocation. But we certainly have a burden, too, and the burden is to face the needs of working people who need help to find decent housing for their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1782, VITIATED

Mr. CAMPBELL. Mr. President, I ask unanimous consent to vitiate amendment No. 1782.

This was included inadvertently in the list of amendments and was already agreed to as part of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1761, WITHDRAWN

Mr. KERRY. Mr. President, I thank my colleague from Illinois for the substance of his comments, and also for his generous comments about my efforts and the efforts of the ranking member and others on this bill.

I thank each of our colleagues who have come to the floor—the Senator from Michigan, the Senator from Rhode Island, and others—each of whom have spoken very eloquently and very forcefully about the need to increase housing, and section 8 particularly.

All of us are very mindful of the particular predicament the Senator from Maryland and the Senator from Missouri have faced. We have said many things on the floor this morning about their commitment to this effort. I am particularly grateful to the Senator from Maryland for her statements a moment ago about the efforts they will make in the course of the conference.

After discussions with Secretary Cuomo, and discussions with the chairman and with the ranking member, we are convinced the best course at this point in time is to continue to respect what the ranking member said—that this is a working process—to do our best in the course of the next weeks to honor the efforts of those Senators on the floor today who have spoken about the need. I am convinced we can do that.

I think there is no purpose at this point in time in taking the Senate to a vote, given the assurance of those efforts by the administration and ranking member, and therefore I ask unanimous consent that I be permitted to withdraw the amendment at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the President.

The PRESIDING OFFICER. The minority leader.

AMENDMENT NO. 1790

(Purpose: To express the sense of the Senate regarding education funding)

Mr. DASCHLE. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY, proposes an amendment numbered 1790.

Mr. DASCHLE. 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. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The American people know that a strong public education system is vital to our Nation's future and they overwhelmingly support increasing the Federal investment in education.

(2) The funding level for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate has been reduced to pay for other programs.

(3) The current allocation for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations is 17 percent below fiscal year 1999 levels.

(4) The 17 percent reduction in Head Start will result in 142,000 children not being served.

(5) The 17 percent reduction will cost school districts the funds for 5,246 newly hired teachers.

(6) The 17 percent reduction will deprive 50,000 students of access to after-school and summer school programs.

(7) The 17 percent reduction in funding for the Individuals with Disabilities Education Act (IDEA) will make it far more difficult for States to provide an appropriate education for students with disabilities by reducing funding by more than $880,000,000.

(8) The 17 percent reduction will deprive 2,100,000 children in high-poverty communities of educational services to help them do well in school and master the basics.

(9) The 17 percent reduction will result in 1,000 fewer school districts receiving support for their initiatives to integrate technology into their classrooms.

(10) The 17 percent reduction will deny nearly 200,000 disadvantaged and middle-income students access to counseling and educational support to help them succeed in college.

(11) The 17 percent reduction will reduce funds provided to schools to improve school safety by nearly $100,000,000.

(12) The 17 percent reduction will cause 100,000 students to lose their Federal Pell Grant awards.

(13) No action has been taken in the Senate on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000.

(14) There are only 5 legislative work days left before the end of fiscal year 2000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should increase the Federal investment in education, including providing—

(A) $1,400,000,000 for the second year of the initiative to reduce class sizes in early grades by hiring 100,000 qualified teachers;

(B) an increase in support for programs that recruit, train, and provide professional development for, teachers;

(C) $600,000,000 for after-school programs, thereby tripling the current investment;

(D) an increase, not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994;

(E) an increase in funding for part A of title I of the Elementary and Secondary Education Act of 1965 for children from disadvantaged backgrounds, and an increase in funding for reading and literacy grants under part C of title II of such Act;

(F) an increase, not a decrease, in funding for the Individuals with Disabilities Education Act;

(G) funding for a larger maximum Federal Pell Grant award for college students, and an increase in funding for mentoring and other need-based programs;

(H) an increase, not a decrease, in funds available to help schools use technology effectively in the classroom and narrow the technology gap; and

(I) at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities; and

(2) the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize important investments in other key programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate.

Mr. DASCHLE. Mr. President, this is the last amendment, as I understand it, that will require a rollcall vote. I propose that there be a 1-hour time limit provided for the amendment with the assumption that there would be no second degree amendment.

I ask unanimous consent that there be a 1-hour time limit provided for the amendment to be equally divided, and no second degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. Mr. President, reserving the right to object, I want to talk with the majority leader and others on this before we agree to a time limit. I suggest the absence of a quorum at this point.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

Mr. DASCHLE. Mr. President, I have the floor, do I not?

The PRESIDING OFFICER. The minority leader has the floor.

Mr. DASCHLE. Mr. President, let me begin by discussing the amendment.

Mr. LOTT. Mr. President, will the Democratic leader yield?

Mr. DASCHLE. I am happy to yield to the majority leader.

Mr. LOTT. Mr. President, I would prefer not to object. But I was not aware of the content of the amendment until just a short time ago. I would like to have a chance to take a look at it. I think I am going to want to offer, to be perfectly frank, a second-degree amendment to it.

I want to have a chance, when the Senator completes his remarks, to talk with him about what time will be needed and how we can work through the parliamentary procedure. I want to be candid with the Senator about that. I look forward to having a chance to discuss it.

Mr. DASCHLE. Mr. President, we are 7 calendar days away from the beginning of the new fiscal year. We have yet to schedule a markup on spending for Labor, Health and Human Services, and Education here in the Senate. It is becoming increasingly disconcerting to many Members that over the course of the last several months, it has been the Labor, Health and Human Services, and Education bill in particular, that has become the ATM machine for the entire Federal budget.

Given the fact that we are at the end of a fiscal year, given the fact that just yesterday we saw the intentions of our Republican colleagues on the House side as they made spending decisions with regard to education, given the fact it may be we will not have an opportunity to debate a Labor, Health and Human Services, and Education bill on the Senate floor at least before the first of October, many Members thought it was important to raise the issue now, to at least have some discussion about where we are and where we need to go on this critical issue prior to the time we have cemented in all the other commitments and all the other decisions with regard to the budget and appropriations for the next fiscal year.

On January 6, the majority leader made a very strong statement about education. He said, ''Education is going to be a central issue this year. The Democrats say it is important and should be a high priority; Republicans say it is a high priority.''

On April 14, the distinguished chair of the Budget Committee made a similar statement, very strong in its nature. He claimed that the budget resolution increased education funding by $3.3 billion for fiscal year 2000, and on March 1 he said, ''We are going to put real money where our rhetoric has been.'' The reality is, so far our colleagues have not kept their promise. Instead, as I said, we are using education as an ATM machine for everything else.

Senate funding for Labor-HHS-Education today is $15 billion below last year's levels, a 17-percent cut from a hard freeze of last year. Just last week, the Appropriations Committee took $7 billion away from the education budget. The Republican tax bill which was vetoed yesterday would have cut education by 50 percent in the 10th year. Yesterday, the House Labor-HHS-Education Subcommittee finally brought up a bill, and that bill provides less for education than we provided last year. It kills the class-size reduction program, it provides only half of the President's request for afterschool programs, it provides a half a billion less for Head Start than the President requested, it underfunds title I for disadvantaged children, it underfunds safe and drug-free schools, and it underfunds education technology and youth employment programs. Clearly, education is the lowest—not the highest—priority for our Republican colleagues.

In the Senate, we still have a 17-percent cut, which would be devastating. Make no mistake about it, the ramifications of that kind of cut on education in one fiscal year would absolutely devastate educational programs: 175,000 fewer young children would attend Head Start; 2.1 million kids from high poverty areas would not receive the help they need to succeed; 85,000 fewer students would have access to afterschool programs and summer school programs than the year before; Federal funding for special education would be destroyed; virtually all schools would lose funding for drug abuse and violence prevention programs; 166,000 college students would not get work-study that makes college more affordable; 120,000 disadvantaged college students would lose the TRIO services that help them complete college.

Americans certainly know strong public schools are vital to our future. They say it over and over when we ask them in the polling data. Mr. President, 79 percent of Americans in a poll just taken say improving education and schools is one of the most important factors they will use in choosing the next President. A strong majority supports increasing our investment in education, not slashing it. Some say public schools are broken and can't be fixed. That evidence is just not there. It doesn't support claims as erratic and as irrational as that.

In 1994, the Congress passed the Elementary and Secondary Education Act. We put policies in place to encourage schools to set high standards for disadvantaged children and assess students' performance. The standards are just now going into effect. Setting standards for low-achieving students helps all students. Eighty percent of poor school districts and almost half of all districts report title I has actually

encouraged schools to put standards in place for all. We are starting now to see real results. Student performance is rising in reading, math, and science. U.S. students scored near the top on the latest international assessment of reading. American fourth graders outperform students from all other nations but one. The combined verbal and math scores on SAT increased 15 points between 1992 and 1997. The average math score is at its highest level in 26 years.

There are other signs of improvement. More students are taking rigorous courses and doing better. The percentage of students taking biology, chemistry, and physics has doubled. The number of AP exams where students scored a passing grade has risen nearly fivefold since 1992. Fewer students are dropping out. From 1982 to 1996, the dropout rate for students between 16 and 24 fell from 14 to 11. The gap between whites and blacks in completing high school has closed. In 1995, for the first time, blacks and whites completed high school at the same rate, 87 percent.

However, not all schools, not all students, reach their potential. We know we have to do better. Schools face many challenges they didn't face even when I was going to school. Enrollments are at record levels. A large part of the teaching corps is getting ready to retire. Diversity is increasingly bringing new languages and cultures into the classroom. Family structures are changing. More women are in the workplace. That increases the need for instructive afterschool and summer school activities. We are learning more about how children learn during early childhood, how important stimulating activities are for later success in school. The importance of a higher education and lifelong learning has never been greater, requiring even better preparation of all students.

These are national challenges. The Federal Government has to be a partner in addressing them. Now cannot be the time to cut education. Our Republican colleagues have proposed an education plan that falls short, not just in funding. Their other actions show they don't have a constructive agenda for public schools. They are blocking efforts to keep guns out of the hands of kids. Education block grants shift help away from disadvantaged children and reduce accountability, yet they continue to create even more block grants, and then slash the funding. They think giving a $5-per-year tax break to families with children in public schools will somehow improve student learning. They think diverting Federal resources to provide vouchers for a few children to go to private school rather than strengthening public schools that serve 90 percent of all children is somehow going to improve education in this country.

I think, with all due respect, our colleagues on the other side need to think a little harder. We have a comprehensive, constructive, and realistic educational agenda for the rest of this session. We help communities by serving all students, providing $1.4 billion to reduce class size and improve teacher quality, by tripling funding for afterschool programs and improving school safety, by increasing college access and affordability, by expanding opportunities to incorporate education and technology into the classroom and training teachers and principals in using it effectively, by advancing school readiness and literacy, and by helping communities leverage funds to modernize school buildings.

Further, as the Health, Education, Labor, and Pensions Committee works to update the Elementary and Secondary Education Act, we will push for higher standards for student achievement and get those standards into the classroom. We are going to fight for strong accountability provisions, including providing school report cards to parents, increasing public school choice through open enrollment, expansion of charter schools, and strengthening reforms to turn around failing schools.

We are going to focus on attracting talented individuals into teaching and make sure that new and veteran teachers and principals have access to opportunities to learn more about effective teaching and management strategies. We want to continue support for efforts to streamline Federal regulations and increase flexibility for local school districts while holding them accountable for student achievement.

However, funding is critical. While money is not the only answer, it has to be part of the solution. Mr. President, 17-percent cuts in programs such as title I and Head Start will only make matters worse. A freeze at last year's levels is also unacceptable. The current fiscal year ends in 5 business days. Time is clearly running out.

We are simply offering a sense-of-the-Senate resolution to lay out why a 17-percent cut in education is unacceptable, and to lay out our priorities. The Democratic record on education could not be stronger. We voted for increases in funding for education without exceeding the spending caps or spending Social Security trust funds. We have a constructive agenda to improve public schools and increase achievement. Strong public education is critical to our future. Public schools have increased opportunities for people from all walks of life throughout our Nation's history. We have to continue to make sure all students have access to public schools so all students have the opportunity to develop their skills and learn to their highest abilities.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DASCHLE. I yield to the Senator from Massachusetts for a question.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, do I not have the floor?

Mr. LOTT. Will the Senator yield for a question?

The PRESIDING OFFICER. The minority leader has the floor and may yield for a question.

Mr. DASCHLE. I had yielded to the Senator from Massachusetts for a question, but if the Senator will withhold for a moment, I am happy to yield to the majority leader.

Mr. LOTT. I wanted to ask, if we are going to have some debate, if we could go back and forth? Or is it the Democratic leader's intention to have Senator KENNEDY ask a question?

I would like to get into some discussion, but I understand the Senator has the floor. Certainly I would not want to take you off your feet. But I would like to be heard on this issue, and I hope we can get some flow back and forth. I might say, we are trying to work up an agreement as to how we can proceed on this today and Monday. When you and I have a chance, I would like to clear that. That is all.

Mr. DASCHLE. I am happy to yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. If I could have the attention of the two leaders, if it is the desire of Senator LOTT to have Senator GREGG speak briefly so the two leaders can talk, I will be glad to withhold then, with the understanding I might be recognized afterwards to speak for maybe 15 minutes, if that is the way the leaders want to go. We can do it whichever way. If it is the desire of the leaders to get together to work out procedure, I will be glad to withhold questions. The Senator from New Hampshire could speak, if it is for 10 or 15 minutes, and then I will be glad to follow, if that is helpful. Or we could continue the way we are. Whichever way.

Mr. DASCHLE. As I understand it, I still have the floor, and I am happy to yield to the majority leader at this time.

Mr. LOTT. Let's see if we can ascertain exactly what the Senator from Massachusetts is proposing. Perhaps Senator GREGG could speak, and then Senator KENNEDY, giving the two of us the chance to talk about how we can proceed. Is that what he was proposing?

Mr. KENNEDY. I thought that was what the leader wanted. That will be fine and acceptable to me.

Mr. DASCHLE. Perhaps we can enter into a unanimous consent agreement that the Senator from New Hampshire be given 10 or 15 minutes——

Mr. GREGG. Mr. President, 15 would be nice.

Mr. DASCHLE. To be recognized, then the Senator from Massachusetts, and then I ask I be recognized following the Senator from Massachusetts.

Mr. LOTT. And this is all for debate only. Was that in the form of a unanimous consent request?

Mr. KENNEDY. Could I have 15 minutes?

Mr. GREGG. Do I have 15 minutes?

Mr. DASCHLE. I amend my request by asking that the Senator from New Hampshire have 15 minutes, the Senator from Massachusetts have 15 minutes for purposes of debate only, and I be recognized following the presentations by both Senators.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me begin by thanking the leaders for their courtesy and thanking the Senator from Massachusetts for his courtesy. I want to respond to some of the points the Democratic leader has made relative to the education issue and talk about some of the agenda items about which we as Republicans are talking.

I have not seen the Democratic leader's sense of the Senate, but as I understand it, it is basically a castigation of the Republican majority for our position on education and promotion of the Democrat position on education, which would not be too surprising coming from the Democratic leader. But let me make a couple of points that I think underlie this whole debate.

The first is this: There is no amendment on the floor, there is no proposal on the floor, dealing with funding for education. It is my understanding the appropriations subcommittee, of which I happen to be a member, which deals with education funding, is going to be funding the Head Start at a very aggressive level and is going to be funding other education accounts at very aggressive levels. Those levels will be significant.

The second point to make: the Democratic membership has come forward with a whole series of new initiatives, most of them put forth by the President. They include class size initiative, afterschool initiative, building of new schoolroom initiatives. All of these are extremely expensive items. What they have not come forward with, however, is a commitment to support the already expensive items which the Federal Government has forced the local communities and the States to spend money on—specifically, special education.

On our side of the aisle, we have taken the position that it is much better for the Federal Government to fund already-existing programs, which it requires the local communities to spend money on, than to start up new programs, to force the local communities to spend new money on programs when they are not even getting reimbursed for the programs for which we already asked them to pay.

Special education is probably the single biggest drain on the costs of running your local school districts. You can go across this country and I suspect you will not find any school district in this country where the principals and the superintendents, and even the teachers, and especially the parents, do not tell you that if the Federal Government would simply pay its fair share of the cost of special education, then the local schools could do the things they need to do in other areas; whether it happens to be reducing the class size, building buildings, adding computers, adding foreign language courses, or adding new athletic programs. But because the Federal Government has refused to pay its fair share of the cost of special education when the Federal Government originally committed to pay 40 percent for each child in special ed, and today only pays about 10.5 percent, because the Federal Government has failed to fulfill its commitment in this area of paying the full 40 percent, local school districts have had to take school dollars raised at the local level and apply those dollars to satisfy the Federal obligation, to pay for the Federal obligation. That has skewed dramatically the ability of the local school districts to effectively manage their own budgets and to take care of local education.

What has been the administration's response to this? Has the administration said that is wrong? We put on the books a law that said we were going to help the special needs child—a very appropriate law—and the Federal Government would pay 40 percent of the cost of the special needs child, and we are not doing it. We are only paying 10.5 percent. Has this administration said let's take care of that problem, let's address that problem?

No. They have totally ignored the special needs child in their budgets. In fact, were it not for the Senate Republicans and for the leadership of Senator LOTT, special education, the special education commitment of the Federal Government, would still be around 6 percent.

Over the last 3 years, because of Senator LOTT's support and because of efforts of other Senators such as myself, we have been able to move that number up fairly significantly so we are now supporting about 10.5 percent. We have essentially doubled, in many States, the amount of money coming from the Federal Government, but we are still far short of the dollars that should be going back to local communities to help them with special education.

This has had a series of insidious impacts, this failure to fund special education, especially the failure of this administration to step up to the bar and fund special education. What this administration does is it creates or proposes all these new programs, whether it is a new building program or class size program or afterschool program, and it says to the local school district: OK, we are going to send you money for this program—call it a building program for their local school district. Then it says to the local school district, but to get this money you may have to have some sort of match. So the local school district finds itself in an impossible position because the Federal Government, instead of sending it the money it needs for special education, is saying to them: We are not going to send you the money we already told you we were going to send you for special education cases; we are going to take the money we told you we would send you for special education and create a new program; and we are going to tell you that you have to take this new program in order to get the money which you should have gotten in the first place from the special ed dollars.

The local school districts are left in the impossible situation of, first, using their local dollars to pay the Federal share of special education, and then in order to get the dollars coming to them for special education from the Federal Government, they have to create a new program and do something they do not want to do; where if the Federal Government did what it was supposed to do in the first place—which is pay for its fair share of special education—they would be freeing up the dollars at the local level that have been used to subsidize the Federal Government, and the local school district can make a decision: Do we need a new building? Do we need more teachers? Do we need afterschool programs? Do we need a foreign language program? Do we need new computers? The local school districts can make those decisions.

The Democratic leadership in this Congress and the President do not like that idea. Why do they not like that idea? Because they do not get to call the shots. The education bureaucracy in Washington does not get to make the decisions for the local school districts. That is what this is about.

This is not about funding. This is not about adequate resources being sent to support the local school districts. The Republican proposals have put more money into special education than the Democratic proposals ever even thought of doing. We committed more than adequate funding for areas such as Head Start. But what we do not do—and this is what really galls the education establishment; this is what galls the teachers' unions that happen to dominate this city's liberal left and especially the Democratic Party in this city in the White House—is we do not tell them how to spend the money. We return to the States the money we said

we would pay them in the first place for special education, and we let the States, then, make their decisions and the communities make the decisions and the parents make the decisions as to how they are going to spend their own dollars—whether they are going to add a classroom, add a teacher, add a foreign language program, add a computer program—instead of saying to them, as this President would have us do and as the proposal from the Democratic leader would have us do: We are going to tell you how to spend the money we send you, and you have to do it our way or you do not get the money.

Isn't it about time we, as a government, as a Federal Government, live up to our obligations when we say to local communities we are going to send you 40 percent of the cost of a special ed student's education, we should be sending them the money to pay for that special ed student's education? We require that education under Federal law. We should, obviously, fund it.

This administration does not want to do it. Why? It is very simple. It is purely an issue of power. They want to control local education from Washington. They do not like the idea the local school district might have its local dollars freed up so it can make a decision, so a parent can go into a school and say: Listen, we don't happen to have enough books in the library; that's what we need. They do not like the idea that a parent might have that much power with the local dollars. They want to take those local dollars and control them by underfunding the Federal obligation. Then they want to come up with new Federal programs which may have absolutely no need in the local community and which, as a practical matter, really skews the ability of the local community to fund its local education activities.

Let's also talk about the merits of some of these programs they are proposing and are going to force down the throats of the local school districts, the towns, and the cities. Let's talk about their teacher program, their class size program.

The theory is, if you do not have an 18-to-1 ratio, you do not meet the class-size obligations the Federal Government is setting up, and therefore you must take this money to spend it on additional teachers.

First off, 42 of the 50 States already meet the 18-to-1 ratio. So it is almost a meaningless proposal. Secondly, there happens to be very little statistical support for the idea that a class size of 18 to 1 is better than 20 to 1 or better than 15 to 1. It is not the size of the class when you get into those levels of ratio; it is the teacher. Do you have a good teacher? It is the person who is actually standing in that classroom that makes the difference. If you have a terrible teacher in a failing school who has taught there for a long time, you are going to turn out poorly prepared students whether you have 5 to 1, 10 to 1, or 25 to 1.

What the Federal Government refuses to do is say to the failing school that has failed year after year: Stop it; stop; just stop; stop it; don't teach our kids poorly any longer.

Why not? Because the teachers' unions have such a control over the positions of this administration and the Department of Education that there is trepidation about confronting the failing school and the failing teacher in the failing school.

The Republicans have a better idea. We say essentially this. We say if a school has failed for 2 years on standards set by the State, not set in Washington—we are not going to tell the State and local communities how to set the standards, but if it has failed for 2 years so the kids are not getting a good education, then we say the States have to come into that school and direct that school to do a better job with its kids.

If after 4 years of failure—and that means almost half a generation of kids going through that school, if it is an elementary school going up to grade 8—if it is still failing and it is not producing results, and the kids coming out of that school cannot read and cannot do math—very basic things; we are not asking them to teach rocket science; we are asking them to teach the basics of American education—if after 4 years this school still cannot cut it under standards set by the State, then we suggest that it is time to give the parents of the kids in those schools a chance to get their kids out of those schools.

We say to the school systems that the dollars that were going to that school system will instead follow the child to another school, to whatever school that parent wants to send that child to so that child has an opportunity to get into a school where they can actually learn and, thus, participate in the American dream.

It is unconscionable that the proposals coming from the other side essentially take the attitude that we will continue to support failing schools year after year and, thus, basically deny the kids going through those schools a shot at the American dream because you cannot participate in the American dream if you are not educated. Yet that is the position. That is the position of the President.

Why does he take that position? Very simply because there is an education lobby in Washington which refuses to face up to the fact that there are failing schools because they recognize that once they admit that, and once they admit that parents should have the right to take their kids out of those schools, they are admitting that parents should have choice and have a chance to participate in the system of educating their kids.

That is something that is an anathema, the idea that parents should actually have some role in choosing where their kids go to school and having the opportunity of making sure their kids get a decent education as a result of having some choice. That is an anathema to the education lobby in Washington.

The proposal brought forward by the President, one, shortchanges the special needs child dramatically. It doesn't do anything to help fund the special needs child. Two, it skews the ability of the local school system of the opportunity to use local dollars where they think they should go, whether it is a new building, whether it is a new library, whether it is another teacher, or whether it is a new language program. It makes it impossible for them to make that choice because they are not given the dollars necessary to make that choice and the dollars are taken instead to support the special education obligations the Federal Government requires them to make.

Three, they are putting in place categorical programs. The President wants categorical programs which have no relationship, in many instances, to the needs of the local school district.

The PRESIDING OFFICER (Mr. BUNNING). The time of the Senator has expired.

Mr. GREGG. I ask for one additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. They are categorical programs that have no relationship to a local school district's needs, instead of giving the school district and parents the flexibility to make the choices they want.

And four, the Republican proposal suggests that parents and schools should have the ability to take action when a school is failing year in and year out. This is opposed by the other side of the aisle.

Good education proposals are being put forward in this Congress. They are being put forward by those of us on this side of the aisle who see the need to help special education, who see the need to empower parents, who see the need to give teachers the opportunity to learn and expand their abilities, but also to recognize if the teacher is not doing their job, there should be action taken.

These are good initiatives. This education debate is going to be about the difference in opinions. We are looking forward to that debate.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. LOTT. Will the Senator from Massachusetts yield for a moment?

Mr. KENNEDY. I will be glad to yield to the leader.

Mr. LOTT. Mr. President, I ask unanimous consent this not be taken out of his time so the Senator has his full 15 minutes.

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

Mr. LOTT. Mr. President, I believe we are about ready to do what I had suggested to Senator KENNEDY, that the managers of this bill will be able to do a manager's amendment and complete action on the HUD–VA bill expeditiously. We can go forward then with our discussion of education and have votes on the two different approaches Monday afternoon.

Would the Senator from Massachusetts prefer to go forward?

Mr. KENNEDY. I am always delighted to accede to my friend, Senator MIKULSKI. I probably have 15 minutes. But if you thought hers was just a matter of a few minutes, I will ask consent when I conclude she be recognized to do that. Would that be satisfactory?

Mr. LOTT. That is an excellent idea. I cannot speak for Senator DASCHLE, but I do not think he would object to that. He has indicated his willingness to work through what we have talked about. Since they are not here—maybe it will take a couple minutes to get ready to wrap it up—you can give your remarks and then we can go to the chairman and ranking member on the HUD–VA bill and complete that.

Mr. KENNEDY. Yes. I thank the Senator.

EDUCATION IN AMERICA

Mr. KENNEDY. Mr. President, I always enjoy having the opportunity to discuss education policies with my friend from New Hampshire. As usual, he has been very eloquent in terms of the positions which he has advanced. I would like to bring a few points to the attention of the membership, though, on items he has raised to try to clarify some of these issues and questions.

One was the issue of flexibility, whether there is sufficient kinds of flexibility at the local level to permit the education of the children in various communities across the country.

I have Speaker HASTERT's statement he put out at the time the President signed the Ed-Flex legislation. At that time, the Speaker said: ''Ed-Flex''—which passed the House and Senate—''ensures our schools have the flexibility they need to make good on the promise to help each child reach their full potential.'' The release goes on and indicates he believes now there is the kind of flexibility the Senator from New Hampshire talks about being extremely important. It seems the Speaker, at least, and many others, believed, with the passage of that act, the local communities had the flexibility they needed.

I think that was certainly the purpose of the legislation. I am glad the Speaker certainly has supported the President's concept in having that kind of flexibility.

Secondly, there was some talk about the funding of the IDEA. I want to recall for the Members that we did have an opportunity earlier this year to have full funding of IDEA for the next 10 years. The Senator from New Hampshire has mentioned the importance of us in Congress to meet the responsibilities to those children who are participating in that program.

The fact is, earlier this year, on March 25, 1999, I offered an amendment that would provide full funding for IDEA over the next 10 years, and also the funding for the class size reduction initiative—that we would provide full funding for those two items. It would have taken one-fifth of the tax cut. With one-fifth of the tax cut, we could have funded all of the IDEA programs for a period of 10 years. That was a party-line vote, including the vote of the Senator from New Hampshire who voted against it. That is real money. That isn't speeches on the floor of the Senate. That is real money.

We would have welcomed the opportunity to have worked with him and others in this body to take some of that money, the $780 billion that was going to be used for tax cuts, and use the money that would be necessary for the funding of the IDEA, but that was voted out. We are not giving up on that.

So for those who share my belief—I know our colleague, Senator HARKIN, is a great leader on that issue; and it has broad, bipartisan support in terms of fashioning that legislation. We will continue to fight for increased funding for the IDEA. It certainly is preferred to fund that than have the kind of tax breaks that have been suggested in the Republican proposal. But on that date, it was the sense of the Republican leadership and the Republican Party that the tax breaks were more important than funding the IDEA. That, I believe, was wrong.

Finally, I say, I hope in our discussion and debate on education that we can understand a very basic and fundamental concept; and that is, we should not be pitting children against each other. We want to have better teachers. We want smaller classes. We want improved reading skills. We want after-school programs. We want safe buildings. We want those conditions for children who are in the IDEA programs, and we want those conditions for children in the Title I programs, and we want those conditions for children in the high-achievement programs.

Let us not begin to pit one group of children against another. That is why we support the kind of coordinated program, in terms of both program and resources, so all children can move along together to take advantage of the real opportunities that are out there. That is what basically underlines the reason for Senator DASCHLE's Sense-of-the-Senate Resolution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes.

Mr. KENNEDY. Mr. President, I want to take a moment of the Senate's time to say why I believe this amendment, this Sense of the Senate, is so important at this time.

You can ask: Why are we taking time in the Senate on a Friday afternoon to put the Senate on record in urging my colleagues, in the remaining days, to provide the resources that will be necessary to fully fund the President's requests on education and to not see these dramatic cuts which have been indicated with the 17-percent reduction in the allocation of funds for the appropriations for education?

Families across this country ought to be concerned. We are hopeful that we are giving that signal to the American families. What we are going to do in the next 4 weeks is going to be of the greatest importance and significance in terms of whether we are going to be enhancing or diminishing the quality of education for children in this country.

I would like to see education be the No. 1 appropriations . I wish we had a binding resolution that said: Before we deal with any other appropriations, we are going to deal with the education appropriations. That ought to be the No. 1 appropriations.

I daresay, if you ask the American people, sure, they may say national security and defense, that may be in there; but they are going to say national security and defense, and they are going to say education. But what has been the record?

Here is the record. In 1994, under the Republican leadership, the day they captured the House of Representatives and the Senate of the United States, they didn't even wait until the appropriations legislation came up. They put a rescission program request into the Congress that effectively said money that had been appropriated, signed by the President, would be rescinded. They asked for a rescission of $1.7 billion below enacted in 1995. That was one of the first actions taken by the Republican leadership.

In 1996, the House appropriations bill had a $3.9 billion request for education below what was actually agreed to in 1995; in 1997, $3.1 billion below the President's request.

It was in 1995 that the Republican Party introduced a resolution to abolish the Department of Education—abolish the Department of Education. That gives us some idea about what their views are in terms of any kind of partnership between the Federal Government and the States and local communities. They wanted to abolish it.

I think most parents in this country want to have someone at that Cabinet table every time the Cabinet meets who is going to say: Mr. President, what about education? That is what the Secretary of Education is supposed to do. That is why he is there. Every time there is a debate on national domestic issues, any time there is a debate on priorities, that Secretary of Education is there saying: What are we doing about educating and enhancing the education of our children?

Republicans wanted to forbid that Secretary to come into the room. They wanted to deny him access to the President of the United States. What possible sense does that make?

We ask why the Daschle amendment is being brought up now. So we can garner the support of the American people and say we are not going to get rolled on this issue, not without a fight. This President isn't going to get rolled on it. All we have to do is look at where the priorities have been on the education issue.

We want the funding for education as the first appropriations. We challenge the Republican leadership in the next Congress to bring it out as No. 1, not as the last one. And the last one, here in 1998, is only $200 million below the President's request; 1999, $2 billion—the House bill. The House bill, according to Mr. Obey, is $2.8 billion below the President's.

We have to ask ourselves, what is happening across the country on education? I will tell my colleagues what is happening. We have 400,000 new students—400,000 new students who are going to classrooms in America now. We have 200,000 teachers who taught last year who have given up and retired from teaching, and only 100,000 have been replaced. One would think the effort contained in the President's program of trying to find qualified individuals to teach ought to be something that is pretty important, wouldn't they? Sure, they would. Not the Republican appropriators, not the Republicans. They cut that almost in half.

We have to ask ourselves, what are they possibly thinking about? Sure, these are numbers, but they are a pretty good indicator. What we are saying is—talking about numbers—that just because of $1 billion or $2 billion, it is not going to necessarily solve all the education problems we have in our country, but it is a pretty clear indication about what a nation's priorities are.

That is what the appropriations process is about—what are our Nation's priorities. What are parents going to say and what should they say, when every single time they see those reductions? Now we are seeing it again with these actions that have been taken in the House of Representatives.

We are going to resist those. We are saying it not only because we see what is happening with the growth of the various numbers of students and the decline of the numbers of teachers, but we know a whole host of other things.

Most Americans understand we want our children to have the kind of skills that are going to be necessary for them to play a role in getting a decent job and providing for their families for the next century.

I will not take the time today, but maybe later I will have the time to discuss the various studies which show that only 20 percent of the graduates now entering the job market have the kind of skills that 60 percent of those students are going to need, not 5 years from now, but 1 year from now—a year from now. That is what is happening out in the job market. That is what is happening in this new economy.

President Clinton understands that. He has funding in this so we can have continuing, ongoing training and skills for the young people of this country, so they will be able to be part of the economy. This Republican Appropriations Committee guts that particular provision and effectively wipes it out.

I will mention one final item. We heard from our good leader about the importance of reading. There isn't a teacher across this country who doesn't know the significance and the importance of reading. Yet we find here in the United States that we are still challenged in terms of having our children reach acceptable levels that are going to be necessary for the improvement of their education and their academic achievement.

I am not taking the time to go through the various assessments and the progress that has been made, although progress has been made. It has been small, perceptible, but we are on the road to enhancing the number of children who are going to be able to read satisfactorily to be able to grow in terms of their own future education.

What has happened to the reading programs—the reading programs that depend upon volunteers, that depend upon local contributions, that depend upon people within the community to be a part of these programs where we get such a bang for the buck in terms of the scarce resources we put in on the reading for excellence programs that are taking place and are oversubscribed in States around the country—they are effectively slashed with this budget.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I thank the Chair. I will have more to say on this on Monday. I thank the leader.

Mr. DASCHLE. Mr. President, under the unanimous consent agreement, I am to be recognized

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Massachusetts for a powerful statement and for his analysis of the current education budget and our circumstances here.

He has laid out what the ramifications are. People ought to know that rhetoric and reality could not be further apart as we listen to our Republican colleagues talk about education. The rhetoric all year long has been: Education is important; education is going to get the priority it deserves. The reality is, we are now 1 week away from the end of the fiscal year and we have yet to pass an education bill. We have yet to make decisions about what we are going to do on education next year. The decisions we are making—they are making, let me clarify that—that they are making on education are devastating, absolutely devastating.

I ask the Senator from Massachusetts, what is his analysis of a $1.5 to $2 billion cut in the President's budget this year? I ask the Senator from Massachusetts, what would his advice be to the President of the United States if he were to get an education budget $2 billion below his request?

Mr. KENNEDY. I would expect that budget would be vetoed and hope that it would be. I think all of us have every expectation that it will be.

This President, from the very beginning of his administration, has set a series of priorities and he has expressed those. In more recent times, he has talked about the importance of Medicare, Social Security, a prescription drug benefit, and targeted tax cuts for needs. He has been very clear about his priorities. But there has not been a higher priority for this President than the issue of education, and he has been strongly committed to it. I have every expectation this legislation will not pass, nor should it pass.

Mr. DASCHLE. I will ask the Senator from Massachusetts another question, if I may. He mentioned that one of the most important issues we are facing is the fact that we are dealing with 400,000 new students. We are dealing with the fact that we will have a shortfall, perhaps, in the next few years of 2 million teachers. Yet we see a Republican budget that eliminates the ability for us to help schools deal with class size by absolutely cutting the very programs that allow us to reduce class size and improve the student-teacher ratio. I ask the Senator, what do we do with a budget, or what will be the ramifications of a budget, that fails to recognize the demand for new teachers, the extraordinary explosion of new students, and the overcrowding of schools from South Dakota to Massachusetts? What is the message this Congress is sending with those facts?

Mr. KENNEDY. Well, it basically says to not just the Nation, but to the students that education really isn't so important. If a student goes into a crowded classroom, uses old books, or goes into a classroom that is leaking,

or where there are no recreational programs; if a student goes into these kinds of settings where no music or art is available, we are sending a very powerful message to those children. We are saying your education doesn't really count; it doesn't really matter because it doesn't matter to us to try and provide you with the kind of classroom, the kind of teachers, the kind of athletic facilities, and other after-school programs that you deserve. We say our children are the future, which they are. Children understand, children are perceptive, and they know when they are getting a second-rate deal. That is what they would be getting if the Republican education funding proposal were to pass.

Let me finally, in answering this question, mention for the RECORD what the President actually said yesterday. I will put the full statement in the RECORD. He said:

If the Republicans send me a bill that doesn't live up to our national commitment to education, I won't hesitate to veto it. If it undermines our efforts to hire quality teachers, to reduce class size, or to increase accountability in our public schools, I will veto it.

Mr. President, I ask unanimous consent to print the President's radio address in the RECORD.

The PRESIDING OFFICER. Without objection, so ordered.

RADIO ADDRESS OF THE PRESIDENT TO THE NATION, SEPTEMBER 18, 1999

The PRESIDENT: Good morning. This month millions of students across America are beginning the last school semester of the 20th century. Today I want to talk about our obligation to give them the education they deserve to succeed in the new century—for more than ever, in this information age, education is the key to individual opportunity and our share of prosperity.

That's why, even though we've worked hard to cut spending to balance the budget, we've also nearly doubled our investment in education and training. Many people said we couldn't do it, but we proved them wrong.

Today, we have the longest peacetime expansion in our history. After years and years of deficits, we now have budget surpluses for years ahead. More people have a chance to realize the American dream than ever before. More children have the chance to realize their full potential than ever before. We've laid a foundation to preserve our prosperity for future generations.

Now, as the budget deadline rapidly approaches this year, we face many of the same tough choices again. And once again, I think the answer is clear: To build a strong nation in the new century, we must continue to invest in our future. That means we must strengthen Social Security, secure and modernize Medicare, pay off the national debt in 15 years, making America debt-free for the first time since 1835. And once again, it means we must invest in education, not sacrifice it.

Months ago now, I sent Congress a responsible budget—to maintain our fiscal discipline and honor our commitment to our children's education. So far, the Republicans in Congress haven't put forward a budget of their own. In fact, they're so busy trying to figure out how to pay for their irresponsible tax plan that they're in serious danger of not meeting their obligation to finish the budget by the end of the budget year. Even worse, they're preparing to pay for their own pet projects at the expense of our children's education.

We know now that the Republicans' risky tax cut would force us to slash vital funding for education by as much as 50 percent over the next 10 years. But what many people don't know is that next year alone, the Republican plan would cut the bill that funds education by nearly 20 percent.

Now, if carried out, this plan would lead to some of the worst cuts in education in our history. More than 5,000 teachers, hired as part of my Class Size Initiative, could be laid off. Fifty thousand students could be turned away from after-school and summer school programs. More than 2 million of our poorest students in our poorest communities would have a smaller chance of success in school and in the workplaces of the future.

These aren't just numbers on a balance sheet, they're vital investments in our children and our future. In a time when education is our top priority, Republicans in Congress are making it their lowest priority. So let me be clear: If the Republicans send me a bill that doesn't live up to our national commitment to education, I won't hesitate to veto it. If it undermines our efforts to hire high-quality teachers to reduce class size or to increase accountability in our public schools, I will veto it. If it fails to strengthen Head Start, after-school and summer school programs, I'll veto it. If it underfunds mentoring or college scholarship programs, I will veto it.

If it sends me a bill that turns its back on our children and their future, I'll send them back to the drawing board. I won't let Congress push through a budget that's paid for at the expense of our children and our future prosperity.

So, again, I ask Congress to put partisanship aside and send me a bill that puts our children's education first. Let's use the last school semester of the 21st century to prepare our children and our nation for excellence in the 21st century.

Thanks for listening.

Mr. KENNEDY. Those were the standards that were insisted upon when we extended the SEA program, which are having an effect and reflecting higher achievements. They are the smaller classes where the most comprehensive study of any education program was done, smaller classes in the State of Tennessee, the STARS Program. We should universally recognize the important academic achievement of those children who started out with a smaller class size in grades 1 through 3, and about the importance of higher quality teachers, which was at the heart of the Higher Education Extension Act that we passed 2 years ago. He said he would veto it. I welcome the fact.

The President continues:

If it fails to strengthen Head Start, after-school, or summer school programs, I will veto it. And if it underfunds mentoring or college scholarship programs, I will veto it.

It looks like this bill has about 8 vetoes coming up.

Mr. DASCHLE. I appreciate the Senator's answer. I appreciate his putting that statement in the RECORD.

I think the message is clear. We have a unanimous consent request we will be making momentarily. First, let me just say this bill will not be signed into law so long as we have the necessary votes to sustain that veto when it comes to the floor.

I am happy to yield to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from South Dakota. Of course, I join him in his tribute to our colleague from the State of Massachusetts. Senator KENNEDY has been a leader on education as long as he has served in the Senate. His speech about the demands of education in the 21st century and how we in Congress have failed to meet those obligations, I think, will become part of the permanent record of this body, and they should inspire us.

My question to the Senator from South Dakota is, if you go across America—any pollster, Republican, Democrat, or otherwise—and ask American families what is the No. 1 priority, they say the first priority in their lives is education—over and over and over again. It is almost a reflex response from American families.

I ask the Senator from South Dakota the following: How can this be the first priority of American families and the dead-last priority in this Congress? The Senator from South Dakota eloquently spoke earlier about the use of this budget for schools as an ''ATM machine.'' For months, we have seen appropriations subcommittee after subcommittee pulling billions of dollars out of the education budget for a variety of uses. Some of them are very good. But I question whether any of them meet the level of importance of education to the people of America and to the families.

I ask the Senator how we can find ourselves in these predicaments where the speeches say education is a first priority, the people say education is a first priority, and this Senate, this Congress makes it dead last in the priority list.

Mr. DASCHLE. I think the Senator asks an excellent question. The answer is they are not listening. They are not listening. When you propose a tax cut of the magnitude they proposed, gutting education by 50 percent—a tax cut the American people have said they don't want, they don't care about—and then take money they do care about and pay for that tax cut, it is an amazing thing to me. That is the most startling aspect of all of this.

What they care about is how educated their children are going to be, they care about what kind of a classroom they are going to have, they care about what kind of a school the children are going to walk into, they care about whether there is an afterschool program, they care about whether schools are safe, they care about whether or not they are going to have

good teachers, and they care about whether or not they are going to be able to go to college. That is what they care about, and they tell us that in the polls.

So it is baffling to many of us why what we care about doesn't seem to be reflected in the laundry list of deep cuts, if not eliminations, of the very programs that do exactly what the American people care about.

Mr. DURBIN. If the Senator will yield again. I ask the Senator this: This country has seen, unfortunately, episodes of violence in schools. It is a national tragedy. Columbine High School transfixed America as we focused on safety in schools. We considered a juvenile justice bill on the floor of the Senate and passed it, thanks to the vote of Vice President Gore, which would move us forward toward making our society and our schools safer. It died hopelessly in the House. We are still waiting for any indication of life on this bill.

Is it not true that if the Republican budget cuts go through on education, we will not only be cutting the money for schools to use for safe and drug-free schools, but we also will be dramatically reducing afterschool program opportunities? We don't live in a society any longer of Ozzie and Harriet and the Brady Bunch. Kids get off school at 3 o'clock and nobody is home. Are they going to be supervised? Are they going to have a meaningful experience?

The President wanted 1.4 million more students in America to have an afterschool program. Across the State of Illinois—and I bet in South Dakota—that is an immensely popular idea. It is my understanding that the Republican House bill on education would cut existing afterschool programs and turn 50,000 kids loose at 3 o'clock in the afternoon, with no supervision, no opportunity for doing homework or learning a new skill, or learning to use a musical instrument. How can we, on one hand, beat our breasts about what happens at Columbine High School, and then turn around in the budget and eliminate the resources needed so that kids can have a better and safer experience in school?

Mr. DASCHLE. Mr. President, that is exactly the question millions of Americans have to be asking once they analyze their budget. I can't tell you the number of times that law enforcement officials, teachers, and parents have come to me and said: Look. We all know the most vulnerable time for students is when they leave school. The most vulnerable time statistically—the time when most damage may be done and when most violations of law occur—is that period between 2 and 8 in the evening.

Obviously, we need as a society to come up with ways to effectively engage students and young people during that time when both parents may be working, during that time when the schools are closed.

What do our Republican colleagues do? Under the current framework, they would have to reduce the availability of programs for exactly that purpose. Again, it shows rhetoric and reality are so far apart.

The real sad tragedy is that the students are going to feel the brunt of this. Once we lose a student, it is hard to get him or her back. I don't know who but someone once said, ''It is much easier to build a child than to repair an adult.''

We are going to be doing a lot of reparation and very little building with this kind of a budget. We need to be building kids and not repairing adults. This is not a budget to build children.

That is why we are fighting as hard as we are, and that is why we will continue to fight until we get those numbers turned around.

I know that our colleagues are prepared to offer an amendment, the Senators from Virginia.

I yield the floor.

Ms. MIKULSKI. Mr. President, I am proud to support Senator DASCHLE's amendment on education.

We were forced to forage for funds for the VA–HUD bill. The spending caps have put us in a terrible position, we have had to pit one group against another, and one of the biggest losers in this battle has been education.

There are three important things we need to do to get behind our kids, our teachers and our parents: 100,000 new teachers and counselors; technology in the classroom; and afterschool programs.

One of the best things we can do for our kids is to get 100,000 new teachers in the classroom. Smaller classes means that kids will get better supervision.

This is important for all kids, not just the ones that get into trouble; all children need help, some children just need extra help.

We want to make schools safe places without making them Fortress America. We need to support our teachers by hiring 100,000 new nurses and by hiring social workers and counselors. 100,000 new nurses in schools will promote early detection of warning signs.

I just visited a school where 75 percent of the children there were on medication. The nurse is oftentimes the first line of defense for when kids need extra help. Some of the frustration from kids stems from medical problems. Without nurses in the schools, these unnoticed medical conditions can lead to truancy and trouble. We need the experts in the schools who can deal with conflict resolution.

We also need structured after-school activities for kids that involves community based programs. We need to support our parents and make sure parents have the flexibility in the workplace to spend time with their children after school. They need leave time. By the way, they also need a patients bill of rights that provides access to medical insurance for people that don't have it.

And we also need technology in the classrooms; computers in the schools, training for our teachers and our students so they are prepared to cross the digital divide and are ready for the 21st century. I look forward to fighting for you and getting behind our kids, our parents and our schools.

Mr. HARKIN. Mr. President, on January 6 of this year, the Majority Leader stood on the Senate Floor and told us that education would be a high priority for the Senate. This is what he said:

> Education is going to be a central issue this year. Democrats say it is important and it will be a high priority. Republicans say it will be a high priority.

I don't think the Republican Leadership can make that claim today.

We are now less than five legislative days—and that's counting Mondays and Fridays—before the end of the fiscal year, and there is one education bill that must be enacted—the education appropriations bill.

Yet, despite proclamations that education would be a top priority, the Senate has been working on all but one of the thirteen appropriations bills. The only one left—the one that is now dead last—is the education bill. Mr. President, this is the wrong priority.

Despite a valiant effort by the Chairman of the subcommittee—Senator SPECTER—the education appropriations bill has not even been written. Senator SPECTER has fought every day to move the bill. He tried in June, July, August, September. He tried last week.

And, if that isn't bad enough, the leadership has robbed the education bill to pay for the others. As a result, we are looking at deep cuts in all of the programs funded by the Labor, Health and Human Services and Education appropriations bill.

Not only is education dead last on the calendar, education is dead last for resources. Our subcommittee started with an allocation substantially below a freeze from last year. Now, it is even worse.

Last week, the leadership staged a raid on education. They took another $7.276 billion in budget authority and $4.969 billion in outlays from education and other essential priorities in the bill.

So now, our subcommittee allocation is $15.5 billion below a freeze. That means we are faced with cutting education programs a whopping 17%.

What does a 17% cut mean? It means that 5,246 of the new teachers we hired to reduce class size will be fired. A 17% cut means that 142,000 students will be cut from the Head Start program. This cut means 2.1 million children will lose the extra help they receive from the

Title I program to master the basics of reading and math. That is where we currently stand in the Senate.

Yesterday, the House education appropriations subcommittee passed the FY 2000 bill. The news for education is not good. Under the House bill, U.S. schools will receive less money next year than last by $200 million. The bill falls $1.4 billion short of the President's budget request for the activities funded by the Department of Education and provides $500 million less for Head Start.

The bill eliminates funding for the initiative to reduce class size so 30,000 will get pink slips next spring.

The bill cut funding for education technology; froze funding for the Title I reading and math program and terminated the School to Work program.

In addition, the bill cut, from current levels, funding for vital job training programs by $700 million because unemployment is low. Training programs do not only help workers when they lose a job but also help workers upgrade and improve their job skills to compete in the international marketplace.

The gap between the rich and poor continues to grow and the key to reducing this disparity is to help workers improve their job skills. And yet, the House bill slashes funds to help workers upgrade their skills as we enter the new millenium.

Last week, the Assistant Majority Leader said we should not be increasing funding for education. He was making a hypothetical statement about the education appropriations bill.

The picture is becoming clear. The record is replete with statements from the other side talking about education as a priority. We now find those words are not even worth the paper on which they are written. The House has cut education, and the Assistant Majority Leader has concurred.

The Republican leadership found $16 billion for the Pentagon. That's $4 billion more than DOD even asked for! And they found real money.

But when it comes to education, we get platitudes and promises. The children of America deserve better.

That's why we are offering this Sense of the Senate resolution. 17% cuts are unacceptable. Such cuts will savage our schools

We must have significant new investments in education. There are more children in our public schools than at any time in our history and we must not turn our backs on them.

We must keep our promise to help local school reduce class size. We must help keep our children safe by significantly increasing our investment in after school programs. We must increase our investments in IDEA and the Title I reading and math program. And we must help modernize our nation's crumbling schools. This resolution makes it clear that education will be a priority not just in words, but in deed.

Actions by the Republican majority in Congress directly contradict the priorities of the American people. It is time to free the education spending bill and make the necessary investments in education.

I urge my friends on the other side of the aisle to listen to the American people. Let us not get into another protracted battle over the education budget. I urge adoption of the resolution.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that the two Senators from Virginia have an issue they would like to raise. Then I would like to, on behalf of Senator BOND, with Senator MIKULSKI, proceed with a managers' amendment.

First, we would like to hear from the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. Senator ROBB and I have joined on an amendment. The Senator will introduce the amendment. I would like to address it. I think to show courtesy it is first on Senator ROBB's watch, and then I will follow.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

AMENDMENT NO. 1791

(Purpose: To express the sense of the Senate that the decline in funding for aeronautics research and development should be reversed)

Mr. ROBB. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Mr. WARNER, and Mr. DEWINE, proposes an amendment numbered 1791.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH.

(a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next twenty years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the U.S. balance of trade, with a net contribution of more than $41 billion in 1998.

(8) Less than ten years ago, American airplane producers controlled over 70% of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50% of the world's civil aviation market, and is aiming to capture 70%.

(10) The rise of foreign competition in the global civil aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

Mr. ROBB. Mr. President, I yield to my distinguished senior Senator for remarks. He has important questions. I will pick up with my remarks as soon as he last concluded.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Senator.

Mr. President, last week the Senate Appropriations Committee completed action on the appropriations bill for a number of Federal agencies including the National Aeronautics and Space Administration. I commend Senator BOND and Senator STEVENS for their efforts to support the full request for NASA in the midst of extreme budget pressures. The NASA funding in the Senate bill will face a stiff challenge in the conference with the House, however. I want to take this occasion to reflect on the importance of investment in research and development in the NASA budget to civilian and military aeronautics.

The aerospace industry in the United States has undergone a dramatic transition in the last ten years. In 1986, 70 percent of the sales of this industry were to the government, primarily for the defense market. Less than 30 percent of the business base of the industry consisted of commercial products. At that time, Federal research and development supporting aerospace technology was largely funded by the Defense Department.

Today, the situation has reversed. The defense portion of U.S. aerospace business is at 29 percent, and the defense share continues to shrink. Although Federal funding for military-

unique hardware will always be needed in the interests of national security, non-defense research from agencies such as NASA is growing in importance to the industry. Nearly 70 percent of aerospace sales are in the commercial arena, and 41 percent of aerospace production in this country is for export.

As we grow increasingly concerned about monthly trade balance figures, the importance of these aerospace exports for our national economy grows. The aerospace industry was responsible for $59 billion in exports and $22 billion in imports in 1997. This resulted in a positive trade balance of $37 billion—the single biggest trade balance of any sector in the entire American economy. In 1998, our exports grew to $64 billion in equipment with total imports of $23 billion. The industry trade surplus of $41 billion has widened the gap between the aerospace industry and all other sectors. Make no mistake; we are competing in an aggressive global marketplace. Technological leadership is absolutely essential if the U.S. aerospace industry is to continue successfully competing in an increasingly complex and sophisticated world economy.

Some long-term trends for the health of the aerospace industry are troubling, however. There has been a dramatic reduction in Federal aerospace R&D funding. During the Carter administration, we invested 18 percent of our R&D funding in the U.S. aerospace community. That amount increased to 21 percent during the Reagan years. Today, it is only 8 percent and declining.

The reductions have been even more severe in certain specific areas. The aeronautics budget in NASA has declined from $920 million in fiscal year 1998 to $620 million in the request for fiscal year 2000, a reduction of almost a third over just three years! Reducing research and development funding for this vital industry runs counter to all of our historical economic experience.

We are experiencing a time of tremendous economic expansion in our country, but we seem to have forgotten the tremendous role R&D plays in sustaining this growth. Alan Greenspan recently testified that rapid technological change has made a significant contribution and is a major force in this expansion. We cannot, and as long as I am a Member of the United States Senate, we will not forget this!

In 1804, the venerable president from Virginia, Thomas Jefferson, with the full support of Congress, set in motion the first official exploration of our new frontier. He boldly sanctioned the Lewis & Clark expedition not only to map the new territories of the United States, but also to satisfy an American passion for discovery—the same passion that has led our country to be the leader among nations. That first step paved the way for today's exploration of the solar system, the continued exploration of communication technologies, and the future exploration of the planet Mars.

The very year the United States landed a man on the moon, the Department of Defense had begun to work on a new technological concept that is now coming into its own. I speak of the Internet that is transforming the structure of our economic life. The technological wonders that support our national security and fuel our economic growth were not invented overnight. We must be prepared to weather the slow and often tedious process of design and development of products and systems necessary to bring them to maturity.

It is no different in aeronautics. I am concerned that without a national strategy for aeronautics R&D investment, we will gradually lose the technological edge of which we are so proud and which is key to our competitiveness in the global economy and our security as a nation. We should not delude ourselves; America will lose its preeminence in aeronautics unless we adequately fund aeronautics research at NASA.

For instance, the Appropriations Committee in the House recently cut the NASA budget so severely that it will cause a major employment problem and will devastate advanced technology programs so carefully planned for implementation. The House reduced NASA numbers by $1 billion in order to pay for more housing and veteran programs. I appreciate the position facing the Appropriators, but to halt some 30-science programs in their tracks and halt vital research in the aeronautics area is nothing short of foolhardy. I applaud the recent action of the Senate Appropriation's Subcommittee in reversing this House action and urge all of my colleagues in the Senate to insure the Senate position prevails in the coming conference.

Programs such as those at NASA cannot be turned off and on like a light switch. It takes time to realize the fruits of our labors. We must not so cavalierly cancel programs and efforts just as they are beginning. A reduction of the magnitude proposed by the House will devastate both research in astronautics and aeronautics in this country.

In my travels through Virginia over the recess, I was made aware of the real effect of reductions in the NASA aeronautics R&D budget proposed by the House of Representatives. I visited the NASA facility in Langley, Virginia that leads the nation in aeronautical research and aviation safety technology. It has led this nation in aeronautical breakthroughs from the development of the super critical wing used on many commercial aircraft flying today, to the development of a new collision-avoidance aircraft system for the FAA. This is the center that gave us the magnificent leaders of our Manned Space Program like Dr. Bob Gilruth, Dr. Chris Kraft, Dr. Max Faget, and many others who left Langley to lead our Mercury, Gemini and Apollo programs. NASA Langley has exemplified a passion for excellence from its earliest days when it conducted research to produce safe, more efficient and technically superior aircraft for both the military and commercial markets.

Given that 70 percent of NASA Langley programs are funded through the NASA aeronautics budget, the future of this national resource is in doubt unless Congress and the Administration can find ways to reverse the severe reductions to this part of our national R&D effort.

This nation's leadership in aerospace is not an accident of history, Mr. President. It was made possible by dedicated leaders who looked beyond the present and dreamed of the future that could be. People like those at Langley and throughout NASA. We must not forsake this global leadership in aeronautics technology. We must work together to balance critical priorities and provide the leadership, sacrifice, and enduring commitment to technology, research, and most of all learning. We must continue to fund a robust R&D program through these agencies.

Let me close, Mr. President, with a final thought. As Chairman of the Armed Services Committee, I am keenly aware of the challenges our military forces face as they attempt to maintain our security in the face of ever declining resources. Part of the strategy of our leadership at the Department of Defense is to save resources by buying commercial aerospace products wherever possible. This dependence on the commercial marketplace is increasing dramatically. Because of this there is an increasing security dimension to the R&D we accomplish at NASA. This is yet another reason to insure that the effort is funded properly.

Mr. President, my concern is as follows.

This very important appropriations bill which I will support contains the basic funding for NASA. My concern is that within the NASA budget there is a growing decline and emphasis on research and development funds for aerospace. I say marshal the aerospace industry as it relates to civil aircraft and military aircraft. Frankly, the rush to get to space, the rush to develop the space station—I must say components of that are being made in my State—concern me greatly as I see the following.

Some long-term trends for the health of the aerospace industry are troubling.

There has been a dramatic reduction in Federal aerospace R&D funding.

During the Carter administration, we invested 18 percent of our R&D funding

in the U.S. aerospace community. That amount increased to 21 percent during the years under President Ronald Reagan. Today, that category of R&D is only 8 percent and continuing to decline. The funds are being siphoned off into the space program.

This Chamber will be in recess probably in several hours. Seventy-plus percent of my colleagues are going to depend on civil aviation to transport themselves back to their home districts and their States for continuation of the business in the Senate. I am among them.

I visited Langley Research Center just a short time ago. There I saw a test bed of a program which the technicians told me—these are not politicians, these are trained technicians—Senator, if we can continue our funding, we are going to come up with the software and the hardware which, hopefully, can reduce by over 50 percent the accidents that planes experience every day in either the landing or the take-off phases. Therein is the high risk in aviation. That same research and development can be applied to our military aircraft. It is common to both aircraft. It is a very small amount of money.

Fortunately, I received the assurance from the NASA Administrator when he visited my office a few days ago that the program will stay intact.

I cited other programs in here, such as noise reduction. More and more the airports are growing around the highly populated areas, and noise becomes a problem. At National Airport it is a very significant problem.

Again, a relatively small amount of money can make a difference in years to come—a small amount in comparison to the enormous sums of money going towards the space station and other related infrastructure. We will get to space someday. But in the meantime, we cannot turn our backs on civil aviation.

Our exports on civil aviation products—largely airplanes—is one of the biggest, positive factors in our ever-declining balance of trade. It is a major offset.

I am pleased to join my distinguished colleague in offering this amendment. It has been my intention, frankly, to go for a cut—a specific cut.

But I have been in consultation with the distinguished Senator from Maryland, the distinguished Senator from Missouri, the chairman of the subcommittee, and the chairman of the committee, Mr. STEVENS.

First, they made a heroic effort to get more money back into these accounts. They are being watchful of the same problems that concern me.

So I decided to withdraw my amendment which would have gone to specific cuts to fund what I believe would be an adequate amount.

I am now going to join my distinguished colleague, Mr. ROBB, in another approach on this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, thank you. I thank my distinguished senior colleague from Virginia.

Mr. President, I wanted to take a minute or two to discuss the item that my senior Senator has just alluded to, which, in my judgment, is critical.

I begin by saying that it is an area of research and development that is of enormous importance to every American who lives by an airport, every American who is concerned with our Nation's defense, and every American who flies on a regular basis, as all of our colleagues do. That issue is aeronautics research and development.

Since the time of the Wright Brothers, American's commitment to aeronautics research and development has brought extraordinary returns on our Nation's military superiority and the rise in affordable passenger air travel. Both can be attributed directly to our investments in aeronautical research.

In addition, aerospace products are America's top manufactured export commodity and are the top contributors to the positive side of the U.S. balance of trade.

Air traffic is predicted to triple over the next 20 years. As our skies become more crowded and our airports noisier, aeronautics research continues to grow in importance. If we are to improve the safety, efficiency, and performance of our air travel system, we are going to need to develop new aeronautics, new aeronautics concepts, and new aeronautics designs and technologies that can better respond to the growing demands of our aeronautics infrastructure.

In addition, America's aerospace industry is facing a fierce challenge from the European consortium, Airbus which has now captured over 50 percent of the world market that American airplane products and producers once dominated.

At a time when there is a clear need for new investments in this field and near unanimous support in our country for new investments in basic research, it is troubling that our commitment to aeronautics research has been waning. Funding for aeronautics research was cut by $151 million from 1998 to 1999, and this year the President proposed to cut it by an additional $150 million. That is a 30-percent reduction in just 2 years.

Even more worrisome is the fact that the House cut an additional $1 billion out of NASA's budget, placing the future of NASA aeronautics research and critical facilities such as NASA's Langley Research Center in great danger. For more than 80 years, the Langley Research Center in Hampton, VA, has been at the forefront of aeronautics research and pioneered innovations that are present in every plane in the air today, innovations that have affected and are important to every plane that flies today. Its facilities are one of a kind. If this center were closed, the United States would lose its most valuable resource for improving aircraft safety and performance.

Senator WARNER and I have worked closely with Senators BOND and MIKULSKI over the past few months to strengthen our commitment to aeronautics research. I am grateful to both of them that they have restored many of the severe cuts that were proposed by the House. I am still disappointed, however, that more money has not been set aside for aeronautics research. We have reached an understanding with the chairman and ranking member that further increases will be considered in conference.

With that, I am very pleased to join the distinguished senior Senator from Virginia in offering this amendment. It is my understanding it has been agreed to on both sides. I note that the distinguished chairman of the committee, the senior Senator from Alaska, probably spends more time in the air than any other Senator in this body.

I thank the Chair, and I yield the floor.

Mr. STEVENS. Mr. President, I thank the Senator from Virginia. Senator ROBB is correct; we have a great interest in this amendment. I have had some personal conversations with the Administrator of NASA, Dan Goldin, about this very subject. I am delighted that the two Senators from Virginia have brought it to the floor.

Ms. MIKULSKI. I think the comments by both Senators from Virginia are, indeed, meritorious. I think our side is prepared to accept the amendment.

Mr. STEVENS. I do believe it is important that we emphasize the critical nature of this research. It is critical not only to the present but to the future of aviation, and not just commercial aviation but general aviation in many ways.

With the support of the Senator from Maryland, on behalf of Senator BOND, I am happy to accept this amendment, and I ask it be agreed to.

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

The amendment (No. 1791) was agreed to.

Mr. STEVENS. 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.

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 1790

Mr. STEVENS. On behalf of the leader, I ask unanimous consent the pending amendment be withdrawn and the text of amendment No. 1790 be submitted at the desk in the form of a

Senate resolution and placed on the calendar. I further ask unanimous consent that Senator LOTT be recognized to offer a similar sense-of-the-Senate resolution and it be placed on the calendar.

I further ask unanimous consent that at 3:30 p.m. on Monday the Senate resume both resolutions concurrently, there be 1 hour of debate on each resolution to be equally divided between the two leaders, and a vote occur on or in relation to the Lott resolution at 5:30, to be followed immediately thereafter by a vote on or in relation to the Daschle resolution, and that all of the previous occur without any intervening action.

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

AMENDMENTS NOS. 1792 THROUGH 1802, EN BLOC

Mr. STEVENS. On behalf of Senator BOND and Senator MIKULSKI, I send a package of amendments to the desk and ask for their immediate consideration en bloc.

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

Mr. STEVENS. Mr. President, these items have been cleared on both sides and are not controversial and include the following items:

An amendment on behalf of Senator FEINSTEIN requiring EPA to form a study and plan related to leaking underground storage tanks;

A Smith amendment extending the comment period by 90 days for the EPA proposed rulemaking related to total maximum daily loads;

A Breaux amendment extending for 1 year the Coastal Wetlands Planning, Protection, and Restoration Act, otherwise known as the Breaux Act;

A Chafee amendment with numerous cosponsors funding the Montreal Protocol Fund within EPA's budget, through an across-the-board cut to EPA accounts;

A Gramm of Texas amendment relating to the funding of the Office of Federal Housing Enterprise Oversight;

A Dodd-Bennett amendment related to funding of local governments for Y2K conversion costs;

A Bond-Lautenberg technical correction to section 430;

A Bond amendment addressing HUD staffing levels;

A Hutchison amendment on storm water studies;

A Coverdell amendment regarding housing for private school teachers;

Finally, an amendment dealing with EPA pesticide tolerance fees, included on behalf of Senator CRAIG, which has been cleared by the Agriculture Committee on both sides.

Ms. MIKULSKI. Mr. President, we concur with the managers' amendment as presented by the Senator from Alaska and are prepared to accept it.

Mr. STEVENS. Mr. President, I ask unanimous consent those amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc, agreed to en bloc, and appropriately numbered.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 1792

(Purpose: To improve the regulation of underground storage tanks)

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.

Mrs. FEINSTEIN. Mr. President, today I am offering an amendment to require the Environmental Protection Agency to develop a plan by May 1, 2000 for bringing all underground storage tanks into compliance with federal safety requirements.

Why do we need this amendment?

Leaking underground storage tanks are the leading source of groundwater contamination and petroleum is the most common substance leaking out. Most of the 825,000 regulated underground tanks in this country store petroleum products, from the local gas station on your neighborhood corner to the industrial complex using a large motor fleet.

I am offering this amendment to make underground storage tanks safe as a way to stop the contamination of drinking water by the gasoline additive MTBE.

What is MTBE? MTBE is methyl tertiary butyl ether, a gasoline additive. It is used by most refiners to make oxygenated or reformulated gasoline. It is the oxygenate of choice by refiners who sell gasoline in areas that need clean-burning gasoline to meet or maintain clean air standards. The major way MTBE gets into groundwater is from defective underground tanks storing petroleum products.

What's Wrong with MTBE?

Unlike other components of gasoline, MTBE does not biodegrade; it has a taste like terpentine and smells like paint thinner; it gravels quickly; it is expensive to cleanup ($1 million per well in California). MTBE is carcinogenic in animals and according to U.S. EPA, ''has a human carcinogenic hazard potential.'' Dr. John Froines, a distinguished UCLA scientist, testified at a California EPA hearing on February 23, 1999 as follows:

> We in our (University of California) report have concluded the cancer evidence in animals is relevant to humans. There are 'acute effects in occupationally exposed workers including headaches, dizziness, nausea, eye and respiratory irritation, vomiting, sensation of spaciness or disorientation and burning of the nose and throat.

MTBE exposure was associated with excess cancers in rats and mice, therefore, multi-species,'' and he cited ''multiple endpoints, lymphoma, leukemia testicular cancer, liver and kidney. All four of the tumor sites observed in animals may be predictive of human cancer risk.''

Where is MTBE?

The Lawrence Livermore National Laboratory studied underground tank sites in California and concluded that ''a minimum estimate of the number of MTBE-impacted sites in California is greater than 10,000.'' The Association of California Water Agencies has also found MTBE at over 10,000 sites and in many of the state's surface water reservoirs. Because of widespread contamination, California Governor Gray Davis ordered a phaseout of MTBE by December 31, 2002. A major University of California study has called for a phaseout. A top-level, EPA ''Blue Ribbon'' panel of experts in July recommended reducing the use of MTBE.

Nationally, while there is no comprehensive study, we do know that MTBE has been found in drinking water in many states, including Maine, Pennsylvania, Virginia, Texas, Kansas, New York, New Jersey, Georgia, Alabama, Colorado, New Hampshire, Massachusetts, Delaware, and Arizona. A U.S. EPA-funded study by the University of Massachusetts found MTBE in 251 of 422 public wells in 19 states.

Are Tanks Safe?

On December 22, 1998, all underground storage tanks had to meet federal safety requirements. EPA has said that tanks that do not meet standards can be placed into temporary closure until December 22, 1999 at which point they must be upgraded or permanently closed. Under the law, noncomplying tanks can be fined $11,000 per day per violation. The safety requirements address tank integrity, design, installation; leak detection, spill and overfill control. Tank owners had ten years to meet the deadline.

Here are the facts:

1. Many tanks are still unsafe: Many underground tanks containing gasoline still out of compliance with federal safety regulations. In the country, around 165,000 tanks (20 percent of the total) are out of compliance, according

to EPA. In my state, approximately 1,900 (3 percent) are not safe.

2. Many tanks are sitting empty, in temporary closure—74,250 in the country (9 percent) and 10,430 (10 percent) in California. These tanks are just sitting there in limbo. EPA considers the tanks that are in temporary closure to be ''in compliance'' for now and this is one way tank owners ''met the deadline'' for compliance. These tanks' ultimate use needs to be determined. Someone needs to decide whether to close them permanently or upgrade them.

3. EPA has funds to act. The Underground Storage Tank Trust Fund has $1.6 billion in it. This bill appropriates $71.6 million, the President's request. The fund is financed by a 0.1 cent per gallon motor fuels tax which began in 1987, that generates about $150 million a year. The American motorist is paying this tax and in doing so, expects it to be used for the purposes authorized.

4. Even new tanks are not safe. A July 1999 study by the Santa Clara Valley Water district of its groundwater supplies found that even with the new upgrades, required by federal law by December 22, 1998, the new systems are not preventing MTBE contamination. The study, entitled ''Investigation of MTBE Occurrence Associated with Operating UST Systems,'' concluded, of 28 sites in Santa Clara county that have new or upgraded tank systems, the majority of which have not had previous gasoline contamination, 13 have evidence of MTBE in groundwater because of improper installation, operation or maintenance. The study says, ''These data indicate that MTBE may be present in ground water at approximately 50 percent of the UST facilities that meet 1998 upgrade requirements within Santa Clara County.'' Officials were clear: ''Immediate improvements are warranted.'' To me this says, enforce the law.

Similarly, in testimony in the House of Representatives on May 6, 1999 officials of the Natural Resources Defense Council made this important point:

''. . . if gasoline contains oxygenates, future gasoline tank leaks involving MTBE appear inevitable. Even new tanks will eventually fail through material aging, operator error and accident.''

5. Contamination growing, unknown?

As I mentioned, California has had 10,000 groundwater sites impacted, as documented by the Lawrence Livermore study. Many of the state's reservoirs and surface waters have been impacted. At South Lake Tahoe, 20 percent of the water supply has been eliminated; $2 million has been spent to address it. MTBE is less than 1,000 feet from the lake. Santa Monica lost 75 percent of its groundwater supply because of MTBE. Their water system has been decimated and they will spend up to $150 million to clean up.

In a disturbing August 16 story, the New York Times reported last year, the state of New York compiled a ''public list'' of 1,500 MTBE contaminated sites, but the actual number on an ''internal list'' is closer to 7,000 sites, more than three times that reported. So this suggests that we really do not know the extent of MTBE contamination.

TIME TO FIX TANKS

EPA and the states should take steps to make tanks safe. This amendment merely says, come up with a plan: identify the tanks, their owners, their status and bring the tank into compliance or close it. Enforce the law.

EPA reported last week they ''have no information from their regions'' on enforcement actions, that there is no formal schedule or official framework for finding out what enforcement actions are being taken in (1) EPA regional offices or (2) in the states. We could obtain no national list, for example, of enforcement cases, citations, administrative orders or fines.

Today I did receive some information for region 9, the EPA region in which California is located. In this region, since the December 22, 1998 deadline, of 71,686 underground storage tanks, 80 have been inspected. Twenty-three citations have been issued. These actions, according to EPA, are ''informal enforcement,'' not ''formal enforcement.'' The citations are like a traffic ticket and usually give owners 30 days to comply. It appears that the ''formal'' enforcement mechanism, levying the $11,000 per violation fine, is not being used.

I also received an EPA memo signed by Sammy Ng, of the Office of Underground Storage Tanks, dated April 13, 1999, which says:

At the end of the first half of FY 99, states and regions have reported over 385,000 confirmed releases. States, regions and responsible parties initiated cleanups at 84 percent of these sites and completed cleanups at about 54 percent of the sites. . . . the data do not necessarily reflect the full extent of current compliance with the 1998 requirements. . . .

While this is helpful—and disturbing information—it still does not tell us what is happening to make these tanks safe for storing petroleum products.

This amendment is quite modest, in my view. It merely says to EPA, do your job. We have a strong law. Tank owners had a deadline. Leaking tanks are contaminating drinking water. Take steps to make tanks safe.

The public needs assurance that EPA and the states are enforcing the law, stopping leaks, and protecting our drinking water.

I am pleased that this important amendment has been accepted.

AMENDMENT NO. 1793

(Purpose: To extend the comment period for proposed rules related to the Clean Water Act)

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.''

AMENDMENT NO. 1794

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777(c(a)), is amended in the second sentence by striking of ''1999'' and inserting ''2000''.

AMENDMENT NO. 1795

(Purpose: To restore funding for the Montreal Protocol Fund, with an offset)

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''.

AMENDMENT NO. 1796

(Purpose: To provide sufficient FY 2000 funding for the Office of Federal Housing Enterprise Oversight to ensure adequate oversight of government sponsored enterprises)

On page 45, line 9, strike ''$16,000,000'' and insert in lieu thereof, ''$19,493,000''.

AMENDMENT NO. 1797

At the appropriation place under the heading Federal Emergency Management Agency, insert: ''For expenses related to Year 2000 conversion costs for counties and local governments, $100,000,000, to remain available until September 30, 2001: *Provided*, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed $1,000,000 for each country and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: *Provided further*, That of the funds made available to a county or local government under this provision, 50 percent shall be a grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within five years of the loan: *Provided further*, That none of the funds provided under this heading may be transferred to any county or local government until fifteen days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: *Provided further*, That the entire amount 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, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget

and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the amounts provided under the heading ''Funds Appropriated to the President'' in Title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $100,000,000 are rescinded''

AMENDMENT NO. 1798

(Purpose: Technical correction to provision on the prohibition on funds being used for lobbying)

On page 113, line 14, strike out ''in any way tends'' and insert in lieu thereof: ''is designed''.

AMENDMENT NO. 1799

(Purpose: Prohibition on HUD reducing staffing at state and local HUD offices)

On page 44, insert before the period on line 10 the following: '': *Provided further*, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development state or local office''.

AMENDMENT NO. 1800

(Purpose: To require the Administrator of the Environmental Protection Agency to submit to the Senate a report on certain matters of concern before promulgating stormwater regulations)

At the appropriate place, insert the following:

SEC. _____. PROMULGATION OF STORMWATER REGULATIONS.

(a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate Phase II stormwater regulations 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

(b) PHASE I REGULATIONS.—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing—

(1) 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).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

AMENDMENT NO. 1801

(Purpose: To provide that any assistance made available to teachers in purchasing HUD owned housing in economically distressed areas does not discriminate between private and public elementary and secondary school teachers and thus provides assistance to both on an equal basis)

On page 38, line three, insert before the period the following: '': *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers'';

On page 40, line two, insert before the period the following: '': *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers''.

AMENDMENT NO. 1802

(Purpose: To delay promulgation of regulations of the Environmental Protection Agency requiring the payment of pesticide tolerance fees)

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. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

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

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

The motion to lay on the table was agreed to.

BUDGET COMMITTEE SCORING OF S. 1596

Mr. DOMENICI. Mr. President, I rise in support of S. 1596, the Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for 2000.

This bill provides new budget authority of $93.6 billion and new outlays of $55.5 billion to finance the programs of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the chairman and ranking member for producing a bill that complies with the subcommittee's 302(b) allocation. This is one of the most difficult bills to manage with its varied programs and challenging allocation, but I think the bill meets most of the demands made of it while not exceeding its budget and is a strong candidate for enactment. So I commend my friend, the chairman, for his efforts and leadership.

When outlays from prior-year BA and other adjustments are taken into account, the bill totals $91.3 billion in BA and $103.8 billion in outlays. The total bill is under the Senate subcommittee's 302(b) allocation for budget authority and outlays.

I ask Members of the Senate to refrain from offering amendments which would cause the subcommittee to exceed its budget allocation and urge the speedy adoption of this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1596, VA–HUD APPROPRIATIONS, 2000—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	69,619		21,713	91,332
Outlays	82,291		21,496	103,787
Senate 302(b) allocation:				
Budget authority	69,633		21,713	91,346
Outlays	82,545		21,496	104,041
1999 Enacted:				
Budget authority	71,045		21,885	92,930
Outlays	80,376		21,570	101,946
President's request:				
Budget authority	72,055		21,713	93,768
Outlays	82,538		21,496	104,034
House-passed bill:				
Budget authority	71,632		21,713	93,345
Outlays	82,031		21,496	103,527
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	−14			−14
Outlays	−254			−254
1999 Enacted:				
Budget authority	−1,426		−172	−1,598
Outlays	1,915		−74	1,841
President's request:				
Budget authority	−2,436			−2,436
Outlays	−247			−247
House-passed bill:				
Budget authority	−2,013			−2,013
Outlays	260			260

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NORTH 27TH STREET CENTER FOR CHILDREN AND YOUTH, PROJECT JERICHO, AND THE MISSOURI RIVER ECOLOGY INSTITUTE

Mr. KERRY. Mr. President, I realize that this year Senators BOND and MIKULSKI are facing a challenging appropriations season with tight budgetary constraints. However, I wanted to bring to their attention three projects which I think are particularly important to Nebraska, projects that I believe will directly benefit many of our Nebraska citizens.

Ms. MIKULSKI. I know that you have worked hard on a number of projects, and I would appreciate it if you could describe your requests in greater detail?

Mr. KERREY. Yes, it would be my pleasure. On March 31, 1999, I requested that $1.5 million be appropriated within the CDBG program's Economic Development Initiative for the North 27th

Street Center for Children and Youth in Lincoln, NE. The Center is being developed by Cedars Youth Services, Inc. at the request of the City of Lincoln. The Federal dollars would be used by Cedars to develop, operate, and implement a program for the collaborative provision of services by several organizations through a design that will allow participants to avoid having to negotiate the administration and service delivery practices of the various organizations. In other words, it is an effort to develop a ''one-stop'' service center for youth programs.

In addition, during March 1999, I also requested $750,000 or Project Jericho in Omaha, NE to be used by Family Housing Advisory Services for the ongoing administration and operation of Project Jericho. Project Jericho assists individuals, couples, and families who qualify for Section 8 assistance to locate safe affordable housing in the Omaha area. Financial management and mobility counseling are provided to help participants who want to find rental properties in neighborhoods with less than 35 percent minority population. Project Jericho is now one of the top recognized mobility programs in the country.

Finally, I requested that $120,000 be provided from the Environmental Programs and Management Account of the EPA, to the Fontenelle Forest Association for the Missouri River Ecology Institute (MREI). Fontenelle Forest would use the funds to continue MREI, which provides an intensive, six week summertime experience in field-based natural science for teenagers (primarily students entering the 10th grade). MREI services as a leadership development initiative for students with a strong interest in the environment, and includes activities to help prepare them for future careers in this field.

Ms. MIKULSKI. Mr. President, I have noted the importance of these projects and I will do my best to include these projects when the conference committee meets on this bill, if adequate funding is available.

Mr. BOND. I certainly understand the concerns of the Senator from Nebraska and we will review these requests prior to conference.

Mr. KERREY. I appreciate the consideration and the help of the distinguished Senators from Missouri and Maryland. They have always been very supportive of the needs of Nebraska and I appreciate that.

ECONOMIC DEVELOPMENT IN WISCONSIN

Mr. KOHL. Mr. President, I thank Senators BOND and MIKULSKI for their good efforts and sense of fairness in putting together the VA–HUD Appropriations bill for Fiscal Year 2000. We all agree that this year's attempts to stay within the spending caps has forced us all to make some tough choices and to work that much harder to reach consensus and complete our appropriations work in a timely and responsible manner. Senators BOND and MIKULSKI are to be commended for their hard work.

I would ask for a clarification on a point of concern for my constituents in Milwaukee, Wisconsin. As you know, the VA–HUD bill contains funds in support of several important economic development initiatives in Wisconsin, including both the Metcalfe Neighborhood and Menomonee Valley Redevelopment projects in Milwaukee. I am pleased that the Committee has expressed support for both projects, but would simply ask if the Chairman and Ranking Member would have any objection to shifting the amount of funds distributed between these projects during the conference negotiations. In other words, would you have any objection to shifting funds designated for the Menomonee Valley project to the Metcalfe Neighborhood project? I ask for this clarification in order to allow the City of Milwaukee the flexibility to reallocate the funds provided in keeping with its economic development needs and timeframes for project completion.

Ms. MIKULSKI. I would have no objection to shifting funds between the Milwaukee projects if the Senator from Wisconsin, on behalf of his constituents from Milwaukee, makes such a request during our work in the conference.

Mr. BOND. I concur with my Ranking Member and would be happy to work with the Senator from Wisconsin to ensure that his constituents' needs are met.

CLEM

Mr. MOYNIHAN. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request I have concerning the conference. Knowing the great difficulty they faced in reporting a bill that would not exceed this year's stringent budget caps, I was not too surprised to see that they were not able to provide funding for New York University's Center for Cognition, Learning, Emotion, and Memory, or CLEM, in the bill. However, I do hope that funding for CLEM can be found in conference. CLEM can help educators, physicians and other health care givers, policymakers, and the general public by enhancing our understanding of normal brain development as well as the many disabilities, disorders, and diseases that erode our ability to learn and think, to remember, and to emote appropriately.

CLEM focuses on research and training in the fundamental neurobiological mechanisms that underlie learning and memory—the acquisition and storage of information in the nervous system. Current studies by the faculty at NYU are determining why fear can facilitate memory; how memory can be enhanced; what conditions facilitate long-term and short-term memory; and where in the brain all these memories are processed and stored. The Center for Cognition, Learning, Emotion and Memory will draw on the University's strengths in the fields of neural science, biology, chemistry, psychology, computer science, and linguistics to push the frontiers of our understanding of how the brain develops, functions, malfunctions, matures, and ages. NYU researchers bring substantial strength in psychological testing, computational sophistication, advanced tissues staining and electrical problems, and humane animal conditions. These core facilities are well regarded by their peers and together have been awarded a total of $7 million from federal agencies and private foundations for their research. Also, the University is presently recruiting additional faculty in other areas of memory and learning specialization. As a major training institute, the Center will help prepare the next generation of interdisciplinary brain scientists.

I believe that the work of this Center is an appropriate focus for the Department of Veterans Affairs because research into how cognition and emotion interact can have applicability to other diverse areas of interest. For example, in understanding maladaptive responses and emotional disorders, researchers are better able to understand and treat phobias, panic attacks, and post-traumatic stress disorders. In addition, research into the learning process as it relates to attention and retention will lead to insights on mental losses and the decay of memory. Similarly, research at the center could prove most valuable to the EPA in its efforts to learn about and prevent the effects of toxic substances on man and animals.

Mr. President, funding for New York University in this bill would be entirely appropriate under VA, EPW, or as an item in the EDI account. It would be money well spent. I ask the distinguished managers if they will consider providing $1 million for NYU.

Mr. BOND. I will certainly keep the request from the Senator from New York in mind when we go to conference.

Ms. MIKULSKI. I too will remember the request from my colleague from New York when the bill gets to conference.

NATIONAL CENTER FOR SCIENCE LITERACY EDUCATION AND TECHNOLOGY

Mr. MOYNIHAN. Mr. President, I wonder if the distinguished managers of the bill would consider a request of mine? As they are aware, in previous years NASA has provided funds to the American Museum of Natural History to support the National Center for Science Literacy Education and Technology. The Museum reaches literally millions of children and families, schools and community groups each

year through science education and exhibition, curriculum development and innovative educational technology. Now the Museum is unveiling a unique new resource for educating the nation about the wonders of the universe and our own planet Earth, the Rose Center. It will include a new state-of-the-art Hayden Planetarium, the Colman Hall of the Universe, and the Gottesman Hall of Planet Earth. The centerpiece of the new Center is a 90-foot-in-diameter sphere situated in a cubic glass-walled enclosure; and in the upper half of this sphere the Museum will be housing the most technologically advanced sky theater in the world with a map of the universe created by the Museum's National Center for Science Literacy and Technology in partnership with NASA: The Digital Galaxy Mapping Project.

While the National Center has received strong NASA-based support, the Museum has raised the funds, almost $100 million, for the Rose Center and these cutting-edge Halls of the Universe and Planet Earth through non-federal State, City, private and foundation support.

The Center is already working with innumerable schools in New York and beyond to develop more effective science education curriculum materials, as well as partnering with leading colleges and universities on critical research, education and training initiatives. They are now proposing to further expand the role of NASA and the Center with the goal of educating an ever broader segment of the American public. Through the Center's Education Materials Lab Project the Museum and NASA will develop additional curriculum modules from the prototypes created in the first phase of the NASA-Center agreement, based on and utilizing the unique investments and facilities of the Museum. There will be a major investment in a science visualization project that will highlight NASA developments and activities, from progress in the space station to new astronomical discoveries.

As you can see, Mr. President, the potential of the National Center at the Museum is boundless. However, a continuing and expanded federal partnership for science education and educational technology is important and appropriate there, given the role they play and the millions they reach.

I realize the constraints the subcommittee was under in writing a bill that would meet budget requirements. I simply ask that when the bill goes to conference the managers remember my original request that the NASA budget include a FY2000 appropriation of $5 million to further expand the reach of this important National Center, develop and improve educational materials and educational technology for schools, children and families, and to enhance the Museum's instrumentation and laboratory facilities that will contribute to these education, training and research objectives. The House Bill contains $3 million. I hope that sum can be increased to $5 million.

Mr. BOND. I will certainly keep the request by the distinguished Senator from New York in mind when we go to conference.

Ms. MIKULSKI. I too will remember this request for the American Museum of Natural History when we get to conference.

Mr. MOYNIHAN. I thank both my distinguished colleagues for their cooperation.

NATIONAL SCIENCE FOUNDATION

Mr. BINGAMAN. Mr. President, I see the report encourages the National Science Foundation to ''strengthen its activities with respect to international cooperation in research and education.''

Mr. BOND. Yes, that's right. That sort of cooperation is good for science and good for education right here at home. The National Science Board is going to examine that issue, and I look forward to seeing their recommendations.

Mr. BINGAMAN. The Chairman may be aware that as part of last year's Higher Education Act, working with thirteen of our colleagues, I was able to get a program in East Asian Science, Engineering, and Technology authorized at NSF. This new program, which is a successor to a program at the Defense Department, will teach American scientists and engineers about East Asian languages, technological developments, management techniques, and research institutions. It will improve our understanding of East Asian research and train a cadre of American researchers who can effectively cooperative with their East Asian counterparts.

Mr. BOND. That does sound like the sort of activity we'd like to encourage at NSF.

Mr. BINGAMAN. Well, unfortunately the program was authorized too late in the year to make it into the President's budget request for FY 2000. But NSF, including the top leadership is quite enthusiastic about the program. They've had a day-long workshop to help design the program, and I understand may even release the report from that workshop soon. My point is I think that they could be ready to get the program started this coming fiscal year.

Would the Chairman agree that to the extent there is some discretionary money available at NSF in FY 2000 and that NSF's leadership believes they have a solid program plan, they can and should begin the East Asian Science, Engineering, and Technology program in FY 2000? Moreover, that NSF should budget for the program in FY 2001 and beyond? I think that would be consistent with your interest in seeing more international cooperation in science and engineering.

Mr. BOND. I will be open to NSF's plans once they are developed. If the National Science Board and NSF support funding the program in FY 2000, I will review it as part of their operating plan and future NSF budget proposals.

Ms. MIKULSKI. If I could just briefly add my thoughts. The East Asian Science, Engineering, and Technology program does indeed sound like something NSF should get started on this coming fiscal year, provided they're ready, and then include it in the President's request for FY 2001.

Mr. BINGAMAN. I thank the distinguished Chairman and Ranking Member.

BARRY UNIVERSITY

Mr. GRAHAM. Mr. President, we would like to engage the Chairman and Ranking Member of the Subcommittee, in a brief colloquy regarding Barry University in Miami Shores, Florida. Through the outstanding leadership of sister Jeanne O'Laughlin, Barry has had a strong history of addressing important Miami community issues like urbanization, ethnic diversity, community development and cultural understanding. Many of Barry's students are first-generation college students and ethnic minorities. Recently the University announced the planning of an Intercultural Community Center that is designed to promote necessary neighborhood and small business revitalization. The new facility will also be a hub for ongoing workforce development and service learning literacy training for the local community.

Mr. MACK. Given the merits of the project, we were disappointed that Barry University was not included in the legislation before us that allocates funds to the ''Economic Development Initiatives'' for such purposes. Barry University's proposal meets the criteria established by the Subcommittee in terms of serving low-income populations. Our hope is that this project can be re-considered during final deliberations on the bill. Specifically, we would request that favorable language be included in this bill directing the Secretary of Housing and Urban Development to spend a minimum of 1.5 million dollars from the Economic Development Initiative fund to finance this important program that promotes economic and social revitalization. We would appreciate the Senator's support, along with the Chairman's in the funding of the Barry University Intercultural Community Center in the Conference Report.

Ms. MIKULSKI. I thank the Senators from Florida for bringing this issue to my attention. I will be pleased to review the proposed project at $1.5 million and will give it every consideration during conference deliberations.

Mr. BOND. I concur with my good friend from Maryland, and we will

make every effort to consider the merits and funding requests of the Barry University project in conference.

BAYARD WASTEWATER TREATMENT FACILITY

Mr. BINGAMAN. Mr. President, I want to thank the Chairman and Ranking Member for their fine and fair work on this appropriations bill. I acknowledge how difficult their job is and fully appreciate their efforts.

I understand the tight budget situation the committee finds itself in and the many requests the Chairman and Ranking Member face for water and wastewater funding from the EPA's State and Tribal Assistance Grant Program. Unfortunately, the committee could not find sufficient funding for a critical wastewater treatment project in Bayard, New Mexico. This community, along with the Village of Santa Clara and the Fort Bayard State Hospital, face a loss of their wastewater treatment plant. Three years from now, the Cobre copper mine will no longer accept wastewater from these communities and an alternative must be found. If not, these communities will essentially return to the days of the outhouse.

May I ask the Chairman if he is aware of the critical wastewater situation facing the citizens of Bayard and Santa Clara?

Mr. BOND. Yes, I appreciate the Senator from New Mexico informing me of the situation in Bayard and the citizens' need for a new wastewater treatment facility.

Mr. BINGAMAN. The estimated cost of the new wastewater treatment plant is almost $3 million. Is the Ranking Member aware that Mayor Kelly and the city council in Bayard are working very hard to obtain partial funding for the new plant from all available local, state and federal sources?

Ms. MIKULSKI. I commend the Mayor and citizens of Bayard for their efforts to seek funding from all available sources.

Mr. BINGAMAN. I'd like to continue to work with the Chairman and Ranking Member as this appropriations bill moves forward to see if there isn't some way to provide a grant from EPA's State and Tribal Assistance Grant Program to help fund a portion of the cost of the wastewater treatment plant in Bayard.

Mr. BOND. The Senator can be assured we will give the project our full consideration in conference.

Ms. MIKULSKI. I appreciate knowing of the Senator from New Mexico's interest in the Bayard project.

Mr. BINGAMAN. I thank the Senators for their consideration.

NO_x SIP CALL

Mr. SHELBY. Mr. President, I rise at this time to engage in a colloquy with the Subcommittee Chairman, the Senator from Missouri.

Mr. President, I am concerned about what I feel is an apparent inconsistency and inequity created by two separate and conflicting actions that occurred last spring. One was EPA issuing a final rule implementing a consent decree under section 126 of the Clean Air Act that is triggered in essence by EPA not approving the NO_x SIP call revisions of 22 states and the District of Columbia by November 30, 1999. The other was by the United States Court of Appeals for the D.C. Circuit in issuing an order staying the requirement imposed in EPA's 1998 NO_x SIP Call for these jurisdictions to submit the SIP revisions just mentioned for EPA approval.

Caught in the middle of these two events are electric utilities and industrial sources who fear that now the trigger will be sprung this coming November 30, even though the states are no longer required to make those SIP revisions because of the stay, and even though EPA will have nothing before it to approve or disapprove.

Prior to this, EPA maintained a close link between the NO_x SIP Call and the section 126 rule, as evidenced by the consent decree. I believe a parallel stay would be appropriate in the circumstances. EPA should not be moving forward with its NO_x regulations until the litigation is complete and those affected are given more certainty and clarity as to what is required under the law.

A stay is very much needed, especially in light of EPA's most recent comments suggesting that it may reverse its earlier interpretation of the Clean Air Act regarding State discretion in dealing with interstate ozone transport problems. The effect of such a reversal would be to force businesses to comply with EPA's federal emission controls under Section 126 without regard to NO_x SIP Call rule and State input.

The proposed reversal is creating tremendous confusion for the businesses and the States. Under EPA's proposed new position, businesses could incur substantial costs in meeting the EPA-imposed section 126 emission controls before allowing the States to use their discretion in the SIP process to address air quality problems, less stringent controls or through controls on other facilities altogether.

Indeed, the fact that these businesses almost certainly will have sunk significant costs into compliance with the EPA-imposed controls before States we required to submit their emission control plans in response to the NO_X SIP Call rule would result in impermissible pressure on their States to forfeit their discretion and instead simply conform their SIPs to EPA section 126 controls.

The bottom line, Mr. Chairman, is that not only do the States and business community not know what EPA is doing, EPA doesn't know what it is doing. This is hardly a desirable regulatory posture for what clearly is promising to be a very costly and burdensome regulation.

Let's be clear what the law is and what it requires, before rather than after the EPA writes and enforces its rules. I think that is a reasonable expectation and a reasonable requirement that the EPA should be able to meet.

Mr. Chairman, would you agree with me that the EPA should find a reasonable way to avoid triggering the 126 process while the courts deliberate and we have a better understanding of what the law requires states and businesses to do to be in compliance?

Mr. BOND. Mr. President, I very much appreciate the Senator bringing this to the Senate's attention. I agree that this matter should be resolved swiftly. I would encourage and expect the EPA to, over the next several months, find a way that is fair to all sides. In addition, I would expect that any remedy would ensure that the States maintain control and input in addressing air pollution problems through the SIP process. I would be happy to work with the Senator from Alabama to ensure that EPA is fully responsive to these legitimate problems.

Mr. BYRD. Will the gentleman from Missouri yield?

Mr. BOND. I am happy to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, as the gentlemen from Alabama and Missouri know, I have had concerns regarding the impact of the NO_X SIP Call for states throughout the Midwest, including my own. I would agree that recent actions taken by the EPA and Northeastern states creates confusion for both industries and states governments alike. I, too, strongly encourage the EPA to work with all parties, and I look forward to finding a fair and equitable solution to improve our air quality in an economically and environmentally sound way.

STUDY ON HYDRAULIC FRACTURING

Mr. SESSIONS. Mr. President, I rise today to discuss the need to collect good scientific data upon which the Environmental Protection Agency can establish appropriate regulations to protect human health and the environment.

Mr. BOND. The Senator from Alabama raises a good point. In order for the EPA to protect people and the environment, the agency must have access to good scientific data.

Mr. SESSIONS. Has the Subcommittee from time to time, directed the EPA to fund studies related to pending regulations when there is a need?

Mr. BOND. Yes, this Subcommittee has occasionally directed the EPA to gather additional scientific data relevant to their regulatory duties.

Mr. SESSIONS. I would like to make the Senator aware of a situation in my

own state of Alabama where the EPA is being forced by a court order to promulgate regulations regarding an activity called hydraulic fracturing.

Alabama is the second largest producer of coal bed methane in the country. The production of this clean burning fuel from coal beds has only recently become economically viable and offers a way to capture methane from coal beds which might otherwise be vented into the atmosphere during normal coal mining operations. As you know, methane is thought to be a potent contributor of the so-called ''greenhouse'' effect and has been shown to contribute the formation of ground level ozone. However, the production of methane for fuel use helps to reduce air emissions and improves our balance of trade by contributing to our overall domestic gas production. Increased production of coal bed methane should be encouraged.

One of the procedures needed to produce methane from coal beds is the use of hydraulic fracturing. Hydraulic fracturing essentially involves the placing of water and sand down a well bore at high pressure to create microscopic fractures in the coal beds which allow methane gas to escape. Following this procedure, over 90 percent of the water and sand propping agent is pumped out of the well and disposed in compliance with all State and Federal laws. There has never been a documented case of underground water contamination resulting from this procedure.

The EPA never intended to regulate this procedure. However, in 1995 a lawsuit was filed against the EPA claiming that the hydraulic fracturing in Alabama should be regulated through the Underground Injection Control program established by the Safe Drinking Water Act. The EPA argued that hydraulic fracturing did not fit in the context of the Underground Injection Program, that the State of Alabama already regulated the process and that the procedure itself posed little risk to underground drinking water sources or the environment. In 1997, the 11th Circuit Court of Appeals made a technical ruling that hydraulic fracturing does in fact, constitute underground injection because it does involve the placement of fluids underground. Following the court ruling, the EPA implied that it might support a technical change to the Safe Drinking Water Act to exempt hydraulic fracturing from the Underground Injection program. However, efforts to get this technical correction passed into law were upset by the EPA who called for more time to study the issue. Unfortunately, the EPA has still not developed the scientific data to determine whether or not there is even a need for federal regulation of hydraulic fracturing at all.

It is no wonder that the EPA has not dedicated many resources to this issue. No where in the nation has there been even a single case of groundwater contamination from hydraulic fracturing operations despite the dramatic increase in the use of this procedure over the last 15 years. In fact, based upon the data which is currently available, I believe that federal regulation of hydraulic fracturing operations may be an ineffective use of both federal and state resources. However, there is a need to be certain that hydraulic fracturing does not pose a threat to underground sources or drinking water and more scientific study must be completed.

The Geological Survey of Alabama, working in conjunction with Alabama universities, has already initiated study on the environmental impacts of hydraulic fracturing operations. Because of the work which the Geological Survey has already begun, it would make an ideal institution to carry out additional studies on the impact of hydraulic fracturing and could contribute a great deal to the body of scientific data needed by the EPA. The Geological Survey has proposed an 18 month study, using $175,000 of federal funds through an EPA grant, to carefully examine the environmental impacts of hydraulic fracturing operations. I would ask that the Senator from Missouri work to include language in the VA/HUD Appropriations Conference report that would direct the EPA to make this important grant.

Mr. BOND. In my own State of Missouri, production of coal bed methane has recently been started at several sites. I understand that hydraulic fracturing has been used at each of these sites to stimulate the flow of methane. I agree with the Senator from Alabama that the EPA should seek out the best scientific data and should seek to provide assistance to the Geological Survey of Alabama to study the impact this procedure could have on underground sources of drinking water.

ATLANTA VA CONSTRUCTION

Mr. CLELAND. Mr. President, I would like to discuss with the Ranking Member of the VA/HUD Appropriations Committee the documented need for funding of the Atlanta Veterans Affairs (VA) Medical Center for funds to renovate and modernize patient wards. The Atlanta VA construction project was rated 5th on the Department of Veterans Affairs Fiscal Year 2000 Priority Medical Construction Project Report. This project was listed as 12th last year and with the increasing need was moved to the top 5 by the Office of Management and Budget. On September 8, 1999, I was pleased to support the Senate's passage of S. 1076, the Veterans' Benefits Act of 1999, which authorized $12.4 million for the renovation critical to caring for our veterans. The need for this project will not go away. I believe that this project should receive at least $2 million in initial design and planning for FY 2000 to pave the way for later full funding. Included in this start-up money would be asbestos testing that needs no further delays for environmental safety.

Ms. MIKULSKI. I understand the Senator's concerns and push his to obtain this needed renovation for VA patient care. I also want to thank the Senator for his responsible approach to phasing in this project in light of serious budget concerns. While serious budget constraints prevent the acceptance of this request in the FY 2000 appropriations bill, it is the Appropriations Committee's hope and expectation that this worthy project will be fully funded in the President's FY 2001 budget submission.

Mr. CLELAND. I want to thank the Ranking Member for her comments and acknowledge her efforts to redeem the promises to our veterans.

Ms. MIKULSKI. The VA/HUD Appropriations Committee will give every consideration to funding the completion of the Atlanta VA renovation project in the FY 2001 budget process.

Mr. CLELAND. I thank the Ranking Member and the Chairman for their leadership during these challenging times of budget constraints and the changing health care environment for caring for this Nation's veterans. Your support of the Atlanta VA Medical Center renovation is a visible reminder to our veterans that we do care and appreciate their sacrifices for this country.

VA CEMETERY IN ATLANTA

Mr. CLELAND. Mr. President, I want to thank the ranking member of the VA/HUD appropriations subcommittee for her diligence and dedication to the veterans of this country and for the hard work she and her staff have done this year. We are all aware of the sacrifices that our veterans have made to our Nation in times of war. Now, in time of peace we must not forget those sacrifices. Since 1980, I have been working to establish a new national cemetery in metropolitan Atlanta based on a documented need for such a facility.

Ms. MIKULSKI. I thank the Senator for his kind words of support. I am fully aware of the critical need for cemeteries to accommodate our veterans population. I am aware of the Senator from Georgia's dedicated efforts to construct a cemetery which dates back to his tenure as head of the Veterans Administration.

Mr. CLELAND. The Senator from Maryland is correct. Georgia currently has two cemeteries, the Andersonville National Historic Cemetery and the Marietta National Cemetery. Unfortunately, the Marietta cemetery has been full since 1970. As the senator knows legislation which I sponsored, S. 695, passed the Senate. This legislation would authorize the VA Secretary to

establish national cemeteries in Atlanta, Georgia; southwestern Pennsylvania; Miami, Florida; Detroit, Michigan; and Sacramento, California.

Ms. MIKULSKI. I am certainly aware of my colleague's work on this important issue and applaud the Senator's efforts.

Mr. CLELAND. Is it the understanding of the ranking member, that should funds be available in FY2000 to begin planning for a new round of national cemeteries that the authorized national cemetery in Atlanta will be included in the FY2000 budget?

Ms. MIKULSKI. Certainly, should the funding be available, they could be used for future cemetery construction projects.

Mr. CLELAND. I thank the ranking member for including such language endorsing the construction of a new national veterans cemetery in the Metropolitan Atlanta area. Again, I appreciate the help of the Senator from Maryland and the subcommittee on this issue, which is so vital to the veterans of Georgia.

MINNESOTA PROJECTS

Mr. WELLSTONE. Mr. President, I would like to engage the distinguished Ranking Member of the VA/HUD Appropriations Committee in a brief colloquy regarding two important projects which I believe deserve support.

Mr. President, over the past years there has been an alarming increase in the need for adolescent treatment programs. The Mash-ka-wisen facility in Sawyer, MN, has recognized this need and therefore proposes the construction of a culturally specific treatment program designed for adolescents. The presence of an eighteen-bed adolescent treatment center will serve American Indian adolescents from throughout the Bemidji Indian Health Service Area, which includes the states of Minnesota, Wisconsin, and Michigan. For the past twenty years, the existing center in Sawyer, MN, has served American Indians in need of alcohol and drug treatment with a culturally specific recovery program. As a result of their commitment, the Center has a national reputation, as well as one of the very highest treatment success rates in the nation. The Minnesota Indian Primary Regional Treatment Center has requested $2 million to fund the construction of their adolescent treatment facility.

I also wish to call your attention to the request of $1.7 million by Northeast Ventures Corporation of Northern Minnesota. During the last 15 years, Northeastern Minnesota has experienced severe economic losses. Since 1989, Northeast Ventures has provided capital support for micro enterprises in the region. In addition to the assistance that Northeast Ventures has provided, its not for profit affiliate, the Northeast Entrepreneur Fund, has been providing financial and technical support services to unemployed and underemployed men and women in Northeastern Minnesota. In reaction to the special economic needs of the Iron Range, a second not for profit affiliate, Iron Range Ventures, works specifically to provide investments in the Iron Range. Together these organizations have helped to provide the region with assistance that has led to gradual economic recovery and diversification. A HUD Special Purpose Grant will make it possible for this organization and its not for profit affiliates to provide additional support to existing and emerging businesses in the region. $850,000 will support the expanded and enhanced delivery of services and capital to small businesses and the remaining $850,000 will support increased investment in the Iron Range area of northeastern Minnesota.

I am aware of the difficult financial constraints under which the VA/HUD Appropriations Subcommittee worked this year, and I appreciate the Ranking Member's willingness to engage in a colloquy on these important projects. So I would simply ask my colleague from Maryland if she agrees with the importance of including these two projects in the VA/HUD appropriations bill and is willing to work towards earmarking $2 million for the Mash-ka-wisen treatment facility and $1.7 million for Northeast Ventures Corporation?

Ms. MIKULSKI. I thank my colleague from Minnesota, Senator WELLSTONE, for his continued vigorous support for these projects. First let me say that I appreciate his acknowledgment of the difficult funding constraints under which the committee was working this year. I agree with my colleague that these two projects will serve a valuable role in their communities, both Indian Country, and Northeastern Minnesota. For that reason, I will give the Minnesota Indian Primary Residential Treatment Center and the Northeast Ventures Corporation every consideration during the conference deliberations.

Mr. WELLSTONE. I thank the Senator for her commitment to seek funding for these projects for the next year. I am grateful for her continued support and to know she will support these projects in the upcoming conference committee.

SURFACE ACOUSTIC WAVE—MERCURY VAPOR SENSOR RESEARCH

Ms. SNOWE. Mr. President, I seek recognition today along with my colleague, Senator COLLINS, to draw to the Chairman's attention our request for funding within the budget for the Environmental Protection Agency to defray some of the costs of researching and developing an effective new technology for monitoring mercury vapor emissions.

As we know, mercury is one of the most toxic substances in our environment and one of most common air pollutants and, unfortunately, remains largely unregulated, causing great neurologic damage if ingested by humans. This is why I have cosponsored a bill, S. 673, that will go a long way towards developing a much needed solution to the problem of mercury emissions in our environment.

I am advised that researchers in Maine and in Maryland are teaming together to research and develop a new, environmentally beneficial technology for tracking mercury vapor emissions. I am hopeful that in Conference, the distinguished Chairman and the Ranking Minority Member, Senator MIKULSKI, will look again at the proposal and to consider designating it for funding within the appropriate budget account.

Ms. COLLINS. I want to join my colleague, Senator SNOWE, and reiterate my support for this important proposal. If funding is made available, the Sensor Research/University of Maryland team will examine mercury emissions from several combustion sources and will compare a new family of mercury vapor sensors to state-of-the-art continuous monitoring devices in order to determine the efficacy and fidelity of the newer technology. I understand that these new ''Surface Acoustic Wave'' senors offer the promise of low cost/extremely-high reliability monitoring that can better determine the origin of and transport mechanisms involving this family of pollutants.

I thank the Chairman for his consideration of this proposal and ask that he and Senator MIKULSKI make this a top priority in Conference.

Ms. MIKULSKI. I appreciate the work done by my colleagues from Maine on this mercury sensor proposal, which would utilize the tremendous research tools of the University of Maryland at College Park. While we are laboring under difficult budget constraints, I remain hopeful that we will be able to jumpstart this valuable scientific evaluation process. I look forward to working with Chairman BOND on this issue in Conference.

Mr. BOND. I am grateful to my colleagues from Maine and to my good friend, Senator MIKULSKI, for their input on the Surface Acoustic Wave sensor proposal, which could be a real step forward in protecting our environment. I will be glad to continue working with my colleagues on identifying potential areas for funding as we proceed to Conference.

THE ATLANTA WATERSHED PROJECT

Mr. COVERDELL. Mr. President, I rise today to make a few remarks about the Regional Atlanta Watershed restoration program and, with the help of the Chairman of the VA HUD Appropriation Subcommittee, to clarify the use of EPA funds. It is my understanding that these funds can be made available for studies to address serious combined sewer overflow problems.

Mr. BOND. The Senior Senator from Georgia is correct.

Mr. COVERDELL. It is also my understanding that there are serious problems in the Atlanta Region with sewer and overflow facilities and that work is required as part of a $250 million complex settlement that the City of Atlanta negotiated with the Environmental Protection Agency and the Department of Justice due to unpermitted releases from Combined Sewer Overflow (CSO) facilities.

It is my understanding that the Atlanta Region faces an aging infrastructure and rapid growth and that the City of Atlanta has committed $1 billion in local funds to go directly to the combined sewer system and other watershed restoration initiatives.

It is my understanding as well that the House of Representatives has recommended that $1 million be appropriated for this project, and I ask that the Chairman give every possible consideration to this amount during Conference considerations. Also, I would ask that fair and appropriate consideration be given to an even greater sum.

Mr. BOND. I understand the difficulties the Atlanta Region faces due to an aging infrastructure and a rapidly growing population, and I commend Senator COVERDELL's advocacy and commitment on its behalf.

Mr. COVERDELL. I thank the Chairman for his consideration and look forward to working with him on this project.

SWIFT BUILDING IN MOULTRIE, GEORGIA

Mr. CLELAND. Mr. President, I rise today in hopes of engaging the Chairman, Senator BOND, and Ranking Member, Senator MIKULSKI in a colloquy regarding a project of extreme concern and importance to me, specifically the Swift Building in Moultrie, Georgia.

Mr. BOND. I am glad to discuss this matter with Senator CLELAND.

Ms. MIKULSKI. I, too, welcome this discussion with my colleague.

Mr. CLELAND. I thank my distinguished colleagues. The Swift Building is located in Moultrie, Georgia, an area that faces a poverty rate well above the national average. I was horrified to see the current state of this building. the building is not only completely dilapidated and partially torn down, but also contains major friable asbestos contamination as well as traces of cadmium and celenium—all of which present serious health risks to the residents of the surrounding community. Senator MIKULSKI, you were kind enough to take the time to review this project with me. Would you agree that the Swift Building presents this community with a serious problem—one that needs and deserves immediate attention.

Ms. MIKULSKI. I strongly agree with my colleague. I was also startled by the graphic nature of the state of this building. Not only does this building present severe health concerns to local residents, but what makes this building even more disconcerting is the fact that it is located right beside U.S. highway 319, which, as I understand, is the main thoroughfare running directly into the center of Moultrie.

Mr. CLELAND. The Senator is correct. The building with its major friable asbestos is not only located right along this major highway, but the exposure to this migratory hazard has been further exacerbated by the partial destruction of this building. As I mentioned earlier, the Swift Building is located in a severely economically depressed area, so without federal assistance the health and economic consequences it presents will remain unaddressed. As you know, the Administration has stated its strong opposition to the exclusion of funding for the Redevelopment of Abandoned Building Program. The purpose of this new program is to address the blight caused by abandoned apartment buildings, single family homes, warehouses, office buildings and commercial centers. I believe that the Swift Building provides an ideal example of the type of project well suited for this program. Although I was greatly disappointed that I was unable to have my amendment accepted to obtain this critical funding, I will be glad to withdraw my amendment if I can get the assurances of the Chairman and Ranking Member that if funding is provided for the Redevelopment of Abandoned Buildings during conference with the House, this project will be given high priority.

Mr. BOND. I appreciate the Senator's cooperation and understand his concern about this project. Rest assured that when we reach conference with the House, we will give this project strong consideration for funding.

Ms. MIKULSKI. I also pledge to work to seek funding for this critical project during conference with the House.

Mr. CLELAND. I thank the distinguished Chair and Ranking member for their time and assistance in this matter.

THE SWIFT PLANT

Mr. COVERDELL. Mr. President, I rise to request that the Chairman of the Senate Appropriation Subcommittee on VA, HUD and Independent Agencies help me to clarify the use of appropriated funds under the Department of Housing and Urban Development. It is my understanding that certain discretionary funds are available for projects.

Mr. BOND. The Senior Senator from Georgia is correct.

Mr. COVERDELL. The Town of Moultrie, Georgia, founded in 1856, has served as an agricultural center for surrounding farms and related industry. Unlike many small towns, Moultrie has managed to avoid population losses, which is mostly attributable to its livable, high quality residential neighborhoods, historical county seat and active community development efforts. It is my understanding that Moultrie is seeking to promote revitalization and economic development that will raise the standard of living of town residents whose per capita income level is only 75% of the country's and 56% of the state's level.

In doing so Moultrie faces two key economic development issues. First, is the need to revitalize its downtown to retain retail businesses and attract new retail businesses. Second is the need for attractive industrial and business sites to retain existing, as well as draw new businesses and industry.

It is also my understanding that Moultrie's downtown economic development is stymied by an obsolescent industrial and commercial district located between the central historic Courthouse Square and the main entry to the town from Interstate 75. This is a brownfields district typical of smaller, older towns. It contains vacant and under-utilized land and buildings along a railroad, and substandard housing interspersed within a grid of city streets. The most visible problem in the district is the former Swift Plant, once one of the largest pork processing plants in the south. Today its largest building is partially demolished and the site contains documented soil and groundwater contamination. The 250 acre brownfield district in which the Swift Plant is located, has other contaminated properties and yields little tax revenue. No new businesses have located within the district in many years, and many of the existing businesses are considering relocating due to the area's low level of development.

It is my understanding that Moultrie has developed an economic redevelopment initiative to revitalize Moultrie's brownfields district and strengthen the city economy, and they have requested federal funding to proceed. Central to this plan is the complete demolition of the Swift Plant.

Mr. Chairman, based on what criteria do you consider projects such as this?

Mr. BOND. Strong community support, the creation of public/private partnerships and a financial commitment by the local entities are criteria that I believe illustrate a project's importance and vialbility.

Mr. COVERDELL. I thank the Chairman for his assistance and look forward to working with him on this important matter.

STATE VETERANS HOMES

Mr. HATCH. Mr. President, I appreciate the leadership of Senator BOND and Senator MIKULSKI on this appropriations bill. I know that this has been a very difficult process, and I appreciate their efforts.

I would like to bring to the attention of the United States Senate a situation that is of great concern to me: long-term care for our veterans. In my state

of Utah, we have a nursing home that is owned and operated by the State of Utah. This nursing home was certified by the Department of Veterans' Affairs and received monthly per diem payments, which comprise nearly half of the nursing home's budget.

Although the nursing home was certified in January, it did not see a single per diem payment from the Department of Veterans' Affairs until June. The payment for February and March also arrived in June; payment for April and May came in late June. The June payment was supposedly sent by the Department of Veterans' Affairs, but it still has not been received. Payment of per diem for July and August was received in September.

I understand that other veterans homes around the country have similarly suffered from delayed and sporadic per diem payments.

To me, this is a fairly clear picture that the administration of per diem payments needs to be improved. I cannot believe that each and every payment for nine months is being deliberately held up because the veterans home is guilty of some unnamed compliance problem. In fact, the VA itself has advised me that this is not the case at least with respect to the Utah veterans home.

Let me be clear that I do not intend that deficient veterans homes are let off the hook. We expect accountability. I urge the VA not only to enforce applicable standards, but also to assist state veterans homes to meet these standards for care of our veterans.

But, I hope that the VA will give attention to designing a better system of payments so that state veterans homes can more effectively manage their resources and, therefore, provide better and more consistent care for our veterans.

Mr. BOND. I agree that the Department of Veterans Affairs should never put the State veterans homes in a fiscally vulnerable position and, therefore, possibly compromise the quality of care for our veterans. I have several veterans nursing homes in my State in Missouri, and I believe that they deserve prompt per diem payments.

However, I also do not wish to hinder the VA from enforcing applicable standards for care in these state veterans homes. Does the Senator from Utah agree?

Mr. HATCH. Absolutely. The VA should certify homes as it has always done. Homes that are seriously deficient should be decertified. Technical assistance should be offered to homes having difficulty.

But, I would hope that proper quality control by the VA could be done in such a way so as not to unnecessarily disrupt the flow of payments to the home. Does the distinguished Senator from Missouri agree that a state veterans home cannot be effectively managed if the federal funds that are promised come in a haphazard manner?

Mr. BOND. Yes, I do. I recognize that irregular payment or per diem can complicate the remediation of existing problems as well as possibly cause others. Does the Senator from Utah agree that the VA should have some leverage in order to get prompt action to correct deficiencies in patient care or safety?

Mr. HATCH. Yes. I agree that withholding per diem can be an appropriate action if the VA has previously notified the state veterans home that there are specific problems. The homes should have an opportunity to correct those problems so as not to miss a scheduled payment.

I also believe that if a state veterans home is recalcitrant in making improvements where necessary, either for substantive patient care or for administrative purposes, the VA should decertify the home. If violations are serious enough to withhold payments for a prolonged period of time, they are serious enough to warrant decertification.

I hope, however, that my colleagues will agree that state veterans homes cannot be effectively managed if the federal government is so unreliable in making these per diem payments. In the absence of any substantive quality issues, state veterans homes should be able to expect prompt payment. It is a promise we have made, and it is necessary that we keep it to maintain consistent and high quality of care for our veterans. That, I believe, is the goal we all share.

Mr. President, in deference to the members of the Senate Veterans' Affairs Committee, I will not offer my amendment to require the Veterans' Administration to pay the per diem it owes to fully certified state veterans homes.

However, I want the record to show that this amendment is cosponsored by Senator CRAPO, Senator SNOWE, Senator COLLINS, and Senator CRAIG. It has the support of the National Association of State Veterans Homes and the American Legion.

Mr. President, for too long, state veterans homes have been getting that age-old promise from the federal government that the check is in the mail.

In my home state of Utah, the Utah State Veterans Nursing Home has experienced tremendous difficulties in receiving per diem payments from the Department of Veterans Affairs. The Utah veterans home was certified in January 1999. But it did not see a single payment from the Department of Veterans Affairs until June 1999—six months.

Now, I ask my colleagues: what business can go without payment for six months without having to cut corners or stiff its own creditors? How are these veterans homes supposed to provide quality care if they do not know from month to month what their operating budget will be? How are they going to pay their personnel, their food service providers, linen services, and so on. How are they going to pay for routine repairs on the plant? The VA simply has to find a way to get these payments out on time.

In Utah's situation, the per diem payment for April and May came in late June. The payment for June still has not been received. The July and August payments were received in September.

Let me be clear about this point. The Department of Veterans Affairs was not withholding those funds because of quality of care or compliance problems in the Utah veterans' nursing home or because of the lack of funds.

On the contrary, the VA was forthright in saying that the paperwork got lost on somebody's desk. Now, I can understand that, and I certainly want to say that I appreciate getting an honest explanation for this. I have lost things, and I am sure all Senators have lost things from time to time.

My problem, however, is that this clearly was not a one-time occurrence. These late payments have become the rule not the exception, and the Utah veterans home has not been the only victim. I understand that veterans nursing homes all over the country have had to suffer these late per diem payments and that veterans homes in Oregon and Maine, for example, have had similar difficulties. As a veterans nursing home operator in Maine put it, ''It is something that we have learned to live with.''

Mr. President, maintaining a quality nursing care facility is a difficult enough job as it is without the federal government imposing the additional burden of not getting the funds out to these state veterans homes on time.

Our veterans homes should not have to ''learn to live with it.'' If the federal government has taken on this responsibility, then it needs to deliver. If the VA cannot fulfill this obligation under existing law, then it should report to the Veterans' Affairs Committees of the Senate and House and seek assistance to do so.

These state veterans homes are simply too critical a component in our effort to care for America's elderly veterans. By giving these state veterans homes short shrift, we give our veterans short shrift. I know that this is not what the VA intends.

It has been argued that the VA needs the authority to withhold per diem payments as leverage for corrective action taken by homes that may have compliance problems.

Mr. President, I absolutely agree that the VA should enforce the applicable quality standards for these veterans homes. I modified my amendment to address this concern. Deficiencies that affect patient care and

safety should be promptly corrected, and my amendment allows the VA to withhold per diem payments is such deficiencies have been identified and the home is notified about them in writing prior to the due date of the expected payment. This would provide the home the opportunity to act on the deficiencies so as not to miss a payment.

Additionally, I believe that serious and ongoing deficiencies warrant decertification. No state veterans home that is not certified should receive payments.

But, Mr. President, neither we here in the Senate, nor the VA, should forget that the effective management of these veterans facilities needs reliable funding. We cannot expect the best quality of care for our veterans if the state veterans home is receiving only sporadic per diem payments. The haphazard manner in which the VA has made per diem payments has itself become a cause for concern about quality in these homes.

I trust that the VA, given the impetus of this amendment, will take steps to improve this payment process and get the per diem payments out on time.

Moreover, I urge my colleagues on the Veterans' Affairs' Committee to take a serious look at this issue.

UPPER MIDWEST AEROSPACE CONSORTIUM

Mr. DORGAN. Mr. President, about four years ago I hosted NASA Director Dan Goldin at the University of North Dakota where he met with representatives from universities in Montana, North and South Dakota, Idaho and Wyoming. We felt it was important to meet with Mr. Goldin to explore ways in which NASA satellite data could be helpful to the public in a region which has always seemed so far removed from the activities of NASA.

Over the course of these four years, I believe NASA has been very impressed with the innovations of this group, called the Upper Midwest Aerospace Consortium. UMAC's primary focus has been to make NASA data useful to the public, particularly farmers, ranchers, resource managers, educators, and small businesses. For example, noxious weed detection through the NASA satellite data has had an astounding effect on eradicating and stemming the spread of noxious weeds on cattle rangelands; wheat farmers have planned their fertilizer applications to optimize their crop yields; and teachers and teacher-educators have prepared geographic information systems that bring modern spatial technologies to rural classrooms.

All of these innovations and uses have been the result of three grants that UMAC has won competitively through NASA's peer review process. The organization has now proven its value in a region where NASA's presence had previously been nearly nonexistent. It has reached the juncture where it must achieve the stability that only a long-term commitment by NASA can ensure.

Mr. President, the distinguished Senator from Maryland and Ranking Minority Member of the VA–HUD Appropriations Subcommittee is well acquainted with the value of NASA's presence in her own state. Now we in the upper Midwest have developed the nucleus for NASA to create a center which would support and advance NASA activities in our region.

The report accompanying this bill contains language urging NASA to consider creating a permanent center in the upper Midwest. While it is difficult to find funds in this bill for this purpose, I would urge the Senate to provide $1 million during conference on the bill toward the establishment of UMAC as a permanent entity to continue its work with NASA and the public.

Ms. MIKULSKI. The Senator from North Dakota is absolutely correct in his observation about the need for NASA to share the value of its data and its expertise with all Americans. The states represented in UMAC are the most distant from any existing NASA Center, so the idea of strengthening this organization for long-term service to this region is justified, and I pledge to work to achieve this goal during Conference.

Mr. DORGAN. I appreciate the support of the Senator from Maryland for the Upper Great Plains Aerospace Consortium and I thank her for her comments.

TUBMAN AFRICAN AMERICAN MUSEUM

Mr. CLELAND. Mr. President, I rise today in hopes of engaging the Ranking Member, Senator Mikulski, in a discussion about a project of great importance to me and the citizens of Macon, Georgia, specifically the Tubman African American Museum.

Ms. MIKULSKI. I am glad to discuss this matter with my colleague.

Mr. CLELAND. I thank the distinguished ranking Member. The Tubman African American Museum, located in Macon was founded in 1981. The Museum is dedicated to educating people about all aspects of African American art, history, and culture. In addition to its permanent and visiting art exhibits, the museum hosts concerts, plays, celebrity storytelling and frequent lectures by well-known authors. The benefits from these programs and others is not only to enhance the cultural opportunities for local residents, but also to showcase the significance of the social, cultural, and historical influence of African American culture on our society. I strongly support the Tubman African American Museum and believe that it strongly contributes to the education and understanding of both local citizens and visitors to the Macon area. This museum also has the strong support of the local community in Macon as well as prominent leaders in Georgia, including former Governor Zell Miller, Senator Sam Nunn, Macon's Mayor Jack Ellis and Macon's former Mayor Jim Marshall.

The amendment that I have filed before the Senate would provide $2 million for the purposes of relocating and expanding the Tubman African American Museum. The proposed new facility is estimated to cost $15 million. The City of Macon and Bibb County have proven their commitment and support for this project by already providing $775,000 for the project's feasibility study and to purchase property in downtown Macon, the selected site for this project. Senator MIKULSKI, I recognize the budget constraints that you and Senator BOND are facing in trying to consider many valuable projects that deserve funding. With this recognition, I will be glad to withdraw my amendment. I simply ask that should additional funding become available during conference with the House, I would greatly appreciate this project be given strong consideration for funding.

Ms. MIKULSKI. I thank Senator CLELAND for his cooperation and assure him that during conference with the House, this project will be given every consideration for funding.

Mr. CLELAND. I thank the distinguished Ranking Member.

TUBMAN MUSEUM

Mr. COVERDELL. Mr. President, I rise today to express my support of the Tubman Museum in Macon, Georgia and, with the help of Chairman Bond of the VA–HUD Appropriations Subcommittee, to clarify the use of Community Development Block Grants and the importance of projects such as the Tubman African Museum to create an economic development opportunity as well as to commemorate an important historical figure such as Harriet Tubman.

It is my understanding that Community Development Block Grants can be made available to projects that create jobs, fill community needs, eliminate physical or economic distress. Is this correct, Mr. Chairman?

Mr. BOND. The Senior Senator from Georgia is correct.

Mr. COVERDELL. It is my understanding that the Tubman African American Museum fulfills all of the criteria requirements for such grants and have supplied the Chairman with supporting evidence of the museum's qualifications.

Mr. BOND. That is correct.

Mr. COVERDELL. Today, the Tubman Museum is Georgia's largest African American museum and one of Macon's top downtown tourist attractions. In just five years, the museum's visitors have increased from less than 5,000 in 1992 to over 65,000 in 1997.

It is my understanding that the requested $5.2 million would go towards the development of a new museum facility in Macon, Georgia to meet the

expansion needs and the cultural, educational, social and economic needs of the City of Macon.

It is also my understanding that the Tubman Museum may become a Conference issue, and I ask every possible consideration be given to the request.

Mr. BOND. I appreciate Senator COVERDELL's dedication and efforts on behalf of the Tubman African American Museum and look forward to working with him on this project.

Mr. COVERDELL. I thank the Chairman for his consideration and for his hard work on the committee.

● Mr. MCCAIN. Mr. President, I introduced an amendment to the Fiscal Year 2000 VA–HUD Appropriations bill that would have provided the Department of Veterans Affairs with a new flow of non-appropriated revenues, thereby benefiting all American veterans who rely on the agency's services. This legislation would improve the VA's ability to collect insurance costs from third-party providers. Currently, the VA collects only about one-third of the money it is owed by private insurers through its Medical Care Cost Recovery (MCCR) program. 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 MCCR. My legislation would require the VA to privately contract for these collections for a period of three years, during which the VA would develop an internal process to improve medical cost recovery.

Unfortunately, I could not obtain the concurrence of the Chairmen of the VA–HUD Appropriations Subcommittee or the Veterans Affairs Committee to attach my amendment to this bill. Nonetheless, I will continue to fight for this proposal, as I believe it is a potential source of considerable revenue for the chronically underfunded VA. Senate Veterans Affairs Committee Chairman SPECTER has told me that this is an important amendment, and that his committee would give full consideration to my free-standing legislation on VA medical cost collection. I look forward to working with him, our veterans service organizations, and other Members of Congress to require the VA to improve its ineffective and delinquent medical cost collection program. Doing so should help us move the VA budget closer to the $20 billion target identified by those who speak for America's veterans as necessary for sustaining our commitment as a nation to care for those who have honorably served her in uniform.●

● Mr. MCCAIN. Mr. President, I want to thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), and Independent Agencies. However, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of parochial projects in this appropriations bill. Although the total level of pork-barrel spending in this bill is down from last year's total of $607 million, this bill still contains nearly $470 million in wasteful, pork barrel spending. This is an unacceptable amount of low priority, unrequested, wasteful spending.

The total value of specific earmarks in the Veterans Affairs section of this bill is about $80 million, $30 million more than last year.

Let me review some examples of items included in the bill. An especially troublesome expense, neither budgeted for nor requested by the Administration for the past eight years, is a provision that directs the Department of Veterans Affairs to continue the eight-year-old demonstration project involving the Clarksburg, West Virginia VAMC and the Ruby Memorial Hospital at West Virginia University. Two years ago, the VA–HUD appropriations bill contained a plus-up of $2 million to the Clarksburg VAMC that ended up on the Administration's line-item veto list and that the Administration had concluded was truly wasteful.

Like the transportation and military construction bills, the VA appropriations funding bill is a convenient vehicle to add building projects to the President's budget request. For example, the bill adds $10 million in funding for a new National Cemetery in Oklahoma City/Fort Sill, Oklahoma. Although this is a worthy cause, I wonder how many other national cemetery projects in other States were passed over to ensure that Oklahoma's cemetery received the VA's highest priority. Another project added to the bill was $3.9 million to convert unfinished space into research laboratories at the ambulatory care addition of the Harry S. Truman VAMC in Columbia, Missouri.

In the area of critical VA grant funding, again, certain projects in key members' states received priority billing, including $50 million added and made available to replace the boiler plant and construct a dietary facility at the Southeastern Veterans Center/Pennsylvania State Veterans Home in Spring City, Pennsylvania. Both projects were rejected by the Department of Veterans Affairs as wasteful spending of taxpayers dollars. Furthermore, the Department told the Committee that the responsibility for maintenance, repair, and replacement of boiler power plants is the responsibility of the State of Pennsylvania.

Grant money totaling $14 million is added and made available for cemeteries in Bloomfield and Jacksonville, Missouri. Again, I am sure that these are two worthwhile cemetery projects, but they push aside higher priority cemetery grants, including one in my State of Arizona.

Earmarks aside—there are many good things about this bill.

Over the past four years, veterans' health care funding has been virtually flat. This funding level has occurred as our veterans population is aging and in need of greater long-term health care that is often more expensive. Earlier this year, several key veterans organizations (the Disabled American Veterans, AMVETS, Paralyzed Veterans of America, and Veterans of Foreign Wars) reported in the ''Independent Budget'' that President Clinton's budget is $3 billion less than is necessary to maintain current health care services to our nation's veterans. Furthermore, the American Legion has also been proactive with veterans nationwide and in discussions with me regarding the severe inadequacies in veterans health care.

I was proud when the Senate passed legislation that Senator WELLSTONE and I sponsored earlier this year to add $3 billion in budget authority for veterans health care and I felt that we had the commitment of the Senate, with a solid vote of 99–0.

Last week, I wrote to the Chairmen of the Senate Committee on Appropriations and VA–HUD Appropriations Subcommittee to ask that they increase critical veterans health care funding that is not contained in the President's budget. Unfortunately, the bill as reported only included $1.1 billion.

When the bill was brought to the Senate, I sponsored legislation with Senator BYRD that added $600 million and another critical amendment by Senator WELLSTONE that added an additional $1.3 billion to veterans health care. Unfortunately, the latter failed to pass. Although Senator BYRD's amendment designates additional veterans funding under an emergency designation of the Balanced Budget Act, I agree with Chairman STEVENS' statement that we should find the additional $600 million in funding from other than emergency designation. Such funding will prove instrumental to ensuring that quality health care is delivered in a timely manner in our nation's VA medical care facilities and preventing the continued curtailment of essential veterans programs and services.

As I travel across the country, I am overwhelmed by the concerns of veterans regarding the poor health care situation in VA facilities. I am happy with the support and leadership that Senator BOND has provided in supporting a $1.7 billion plus-up to President Clinton's veterans budget and commend him on his efforts. But more remains to be done. And I pledge to do everything in my power to correct this injustice in veterans health care funding in the future.

This bill also contains the funding for the Department of Housing and Urban Development (HUD) which is responsible for many programs vital in meeting the housing needs of our nation and for the revitalization and development of our communities. The programs administered by HUD help our nation's families purchase their homes, assists many low-income families obtain affordable housing, combats discrimination in the housing market, assists in rehabilitating neighborhoods and helps our nation's most vulnerable—the elderly, disabled and disadvantaged have access to safe and affordable housing.

While many of the programs funded in this portion of the bill are laudable, I am deeply concerned about the number of earmarks in this section of the bill. I will highlight just a few of the more egregious violations of the budgetary review process. These include:

Six pages of earmarks dictating how a large portion of the Community Development Block Grant money must be allocated. This is inappropriate and a direct violation of the appropriate budgetary process. More importantly, it diverts critical funds from many communities which need the funding for local development programs but are excluded from the funds because of these egregious earmarks.

For example:

$1.7 million is earmarked for the Sheldon Jackson College Auditorium in Sitka, AK for refurbishing.

$1 million is set aside for the construction of a fire station project in Logan, UT.

$1.2 million of CDBG funds are earmarked for renovating a gateway to historic downtown Madison, MS.

$1.75 million for the University of Nevada in Reno, NV for the Structures Laboratory.

$1.25 million for the revitalization of the Route 1 corridor.

$3.5 million for the University of Alaska Fairbanks Museum.

These are a few of the many earmarks in housing which put aside money for specific projects and bypass the open, competitive process of selecting the most urgent and worthy projects, thereby limiting the funds available to communities around the country who are not fortunate enough to reside in a community with a Senator on the Appropriations Committee. In total, $93.2 million of the $4.8 billion for CDBG is earmarked for projects selected for special set-asides.

Contained in both the bill and the Senate report is an exemption for Alaska and Mississippi from the requirement to have a public housing resident serving on the board of directors of PHAs for FY 2000.

Also contained in the bill is a provision preventing Peggy A. Burgin from being disqualified on the basis of age from residing at Clark's Landing in Groton, VT. While I do not know the specifics of this situation, I do know that providing relief to a specific individual is no more appropriate than providing funding for a specific project or entity.

This bill also funds the Environmental Protection Agency (EPA) which provides critical resources to help state, local and tribal communities enhance capacity and infrastructure to better address their environmental needs. Protection of the environment is among our highest responsibilities. I strongly support directing more resources to communities that are most in need and facing serious public health and safety threats from environmental problems. Unfortunately, after a close review of this year's Senate bill and report for EPA programs, I find it difficult to believe that we are responding to the most urgent and pressing environmental issues. Instead, I am disturbed by the continuing trend to focus spending on more parochial interests rather than on environmental priorities. In this year's bill and report, I found nearly $207 million in unrequested, locality-specific, and low-priority earmarks.

There are many environmental needs in communities back in my home state of Arizona but these communities will be denied funding as long we continue to tolerate egregious earmarking that circumvents a regular merit-review process. For example, earmarks are directed in the amount of $750,000 for painting and coating compliance enhancement project at the Iowa Waste Reduction Center and an extra $200,000 for the University of Missouri-Rolla to work with the Army to validate soysmoke as a replacement for petroleum fog oil in obscurant smoke used in battlefield exercises. While these projects may be important, there is no explanation provided as to why the Administration did not prioritize them as part of its budget or why these projects rank higher than other environmental priorities.

The subcommittee also saw fit to provide $400,000 for a Sound Program Office in Long Island, New York. While this project may have merit, I cannot understand why we should spend almost half a million dollars on a project which does not appear to be related to an environmental issue.

Furthermore, this bill directs more funding toward universities for research or consortia rather than directing resources to local communities for environmental protection. For independent agencies such as the National Aeronautics and Space Administration (NASA), this bill also includes earmarks of money for locality-specific projects such as $3 million for a hands-on science center in Huntsville, Alabama, and $14 million for infrastructure needs of the Life Sciences building at the University of Missouri-Columbia. For the National Science Foundation (NSF), there is $10 million added for the Plant Genome Research Program.

The examples of wasteful spending that I have highlighted are only a few of the examples of earmarks and special projects contained in this measure. There are many more low-priority, wasteful, and unnecessary projects on the extensive list I have compiled. The full list is on my website.

In closing, I urge my colleagues to develop a better standard to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests so that instead, we can serve the national interest.●

Mr. DORGAN. Mr. President, I rise today to say a few words about the Department of Housing and Urban Development's (HUD) Community Builders Program. Community Builders are providing an important customer service, and have been a key component of HUD's outreach efforts in rural states like North Dakota. As Mayor Carroll Erickson of Minot said: ''Through the Community Builders, HUD has become more accessible to communities such as Minot and to rural states like North Dakota. This program is very effective and it should be retained.'' Or, as Grand Forks Mayor Pat Owens said: ''HUD's increased outreach and consultation with non-traditional smaller communities is absolutely the right direction.''

Mr. President, the Community Builders program was part of HUD's successful reorganization effort. Community Builders in North Dakota provide technical assistance that is absolutely vital to rural communities. Those who have used the program have praised it as an example of government's ability to provide helpful, efficient customer service.

It would be a shame, Mr. President, for this successful program to be terminated even as it is starting to yield results. I urge the conferees to strongly support this program. I urge them to enable HUD's Community Builders to continue their important work of serving America's rural and urban communities.

Mr. ROBB. Mr. President, I'd like to take just a few moments to express my concern about the funding of the Round II Empowerment Zones. I recognize how difficult your job is to balance all the priorities within the VA–HUD appropriations bill, but I want to make the managers of this legislation aware of how important Empowerment Zones are to communities nationwide. While I will continue to seek a bill that will enact full funding of the Round II Empowerment Zones, we need to make sure there are adequate funds to continue the economic revitalization efforts this year.

Quite simply, the Round II Empowerment Zones and Enterprise Communities represent a commitment made

by the Congress in the 1997 Taxpayer Relief Act which approved a second round of competition for 20 new empowerment zone designations. Congress did not follow through with the grant money that complement the tax incentives that have already been approved. Without this funding, they will fall short of their goals, particularly in their ability to leverage funds.

The Empowerment Zone program is of special importance to me because of my support of the efforts of Virginia's Norfolk-Portsmouth Empowerment Zone. Norfolk-Portsmouth took the first step to reclaim their community when they won an Enterprise Community designation during Round I competition. When Congress approved the Round II competition two years ago, Norfolk-Portsmouth won an ''upgrade'' to full Empowerment Zone status. This means that Norfolk-Portsmouth has more resources to leverage millions in public and private sector investments. Continued funding means a more well-prepared workforce to complement the tax credits already approved to attract employers. And that's just scratching the surface of Norfolk-Portsmouth's potential. From May 1995 to June 1999, 60 percent of those completing training are employed, with another 16 percent involved in additional training. Other cities have shown results just as impressive within its first year: for example, in the Columbus Empowerment Zone in Ohio, they have so far created or retained 700 jobs in a zone that had a poverty rate of about 46 percent. Working with over 15 businesses in Columbus, they have already secured about $700 million in private sector commitments.

This type of investment in Norfolk-Portsmouth and other cities is an example of public-private partnerships at their very finest. Empowerment Zones work because people in the community—local government, the private sector and civic organizations work together to create a vision for their community and a strategic plan to achieve it. This kind of collaboration, designed and created for the people of the community by the people of the community, use public, private and non-profit funds to create economic and community revitalization.

Without question, our nation is experiencing good economic times. But if we are to include those who are striving mightily to also participate in our economic prosperity, the time to do so is now. One way we can do this is by supporting the work of the Round II designees.

With some additional appropriation in the VA–HUD bill, the Round II designees will have just enough to continue the work they're doing. The Administration is fully behind this effort and I understand they will be working on this issue with the Chair and Ranking Member.

I hope the money allotted to Round II Empowerment Zones in the Housing and Urban Development budget and approved by the President will be restored.

Mr. KENNEDY. Mr. President, I have several concerns about provisions in the pending bill, especially the failure to provide any housing vouchers and the termination of the community builders program.

We are all aware of the critical need for housing vouchers for low income families. Our nation is experiencing tremendous economic growth and expansion, with record low unemployment. Yet it is clear that for many families the cost of housing is still out of control.

In Boston, housing affordability is a problem for many families, and it is becoming a problem for businesses as well in their efforts to attract and retain employees.

The Clinton Administration has requested 100,000 new housing vouchers in this bill. Such vouchers will not solve the housing crisis, but for the families helped, this will go a long way toward stabilizing their families and helping them to lift themselves out of poverty to economic self-sufficiency. Yet this bill provides not one new voucher.

We are all aware of the budget constraints under which we are operating. Yet it is unacceptable not to find any resources to address this unmet need.

Another issue that deserves higher priority is the Community Builders program, which is an important element in making HUD a better, more effective, more customer-responsive agency.

The Community Builders program has helped improve the way HUD works and interacts with its customers and clients, the American people.

These Community Builders are people with impressive experience in the housing and community development world. Their expertise helps HUD to meet the needs of communities throughout our nation.

Now, however, after these Community Builders have been hired, and in many instances, relocated in order to serve the communities in which they are most needed, the pending bill proposes to eliminate funding for the program. This step would be a serious waste of the investment that has been made in hiring these qualified and talented men and women who are willing to share their expertise to improve the way HUD serves the American people.

I urge my colleagues to address both of these issues as the conference committee works to reconcile the House and Senate bills. At a time when Secretary Cuomo has taken such significant steps to improve the management of the agency, we should not undermine programs which are meeting important needs and improving the way HUD serves the American people.

Mr. CLELAND. Mr. President, I come before the Senate today to address an issue of critical importance for the people of my State of Georgia and the Nation. It is a matter of personal relevance to me. The issue is our treatment of our nation's veterans and particularly their health care.

Upon returning from Vietnam after sustaining my injuries, I was introduced to the VA system, where I received quality care from a VA hospital. It was then that my awareness of veterans and veterans issues took hold. Since then, not only have I been a patient, but I also had the honor of serving as the Administrator of the Veterans Administration during the Carter Administration.

This year has seen a welcome and overdue increase in attention to the plight of our nation's veterans. I salute the Chairmen and Ranking Members of the Appropriations Committee and the VA/HUD Subcommittee for their successful efforts to increase funding in this bill for veterans health care, and I regret that the Senator from Minnesota's attempts to provide an even more adequate boost in such funding were not approved.

I am particularly proud that earlier this year the Senate passed my legislation to establish new national cemeteries not only in Metro Atlanta, but also in Pennsylvania, Florida, California, and Michigan—the areas with the greatest documented need for such facilities. While I understand the difficult budgetary constraints which confronted the VA/HUD Subcommittee, I believe it is unfortunate that no funding or report language consistent with the authorizing legislation for new national cemeteries has been included. I have an amendment which would seek to correct this shortcoming, at least with respect to the Metro Atlanta cemetery.

I also introduced the Federal Civilian and Uniformed Services Long-Term Care Insurance Act of 1999. This legislation would provide the opportunity for Federal employees, as well as current and retired members of the uniformed services, to obtain long-term care insurance to assist them with nursing home or other long-term care. Working closely with the distinguished Ranking Member of the VA/HUD Subcommittee as well as a number of other Senators from both sides of the aisle, we are close to having a consensus bill which I hope will receive favorable Senate action in this Congress.

This year has also seen the passage of H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act. Included in the bill is language from S. 918, the Military Reservists Small Business Relief Act, which I cosponsored. The bill provides financial and technical assistance to veteran-owned small businesses through the Small Business Administration (SBA).

It also offers assistance to businesses owned by reservists during and following times of military conflict. America's reservists and veterans supported our nation, and it is now time for our nation to demonstrate its commitment to them and their small businesses.

We are here today, Mr. President, to debate and approve the VA/HUD appropriations budget for fiscal year 2000. It is with a renewed sense of hope that I will support this legislation, which will represent the first real increase for veterans programs after a five year flatlined budget. The House has already supported the $1.7 billion increase for the VA, and with the Senate's earlier action on this bill, we are now in agreement with the House position.

The VA estimates that there are 25.6 million veterans in America. Our nation is proud to count within its population 3,400 World War I veterans, 5,940,000 World War II veterans, 4,064,000 Korean War veterans, 8,113,000 Vietnam War veterans, and 2,223,000 Gulf War veterans. My home state of Georgia has a veterans population of 667,128.

Department of Veterans Affairs facilities have grown over the years from 50 hospitals in 1930 to today's 171 medical centers, 350 outpatient, community, and outreach clinics and 126 nursing home care units.

The Department of Veterans Affairs has undergone many changes in recent years. I appreciate the general direction in which this agency is moving to answer the challenges of the new millennium. Unfortunately, these changes, exacerbated by under funding, have too frequently disrupted the service systems for our veterans. The VA has found cost savings and efficiencies in outpatient care, a departure from the long-term hospital care of the past. This shift allows the VA to reach beyond the normal geographic locations through Telemedicine and Telepharmacy to Medicare subvention. I support these proposals to move the VA beyond the large hospitals to more rural and small markets to provide access to all veterans.

Despite these new directions, there is still more to be done. As I stated, this is the first significant increase in the VA budget in five years. The department is seeing a rise in veterans seeking treatment because of the recently enacted VA enrollment plan and the aging of our veterans population. The VA estimates an increase in total patients to 3.6 million in 2000, up from 2.7 million in 1997. However, with this growing patient load, the VA is currently estimating a reduction in VA employment of up to 8,000 employees in the medical system alone. This fact was recently brought home to me by announcements of serious potential reductions in force at the VA in Augusta if the VA budget is not boosted.

As President Coolidge was quoted as saying, ''The nation which forgets its defenders will be itself forgotten.'' Simply put, our veterans community—who won the two great World Wars of this Century, vanquished Saddam Hussein and Slobodan Milosevich, and served honorably and well in Korea and Vietnam—needs our support. Our former service members should not only be the first in our hearts, but the first in our priorities when it comes to keeping the promises of the nation. They kept their commitment to us, let us fulfill our promise to them. I yield the floor.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2684), as amended, was passed.

Mr. STEVENS. 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. STEVENS. I ask unanimous consent the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

The Presiding Officer (Mr. BUNNING) appointed Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. BYRD and Mr. INOUYE conferees on the part of the Senate.

Mr. LOTT. Mr. President, before we leave the floor, I commend the chairman of the VA–HUD appropriations subcommittee, Mr. BOND, who put a lot of effort into getting this legislation ready to consider on the floor, and, as always, the very cooperative spirit and dedication of the ranking member, Senator MIKULSKI from Maryland. The two of them make a great team. They were able to move a very large bill with a lot of issues that could have been very difficult to deal with. I commend them.

Also, I thank the chairman of the full committee whom we have to call the ultimate player. He is chair of the full committee, chairman of the Defense Subcommittee, and he fills in on the VA–HUD subcommittee. I am sure he is watching the agriculture conference, the energy and water conference. A person has to be dexterous to be chairman of the committee. I commend Senator STEVENS for his willingness to do all of that and to be here to help wrap up this bill.

I thank the committee for their efforts.

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

Ms. MIKULSKI. Mr. President, I, too, would like to express my very deep appreciation to the chairman of the full Appropriations Committee, Senator STEVENS, as well as the ranking member, Senator BYRD. On two occasions their direct intervention enabled us to move this bill, first to add the $7 billion, where we were below last year's funding. We were very appreciative because without that we could not have moved this or else we would have been in gimmicks and a variety of other things. Also, Senator STEVENS and Senator BYRD gave us the opportunity to add $600 million in veterans funding. Therefore no facility will be closed. We will be able to meet the needs of our veterans.

So I thank the Senator from Alaska as well as the Senator from West Virginia, Mr. BYRD, for helping us to move this bill. I also express my appreciation to Senator BOND for all his help in moving this bill, the consultation with the minority party, the collegial relationships, and essentially being able to meet the needs of the American people.

I thank Senator BOND's staff, Jon Kamarck, Carrie Apostolou, Cheh Kim, and Joe Norrell for all their hard work on this bill, and a special thanks to my own staff, Paul Carliner, Sean Smith, and Jeannine Schroeder.

I am proud of the bill we passed today because I believe it takes care of national interests and national needs. I also believe that this bill provides a solid bridge between the old century and the new century. In the old century, we saw the ravages of war and the ravages of the environment.

Now we are ready to complete our move from the industrial age to the information age, and the programs this bill funds will allow us to do that.

This bill provides an opportunity structure for home ownership and wider opportunities for educational advancement. In addition, it will allow us to stay the course in technology. Our mission is to honor the old century, but move swiftly into the new one.

The VA–HUD bill is about: meeting our obligations to our veterans, serving our core constituencies, creating real opportunity for people, and advancing science and technology.

Perhaps the most important is the need to ensure that we keep the promises we made to our veterans. The bill we passed today provides $19 billion in funding for veterans health care, and the Byrd-Bond-Mikulski-Stevens amendment provided $600 million in additional funding, an increase of $1.7 billion over the President's request. In addition, I am pleased that we were able to maintain funding for VA medical research at $316 million.

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 entire nation benefits from VA medical research—particularly as our population continues to age.

We also provide full funding to treat Hepatitis C, which is a growing problem among the veterans population, particularly for our Vietnam Veterans. This bill funds the State Veterans Homes at $90 million. The State Homes serve as our long-term care and rehabilitation facilities for our veterans. I am also pleased that the bill includes important language related to the Ft. Howard VA medical center that will ensure quality care during its transition to a mixed-use facility.

We have also made sure that we take care of our working families by funding housing programs that millions depend upon. The bill that we brought to the floor yesterday provides $10.8 billion to renew all existing section 8 housing vouchers. That means those who have vouchers will continue to receive them. I hope that should additional funding become available, we will be able to provide additional vouchers. I am pleased that we also maintained level funding for other critical core HUD programs.

Funding for housing for the elderly and the disabled has been increased by $50 million over last year, with additional funding for assisted living and service coordinators within the section 202 program. Homeless assistance grants are funded at the President's request.

In addition, we have funded drug elimination grants and Youthbuild at last year's level, and the Community Development Block Grant Program is funded at $4.8 billion.

I'm pleased that we were able to provide funds for several projects in my home state: $750,000 for the Patterson Park Community Development Corporation to establish a revolving fund to acquire and rehabilitate properties in East Baltimore; $1,250,000 for the University of Maryland—Eastern Shore for the development of a Coastal Ecology Teaching and Research Center; $1,250,000 for Prince Georges County for the revitalization of the Route 1 corridor. 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.'' I have seen the results of the Neighborhood Networks Initiative firsthand in Baltimore, and I look forward to seeing it in many other communities across the country.

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, including the Goddard Space Flight Center and Wallops Flight Facility. The House bill cuts 2,000 jobs at Goddard and Wallops. The Senate bill we pass today will save 2,000 jobs at Goddard and Wallops. I fought hard to restore funding for NASA, and I am truly pleased that this bill will save those jobs. NASA is fully funded in this bill, at $13.5 billion, the same as the President's request. Funding for the space shuttle, space station, and critical science programs are funded at the President's request.

National Service is funded at $423 million, a slight reduction from last year. I continue to hope that this funding can be increased as we move toward conference. National Service has enrolled over 100,000 members and participants across the country in a wide array of community service programs, including: AmeriCorps, Learn and Serve America, and the National Senior Service Corps.

With regard to the EPA, the Subcommittee has provided $7.3 billion in total funding. The Subcommittee increased funding for EPA's core environmental programs: $825 million for the drinking water state revolving fund, and $1.3 billion for the clean water revolving fund, including $5 million for sewer upgrades in Cambridge and Salisbury, Maryland.

Taking care of local communities infrastructure needs has always been a priority for me and this committee. We also provided $250,000 for a Kempton Mine remediation project. Superfund is funded at $1.4 billion, down slightly from last year.

I'm especially pleased that we were able to support the President's full request for the Chesapeake Bay Program Office—over $18 million—for FY 2000. The Chesapeake Bay Program Office is a leader in efforts to restore the Chesapeake Bay ecosystem for future generations. We also increased funding for the Chesapeake Bay Small Watershed Program that helps our small communities and prevents runoff and pollution.

FEMA has $1 billion in the disaster relief fund. The bill we pass today adds $300 million to the disaster relief fund. This will help people in the Eastern United States who are still dealing with the horrible aftermath of Hurricane Floyd. That is why I'm glad that this bill was passed, and that FEMA will continue to be able to help those who are affected by natural disasters. 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 increase for NSF is an important step for maintaining our science and technology base.

Mr. President, I recognize that there may have been certain provisions in this bill that members may have disagreed with or opposed. I acknowledge their concerns. But I am very pleased that we worked together to pass this bill today, and I hope we can resolve any outstanding differences as this process continues. I believe the VA/HUD bill is good for Maryland, good for America, and good for the American people who rely on the programs it funds.

I thank Senator BOND and my colleagues once again for their support for this bill.

Mr. STEVENS. Mr. President, I see the distinguished Senator from West Virginia. Does he seek the floor?

Mr. BYRD. Yes.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, no Senator in this body exceeds the Senator from West Virginia in his appreciation of the work that the Senator from Alaska does as chairman of the Appropriations Committee. He is an outstanding chairman. I am proud to serve with him. He always works with me in these matters concerning allocations, and I cannot find the words to adequately praise him. He is doing an excellent job. No Senator in this body, including the Senator speaking, could ever be a better chairman of that committee than Senator STEVENS.

I served with a lot of chairmen of that committee over the years, but it is a two-way street. It is a team effort. This Senator contends it will always be that, whether I am ranking member or whether I am the chairman. I try to give my full cooperation to Senator STEVENS. We have never had a difference on the committee, not when I was chairman—he was not the ranking member at that time, but he has done an excellent job. He has seen the need to increase the amount of moneys for veterans' health care, and upon several occasions I have talked with him about the need to increase the amount. I took the lead, inside the committee, in increasing that amount by $1.1 billion. He fully supported me. It is the chairman, in the main, who decides how much money will be allocated to the various subcommittees. But I believe it is my job as ranking member to work with him. If I have any differences, I let him know, but I have never had any differences with Senator STEVENS.

So I wanted to add my compliments concerning the distinguished Senator. I also want to compliment Senator BOND, again, the chairman of the VA

subcommittee, for the excellent work he has done on that subcommittee. I compliment the ranking member, Senator MIKULSKI, for the work she does. When she was chairman of that subcommittee, she was one of the best subcommittee chairmen—I don't say chairperson—she was one of the best chairmen that we had of any subcommittee.

I did not want this day to pass without this lowly ranking member having an opportunity to say some good words about the people who are entitled to commendation. It doesn't make any difference to me whether they are Republicans or Democrats. If they are entitled to commendation, I give it to them.

So I applaud you, Mr. Chairman, not only for doing a good job but for being the fair and considerate Senator that you are, and also a fair and considerate chairman as well. Again, I have to say some good words about Senator BOND, Senator MIKULSKI. They could not be better. They could not be more fair. They could not be more considerate.

They are hamstrung, as you are, Mr. Chairman, by the fact that we do not have enough money. I am for raising the caps. I am for telling the American people the truth. We need more money. Let's raise those caps. I am not a bit backwards about saying I support raising the caps. We have to meet the people's needs. I hope we will get around to that. I think we are going to have to do that before it is over.

I thank Senators for their patience for listening, but I wanted to get in my two cents' worth of commendations also.

Ms. MIKULSKI. I thank the Senator very much.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am sure Senator MIKULSKI and Senator BOND appreciate those kind words from the Senator from West Virginia as much as I do. I do thank the Senator for his cooperation and willingness to work with me as chairman of this committee. It is a distinct honor to follow him as chairman.

We should mention, on our side, the help of Paul Carliner, Jeannine Schroeder, and Sean Smith, who worked with Senator MIKULSKI. This has been a very fine working team. Senator BOND, Senator MIKULSKI, and the team of both the majority and minority have worked very hard to meet the needs of the agencies and the American people under this bill, under some very difficult circumstances in regard to ceilings and limits under which they had to live. I, again, emphasize the Budget Committee has filed a statement saying this bill is within the budget.

MEASURE PLACED ON THE CALENDAR—H.R. 1402

Mr. STEVENS. I now ask unanimous consent H.R. 1402 be placed on the calendar. That is the class 1 milk structure bill.

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein up to 10 minutes each.

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

The majority leader.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, again I thank the members of the VA–HUD appropriations subcommittee and the full committee for their good work. Also, I am pleased we were able to work out an agreement as to how we could proceed for the remainder of the day. We have now completed action on the VA–HUD appropriations bill. The education issue that was being discussed earlier by Senator DASCHLE, Senator GREGG, and Senator KENNEDY, and others who will be commenting in a few minutes, those two issues will be considered back-to-back on Monday.

There will, obviously, be no further votes today. The next votes will occur at 5:30 on Monday. As it now stands, there will be two votes at that time.

The Senate has done good work this week. In addition to completing action on the VA–HUD appropriations bill, after a lot of delay and unnecessary obstruction, in my opinion, we were able to complete the Interior appropriations bill, and we also passed, by an overwhelming vote, the defense authorization conference report for the year—a good bill. Senator WARNER and his Armed Services Committee members, Senator THURMOND, Senator LEVIN, did an excellent job on that bill. I certainly expect and hope the President will sign the defense authorization conference report and, hopefully, the Interior Committee conference will get underway on Monday, and the VA–HUD conference as well.

That leaves only one appropriations bill to be considered in the Senate before all 13 of them will be completed. I believe we are well ahead of where we have been in many years in getting that done. It is actually possible that we could get the Labor-HHS-Education appropriations bill up by Tuesday or Wednesday of next week and either complete it before the end of the fiscal year or within a day of that, and then, of course, go to conference.

Will it be easy? No. I am sure it is going to be an interesting debate, but that is as it should be. I look forward to completing that work and moving forward with the appropriations conference reports. I hope there will be one or two conference reports that might be available on Monday. Whenever they become available, we will consider them that day or the next day. Energy and water is close to being completed, I believe, and Agriculture is still in the mill. We hope to get those done.

I do want to emphasize that I think the way we worked out handling this education issue is much better than having it on the VA–HUD appropriations bill. It does not relate to the VA–HUD bill. I did not think it should have been offered on that appropriations bill, even though it was offered as a sense of the Senate. It is better to handle it the way we have agreed to do it.

Senator DASCHLE seemed to question whether we intended to go to the Labor-HHS appropriations bill. I have been saying for weeks we intend to do it. As soon as the committee reports it out, we will have it on the floor as soon as the rules allow. I have been saving next week for its consideration. Education amendments, I am sure, will be offered next week when this bill is considered in the Senate.

REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. LOTT. Mr. President, I want to comment a bit about education. First, let me lay down a predicate about myself. I feel very strongly about the need for quality, safe, and drug-free education in America. We have lost our edge in education. Our kids are not getting as good an education as they should. In fact, I do not think they are getting as good an education as we were getting in the fifties and sixties. There has unfortunately been a steady decline in our schools. While some schools are doing a little better and some scores are, in many areas our schools are not what they should be.

I said three things: Quality, safe, drug-free schools. We have a lot of work to do in these areas.

I will not stand second to any Member of the Senate when it comes to feeling strongly about education and advocating on behalf of education, but it has to be done in the right way.

What has happened is the education establishment is firmly entrenched in the status quo. They believe that we should stay in this box, and we should not change it and, by the way, it should be run from Washington. That is not the answer, in my opinion.

I want to make this clear: While I think we should have choice in education, I am a product of public education from the first grade through the second, third, and fourth grades where I went to school at Duck Hill, MS, and I had better teachers in the second,

third, and fourth grades in Duck Hill, MS, than I had the rest of my life. They were probably better than most people have had in these very fancy and better funded schools. Those teachers loved their students. They worked hard and taught us the basics. I have never forgotten them, and I appreciate what they did.

I went to public school all the way through college and law school. So did my wife, so did my son, and so did my daughter. So when some Senators get up and pontificate that we cannot allow students to have choice, that we have to save public education—let me be clear, I want public education. I want every student, regardless of religion, income level, race, sex, or anything else, to get a good education. But the tragedy is that that may not always be in a particular school. If a public school in your neighborhood is not doing the job, you ought to be able to leave.

Some people say if that happens, the bad schools will fail. Right. It is called competition. Produce, give quality education, drug-free and safe, or get out of the business.

To tell students—intelligent students, needy students, poor students—they have to go to this school no matter what is wrong. Why is it in America that our elementary and secondary education is ranked 17th in the world and yet our higher education is No. 1 in the world? What is the difference? Why are we doing so poorly at the elementary and secondary level and doing so well in higher education?

There are a couple of simple answers. First of all, when you finish high school, rich or poor, whatever State you live in, you have a choice: You can go to work if you have had vocational education in high school, or you can go to additional training. You can go to a community college, you can go to a State university, you can go to a parochial college, you can go out of State, you can go to Harvard. You get to choose what fits your needs. But in elementary and secondary education, oh, no, you have to do it the way we tell you in this box. No choice. That is one problem.

The second problem is financial support. I am from a poor, blue-collar family. When I was in college, I worked and got a loan which, by the way, I paid back 1 year after I graduated. I could not have made it, though, if I had not been able to work for the university and get loans.

In America—and I hope every student in America and every parent hears me now—in America, when every child finishes high school, they can get a college education. No doubt about it. Some people say: I come from a family with no money. Hey, I was in a family with no money. At one point, I had no family. But I got a loan. Other students can get a grant or a supplemental grant or a State scholarship, a private scholarship. The financial aid is there. Every student can get an education in America.

There is financial aid when you go to college but not when you are in elementary and secondary school. Senator COVERDELL wants to remedy that. He wants to allow parents to save for their children's education so that the financial support will be there to choose a different school if you want to, to help you with the books, to help you get a computer, to help you get a uniform if that is what you need—choice and financial opportunity.

I want to add this: I am the son of a schoolteacher, and I still act like one sometimes. At times, my staff brings in a letter which has bad grammar. I feel a little guilty, but I start marking on it: This is surplus language; this is not correct grammar.

My mother taught for 19 years. So I care about education. I worked for 3 years of my life at the University of Mississippi. I worked in the placement office helping students get jobs when they graduated, and I worked in the financial aid office. I was the one who added up the numbers to see if a student got a grant or a loan. I met with the students. I handled the scholarships. The best scholarship in the university was a Carrier scholarship. I interviewed the students who applied for it.

When I finished undergraduate school, I worked in the placement bureau of the law school to help law students find employment in law firms, and I was head of the law alumni association. So I have had experience in the academic sphere of the university.

One of the great things I did for 2 years is I went to every school in the State of Mississippi—every one. I met with the students, I talked with the teachers, I talked with the guidance counselors. I was a member of the State Guidance Counselors Association. I went into schools. I actually stood outside and looked at some buildings and said: I am not sure I want to go in there; this may fall down.

I remember the commitment of the teachers. I remember the efforts of the guidance counselors. I really believe education was better then than it is now, and that is sad. We have to do something about that.

When some people allege that Republicans do not care about education, they don't know what they are talking about. I will put my credentials, my background in public education, my feelings about education against anybody in this Chamber. Our party, the Republican Party in the Senate, has determined that education is our first priority. S. 1, the first bill I introduced, improves education. We want full funding for education. I want to fund education at the level the President asked for and more, if we can find a way to do it.

But there is a key difference: We want to do it differently.

I have no confidence whatsoever in this body or in any bureaucrat in Washington, DC, to make the right decisions on education—none. The teachers, the parents, the students, the communities in Wyoming and in Mississippi, know best what those students need. They know their students. They know their needs. They know the community. They know what they can afford. They know what they can spend. And they do not need some nameless, faceless bureaucrat or some Senator from some other State telling them: You are to spend it here or spend it there.

I trust the people; I trust the teachers at the local level. I do not trust the unions. I do not trust the Department of Education. I voted to make it a separate Department because I thought it was being undermined in the old Department it was in; it was gobbled up by other things. Maybe I made a mistake. I want to give education a high priority, but I do not think this Department up here, inside the Beltway, in this administration or in previous administrations, has helped education much. They are part of the problem. Let the local people make the decisions.

I want to make this point, too. There are those who say what we need is more money. Yes, everybody comes to Washington knocking on the door: I need more money. We need bigger Government. That is ridiculous. We are wasting too much of the people's money here in Washington, DC. We do not need more money in this Government.

When was the last time any Senator had somebody show up and say: Hey, we can do better with less? No. The American people say they want a balance. The American people say they want to make sure we do not spend the Social Security surplus. But yet then the professional lobbyists say: We want more.

It is all good. I am from an agricultural State. Agriculture wants more. I appreciate what the veterans have done for our country. Veterans want more. Armed services are important for the future security of our families. They need more. We would like to have the American dream of having a home available for everybody. Fine. I think it ought to be done in the private sector. I think the Department of Housing and Urban Development, as a whole, is a miserable failure. I could go down every Department, every agency; and I support a lot of them.

I do support ships being built in my hometown of Pascagoula, MS. But I do not see a hunk of steel. I see pipe fitters, boilermakers, laborers. I see men and women and Indians out there pulling those steel lines, running those cranes, and providing for the defense of

our country. I wanted more money for NASA, but you cannot have it both ways.

One of the interesting things about the resolution that was introduced by Senator KENNEDY and Senator DASCHLE here today is —they talked about some of the problems in education and that funding should be increased in programs right across the board. They want the Federal Government to start hiring local teachers —Federal Government dictates: There have to be X number of students in a classroom.

We need more money for afterschool programs, more money for the Safe Schools Program, more money for elementary and secondary education—more money, more money, more money.

Then it says—this is what is really ingenious—more money for everything. And, by the way, ''the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize''—great, great.

If somebody shows up and tells me how we can increase every program in the Federal Government and stay within spending limitations, I will give them a prize.

There are those who have a way to do it. It is called more taxes. Yes, let's increase taxes—somewhere, someday, user fees. Let's find more money to come to Washington.

We do not need more money in Washington. The people need to keep their money back home. The American people are overtaxed. Their taxes are too high. They are unfair. They are complicated. When the people were told what we had in our tax cut package, they said: Yes, we support that.

But you can't have every nickel you want spent in Washington and have fiscal responsibility and have tax relief for working Americans, young families, such as my own daughter who just got married in May. She and her husband both work because they do not have a lot of money. By the way, they are going to pay more in taxes this next year than they did the previous year just because they got married. What a ridiculous set of circumstances.

We wonder why we have troubles having the traditional family survive. One reason is that you get taxed if you get married, for Heaven's sake.

In America, you get taxed if you die. When I get to the end of my road, after my life's work, I want two things, and that is all. I want my name to be decent and clean, and I want my kids to be able to have whatever I have earned. I do not want Uncle Sam showing up saying: Give me half of it. Nobody of any income level can defend the death tax. It is totally ridiculous.

We have a resolution that I believe is better than what was proposed by Senator DASCHLE and Senator KENNEDY. So I send this resolution to the desk and ask for it to be printed at this time. I will send it forward in a minute.

Let me just read this resolution into the RECORD because I think it is a good resolution. I want the American people to know what we think about education.

Whereas

The fiscal year 2000 Budget Resolution [that passed the Congress] increases—

Hear me now—

education funding by $28 billion over the next five years, and $82 billion over the next ten years.

We are not stingy when it comes to education. Our budget resolution says we are going to have more:

The Department of Education received a net increase of $2.4 billion in FY 2000 which doubles the President's request.

I do not understand what Senator KENNEDY and Senator DASCHLE are talking about.

Compared to the President's requested levels, the Democratically controlled Congress' appropriations for 1993–1995 reduced the President's funding requests by $3.0 billion.

The Democrat Congress reduced the President's request for education by $3 billion.

Since Republicans took control of Congress, federal education funding has increased by 27%.

Maybe 100 percent would be better, but we are doing the job. We need a little credit for what we have been doing.

In the past three years, the Congress has increased funding for Part B of [the IDEA program]—

Where we have made a commitment, fulfilled over a period of years—

by nearly 80%, while the Administration's fiscal year 2000 budget only requested a .07% increase which is less than an adjustment for inflation.

Remember what happens. Schools are being told by the Federal Government: You must comply with IDEA. You must provide the special education. The schools are saying: But if we spend that money and you do not do your share, it means we have to take from somewhere else.

The most difficult thing the schools across this country are having to deal with is complying with special education requirements and the Federal Government not doing its share. That is what our resolution focuses on. We should give schools the flexibility to use this money to comply with IDEA or use it in other areas.

Congress is not only providing the necessary funds, but is also reforming our current education programs. Congress recognizes that significant reforms are needed in light of the following troubling statistics:

40% of fourth graders cannot read at the most basic level.

In international comparisons, U.S. twelfth graders scored near the bottom in both math and science.

70% of children in high poverty schools score below even the most basic level of reading.

In math, 9 year olds in high poverty schools remain two grade levels behind students in low poverty schools.

Earlier this year, the 106th Congress took the first step toward improving our nation's schools by passing the Education, Flexibility and Partnership Act . . .

Really simple: We just allow the schools at the local level to make the decisions where to spend all this Federal money that is going to be available to them. Really simple. It will work. And the teachers and the Governors and the parents say, yes, that makes sense.

This year's reauthorization of the Elementary and Secondary Education Act will focus on increasing student achievement by empowering principals, local school boards, teachers, and parents. The focus should be on raising the achievement of all students.

In other words, we say: We are going to give you the flexibility, but we expect results. You are going to have to show some results.

Also:

Congress should reject a one-size-fits-all approach to education.

What is good in Boston, MA, just may not be good in Boise, ID, or in Laramie, WY, or certainly not good in Pascagoula, MS. We have different needs. We ought to have that flexibility to address the needs we do have.

Parents are the first and best educators of their children. We have to find ways for the Congress to support proposals which provide parents greater, not less, control and input into the unique educational opportunities we want for our children.

Every child should have an exceptional teacher in the classroom.

We have a program in Mississippi—I am trying to remember who did it—but a philanthropist gave every classroom in Mississippi, or at least every school, a computer. I was talking to a local educator recently. He said: That's real nice, but in many of those schools, those computers are still sitting in the boxes in the hallways or in the backs of the rooms because the teachers don't know how to use the computers, let alone how to teach the use of the computers.

Technology is great. We have to make sure, though, that the teachers have the ability or at least can be trained or have access to training so they can use the modern technology.

Our whereas goes on. It just says that Congress will continue its efforts to improve the Nation's schools by reauthorizing the Elementary and Secondary Education Act, guided by the principles I have been referring to above; that is, more flexibility, more control by the teachers and the school boards, and more involvement by the parents.

We feel very strongly about this. The Democrats say: We will provide 100,000 teachers, hired by the Federal Government, and we want to start repairing roofs.

The quality of the buildings themselves and repairing roofs are a local

issue. The Federal Government should not be doing that. While others will say, well, wait a minute, we need to help these schools and these States in repairing buildings, where does it end? If we proceed down the road where we start paying for building schools at the local level, we will have to build every school in America. That is where it will end. Sure, it is nice; people like it.

Let me tell my colleagues about the States. Every single State in the Nation has a surplus, more than they are going to spend. You say, well, maybe it is not much. It is almost $34 billion. If you have dilapidated schools in your State, I say: State, fix them. The Federal Government, Uncle Sop, is not going to pay for repairing roofs in Biloxi, MS. Let the people in Biloxi, in the State of Mississippi, do that. I am for it. I am for teacher pay raises, but the answer is not in this hallowed city that we stand. The answer is with the American people. I believe that. Give them the flexibility. When Senator KENNEDY said, basically, what we want is for Washington to run the schools, frankly, a bad situation could be worse. The Federal Government would mess it up.

So we have an alternative. We will be debating it again on Monday. I believe our alternative will pass. It should pass. But I am telling you right now, I am telling the President of the United States, William Jefferson Clinton, and I am telling everybody in this Senate, when it comes to education, TRENT LOTT is not going to yield to anybody, and the Republicans in Congress are not going to be run over by a bunch of additional Federal programs that will waste the money, should not be our responsibility, and will not get the job done. We are going to make it flexible. We are going to make it local.

This is going to be an interesting debate. I can tell you one thing: I am going to be at the debate because I am going to be involved in this. I care about it, and I know what will work, and I know what won't work. What we have is not working. We have to do it differently.

I beg the pardon of my colleagues for getting fired up and going on a little long, but I am not going to let those sorts of things be said on the floor of the Senate on education without an adequate response.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The Chair recognizes the Senator from Georgia.

EDUCATION FUNDING

Mr. CLELAND. Mr. President, it has been marvelous to listen to the eloquence of the distinguished Senator on the high-tech environment of Duck Hill, MS. It reminds me of my own educational background in Lithonia, GA, at little Lithonia Elementary School there. I worshiped my second- and third- and fourth-grade, fifth-grade teachers, too. But by no means do I want to go back to those days in 1953 and 1954.

This is 1999. We are fixing to go into a new millennium and a new century. I am afraid this country is about to go into this new century, with great opportunity ahead of it, with minimal opportunity for our citizens to take advantage of it.

Bill Gates, who has become preeminent as a thinker and an innovator, and certainly one who is interested in the cause of education, has put it clearly. He said: It is clear that our ability to continue benefiting from technology will largely depend on how well we educate the next generation to take advantage of this new era.

I don't think anyone really questions the wisdom of Mr. Gates. The challenge, of course, is to live up to that challenge Mr. Gates has put before us. He not only talks the talk; he walks the walk. Last week, Bill Gates pledged to spend $1 billion to provide college scholarships to thousands of deserving but financially needy students across the country. This gift is the largest individual contribution to education in history. We can learn something from the leadership our business leaders around America are now showing. I think the Senate leadership can learn something.

We are only 4 months away from the year 2000. We must not forget the future of this country is in very small hands. Yet despite all the rhetoric, the great speeches, and the fact that three out of four Americans in the latest Washington Post/ABC poll put improving education No. 1 on the national agenda, what we see here in the agenda of the Senate is a desire to raid the education pot to pay for other programs higher up on someone else's national agenda.

How do I say that? If the words of our distinguished majority leader are true and the tremendous commitment he has shown on the floor today is actually true, then I wonder why the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of this great Senate has reduced the money for education by 17 percent over last year's levels. If all this rhetoric is really true, why are we, in the background, in some subcommittee on appropriations, cutting 17 percent out of education funding from last year?

I agree with the words of Prime Minister Benjamin Disraeli, the great British Prime Minister of the last century, when he said for his countrymen in that century words that ring true for us as we go into a new century. He said: Upon the education of the people of this country, the fate of this country depends.

If I had to sum up our challenge as a Nation—and I am on the Armed Services Committee, and I know we are challenged in our military defense of this great Nation—I would say to you, without an educated workforce, without an educated defense force, we cannot compete in the world, either economically or in terms of our own defense.

The sad part about it is, every day in America almost 2,800 high school students drop out. The United States, once the leader in high school graduation among industrialized nations, now trails 22 nations and leads only 1, Mexico. This is not acceptable. This will not get us where we want to go in the next century. Each school year, more than 45,000 underprepared teachers, teachers who have not even been trained in the subjects they are teaching, enter the classroom. Who here among us believes this to be acceptable? I don't. Most fourth graders cannot read and understand a simple children's book, and most eighth graders can't use arithmetic to solve a practical problem—that according to a recent survey in Education Week. Who would argue in this body we have to do better?

Last year, there were 4,000 reports of rape and sexual battery in America's public schools. We have had an outbreak of violence in the schools. Remember Littleton, Jonesboro, Conyers? School shootings were unheard of in this Nation 20 years ago. Who here would not do everything in their power to restore safety and sanity to America's schools?

The truth is, Democrats and Republicans alike have to raise this to the top of our agenda. It is time to put education first and put first things first. We have to be willing to invest in the Nation's future, improve the recruitment and retention of professional teachers.

We have to improve our test scores, although that is not, in my opinion, the single-most important goal of our public educational system. The most important goal is to teach kids to think. I remember a story about Bill Gates. Out in Seattle, his mother went out in the garage where Bill was and said, ''Son, what are you doing?'' He said, ''Mother, I'm thinking.'' That is the goal of our public educational system.

The Public Schools Excellence Act recognizes America's ability to attract and retain qualified teachers is key to quality education. S. 7, of which I am a cosponsor, would provide local school districts with the help and support they need to recruit excellent teacher candidates. I agree, the States are the leaders in educational improvement. They have to be. I was a State official, with 4 years in the State senate and 12 years as secretary of state. I spent more time as a State official than I

have as a Federal official. But it is obvious, a lot of our school systems in our States can't get to where we need them to be without some Federal help. Who would deny that?

We need 100,000 new, trained, qualified teachers in this country. One reason is to reduce class size in grades 1 through 3. Every index I have seen of student performance—and part of the key to student excellence and achievement is the reduction of the pupil-teacher ratio, particularly in grades 1 through 3. No matter how you cut it, a teacher with 10 or 15 students in the class, regardless of where those teachers and students are—what State, what district, what county—they learn more and do better than a teacher who has 30 or 35 kids in the class.

We have another problem: 14 million children in the U.S.A. attend schools in need of extensive repair or replacement. I come from a State that is fast-growing, and it is hard to build enough classrooms, particularly in Metropolitan Atlanta. If you look around my State, a recent survey pointed out that in Georgia some 62 percent of our classroom buildings need repair. We have had legislation on the floor of the Senate to deal with this. We have not dealt with it.

There is another issue. Every day, 5 million children have to care for themselves in the hours before and after school. When I was growing up, in my hometown of Lithonia, when I came home—and my mother and father were working—my grandmother was there. I was not a latchkey kid. The truth is, in that key time period from 3 o'clock to 8 o'clock at night, half of all the violent juvenile crime in this country takes place. This is a key period for our youngsters in America. Why can't we help out?

Today, only a virtual handful of children participate in good afterschool care. Let's not cut educational funding from what it was last year by 17 percent. Let's not let this subcommittee, behind our backs, cut the feet out from under us as we make great speeches on the floor of how many of us support education.

Let us actually take a lesson from Bill Gates: Let us help our communities reduce juvenile crime by investing our dollars in afterschool care. That is one of the challenges before us and one of the programs that was cut by the subcommittee.

Let me say also that I think we ought to take the words of Benjamin Disraeli to heart as we enter this debate next week, as it is a truism: ''An investment in education is an investment in the future of America.''

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

ADMIRAL KIMMEL AND GENERAL SHORT

Mr. ROTH. Mr. President, I rise today to discuss an important—a historically important—vote taken in the course of our recent deliberations on defense policy. I am speaking of the rollcall vote this Chamber took on May 25 requesting the long-overdue, posthumous advancement of two fine World War II officers, Adm. Husband Kimmel and Gen. Walter Short. The Senate voted in support of the Kimmel-Short resolution, and I wish to take a moment to underscore the historic import of that vote.

As you may recall, Admiral Kimmel and General Short were publicly and wrongly accused of dereliction of duty and unfairly scapegoated with singular responsibility for the success of the fateful December 1941 attack on Pearl Harbor.

After the end of World War II, this scapegoating was given a painfully unjust and enduring veneer when Admiral Kimmel and General Short were not advanced on the retired lists to their highest ranks of war-time command—an honor that was given to every other senior commander who served in wartime positions above his regular grade.

After over 50 years, this injustice remains a prominent, painful spur in the integrity of our Nation's military honor. After numerous official investigations totaling well over 30 volumes of thick text absolved these officers of dereliction of duty and highlighted gross negligence and ineptitude on the part of their superiors as predominant factors in the Pearl Harbor disaster, these officers still remain unfairly treated.

For those of you who are interested, I will shortly send to the desk for placement in the CONGRESSIONAL RECORD a set of excerpts from these investigations. This is a short document, but it poignantly highlights how unjust treatment endured by Kimmel and Short just does not correlate with the official history—the official documented history—of the Pearl Harbor disaster.

Anyone who looks over these few pages cannot but feel uncomfortable with how our Nation has so unfairly turned its back on these two officers who dedicated their lives to our own freedoms.

Mr. President, a great step, indeed an historic step was taken toward the correction of this injustice last May, on May 25 to be exact. This Chamber, the U.S. Senate, the legislative body our Constitution deems responsible for providing advice and consent in the promotion of military officers, voted and passed an amendment to the Senate Defense authorization bill that stated:

> This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

This resolution then requested the President to advance the late Rear Adm. Husband Kimmel to the grade of admiral on the retired list of the Navy and the late Maj. Gen. Walter Short to the grade of lieutenant general on the retired list of the Army.

Mr. President, the injustice suffered by Admiral Kimmel and General Short remains a flaw in the integrity of our Nation's chain of command and its unparalleled military honor.

In this regard, the Senate's vote on the Kimmel-Short resolution was of great historic importance. The Senate has every right to be proud of this vote. This Chamber, which under the Constitution is responsible for promotion of military officers of our Armed Forces, deemed the treatment of Kimmel and Short to be unfair and unjust and inconsistent with our national sense of honor.

That vote gave formal and official recognition to this injustice and highlighted it as a pernicious inconsistency in the application of our national understanding of military accountability.

It demonstrated that no wrong, no matter how distant in the past will be ignored by this Chamber. it correctly called upon the President to correct this injustice by advancing these two fine officers on the retired lists.

It is now up to the President to take this corrective action. I hope that he will not heed the contradictory conclusions of his advisors on this matter. While the Pentagon opposes the advancement of Kimmel and Short, they nonetheless recognize that, and I quote their own 1995 report, ''responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared.''

How they square this conclusion with the reality that today Kimmel and Short are the only two officials to suffer from official sanction is beyond me.

I hope that the President of the United States will use his wisdom to listen beyond this contradictory and unjust advice. I hope that he will look at the official record compiled by over eight official investigations.

I hope that he will listen to the studied voice of the Senate and take the final step necessary to correct this injustice by advancing these two fine officers to their highest grade of World War II command on the retired lists.

Mr. President, the Senate has once again ably demonstrated that it is never too late to correct an injustice. I urge the President of the United States to do the same and advance Kimmel and Short to their highest grade of

command as was done for their peers who served in World War II.

Mr. President, I ask unanimous consent to have an attachment printed in the RECORD.

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

KEY EXCERPTS FROM THE PEARL HARBOR INVESTIGATIONS

THE DORN REPORT (1995)

''Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared.''

''It is clear today, as it should have been since 1946 to any serious reader of the JCC (Joint Congressional Committee) hearing record, that Admiral Kimmel and General Short were not solely responsible for the defeat at Pearl Harbor.''

''. . . the evidence of the handling of these (intelligence) messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimates, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels.''

''The 'pilot', 'fourteen-point' and 'one o'clock' messages point, by the evening of December 6th, to war at dawn (Hawaiian time) on the 7th—not to an attack on Hawaii—but officials in Washington were neither energetic nor effective in getting that warning to the Hawaiian commanders.''

THE ARMY BOARD FOR THE CORRECTION OF MILITARY RECORDS (1991)

''The Army Pearl Harbor Board (of 1944), held that General Marshall and the Chief of War Plans Division of the War Department shared in the responsibility for the disaster.''

''The applicant in this case . . . must show . . . that the FSM (in this case Major General Short) was unjustly treated by the Army . . . the majority found evidence of injustice.''

''In this regard, the majority was of the opinion that the FSM, singularly or with the Naval commander, was unjustly held responsible for the Pearl Harbor disaster.''

''Considering the passage of time as well as the burden and stigma carried until his untimely death in 1949, it would be equitable and just to restore the FSM to his former rank of lieutenant general on the retired list.''

''Recommendation.—That all of the Department of the Army records, related to this case be corrected by advancing the individual concerned to the rank of lieutenant general on the retired list.''

THE ARMY PEARL HARBOR BOARD INQUIRY (1944)

''The Chief of Staff of the Army, General George C. Marshall, failed in his relations with the Hawaiian Department in the following particulars:

(a) To keep the Commanding General of the Hawaiian Department fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war, of which information he had an abundance and Short had little.

(b) To send additional instructions to the Commanding General of the Hawaiian Department on November 28, 1941, when evidently he failed to realize the import of General Short's reply of November 27th, which indicated clearly that General Short had misunderstood and misconstrued the message of November 27 and had not adequately alerted his command for war.

(c) To get to General Short on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost imminent break with Japan, though there was ample time to have accomplished this.''

''Chief of War Plans Division War Department General Staff, Major General Leonard T. Gerow, failed in his duties in the following respects:

(a) To send to the Commanding General of the Hawaiian Department on November 27, 1941, a clear, concise directive; on the contrary, he approved the message of November 27, 1941, which contained the confusing statements.

(b) To realize that the state of readiness reported in Short's reply to the November 27th message was not a state of war readiness, and he failed to take corrective action.''

THE NAVAL COURT OF INQUIRY (1944)

''It is a prime obligation of Command to keep subordinate commanders, particularly those in distant areas, constantly supplied with information. To fail to meet this obligation is to commit a military error.''

''It is a fact that Admiral Stark, as Chief of Naval Operations and responsible for the operation of the Pacific Fleet, and having important information in his possession during this critical period, especially on the morning of 7 December, failed to transmit this information to Admiral Kimmel, this depriving the latter of a clear picture of the existing Japanese situation as seen in Washington.''

''The Court is of the opinion that the deficiencies in personnel and materiel which existed in 1941, had a direct adverse bearing upon the effectiveness of the defense of Pearl Harbor on and prior to 7 December.''

''The Court is of the opinion that Admiral Kimmel's decision, made after the dispatch of 24 November, to continue preparations of the Pacific Fleet for war, was sound in light of the information then available to him.''

''The Court is of the opinion that Admiral Harold R. Stark, U.S.N., Chief of Naval Operations . . . failed to display the sound judgement expected of him in that he did not transmit to Admiral Kimmel . . . during the very critical period 26 November to 7 December, important information which he had regarding the Japanese situation, and especially on the morning of 7 December 1941, he did not transmit immediately the fact that a message had been received which appeared to indicate that a break in diplomatic relations was imminent, and that an attack in the Hawaiian area might be expected soon.''

THE JOINT CONGRESSIONAL COMMITTEE REPORT (1946)

''The errors made by the Hawaiian commanders were errors of judgment and not derelictions of duty.''

''The War Plans Divisions of the War and Navy Departments failed:

''(a) To give careful and thoughtful consideration to the intercepted messages from Tokyo to Honolulu of September 24, November 15, and November 20 (the harbor berth plan and related dispatches) and to raise a question as to their significance. Since they indicated a particular interest in the Pacific Fleet's base, this intelligence should have been appreciated and supplied to the Hawaiian commanders for their assistance, along with other information available to them, in making their estimate of the situation.

''(b) To be properly on the qui vive to receive the 'one o'clock' intercept and to recognize in the message the fact that some Japanese military action would very possibly occur somewhere at 1 p.m., December 7. If properly appreciated this intelligence should have suggested a dispatch to all Pacific outpost commanders supplying this information, as General Marshall attempted to do immediately upon seeing it.''

TRIBUTE TO BRIGADIER GENERAL TERRY L. PAUL, UNITED STATES MARINE CORPS

Mr. LOTT. Mr. President, I would like to pay a special tribute today to Brigadier General Terry L. Paul, the Legislative Assistant to the Commandant of the Marine Corps and trusted friend of the United States Senate. After almost thirty years of honorable and dedicated service in the Corps, Brigadier General Paul will retire from active duty October 1st, 1999.

The Members of Congress and their staffs have come to know General Paul as a person who possesses a deep and abiding passion for the institution which he has served so faithfully—the United States Marine Corps. It is difficult to comprehend a Corps absent the ranks of a Terry Paul. His absence will be especially felt in the Office of Legislative Affairs where he served nine years in the Senate Liaison and most recently as the Legislative Assistant to the Commandant. He has set the standard by which all other Legislative Assistants will be measured.

The strength of the Marine Corps relationship with the Congress is in large measure due to the professional dedication of Brigadier General Paul. This relationship has been forged and nurtured over the years by his unrelenting resolve to establish a climate of mutual respect and understanding. The underpinning for this success was a rapport that was built on a credible and straightforward approach for dealing with issues, large or small. He possessed an innate ability to appreciate the environment in which he worked. It is through this understanding we can fully treasure the tenacity of Terry Paul to communicate the Commandant's message of ''making Marines and winning battles'' on Capitol Hill.

Brigadier General Paul's imprint will resonate through these hallowed halls and unto our Nation long after his departure. Through the foresight and oversight of the United States Congress, the Corps will have been provided the needed resources that will enable it to confront the challenges of the 21st century. Terry Paul was always there to foster and develop our knowledge of key resource needs. When all seemed lost with the pending cancellation of the V–22 program it was Brigadier General Paul that was assigned as ''point-man'' on the Hill—responsible for building support to resurrect, not merely a dying program, but to advocate a concept which would ultimately revolutionize warfare in the next century. General Paul ensured

Congress was aptly informed as to the capabilities, technological advances, concept of operations, and funding requirements to bring this program to fruition. His vigilance and ability to communicate carried the day. The V–22 Osprey will enable commanders to accomplish the mission more efficiently, with far fewer casualties than otherwise would have been the case. Terry fought the hard fight and he should be extremely proud that his unrelenting efforts have borne the fruit of his labor.

General Paul carried the message to the Hill on a plethora of programs. Programs that represented innovation, ingenuity, and a willingness to adapt to changes on the emerging battlefields which will elevate the Marine Corps as the world's premier crisis response force in the 21st century. Programs such as the Advanced Assault Amphibious Vehicle, the KC–130J, Maritime Pre-positioned Force-Enhancement and LHD class ships.

General Paul is a leader of unquestionable loyalty and unswerving standards. His tenure as the Commandant's Legislative Assistant was the capstone performance of nearly thirty-year career in the infantry, Senate Liaison office, and as a Special Assistant to the Commandant. For his efforts the Marine Corps is a better institution today, one that has a bright and prosperous future. Terry, we the Members of the United States Senate and the 106th Congress want to convey our sincere appreciation for all you have done for our Nation. Your legacy will be the well-equipped Marines who will continue to provide for our country's defense. They will be better equipped, more capable, and better able to survive on the modern battlefield due to your dedication and selfless sacrifice to duty. You will be sorely missed, but surely not forgotten.

STOP PLAYING POLITICS WITH OUR NATIONAL SECURITY: RATIFY THE TEST-BAN TREATY

Mr. BIDEN. Mr. President, three years ago today, the United States led the world in signing the Comprehensive Nuclear Test-Ban Treaty. Since then, 152 countries have followed our lead; and 45 of them, including Great Britain and France, have ratified the Treaty.

Two years and two days ago, the President of the United States submitted the Comprehensive Nuclear Test-Ban Treaty, plus six safeguards, to the Senate for its advice and consent to ratification. Since then, the Senate has done nothing.

That is an outrage. We—who are rightly called the world's greatest deliberative body—have been unwilling or unable to perform our constitutional duty regarding this major treaty.

Some of my colleagues have principled objections to this treaty. I respect their convictions. I have responded on this floor to many of their objections, as have my colleagues from Pennsylvania, North and South Dakota, Michigan and New Mexico.

Now it is time, however, for the Senate to do its duty. Administration officials, current and former Chairmen of the Joint Chiefs of Staff, and eminent scientists are prepared to testify in favor of the Test-Ban Treaty. We, in turn, are prepared to make our case in formal Senate debate on a resolution of ratification.

It is high time that the Republican leadership of this body agreed to schedule Senate debate and a vote on ratification. It is utterly irresponsible for the Republican leadership to hold this treaty hostage to other issues, as it has for two years.

The arguments in favor of ratifying the Test-Ban Treaty are well-known.

It will reinforce nuclear non-proliferation by reassuring non-nuclear weapons states that states with nuclear weapons will be unable to develop and confidently deploy new types of nuclear weapons.

It will keep non-nuclear weapon states from deploying sophisticated nuclear weapons, even if they are able to develop designs for such weapons.

It will improve our ability to detect any nuclear weapons tests, with other countries paying 75% of the bill for the International Monitoring System.

U.S. ratification will encourage India and Pakistan to sign and ratify the Test-Ban Treaty—one of the few steps back from the nuclear brink that they may be willing to take, without a settlement of the Kashmir dispute.

U.S. ratification will encourage Russia, China and other states to ratify.

Our ratification will maintain U.S. leadership on non-proliferation, as we approach the Nuclear Non-Proliferation Treaty Review Conference next April. That U.S. leadership is vital to keeping non-nuclear weapons states committed to nuclear non-proliferation.

Equally important are the safeguards that the President has proposed, to ensure that U.S. adherence to the Treaty will always be consonant with our national security:

A: The conduct of a Science Based Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the active stockpile. . . .

B: The maintenance of modern nuclear laboratory facilities and programs . . . which will attract, retain, and ensure the continued application of our human scientific resources to those programs. . . .

C: The maintenance of the basic capability to resume nuclear test activities. . . .

D: Continuation of a comprehensive research and development program to improve our . . . monitoring capabilities. . . .

E: The continuing development of a broad range of intelligence . . . capabilities and operations to ensure accurate and comprehensive information on worldwide nuclear . . . programs.

F: . . . if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE) . . . that a high level of confidence in . . . a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT . . . in order to conduct whatever testing might be required.

Thus, if nuclear weapons testing should ever be required to maintain the U.S. nuclear deterrent, then we will test.

Thanks in part to these safeguards, our senior national security officials support ratification of the Test-Ban Treaty. These officials include not only cabinet members such as former Senator Cohen, but also the directors of our National Laboratories and the Chairman of the Joint Chiefs of Staff.

Ratification of the Comprehensive Nuclear Test-Ban Treaty is vital to our national security. If the Senate dallies, India and Pakistan could fail to cap their nuclear weapons race; China could resume testing, to make better use of stolen U.S. nuclear secrets; and non-nuclear weapons states could give up on non-proliferation.

In the coming days, therefore, several of us will bring up in a more formal form the need for Senate action on this Treaty. I urge all my colleagues to support that effort.

Whatever our views on the Test-Ban Treaty, it is a national security issue. Let us agree that it is not to be held hostage to other issues. Let us agree that it is not just one more football in the Washington game of ''politics as usual.''

If the Republican leadership does not handle this Treaty responsibly, I have no doubt how the issue will play out in next year's elections. The latest national poll shows overwhelming public support for the Test-Ban Treaty: 82 percent in favor and only 14 percent opposed.

Those results go beyond party lines. Fully 80 percent of Republicans—and even 79 percent of conservative Republicans—say that they support the Test-Ban Treaty.

Republicans may appeal to the far right by calling for a return to the Cold War of nuclear testing. Bob Dole did that in 1996 on the Chemical Weapons Convention; but he lost. Then he took the responsible stand.

This time, let's skip the politics. Let's do our job—with hearings, debate, and a timely vote, at least before next April's Non-Proliferation Treaty review conference.

We can address the Test-Ban Treaty responsibly. It isn't hard, and the American people know that. It's time the Senate did what Nike says: ''Just do it.''

Mr. HELMS. Mr. President, it has been a moving and gratifying experience to witness the outpouring of genuine, spontaneous concern by countless

Americans for the victims of the Hurricane Floyd flooding.

It goes without saying that I am deeply grateful for the countless public servants and concerned neighbors who have been and still are working around the clock to extend heroic efforts and helping hands to the thousands of Eastern North Carolina people who have lost everything they possess—except their courage, and their determination to rise above the hardship that befell them.

Mr. President, before I go further I am compelled to convey publicly my personal gratitude to FEMA Director James Lee Witt and his remarkable associates for their dedication to helping those in such dire need. No federal agency could possibly be more efficient in carrying out its mission, and Director Witt deserves enormous credit for the incredible responsiveness FEMA has demonstrated on so many occasions when disasters have befallen many other areas of America.

Also, I am deeply grateful to my colleagues, who have responded to this disaster not merely with kind condolences and genuine sympathy, but also with their actions. For example, the senior Senator from Missouri, Senator BOND, made every effort to assure that FEMA is adequately funded to do the job in North Carolina. The Senate Leadership on both sides of the aisle—particularly Senator LOTT—have been gracious in their offers of assistance.

Many in the administrative branch are also going out of the way to be helpful. Yesterday, Customs Service Administrator Raymond Kelly granted my request to administratively waive certain maritime regulations, thereby allowing grain and feed shipments to reach flood-ravaged farmers more quickly. I am genuinely appreciative of his swift action.

And Mr. President, let there be no mistake: Eastern North Carolina needs all the help it can get. I do not exaggerate when I say that the flooding is of near-Biblical proportions. At least 45 people have lost their lives; there are fears of finding even more bodies as the flood waters recede. Entire communities have been washed away. Standing flood waters are becoming more polluted each day by gasoline, chemicals, animal waste and drowned livestock. An estimated 1,000 roads have been flooded, and countless houses have been damaged, some beyond repair. Perhaps the most poignant stories are those of cemeteries washing away, with coffins rising to the surface.

It is a devastating regional problem, Mr. President, but more than that, it is truly a national problem affecting every state in the Union. Because the communities affected by this flooding—whether they be Wilson or Greenville, Rocky Mount or Goldsboro, Kinston or Tarboro—are communities that are essential to American agriculture.

The heart of the agriculture community in North Carolina has been virtually destroyed by this storm, Mr. President. And as concerned as we are for the countless citizens who have lost their homes and their possessions, the agricultural implications of this disaster for our entire country are enormous.

Here's why: North Carolina ranks third in total agricultural income, behind only California and Iowa. Numerous commodities will be radically affected by the flooding because North Carolina ranks in the top ten states of production for such a wide variety of products: turkeys, sweet potatoes, hogs, cucumbers for pickles, peanuts, poultry and egg products, chickens, blueberries, peanuts, strawberries, cotton, catfish, pecans, watermelons, peaches, tomatoes.

In short, Mr. President, North Carolina agricultural production is inseparable from U.S. agricultural production, and this regional disaster is in fact a national disaster. And I highlight this not to insist upon a government response—though one is needed—but to underscore the inescapable fact that the private sector must play a key role in helping Eastern North Carolina recover from this disaster.

The federal government can do its share to meet the needs of those who have been affected by the flood—and I will work to make sure the federal government plays a substantial role in assisting in the recovery. (In fact, those who are being helped by FEMA know that the federal government is already doing its part to lend a helping hand.) But government cannot do it all, Mr. President. The private sector must play an enormous role in rebuilding the communities and economy of my home state. And this will be an historic test of the strength and purpose of the free enterprise system—and of all of us who believe that the strength of America is the willingness to stand up for each other in times of hardship.

North Carolinians understand this fact instinctively, Mr. President. Already, private citizens and businesses from all over the state are volunteering their time and money to help their neighbors. May I offer a few examples:

Carolina Power & Light, a wonderfully civic-minded electrical company, has promised to match citizens' donations to the Red Cross up to $100,000 and is double-matching its employee's contributions. Capitol Broadcasting in Raleigh has donated $100,000.

From the financial industry, Bank of America has donated $150,000. First Union is contributing the same generous amount to the Red Cross and is also pitching in with in-kind contributions of ice and water. First Citizens Bank has donated $100,000 and has already developed a short-term emergency loan program.

The tobacco industry, which is so important to Eastern North Carolina—and which, incidentally, is now facing another spiteful attack by the Justice Department—has been especially generous. RJ Reynolds has donated $250,000; Philip Morris has donated $50,000 in addition to the food products they are donating through Kraft. US Tobacco has given an additional $25,000.

And, of course, I have been in contact almost daily with Franklin GRAHAM, son of the remarkable Billy GRAHAM, who operates a truly wonderful organization called Samaritan's Purse, which distributes food, clothing and medical supplies to people who are suffering all over the world. Franklin and his associates have once again demonstrated their usual selflessness by sending truckloads of potable water and other needed supplies to the areas in greatest need.

All of this generosity does not include the generous contributions of individual North Carolinians that are pouring in, Mr. President. Our fine Governor, Jim Hunt, has set up a Disaster Relief Fund for contributions to the United Way, and the contributions are coming in so fast that they have yet to be counted. I am continually amazed and highly gratified by the thoughtfulness of North Carolinians who genuinely want to help those in distress.

Mr. President, neither government nor the private sector alone can help rebuild the communities of North Carolina. If ever there was a time In North Carolina's history when all of our institutions—public and private—must work together, that time is now. And I pledge to do my part to make sure that individuals, businesses and government are working together to help North Carolina recover from the worst disaster in its history.

PRESIDENT'S VETO OF THE REPUBLICAN TAX CUT

Mr. LEVIN. Mr. President, I want to say a few words about President Clinton's veto of the Republican-sponsored $792 billion tax cut. I commend the President for vetoing this bill because it would have taken us down the wrong path:

The path to huge budget deficits;

The path to higher interest rates; and

The path that fails to protect Medicare and Social Security;

In vetoing this bill, the President has taken us down the fiscally responsible path toward:

Paying down the $5.7 trillion national debt;

Lowering interest rates and continuing our economic growth; and

Protecting Medicare and Social Security in anticipation of the baby boom generation.

Republicans claim the projected surplus over the next ten years is large

enough to give taxpayers a $792 billion tax cut and still make $500 billion worth of investments in domestic priorities.

They claim that there is an estimated $1.4 trillion worth of surplus funds available for tax breaks and whatever else needs attention.

But their surplus projection is based on a fantastic, unrealistic, and unwise assumption about domestic discretionary spending: It is based on the assumption that Congress will enact drastic cuts in domestic services over the next ten years .

The New Republican Baseline is the amount of Total Discretionary Spending over the next ten years as figured by the Congressional Budget Office at the request of Senator DOMENICI. It is the level of spending that Senator DOMENICI said on the Senate floor on July 29, 1999 would allow for the Republican tax cut and $505 billion to be added back. It was also posted on the Budget Committee Website.

This proposal assumes that Congress will cut discretionary spending in accord with the budget caps through 2002 and then freeze discretionary spending at 2002 levels for the years 2003 through 2009.

In other words, while the price of a home, car, food goes up; while the cost of health care and tuition go up, the level of domestic services such as Head Start, student loans and economic development grants remains frozen in nominal dollars.

A freeze in nominal dollars means a decrease in real dollars. So the Republicans are proposing real, severe cuts in domestic services in order to make their tax cut seem feasible.

Huge cuts—tens of billions of dollars below current 1999 levels—are totally unrealistic (and a bad idea).

This chart shows that the Republican proposed reductions in domestic services defy history.

This chart shows the trend in domestic discretionary services over the last 15 years (in terms of actual outlays) in real 1999 dollars.

The trend—(regardless of whether Democrats or Republicans controlled Congress) is upward—and sharply upward over the last ten years—during a period of serious efforts to reign in spending.

Looking forward, the trend (on which the Republican tax cut and proposed investments in domestic priorities are based) is sharply downward with domestic services slashed by over a third by the year 2009.

A reversal in domestic discretionary services of this size just won't happen—and it shouldn't happen—we shouldn't slash head start, and Pell grants, and community development block grants, and safe drinking water programs by tens of billions of dollars over the next ten years. And history tells us we won't.

The current budget process tells us we won't: Newspaper editorials across the country are chiding Congress for already having spent next year's surplus.

I support the President's veto because it recognizes our collective responsibility to get America's fiscal house in order and because the Republican tax cut plan and the assumptions that underlie it are unwise, unrealistic and would have squandered this historic opportunity.

I ask unanimous consent to print in the RECORD the chart to which I referred.

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

DOMESTIC DISCRETIONARY SPENDING: PROPOSED REPUBLICAN PLAN COMPARED TO 15 YEAR HISTORY IN CONSTANT DOLLARS

[Outlays in billions, constant 1999 dollars]

Year	Dollars
1984	227
1989	235
1994	282
1999	307
2004	226
2009	195

Source: CBO. Projection assumes Domestic Discretionary Spending for FY 2000–2009 = $2.968 trillion: the level of the New Republican Total Discretionary Spending Baseline ($5.707 trillion over ten years), minus Defense Discretionary Spending at the Budget Resolution level ($3.062 trillion over ten years). Figures do not add to totals due to rounding.

MONTREAL PROTOCOL FUND

Mr. CHAFEE. Mr. President, I commend the Senator from Massachusetts for offering this amendment. I am a cosponsor of the amendment. The Montreal Protocol has always enjoyed broad bipartisan support in the Congress and public support across the country.

As our colleagues will remember, it was President Reagan who negotiated and signed the Protocol in 1987. Since that time, many strengthening amendments have been adopted and ratified during the administrations of both President Bush and President Clinton.

One of the most effective provisions of the protocol is an international fund that provides assistance to developing nations to aid their phaseout of ozone depleting substances. This is not a U.S. aid program. It is an international fund supported by 35 countries. It has assisted projects to reduce ozone use in 120 developing countries.

Mr. President, I can tell the Senate that the Montreal Protocol Fund is a very cost effective program because the U.S. General Accounting Office audited the program in 1997 and gave it high praise. GAO had only one recommendation to make to improve its performance and that recommendation has since been implemented. I would note that the U.S. business community also strongly supports this program. Quite often the assistance provided by the fund is used by developing nations to buy our technology to reduce CFC use. So, there is no question that this program works and has been highly successful.

The only issue is whether there is room for the U.S. contribution in this budget. We have pledged approximately $39 million for this coming year. There is $27 million in the Foreign Operations appropriation. Which means that we need an additional $12 million to honor our commitment. The amendment by the Senator from Massachusetts would provide that $12 million from EPA's budget. This follows a long tradition of paying for part of our contribution from State Department funds and part of our contribution through the EPA budget.

Can EPA afford $12 million for this purpose. We know that the budget is tight this year. But it is not so tight that we need to entirely eliminate this expenditure. In fact, I would note that this bill provides EPA $116 million more than the President requested. As the Senator from Maryland, Senator MIKULSKI, has said many times here on the floor, this bill is still a work in progress. I am confident that the very able managers of the bill can find room for the Montreal Protocol Fund in a budget for EPA that provides $116 million more than the President's request for the coming year.

We have our differences here in the Senate over environmental policy. But everyone has to admit that the international program to protect the stratospheric ozone layer negotiated by President Reagan has been a tremendous success. The work is not quite done. CFCs are not entirely out of our economy. In fact, the U.S. remains the third largest user of CFCs. But we are well on the way to a CFC-free world. And this program, the Montreal Protocol Fund, has been a very important part of the effort. It deserves our continued support.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 23, 1999, the Federal debt stood at $5,638,477,894,300.66 (Five trillion, six hundred thirty-eight billion, four hundred seventy-seven million, eight hundred ninety-four thousand, three hundred dollars and sixty-six cents).

One year ago, September 23, 1998, the Federal debt stood at $5,517,883,000,000 (Five trillion, five hundred seventeen billion, eight hundred eighty-three million).

Five years ago, September 23, 1994, the Federal debt stood at $4,667,471,000,000 (Four trillion, six hundred sixty-seven billion, four hundred seventy-one million).

Twenty-five years ago, September 23, 1974, the Federal debt stood at $480,719,000,000 (Four hundred eighty billion, seven hundred nineteen million) which reflects a debt increase of

more than $5 trillion—$5,157,758,894,300.66 (Five trillion, one hundred fifty-seven billion, seven hundred fifty-eight million, eight hundred ninety-four thousand, three hundred dollars and sixty-six cents) during the past 25 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 Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:46 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed to the following bill, in which it requests the concurrence of the Senate:

H.R. 1402. An act to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1–A as part of the implementation of the final rule to consolidate Federal milk marketing orders.

The message also announced that the House disagrees to the amendment of the Senate to 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, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. LAHOOD, Mrs. WILSON, Mr. DIXON, Ms. PELOSI, Mr. BISHOP, Mr. SISISKY, Mr. CONDIT, Mr. ROEMER, and Mr. HASTINGS of Florida.

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities: Mr. SPENCE, Mr. STUMP, and Mr. ANDREWS.

At 1:38 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1875, An act amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and ordered placed on the calendar:

H.R. 1402. An act to require the Secretary of Agriculture to implement the Class I milk price structure known as Option 1–A as part of the implementation of the final rule to consolidate Federal milk marketing orders.

The following resolutions were ordered placed on the calendar:

S. Res. 186. A resolution expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

S. Res. 187. A resolution to express the sense of the Senate regarding education funding.

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–5355. 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 ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL #6430–7), received September 13, 1999; to the Committee on Environment and Public Works.

EC–5356. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; New Source Review in Nonattainment Areas'' (FRL #6436–8), received September 15, 1999; to the Committee on Environment and Public Works.

EC–5357. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County'' (FRL #6438–1), received September 15, 1999; to the Committee on Environment and Public Works.

EC–5358. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions; Santa Barbara County Air Pollution Control District; Kern County Air Pollution Control District; Ventura County Air Pollution Control District'' (FRL #6436–2), received September 15, 1999; to the Committee on Environment and Public Works.

EC–5359. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Oregon'' (FRL #6438–5), received September 15, 1999; to the Committee on Environment and Public Works.

EC–5360. 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 ''Interim Final Determination that State has Corrected the Deficiency; State of Arizona; Maricopa County'' (FRL # 6438–3), received September 15, 1999; to the Committee on Environment and Public Works.

EC–5361. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Arizona'' (FRL #6440–2), received September 14, 1999; to the Committee on Environment and Public Works.

EC–5362. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: California'' (FRL #6439–9), received September 14, 1999; to the Committee on Environment and Public Works.

EC–5363. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Nevada'' (FRL #6440–4), received September 14, 1999; to the Committee on Environment and Public Works.

EC–5364. 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 ''Revision of Standards of Performance for Nitrogen Oxide Emissions from New Fossil-Fuel Fired Steam Generating Units—Temporary Stay of Rules as they Apply to Units for Which Modification or Reconstruction Commenced After July 9, 1997'' (FRL #64376–1), received September 14, 1999; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. GRAMM, for the Committee on Banking, Housing, and Urban Affairs:

Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

John D. Hawke, Jr., of the District of Columbia, to be Comptroller of the Currency for term of five years.

Armando Falcon, Jr., of Texas, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, for a term of five years.

Dorian Vanessa Weaver, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

Dan Herman Renberg, of Maryland, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2003.

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. McCAIN (for himself, Mr. CRAPO, Mr. COCHRAN, and Mr. BINGAMAN):

S. 1633. To recognize National Medal of Honor sites in California, Indiana, and South Carolina; to the Committee on Armed Services.

By Mr. ALLARD:

S. 1634. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

By Mr. GRAMS:

S. 1635. A bill to amend the Agricultural Market Transition Act to extend the term of marketing assistance loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 1636. A bill to authorize a new trade, investment, and development policy for sub-Saharan Africa; to the Committee on Finance.

By Mr. LOTT:

S. 1637. A bill to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations; considered and passed.

By Mr. ASHCROFT (for himself, Mr. SPECTER, and Ms. COLLINS):

S. 1638. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. BREAUX, Mr. McCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1639. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE:

S. 1640. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986 with respect to amendments resulting in defined benefit plans becoming cash balance plans; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1641. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code, of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM:

S. Res. 185. A resolution recognizing and commending the personnel of Eglin Air Force Base, Florida, for their participation and efforts in support of the North Atlantic Treaty Organization's (NATO) Operation Allied Force in the Balkan Region; to the Committee on Armed Services.

By Mr. LOTT (for himself, Mr. GREGG, and Mr. COVERDELL):

S. Res. 186. A resolution expressing the sense of the Senate regarding reauthorizing the Elementary and Secondary Education Act of 1965.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY):

S. Res. 187. A resolution to express the sense of the Senate regarding education funding.

By Mr. EDWARDS (for himself, Mr. HELMS, Mr. GRAHAM, Mr. HOLLINGS, Mr. WARNER, Mr. ROBB, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. SARBANES, and Mr. SPECTER):

S. Res. 188. A resolution expressing the sense of the Senate that additional assistance should be provided to the victims of Hurricane Floyd; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself, Mr. CRAPO, Mr. COCHRAN, and Mr. BINGAMAN):

S. 1633. To recognize National Medal of Honor sites in California, Indiana, and South Carolina; to the Committee on Armed Services.

LEGISLATION TO RECOGNIZE NATIONAL MEDAL OF HONOR SITES IN CALIFORNIA, INDIANA, AND SOUTH CAROLINA

Mr. McCAIN. Mr. President, I rise today to introduce legislation that would designate the Medal of Honor memorials at the national cemetery at Riverside, California, the White River State Park at Indianapolis, Indiana, and the museum at Patriots Point in Mount Pleasant, South Carolina, as National Medal of Honor sites. I am joined in this effort by Senators CRAPO, COCHRAN, and BINGAMAN. This legislation is a companion bill to H.R. 1663, sponsored by Representative KEN CALVERT and cosponsored by 77 Members of the House of Representatives.

Mr. President, this is not a frivolous piece of legislation that I am introducing today. The Medal of Honor is this nation's highest honor. The 3,417 Americans who have received the Medal of Honor, from the Civil War through the terrible battle in the dusty streets of Mogadishu, each demonstrated uncommon courage in the service of their country, many at the cost of their lives. In testimony in support of the House bill before the Veterans Subcommittee on Benefits, Paul Bucha, president of the Congressional Medal of Honor Society, stated that the Society ''believes that these projects will bring full recognition to recipients and is hopeful that this will complete the system of memorials that recognize Medal of Honor recipients.'' Passage of the bill Senators CRAPO, COCHRAN, BINGAMAN and I are introducing today will help to ensure this recognition in a timely manner.

Designation of the three sites as ''National'' memorials will give them the status they deserve, while bringing them appropriately under the department of Interior. There is no cost associated with this legislation. I hope that my colleagues in the Senate will support passage of this legislation, and thank the President for this opportunity to address the Senate on behalf of this worthy legislation.

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. 1633

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Medal of Honor Memorial Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Medal of Honor is the highest military decoration which the Nation bestows.

(2) The Medal of Honor is the only military decoration given in the name of the Congress of the United States, and therefore on behalf of the people of the United States.

(3) The Congressional Medal of Honor Society was established by an Act of Congress in 1958, and continues to protect, uphold, and preserve the dignity, honor, and name of the Medal of Honor and of the individual recipients of the Medal of Honor.

(4) The Congressional Medal of Honor Society is composed solely of recipients of the Medal of Honor.

SEC. 3. NATIONAL MEDAL OF HONOR SITES.

(a) RECOGNITION.—The following sites to honor recipients of the Medal of Honor are hereby recognized as National Medal of Honor sites:

(1) RIVERSIDE, CALIFORNIA.—The memorial under construction at the Riverside National Cemetery in Riverside, California, to be dedicated on November 5, 1999.

(2) INDIANAPOLIS, INDIANA.—The memorial at the White River State Park in Indianapolis, Indiana, dedicated on May 28, 1999.

(3) MOUNT PLEASANT, SOUTH CAROLINA.—The Congressional Medal of Honor Museum at

Patriots Point in Mount Pleasant, South Carolina, currently situated on the U.S.S. Yorktown.

(b) INTERPRETATION.—This section may not be construed to require or permit the expenditure of Federal funds (other that expenditures already provided for) for any purpose related to the sites recognized in subsection (a).

By Mr. ALLARD:

S. 1634. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Finance.

RESIDENTIAL SOLAR ENERGY TAX CREDIT ACT OF 1999

• Mr. ALLARD. Mr. President. I am honored today to introduce the Residential Solar Energy Tax Credit Act of 1999 which provides a 15 percent residential tax credit for consumers who purchase solar electric (photovoltaics) and solar thermal products.

This bill is an important step in preserving U.S. global leadership in the solar industry where we now export over 70 percent of our products. In the last five years, over ten U.S. solar manufacturing facilities have been built or expanded making the U.S. the world's largest manufacturer of solar products. The expansion of the U.S. domestic market is essential to sustain U.S. global market dominance.

Other countries, notably Japan and Germany, have instituted very large-scale market incentives for the use of solar energy on buildings—spending far more by their governments to build their respective domestic solar industries. Passage of this bill will insure the U.S. stays the global solar market leader into the next millennium.

The recent tax bill passed by this body included necessary support of the independent domestic oil producers, overseas oil refiners, nuclear industry decommissioning, and wind energy—all worthy. This small proposal not only adds to these but provides an incentive to the individual homeowner to generate their own energy. In fact, 28 states have passed laws in the last two years to provide a technical standard for interconnecting solar systems to the electric grid, provide consumer friendly contracts, and provide rates for the excess power generated. These efforts at regulatory reform at the state level combined with a limited incentive as proposed in this bill, will drive the use of solar energy.

Contrary to popular belief, solar energy is manufactured and used evenly throughout the United States. Solar manufacturers are in Arizona, California, Colorado, Delaware, Florida, Illinois, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Texas, Virginia, Washington and Wisconsin. In addition, solar assembly and distribution companies are in: Alaska, Connecticut, Georgia, Hawaii, Idaho, Indiana, Kansas, Maine, Minnesota, Missouri, Montana, Nevada, New Hampshire, Oregon, Pennsylvania, Rhode Island, Tennessee, Vermont, as well as Puerto Rico, U.S. Virgin Islands and Guam. In addition to these states, solar component and research companies are in Alabama, Arkansas, Kentucky, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and West Virginia.

More than 90 U.S. electric utilities, including municipals, cooperatives and independents—which represent more than half of U.S. power generation—are active in solar energy. Aside from new, automated solar manufacturing facilities, a wide range of new uses of solar occurred in 1999, such as:

an array of facilities installed in June at the Pentagon power block to provide mid-day peak power;

installation of solar on the first U.S. skyscraper in Times Square in New York City; and

development of a solar mini-manufacturing facility at a brown field in Chicago which will provide solar products for roadway lighting and for area schools

This small sampling of American ingenuity is just the beginning of the U.S. solar industry's maturity. Adoption of solar power by individual American consumers will create economies-of-scale of production that will, over time, dramatically lower costs and increase availability of solar power.

The bill I have introduced costs much less than the Administration's proposal and provides consumer safeguards. This bill represents a pragmatic approach in utilizing the marketplace as a driver of technology. The benefits to our country are profound. The U.S. solar industry believes the incentives will create 20,000 new high technology manufacturing jobs, offset pollution of more than 2 million vehicles, cut U.S. solar energy unit imports which are already over 50 percent, and leverage U.S. industry even further into the global export markets.

The Residential Solar Energy Tax Credit Act of 1999 is sound energy policy, sound environmental policy, promotes our national security, and enhances our economic strength at home and abroad. I ask my colleagues to include this initiative in upcoming tax deliberations. American consumers will thank us, and our children will thank us for the future benefits we have preserved for them.•

By Mr. GRAMS:

S. 1635. A bill to amend the Agricultural Market Transition Act to extend the term of marketing assistance loans; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL MARKETING ASSISTANCE LOANS

• Mr. GRAMS. Mr. President, today I rise to introduce legislation extending the term of the CCC marketing assistance loans made to producers by Farm Service Agencies from nine months to thirty-six months. Moreover, my bill grants the Secretary of Agriculture discretion to extend the term of a marketing assistance loan for an additional nine month period if the Secretary determines the extension beyond the thirty-six months would be beneficial to producers.

This nonrecourse marketing assistance loan program gives farmers more bargaining power in the market because they are not forced to sell their crops immediately after the harvest. Without the loan program, buyers' knowledge that farmers have their backs against the wall needing money to repay their bills can force down prices. Prices at harvest also tend to be lower due to the ample volume of grains. These nonrecourse loans permit a farmer to store the grain for a period of time, allowing him the opportunity to sell his crop later when the market price might be higher than the harvest price.

The problem with the current system is that buyers know when the nine month loans are coming due, which adversely impacts the marketing position of producers. Buyers know that the financial pressure on producers is building and they will be forced to take a lower price. Extending the term of the loans from nine to thirty six months will give the farmers better marketing power because it introduces more uncertainty and therefore options to farmers on when the grain will be sold.

I should note that I do not expect farmers to exhaust the full thirty-six months to market their grain, or that the Secretary would routinely extend that term to 45 months, due to the decline in grain quality that would consequently occur. However, I wanted to ensure that farmers possess as much flexibility as possible in deciding when to market their product.

Again, with this bill, I hope to provide farmers with another marketing tool to help them get the best price possible on the market. Our farm families are hurting, and we must help. In addition to introducing this bill, I want to again call upon Agriculture Appropriations conferees to complete their work without adding new issues. Relief to farmers must be passed as soon as possible.

Mr. President, I look forward to working with my colleagues on the Agriculture Committee to pass my bill in the near future.•

Mr. FEINGOLD:

S. 1636. A bill to authorize a new trade, investment, and development policy for sub-Saharan Africa; to the Committee on Finance.

THE HOPE FOR AFRICA ACT OF 1999

Mr. FEINGOLD. Mr. President, today I am introducing the HOPE for Africa Act of 1999, a bill to authorize a new trade, investment and development

policy for sub-Saharan Africa. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1636

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 ''HOPE for Africa Act of 1999''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Declarations of policy.
Sec. 5. Sense of Congress.
Sec. 6. Sub-Saharan Africa defined.

TITLE I—CANCELLATION OF DEBT OWED BY SUB-SAHARAN AFRICAN COUNTRIES

Sec. 101. Cancellation of debt owed to the United States Government by sub-Saharan African countries.
Sec. 102. Advocacy of cancellation of debt owed to foreign governments by sub-Saharan African countries.
Sec. 103. Report to Congress on plan of advocacy for the cancellation of debt owed to the International Monetary Fund and the International Bank for Reconstruction and development by sub-Saharan African countries.
Sec. 104. Report on the cancellation of debt owed to United States lenders by sub-Saharan African countries.
Sec. 105. Study on repayment of debt in local currencies by sub-Saharan African countries.
Sec. 106. Sense of Congress relating to the allocation of savings from debt relief of sub-Saharan African countries for basic services.
Sec. 107. Sense of Congress relating to level of interim debt payments prior to full debt cancellation by sub-Saharan African countries.

TITLE II—TRADE PROVISIONS RELATING TO SUB-SAHARAN AFRICA

Sec. 201. Encouraging mutually beneficial trade and investment.
Sec. 202. Generalized system of preferences.
Sec. 203. Additional enforcement.

TITLE III—DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICAN COUNTRIES

Sec. 301. Findings.
Sec. 302. Private and voluntary organizations.
Sec. 303. Types of assistance.
Sec. 304. Critical sectoral priorities.
Sec. 305. Reporting requirements.
Sec. 306. Separate account for Development Fund for Africa.

TITLE IV—SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS

Sec. 401. Sub-Saharan Africa equity and infrastructure funds.

TITLE V—OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES

Sec. 501. Overseas private investment corporation initiatives.
Sec. 502. Export-Import Bank initiative.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Anticorruption efforts.
Sec. 602. Requirements relating to sub-Saharan African intellectual property and competition law.
Sec. 603. Expansion of the United States and foreign commercial service in sub-Saharan Africa.

TITLE VII—OFFSET

Sec. 701. Private sector funding for research and development by NASA relating to aircraft performance.

SEC. 3. FINDINGS.

Congress finds the following:

(1) It is in the mutual interest of the United States and the countries of sub-Saharan Africa to promote broad-based economic development and equitable trade and investment policies in sub-Saharan Africa.

(2) Many sub-Saharan African countries have made notable progress toward democratization in recent years.

(3) Despite the enormous political and economic potential in Africa, Africa has the largest number of the poorest countries in the world, with an average per capita income of less than $500 annually. Thirty-three of the 41 highly indebted poor countries (HIPC) are located in sub-Saharan Africa.

(4) A plan for sustainable, equitable development for, and trade with, Africa must recognize the different levels of development that exist between countries and among different sectors within each country.

(5) Sub-Saharan Africa is inordinately burdened by $230,000,000,000 in bilateral and multilateral debt whose service requirements—

(A) now take over 20 percent of the export earnings of the sub-Saharan African region, excluding South Africa; and

(B) constitute a serious impediment to the development of stable democratic political structures, broad-based economic growth, poverty eradication, and food security.

(6) The United Nations Declaration of Human Rights guarantees the right to food, shelter, health care, education, and a sustainable livelihood, as well as rights to political freedoms.

(7)(A) The key principles guiding any United States economic policy toward sub-Saharan Africa should include those repeatedly identified by African governments, including the priorities laid out in the ''Lagos Plan'' developed by the finance ministers of the sub-Saharan African countries in coordination with the Organization for African Unity.

(B) The overriding priority expressed in the ''Lagos Plan'' is freedom for each African country to self-determine the economic policies that—

(i) suit the needs and development of their people;

(ii) help achieve food self-sufficiency and security; and

(iii) provide broad access to potable water, shelter, primary health care, education, and affordable transport.

(8) Fair trade and mutually beneficial investment can be important tools for broad-based economic development.

SEC. 4. DECLARATIONS OF POLICY.

Congress makes the following declarations:

(1) Economic relations between sub-Saharan Africa and the United States must be oriented toward benefiting the majority of the people of sub-Saharan Africa and of the United States.

(2) Congress endorses the goals stated in the Lagos Plan developed by sub-Saharan African Finance Ministers in cooperation with the Organization for African Unity.

(3) In developing new economic relations with sub-Saharan Africa, the United States should pursue the following:

(A) Strengthening and diversifying the economic production capacity of sub-Saharan Africa.

(B) Improving the level of people's incomes and the pattern of distribution in sub-Saharan Africa.

(C) Adjusting the pattern of public expenditures to satisfy people's essential needs in sub-Saharan Africa.

(D) Providing institutional support for transition to functioning market economies in sub-Saharan Africa through debt relief.

(E) Supporting environmentally sustainable development in sub-Saharan Africa.

(F) Promoting democracy, human rights, and the strength of civil society in sub-Saharan Africa.

(G) Assisting sub-Saharan African countries in efforts to make safe and efficacious pharmaceuticals and medical technologies as widely available to their populations as possible.

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) for the majority of people in sub-Saharan Africa to be able to benefit from new trade, investment, and other economic opportunities provided by this Act, and the amendments made by this Act, the pre-existing burden of external debt of sub-Saharan African countries must be eliminated; and

(2) only significant debt relief will allow operation of local credit markets and eliminate distortions currently hindering development in sub-Saharan Africa.

SEC. 6. SUB-SAHARAN AFRICA DEFINED.

In this Act, the terms ''sub-Saharan Africa'', ''sub-Saharan African country'', ''country in sub-Saharan Africa'', ''sub-Saharan African countries'', and ''countries in sub-Saharan Africa'' refer to the following:

Republic of Angola (Angola)
Republic of Benin (Benin)
Republic of Botswana (Botswana)
Burkina Faso (Burkina)
Republic of Burundi (Burundi)
Republic of Cameroon (Cameroon)
Republic of Cape Verde (Cape Verde)
Central African Republic
Republic of Chad (Chad)
Federal Islamic Republic of the Comorors (Comoros)
Democratic Republic of Congo (DROC)
Republic of the Congo (Congo)
Republic of Côte d'Ivoire (Côte d'Ivoire)
Republic of Djibouti (Djibouti)
Republic of Equatorial Guinea (Equatorial Guinea)
Ethiopia
State of Eritrea (Eritrea)
Gabonese Republic (Gabon)
Republic of the Gambia (Gambia)
Republic of Ghana (Ghana)
Republic of Guinea (Guinea)
Republic of Guinea-Bissau (Guinea-Bissau)
Republic of Kenya (Kenya)
Kingdom of Lesotho (Lesotho)
Republic of Liberia (Liberia)
Republic of Madagascar (Madagascar)
Republic of Malawi (Malawi)
Republic of Mali (Mali)
Islamic Republic of Mauritania (Mauritania)
Republic of Mauritius (Mauritius)
Republic of Mozambique (Mozambique)
Republic of Namibia (Namibia)
Republic of Niger (Niger)
Federal Republic of Nigeria (Nigeria)
Republic of Rwanda (Rwanda)
Democratic Republic of Sao Tome and Principe (Sao Tomé and Principe)
Republic of Senegal (Senegal)
Repulbic of Seychelles (Seychelles)
Republic of Sierra Leone (Sierra Leone)

Somalia
Republic of South Africa (South Africa)
Republic of Sudan (Sudan)
Kingdom of Swaziland (Swaziland)
United Republic of Tanzania (Tanzania)
Republic of Togo (Togo)
Republic of Uganda (Uganda)
Republic of Zambia (Zambia)
Republic of Zimbabwe (Zimbabwe)

TITLE I—CANCELLATION OF DEBT OWED BY SUB-SAHARAN AFRICAN COUNTRIES

SEC. 101. CANCELLATION OF DEBT OWED TO THE UNITED STATES GOVERNMENT BY SUB-SAHARAN AFRICAN COUNTRIES.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"PART VI—CANCELLATION OF DEBT OWED TO THE UNITED STATES BY SUB-SAHARAN AFRICAN COUNTRIES

"SEC. 901. CANCELLATION OF DEBT.

''(a) IN GENERAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the President shall cancel all amounts owed to the United States (or any agency of the United States) by sub-Saharan African countries defined in section 6 of HOPE for Africa Act of 1999 resulting from—

''(A) concessional loans made or credits extended under any provision of law, including the provisions of law described in subsection (b)(1); and

''(B) nonconcessional loans made, guarantees issued, or credits extended under any provision of law, including the provisions of law described in subsection (b)(2).

''(2) EXCEPTION.—The provisions of paragraph (1) relating to cancellation of debt shall not apply to any sub-Saharan country if the government of the country—

''(A) (including its military or other security forces) engages in a pattern of significant violations of internationally recognized human rights;

''(B) has an excessive level of military expenditures;

''(C) has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2405(j)(1)) or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); or

''(D) is failing to cooperate on international narcotics control matters.

''(3) CERTIFICATION BY PRESIDENT.—The President shall certify to Congress that any country with respect to which debt is canceled under this subsection is not engaged in an activity described in paragraph (2).

''(b) PROVISIONS OF LAW.—

''(1) CONCESSIONAL PROVISIONS OF LAW.—The provisions of law described in this paragraph are the following:

''(A) Part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

''(B) Title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).

''(2) NONCONCESSIONAL PROVISIONS OF LAW.—The provisions of law described in this paragraph are the following:

''(A) Sections 221 and 222 of this Act.

''(B) The Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(C) Section 5(f) of the Commodity Credit Corporation Charter Act.

''(D) Sections 201 and 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622).

''(E) The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

''(c) TERMINATION OF AUTHORITY.—The authority to cancel debt under this section shall terminate on September 30, 2002.

"SEC. 902. ADDITIONAL REQUIREMENTS.

''(a) REDUCTION OF DEBT NOT CONSIDERED TO BE ASSISTANCE.—A reduction of debt under section 901 shall not be considered to be assistance for purposes of any provision of law limiting assistance to a country.

''(b) INAPPLICABILITY OF CERTAIN PROHIBITIONS RELATING TO REDUCTION OF DEBT.—The authority to provide for reduction of debt under section 901 may be exercised notwithstanding section 620(r) of this Act.

"SEC. 903. REPORTS TO CONGRESS.

''(a) IN GENERAL.—Not later than December 31, 1999, and December 31 of each of the next 3 years, the President shall prepare and transmit to the appropriate congressional committees an annual report concerning the cancellation of debt under section 901 for the prior fiscal year.

''(b) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Banking and Financial Services and the Committee on International Relations of the House of Representatives; and

''(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

"SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

''For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the cancellation of debt under section 901, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2000 through 2002.''.

SEC. 102. ADVOCACY OF CANCELLATION OF DEBT OWED TO FOREIGN GOVERNMENTS BY SUB-SAHARAN AFRICAN COUNTRIES.

(a) ADVOCACY OF CANCELLATION OF DEBT.—The Secretary of State shall provide written notification to each foreign government that has outstanding loans, guarantees, or credits to the government of a sub-Saharan African country (qualifying under section 901(a) of the Foreign Assistance Act of 1961, as added by this Act) that it is the policy of the United States to fully and unconditionally cancel all debts owed by each such sub-Saharan African country to the United States. In addition, the Secretary shall urge in writing each such foreign government to follow the example of the United States and fully and unconditionally cancel all debts owed by sub-Saharan African countries to each such foreign government.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary of State shall prepare and submit to Congress a report containing—

(1) a description of each written notification provided to a foreign government under subsection (a);

(2) a description of the response of each foreign government to the notification; and

(3) a description of the amount (if any) owed to the United States by any foreign government opposing the United States policy advocated pursuant to subsection (a).

SEC. 103. REPORT TO CONGRESS ON PLAN OF ADVOCACY FOR THE CANCELLATION OF DEBT OWED TO THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT BY SUB-SAHARAN AFRICAN COUNTRIES.

(a) IN GENERAL.—Not later than January 1, 2000, the Secretary of the Treasury shall submit to Congress a plan to advocate the cancellation of debt owed to the International Monetary Fund and the International Bank for Reconstruction and Development by sub-Saharan African countries and report on its implementation. The plan shall include proposed instructions to the United States Executive Directors of the International Monetary Fund and the International Bank for Reconstruction and Development to use the voice, vote, and influence of the United States to advocate that their respective institutions—

(1) fully and unconditionally cancel all debts owed by any country in sub-Saharan Africa to such institution;

(2) encourage each country that benefits from such debt cancellation to allocate 20 percent of the national budget of the country, including savings from such debt cancellation, to basic services, as the country has committed to do under the United Nations 20/20 Initiative, with appropriate input from civil society in developing basic service plans; and

(3) provide that until all debts owed to such institution have been fully and unconditionally canceled, such institution not be party to, and that no future loan from such institution be used to finance in whole or part the implementation of, any agreement which requires the government of any such country, during any 12-month period beginning on the date of enactment of this section to pay an amount exceeding 5 percent of the annual export earnings of the country toward the servicing of foreign loans.

(b) DIRECTIONS TO EXECUTIVE DIRECTORS.—The Executive Directors of the International Monetary Fund and the International Bank for Reconstruction and Development shall carry out the instructions described in subsection (a) by all appropriate means, including sending written notice to the governing bodies of members, and by requesting formal votes on the matters described in subsection (a).

SEC. 104. REPORT ON THE CANCELLATION OF DEBT OWED TO UNITED STATES LENDERS BY SUB-SAHARAN AFRICAN COUNTRIES.

Not later than January 1, 2000, the Secretary of the Treasury shall submit to the Congress a report on the amount of debt owed to any United States person by any country in sub-Saharan Africa. The report shall specify the amount owed to each such person by each country, the face value and market value of the debt, and the amount of interest paid to date on the debt. The report shall also include a plan to acquire each debt obligation owed to any United States person by any country in sub-Saharan Africa at the market value of the debt obligation as of January 1, 1999.

SEC. 105. STUDY ON REPAYMENT OF DEBT IN LOCAL CURRENCIES BY SUB-SAHARAN AFRICAN COUNTRIES.

Section 603 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) is amended—

(1) in subsection (e)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) the viability and desirability of having each indebted country in sub-Saharan Africa (as defined in section 6 of the HOPE for Africa Act of 1999) repay foreign loans made to

the country (whether made bilaterally, multilaterally, or privately) in the currency of the indebted country; and''; and

(2) in subsection (g), by adding at the end the following:

''(6) The matters described in subsection (e)(4).''.

SEC. 106. SENSE OF CONGRESS RELATING TO THE ALLOCATION OF SAVINGS FROM DEBT RELIEF OF SUB-SAHARAN AFRICAN COUNTRIES FOR BASIC SERVICES.

It is the sense of Congress that the government of each sub-Saharan African country should allocate 20 percent of its national budget, including the savings from the cancellation of debt owed by the country to—

(1) the United States (pursuant to part VI of the Foreign Assistance Act of 1961, as added by section 101 of this Act);

(2) other foreign countries (pursuant to section 103 of this Act);

(3) the International Monetary Fund and the International Bank for Reconstruction and Development (pursuant to section 104 of this Act); and

(4) United States persons (pursuant to section 106 of this Act);

for the provision of basic services to individuals in each such country, as provided for in the United Nations 20/20 Initiative. In providing such basic services, each government should seek input from appropriate nongovernmental organizations.

SEC. 107. SENSE OF CONGRESS RELATING TO LEVEL OF INTERIM DEBT PAYMENTS PRIOR TO FULL DEBT CANCELLATION BY SUB-SAHARAN AFRICAN COUNTRIES.

It is the sense of Congress that, prior to the full and unconditional cancellation of all debts owed by sub-Saharan African countries to the United States (pursuant to part VI of the Foreign Assistance Act of 1961, as added by section 101 of this Act), to other foreign countries, and to United States persons, each sub-Saharan African country should not, in making debt payments described in this title, pay in any calendar year an aggregate amount greater than an amount equal to 5 percent of the export earnings of the country for the preceding calendar year.

TITLE II—TRADE PROVISIONS RELATING TO SUB-SAHARAN AFRICA

SEC. 201. ENCOURAGING MUTUALLY BENEFICIAL TRADE AND INVESTMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) A mutually beneficial United States Sub-Saharan Africa trade policy will grant new access to the United States market for a broad range of goods produced in Africa, by Africans, and include safeguards to ensure that the corporations manufacturing these goods (or the product or manufacture of the oil or mineral extraction industry) respect the rights of their employees and the local environment. Such trade opportunities will promote equitable economic development and thus increase demand in African countries for United States goods and service exports.

(2) Recognizing that the global system of textile and apparel quotas under the MultiFiber Arrangement will be phased out under the Uruguay Round Agreements over the next 5 years with the total termination of the quota system in 2005, the grant of additional access to the United States market in these sectors is a short-lived benefit.

(b) TREATMENT OF QUOTAS.—

(1) KENYA AND MAURITIUS.—Pursuant to the Agreement on Textiles and Clothing, the United States shall eliminate the existing quotas on textile and apparel imports to the United States from Kenya and Mauritius, respectively, not later than 30 days after each country demonstrates the following:

(A) The country is not ineligible for benefits under section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)).

(B) The country does not engage in significant violations of internationally recognized human rights and the Secretary of State agrees with this determination.

(C)(i) The country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones) as determined under paragraph (5), including the core labor standards enumerated in the appropriate treaties of the International Labor Organization, and including—

(I) the right of association;

(II) the right to organize and bargain collectively;

(III) a prohibition on the use of any form of coerced or compulsory labor;

(IV) the international minimum age for the employment of children (age 15); and

(V) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(ii) The government of the country ensures that the Secretary of Labor, the head of the national labor agency of the government of that country, and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU-AFRO) each has access to all appropriate records and other information of all business enterprises in the country.

(D) The country is taking adequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country of origin or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means, in accordance with the requirements of subsection (d).

(E) The country is taking adequate measures to prevent being used as a transit point for the shipment of goods in violation of the Agreement on Textiles and Clothing or any other applicable textile agreement.

(F) The cost or value of the textile or apparel product produced in the country, or by companies in any 2 or more sub-Saharan African countries, plus the direct costs of processing operations performed in the country or such countries, is not less than 60 percent of the appraised value of the product at the time it is entered into the customs territory of the United States.

(G) Not less than 90 percent of employees in business enterprises producing the textile and apparel goods are citizens of that country, or any 2 or more sub-Saharan African countries.

(2) OTHER SUB-SAHARAN COUNTRIES.—The President shall continue the existing no quota policy for each other country in sub-Saharan Africa if the country is in compliance with the requirements applicable to Kenya and Mauritius under subparagraphs (A) through (G) of paragraph (1).

(3) TECHNICAL ASSISTANCE.—The Customs Service shall provide the necessary technical assistance to sub-Saharan African countries in the development and implementation of adequate measures against the illegal transshipment of goods.

(4) OFFSETTING REDUCTION OF CHINESE QUOTA.—When the quota for textile and apparel products imported from Kenya or Mauritius is eliminated, the quota for textile and apparel products from the People's Republic of China for each calendar year in each product category shall be reduced by the amount equal to the volume of all textile and apparel products in that product category imported from all sub-Saharan African countries into the United States in the preceding calendar year, plus 5 percent of that amount.

(5) DETERMINATION OF COMPLIANCE WITH INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—

(A) DETERMINATION.—

(i) IN GENERAL.—For purposes of carrying out paragraph (1)(C), the Secretary of Labor, in consultation with the individuals described in clause (ii) and pursuant to the procedures described in clause (iii), shall determine whether or not each sub-Saharan African country is providing for effective enforcement of internationally recognized worker rights throughout the country (including in export processing zones).

(ii) INDIVIDUALS DESCRIBED.—The individuals described in this clause are the head of the national labor agency of the government of the sub-Saharan African country in question and the head of the International Confederation of Free Trade Unions-Africa Region Office (ICFTU-AFRO).

(iii) PUBLIC COMMENT.—Not later than 90 days before the Secretary of Labor makes a determination that a country is in compliance with the requirements of paragraph (1)(C), the Secretary shall publish notice in the Federal Register and an opportunity for public comment. The Secretary shall take into consideration the comments received in making a determination under such paragraph (1)(C).

(B) CONTINUING COMPLIANCE.—In the case of a country for which the Secretary of Labor has made an initial determination under subparagraph (A) that the country is in compliance with the requirements of paragraph (1)(C), the Secretary, in consultation with the individuals described in subparagraph (A), shall, not less than once every 3 years thereafter, conduct a review and make a determination with respect to that country to ensure continuing compliance with the requirements of paragraph (1)(C). The Secretary shall submit the determination to Congress.

(C) REPORT.—Not later than 6 months after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Labor shall prepare and submit to Congress a report containing—

(i) a description of each determination made under this paragraph during the preceding year;

(ii) a description of the position taken by each of the individuals described in subparagraph (A)(ii) with respect to each such determination; and

(iii) a report on the public comments received pursuant to subparagraph (A)(iii).

(6) REPORT.—Not later than March 31 of each year, the President shall publish in the Federal Register and submit to Congress a report on the growth in textiles and apparel imported into the United States from countries in sub-Saharan Africa in order to inform United States consumers, workers, and textile manufacturers about the effects of the no quota policy.

(c) TREATMENT OF TARIFFS.—The President shall provide an additional benefit of a 50 percent tariff reduction for any textile and apparel product of a sub-Saharan African country that meets the requirements of subparagraphs (A) through (G) of subsections (b)(1) and (d) and that is imported directly into the United States from such sub-Saharan African country if the business enterprise, or a subcontractor of the enterprise,

producing the product is in compliance with the following:

(1) Citizens of 1 or more sub-Saharan African countries own not less than 51 percent of the business enterprise.

(2) If the business enterprise involves a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European Union, Japan, or any other developed country (or group of developed countries), as the case may be.

(d) CUSTOMS PROCEDURES AND ENFORCEMENT.—

(1) OBLIGATIONS OF IMPORTERS AND PARTIES ON WHOSE BEHALF APPAREL AND TEXTILES ARE IMPORTED.—

(A) IN GENERAL.—Notwithstanding any other provision of law, all imports to the United States of textile and apparel goods pursuant to this Act shall be accompanied by—

(i)(I) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(II) if there is more than one manufacturer or producer, or if there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subclause (I) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(ii) a certification by the importer of record that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(iii) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

(B) LIABILITY.—The importer of record and the final retail seller of the merchandise shall be jointly liable for any material false statement, act, or omission made with the intention or effect of—

(i) circumventing any quota that applies to the merchandise; or

(ii) avoiding any duty that would otherwise be applicable to the merchandise.

(2) OBLIGATIONS OF COUNTRIES TO TAKE ACTION AGAINST TRANSSHIPMENT AND CIRCUMVENTION.—The President shall ensure that any country in sub-Saharan Africa that intends to import textile and apparel goods into the United States—

(A) has in place adequate measures to guard against unlawful transshipment of textile and apparel goods and the use of counterfeit documents; and

(B) will cooperate fully with the United States to address and take action necessary to prevent circumvention of any provision of this section or of any agreement regulating trade in apparel and textiles between that country and the United States.

(3) STANDARDS OF PROOF.—

(A) FOR IMPORTERS AND RETAILERS.—

(i) IN GENERAL.—The United States Customs Service (in this Act referred to as the ''Customs Service'') shall seek imposition of a penalty against an importer or retailer for a violation of any provision of this section if the Customs Service determines, after appropriate investigation, that there is a substantial likelihood that the violation occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—If an importer or retailer fails to cooperate with the Customs Service in an investigation to determine if there has been a violation of any provision of this section, the Customs Service shall base its determination on the best available information.

(B) FOR COUNTRIES.—

(i) IN GENERAL.—The President may determine that a country is not taking adequate measures to prevent illegal transshipment of goods or to prevent being used as a transit point for the shipment of goods in violation of this section if the Customs Service determines, after consultations with the country concerned, that there is a substantial likelihood that a violation of this section occurred.

(ii) USE OF BEST AVAILABLE INFORMATION.—

(I) IN GENERAL.—If a country fails to cooperate with the Customs Service in an investigation to determine if an illegal transshipment has occurred, the Customs Service shall base its determination on the best available information.

(II) EXAMPLES.—Actions indicating failure of a country to cooperate under subclause (I) include—

(aa) denying or unreasonably delaying entry of officials of the Customs Service to investigate violations of, or promote compliance with, this section or any textile agreement;

(bb) providing appropriate United States officials with inaccurate or incomplete information, including information required under the provisions of this section; and

(cc) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers, producers, contractors, or subcontractors within the country.

(4) PENALTIES.—

(A) FOR IMPORTERS AND RETAILERS.—The penalty for a violation of any provision of this section by an importer or retailer of textile and apparel goods—

(i) for a first offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 200 percent of the declared value of the merchandise, plus forfeiture of the merchandise;

(ii) for a second offense (except as provided in clause (iii)), shall be a civil penalty in an amount equal to 400 percent of the declared value of the merchandise, plus forfeiture of the merchandise, and, shall be punishable by a fine of not more than $100,000, imprisonment for not more than 1 year, or both; and

(iii) for a third or subsequent offense, or for a first or second offense if the violation of the provision of this section is committed knowingly and willingly, shall be punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both, and, in addition, shall result in forfeiture of the merchandise.

(B) FOR COUNTRIES.—If a country fails to undertake the measures or fails to cooperate as required by this section, the President shall impose a quota on textile and apparel goods imported from the country, based on the volume of such goods imported during the first 12 of the preceding 24 months, or shall impose a duty on the apparel or textile goods of the country, at a level designed to secure future cooperation.

(5) APPLICABILITY OF UNITED STATES LAWS AND PROCEDURES.—All provisions of the laws, regulations, and procedures of the United States relating to the denial of entry of articles or penalties against individuals or entities for engaging in illegal transshipment, fraud, or other violations of the customs laws, shall apply to imports of textiles and apparel from sub-Saharan African countries, in addition to the specific provisions of this section.

(6) MONITORING AND REPORTS TO CONGRESS.—Not later than March 31 of each year, the Customs Service shall monitor and the Commissioner of Customs shall submit to Congress a report on the measures taken by each country in sub-Saharan Africa that imports textiles or apparel goods into the United States—

(A) to prevent transshipment; and

(B) to prevent circumvention of this section or of any agreement regulating trade in textiles and apparel between that country and the United States.

(e) DEFINITION.—In this section, the term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

SEC. 202. GENERALIZED SYSTEM OF PREFERENCES.

(a) PREFERENTIAL TARIFF TREATMENT FOR CERTAIN ARTICLES.—Section 503(a)(1) of the Trade Act of 1974 (19 U.S.C. 2463(a)(1)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) ELIGIBLE COUNTRIES IN SUB-SAHARAN AFRICA.—

''(i) IN GENERAL.—(I) Subject to clause (ii), the President may provide duty-free treatment for any article described in subclause (II) that is imported directly into the United States from a sub-Saharan African country.

''(II) ARTICLE DESCRIBED.—

''(aa) IN GENERAL.—An article described in this subclause is an article set forth in the most current Lome Treaty product list, that is the growth, product, or manufacture of a sub-Saharan African country that is a beneficiary developing country and that is in compliance with the requirements of subsections (b) and (d) of section 201 of the HOPE for Africa Act of 1999, with respect to such article, if, after receiving the advice of the International Trade Commission in accordance with subsection (e), the President determines that such article is not import-sensitive in the context of all articles imported from United States Trading partners. This subparagraph shall not affect the designation of eligible articles under subparagraph (B).

''(bb) OTHER REQUIREMENTS.—In addition to meeting the requirements of division (aa), in the case of an article that is the product or manufacture of the oil or mineral extraction industry, and the business enterprise that produces or manufactures the article is involved in a joint-venture arrangement with, or related to as a subsidiary, trust, or subcontractor, a business enterprise organized under the laws of the United States, the European Union, Japan, or any other developed country (or group of developed countries), or operating in such countries, the business enterprise complies with the environmental standards that would apply to a similar operation in the United States, the European

Union, Japan, or any other developed country (or group of developed countries), as the case may be.

''(ii) RULE OF CONSTRUCTION.—For purposes of clause (i), in applying subparagraphs (A) through (G) of section 201(b)(1) and section 201(d) of the Hope for Africa Act of 1999, any reference to textile and apparel goods or products shall be deemed to refer to the article provided duty-free treatment under clause (i).''.

(b) TERMINATION.—Title V of the Trade Act of 1974 is amended by inserting after section 505 the following new section:

''SEC. 505A. TERMINATION OF BENEFITS FOR SUB-SAHARAN AFRICAN COUNTRIES.

''No duty-free treatment provided under this title shall remain in effect after September 30, 2006 in the case of a beneficiary developing country that is a sub-Saharan African country.''.

(d) DEFINITIONS.—Section 507 of the Trade Act of 1974 (19 U.S.C. 2467) is amended by adding at the end the following:

''(6) SUB-SAHARAN AFRICAN COUNTRY.—The terms 'sub-Saharan African country' and 'sub-Saharan African countries' mean a country or countries in sub-Saharan Africa, as defined in section 6 of the HOPE For Africa Act of 1999.

''(7) LOME TREATY PRODUCT LIST.—The term 'Lome Treaty product list' means the list of products that may be granted duty-free access into the European Union according to the provisions of the fourth iteration of the Lome Covention between the European Union and the African-Caribbean and Pacific States (commonly referred to as 'Lome IV') signed on November 4, 1995.''.

(e) CLERICAL AMENDMENT.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 505 the following new item:

''505A. Termination of benefits for sub-Saharan African countries.''.

(f) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 30 days after the date enactment of this Act.

SEC. 203. ADDITIONAL ENFORCEMENT.

A citizen of the United States shall have a cause of action in the United States district court in the district in which the citizen resides or in any other appropriate district to seek compliance with the standards set forth under subparagraphs (A) through (G) of section 201(b)(1), section 201(c), and section 201(d) of this Act with respect to any sub-Saharan African country, including a cause of action in an appropriate United States district court for other appropriate equitable relief. In addition to any other relief sought in such an action, a citizen may seek three times the value of any damages caused by the failure of a country or company to comply. The amount of damages described in the preceding sentence shall be paid by the business enterprise (or business enterprises) the operations or conduct of which is responsible for the failure to meet the standards set forth under subparagraphs (A) through (G) of section 201(b)(1), section 201(c), and section 201(d) of this Act.

TITLE III—DEVELOPMENT ASSISTANCE FOR SUB-SAHARAN AFRICAN COUNTRIES

SEC. 301. FINDINGS.

(a) IN GENERAL.—Congress makes the following findings:

(1) In addition to drought and famine, the HIV/AIDS epidemic has caused countless deaths and untold suffering among the people of sub-Saharan Africa.

(2) The Food and Agricultural Organization estimates that 543,000,000 people, representing nearly 40 percent of the population of sub-Saharan Africa, are chronically undernourished.

(b) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—Section 496(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(a)(1)) is amended by striking ''drought and famine'' and inserting ''drought, famine, and the HIV/AIDS epidemic''.

SEC. 302. PRIVATE AND VOLUNTARY ORGANIZATIONS.

Section 496(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(e)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) CAPACITY BUILDING.—In addition to assistance provided under subsection (h), the United States Agency for International Development shall provide capacity building assistance through participatory planning to private and voluntary organizations that are involved in providing assistance for sub-Saharan Africa under this chapter.''.

SEC. 303. TYPES OF ASSISTANCE.

Section 496(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(h)) is amended by adding at the end the following:

''(4) PROHIBITION ON MILITARY ASSISTANCE.—Assistance under this section—

''(A) may not include military training or weapons; and

''(B) may not be obligated or expended for military training or the procurement of weapons.''.

SEC. 304. CRITICAL SECTORAL PRIORITIES.

(a) AGRICULTURE, FOOD SECURITY AND NATURAL RESOURCES.—Section 496(i)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(1)) is amended—

(1) in the heading, to read as follows:

''(1) AGRICULTURE, FOOD SECURITY AND NATURAL RESOURCES.—'';

(2) in subparagraph (A)—

(A) in the heading, to read as follows:

''(A) AGRICULTURE AND FOOD SECURITY.—'';

(B) in the first sentence—

(i) by striking ''agricultural production in ways'' and inserting ''food security by promoting agriculture policies''; and

(ii) by striking '', especially food production,''; and

(3) in subparagraph (B), in the matter preceding clause (i), by striking ''agricultural production'' and inserting ''food security and sustainable resource use''.

(b) HEALTH.—Section 496(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(2)) is amended by striking ''(including displaced children)'' and inserting ''(including displaced children and improving HIV/AIDS prevention and treatment programs)''.

(c) VOLUNTARY FAMILY PLANNING SERVICES.—Section 496(i)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(3)) is amended by adding at the end before the period the following: ''and access to prenatal healthcare''.

(d) EDUCATION.—Section 496(i)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(4)) is amended by adding at the end before the period the following: ''and vocational education, with particular emphasis on primary education and vocational education for women''.

(e) INCOME-GENERATING OPPORTUNITIES.—Section 496(i)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2293(i)(5)) is amended—

(1) by striking ''labor-intensive''; and

(2) by adding at the end before the period the following: '', including development of manufacturing and processing industries and microcredit projects''.

SEC. 305. REPORTING REQUIREMENTS.

Section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) is amended by adding at the end the following:

''(p) REPORTING REQUIREMENTS.—The Administrator of the United States Agency for International Development shall, on a semi-annual basis, prepare and submit to Congress a report containing—

''(1) a description of how, and the extent to which, the Agency has consulted with nongovernmental organizations in sub-Saharan Africa regarding the use of amounts made available for sub-Saharan African countries under this chapter;

''(2) the extent to which the provision of such amounts has been successful in increasing food security and access to health and education services among the people of sub-Saharan Africa;

''(3) the extent to which the provision of such amounts has been successful in capacity building among local nongovernmental organizations; and

''(4) a description of how, and the extent to which, the provision of such amounts has furthered the goals of sustainable economic and agricultural development, gender equity, environmental protection, and respect for workers' rights in sub-Saharan Africa.''.

SEC. 306. SEPARATE ACCOUNT FOR DEVELOPMENT FUND FOR AFRICA.

Amounts appropriated to the Development Fund for Africa shall be appropriated to a separate account under the heading ''Development Fund for Africa'' and not to the account under the heading ''Development Assistance''.

TITLE IV—SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS

SEC. 401. SUB-SAHARAN AFRICA EQUITY AND INFRASTRUCTURE FUNDS.

(a) INITIATION OF FUNDS.—Not later than 12 months after the date of enactment of this Act, the Overseas Private Investment Corporation shall exercise the authorities it has to initiate 1 or more equity funds in support of projects in the countries in sub-Saharan Africa, in addition to any existing equity fund for sub-Saharan Africa established by the Corporation before the date of enactment of this Act.

(b) STRUCTURE AND TYPES OF FUNDS.—

(1) STRUCTURE.—Each fund initiated under subsection (a) shall be structured as a partnership managed by professional private sector fund managers and monitored on a continuing basis by the Corporation.

(2) CAPITALIZATION.—Each fund shall be capitalized with a combination of private equity capital, which is not guaranteed by the Corporation, and debt for which the Corporation provides guaranties.

(3) TYPES OF FUNDS.—One or more of the funds, with combined assets of up to $500,000,000, shall be used in support of infrastructure projects in countries of sub-Saharan Africa, including basic health services (including AIDS prevention and treatment), hospitals, potable water, sanitation, schools, electrification of rural areas, and publicly-accessible transportation in sub-Saharan African countries.

(c) ADDITIONAL REQUIREMENTS.—The Corporation shall ensure that—

(1) not less than 70 percent of trade financing and investment insurance provided through the equity funds established under subsection (a), and through any existing equity fund for sub-Saharan Africa established by the Corporation before the date of enactment of this Act, are allocated to small, women- and minority-owned businesses—

(A) of which not less than 60 percent of the ownership is comprised of citizens of sub-Saharan African countries and 40 percent of the ownership is comprised of citizens of the United States; and

(B) that have assets of not more than $1,000,000; and

(2) not less than 50 percent of the funds allocated to energy projects are used for renewal or alternative energy projects.

TITLE V—OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK INITIATIVES

SEC. 501. OVERSEAS PRIVATE INVESTMENT CORPORATION INITIATIVES.

Section 233 of the Foreign Assistance Act of 1961 (22 U.S.C. 2193) is amended by adding at the end the following:

''(e) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The President shall establish an advisory committee to work with and assist the Board in developing and implementing policies, programs, and financial instruments with respect to sub-Saharan Africa, including with respect to equity and infrastructure funds established under title IV of the HOPE for Africa Act of 1999.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory committee established under paragraph (1) shall consist of 15 members appointed by the President, of which 7 members shall be employees of the United States Government and 8 members shall be representatives of the private sector, including a representative from—

''(i) a not-for-profit public interest organization;

''(ii) an organization with expertise in development issues;

''(iii) an organization with expertise in human rights issues;

''(iv) an organization with expertise in environmental issues; and

''(v) an organization with expertise in international labor rights.

''(B) TERMS.—Each member of the advisory committee shall be appointed for a term of 2 years.

''(C) COMPENSATION OF MEMBERS.—

''(i) PRIVATE SECTOR.—Members of the advisory committee who are representatives of the private sector shall not receive compensation by reason of their service on the advisory committee.

''(ii) OFFICERS AND EMPLOYEES OF GOVERNMENT.—Members of the advisory committee who are officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the advisory committee.

''(3) MEETINGS.—

''(A) OPEN TO PUBLIC.—Meetings of the advisory committee shall be open to the public.

''(B) ADVANCE NOTICE.—The advisory committee shall provide advance notice in the Federal Register of any meeting of the committee, shall provide notice of all proposals or projects to be considered by the committee at the meeting, and shall solicit written comments from the public relating to such proposals or projects.

''(C) DECISIONS.—Any decision of the advisory committee relating to a proposal or project shall be published in the Federal Register with an explanation of the extent to which the committee considered public comments received with respect to the proposal or project, if any.

''(4) ENVIRONMENTAL IMPACT ASSESSMENTS.—The Corporation shall complete and release to the public the environmental impact assessments in compliance with the National Environmental Policy Act with respect to any proposal or project not later than 120 days before the advisory committee, or the Board, considers such proposal or project, whichever occurs earlier.''.

SEC. 502. EXPORT-IMPORT BANK INITIATIVE.

Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is amended to read as follows:

''(9) For purposes of the funds allocated by the Bank for projects in countries in sub-Saharan Africa (as defined in section 6 of the HOPE for Africa Act of 1999):

''(A) The President shall establish an advisory committee to work with and assist the Board in developing and implementing policies, programs, and financial instruments with respect to such countries.

''(B) The advisory committee established under subparagraph (A) shall consist of 15 members, appointed by the President, of which 7 members shall be employees of the United States Government and 8 members shall be representatives of the private sector, including a representative from—

''(i) a not-for-profit public interest organization;

''(ii) an organization with expertise in development issues;

''(iii) an organization with expertise in human rights;

''(iv) an organization with expertise in environmental issues; and

''(v) an organization with expertise in international labor rights.

''(C) Each member of the advisory committee shall serve for a term of 2 years.

''(D)(i) Members of the advisory committee who are representatives of the private sector shall not receive compensation by reason of their service on the advisory committee.

''(ii) Members of the advisory committee who are officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the advisory committee.

''(E) Meetings of the advisory committee shall be open to the public.

''(F) The advisory committee shall give timely advance notice of each meeting of the advisory committee, including a description of any matters to be considered at the meeting, shall establish a public docket, shall solicit written comments in advance on each proposal, and shall make each decision in writing with an explanation of disposition of the public comments.

''(G) The Bank shall complete and release to the public an environmental impact assessment in compliance with the National Environmental Policy Act with respect to a proposal or project with potential environmental effects, not later than 120 days before the advisory committee, or the Board, considers the proposal or project, whichever occurs earlier.

''(H) Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the advisory committee.''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. ANTICORRUPTION EFFORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Corruption and bribery of public officials is a major problem in many African countries and represents a serious threat to the development of a functioning domestic private sector, to United States business and trade interests, and to prospects for democracy and good governance in African countries.

(2) Of the 17 countries in sub-Saharan Africa rated by the international watchdog group, Transparency International, as part of the 1998 Corruption Perception Index, 13 ranked in the bottom half.

(3) The Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, which has been signed by all 29 members of the OECD plus Argentina, Brazil, Bulgaria, Chile, and the Slovak Republic and which entered into force on February 15, 1999, represents a significant step in the elimination of bribery and corruption in international commerce.

(4) As a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the United States should encourage the highest standards possible with respect to bribery and corruption.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should encourage at every opportunity the accession of sub-Saharan African countries, as defined in section 6, to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

SEC. 602. REQUIREMENTS RELATING TO SUB-SAHARAN AFRICAN INTELLECTUAL PROPERTY AND COMPETITION LAW.

(a) FINDINGS.—Congress finds that—

(1) since the onset of the worldwide HIV/AIDS epidemic, approximately 34,000,000 people living in sub-Saharan Africa have been infected with the disease;

(2) of those infected, approximately 11,500,000 have died; and

(3) the deaths represent 83 percent of the total HIV/AIDS-related deaths worldwide.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of the United States to take all necessary steps to prevent further spread of infectious disease, particularly HIV/AIDS; and

(2) individual countries should have the ability to determine the availability of pharmaceuticals and health care for their citizens in general, and particularly with respect to the HIV/AIDS epidemic.

(c) LIMITATIONS ON FUNDING.—Funds appropriated or otherwise made available to any department or agency of the United States may not be obligated or expended to seek, through negotiation or otherwise, the revocation or revisions of any sub-Saharan African intellectual property or competition law or policy that is designed to promote access to pharmaceuticals or other medical technologies if the law or policy, as the case may be, complies with the Agreement on Trade-Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

SEC. 603. EXPANSION OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE IN SUB-SAHARAN AFRICA.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Foreign Commercial Service (in this section referred to as the ''Commercial Service'') plays an important role in helping United States businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(2) During the 1980's, the presence of the Commercial Service in sub-Saharan Africa consisted of 14 professionals providing services in 8 countries. By early 1997, that presence had been reduced by one-half to 7, in only 4 countries.

(3) Since 1997, the Department of Commerce has slowly begun to increase the presence of the Commercial Service in sub-Saharan Africa, adding 5 full-time officers to established posts.

(4) Although the Commercial Service Officers in these countries have regional responsibilities, this kind of coverage does not adequately service the needs of United States businesses attempting to do business in sub-Saharan Africa.

(5) Because market information is not widely available in many sub-Saharan African countries, the presence of additional Commercial Service Officers and resources can play a significant role in assisting United States businesses in markets in those countries.

(b) APPOINTMENTS.—Subject to the availability of appropriations, by not later than December 31, 2000, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that—

(1) at least 20 full-time Commercial Service employees are stationed in sub-Saharan Africa; and

(2) full-time Commercial Service employees are stationed in not less than 10 different sub-Saharan African countries.

(c) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and each year thereafter for 5 years, the Secretary of Commerce, in consultation with the Secretary of State, shall report to Congress on actions taken to carry out subsection (b). Each report shall specify—

(1) in what countries full-time Commercial Service Officers are stationed, and the number of such officers placed in each such country; and

(2) the effectiveness of the presence of the additional Commercial Service Officers in increasing United States exports to sub-Saharan African countries.

TITLE VII—OFFSET

SEC. 701. PRIVATE SECTOR FUNDING FOR RESEARCH AND DEVELOPMENT BY NASA RELATING TO AIRCRAFT PERFORMANCE.

The Administrator of the National Aeronautics and Space Administration may not carry out research and development activities relating to the performance of aircraft (including supersonic aircraft and subsonic aircraft) unless the Administrator receives payment in full for such activities from the private sector.

By Mr. FRIST (for himself, Mr. BREAUX, Mr. MCCAIN, Mr. HOLLINGS, and Mr. ROCKEFELLER):

S. 1639. A bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977, for the National Weather Service and Related Agencies, and for the United States Fire Administration for fiscal years 2000, 2001, and 2002; to the Committee on Commerce, Science, and Transportation.

EARTH, WIND, AND FIRE AUTHORIZATION ACT OF 1999

• Mr. FRIST. Mr. President, I rise today to introduce the Earth, Wind, and Fire Authorization Act of 1999. This legislation would authorize three public safety entities: the National Earthquake Hazard Reduction Program (NEHRP), the National Weather Service and related agencies of the national Oceanic and Atmospheric Administration, and the U.S. Fire Administration for fiscal years (FY) 2000, 2001, and 2002. Each of these entities have important science and technology safety programs which serve as a powerful example of the types of research that Federal Government should be investing its scarce resources in—the safety and protection of the American public.

Weather forecasts are an indispensable element of our everyday lives. As Hurricane Floyd ravaged the eastern coast of the United States last week, millions of Americans from the southern tip of Florida to the ports of Boston tuned into their local weather channels to obtain the latest information from the National Weather Service (NWS). They evaluated the very safety of their homes, possessions, and loved ones based upon televised data. Numerous organizations including schools, public transportation, and local businesses were also captivated by NWS forecasts to determine the potential of Hurricane Floyed to threaten the safety of its citizens.

The Earth, Wind, and Fire Authorization Act of 1999 authorizes the NWS at $617.9 million in FY 2000, $651.9 million for FY 2001, and $687.7 million for FY 2002. Atmospheric Research is authorized at $173.3 million in FY 2000, $182.8 million in FY 2001, and $192.8 million in FY 2002. And the National Environmental Satellite, Data, and Information Service (NESDIS) is authorized at $103 million for FY 2000, $108.8 million for FY 2001, and $114.7 million for FY 2002. NESDIS provides for the procurement, launch, and operation of the polar orbiting and geostationary environmental satellites, as well as the management of NOAA's environmental data collections.

Also in the news today is the recent earthquake in Taiwan. The tremendous loss of lives and property has been beyond our comprehension. I am pleased to authorize a federal research program that targets these natural disasters. NEHRP combines research, planning, and response activities conducted within each of the four specified agencies; Federal Emergency Management Agency (FEMA), U.S. Geological Survey (USGS), National Science Foundation (NSF), and National Institute of Standards and Technology (NIST). The ultimate goal of this multi-agency program is to protect lives and property.

The NEHRP is authorized at the following levels ($ millions):

	FY2000	FY2001	FY2002
FEMA	19.8	20.9	22.0
USGS	46.1	48.6	51.3
NSF	29.9	31.5	33.3
NIST	2.2	2.2	2.4

The mission of the U.S. Fire Administration is to enhance the nation's fire prevention and control activities, and thereby significantly reduce the nation's loss of life from fire while also achieving a reduction in property loss and nonfatal injury due to fire.

The bill, which authorizes the Fire Administration for $46.1 million in fiscal year 2000, $47.6 million for fiscal year 2001, and $49 million for fiscal year 2002, provides for collection, analysis, and dissemination of fire incidence and loss data; development and dissemination of public fire education materials; development and dissemination of better hazardous materials response information for first respondents; and support for research and development for fire safety technologies.

With this authorization, our local and state firefighters will continue to have assess to the training from the National Fire Academy necessary to allow them to better perform their jobs of saving lives and protecting property.

The authorization levels detailed above in each independent programs are based upon an overall 5.5 percent increase for research programs for FY 2001 and 2002 over the President's FY 2000 budget request to be consistent with the Federal Research Investment Act.

Mr. President, there are some additional concerns that the committee will continue to address as we proceed to move this legislation. They include the proper role of the NWS and the commercial weather service industry, and several employee-related concerns.•

Mr. HOLLINGS. Mr. President, I join my colleague Senator FRIST in introducing this bill to authorize the atmospheric programs of the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fire Administration, and the National Earthquake Hazards Reduction Program (NEHRP) through FY 2002. These agencies are doing important work to protect public safety through prediction, education, and mitigation efforts.

This bill authorizes the ''dry'' side of NOAA, the Fire Administration, and NEHRP at the President's requested level for FY 2000. The Senate-passed Commerce, Justice, State Appropriations bill provided additional monies for the Weather Service and atmospheric research within NOAA, and Senator FRIST has agreed to revise this authorization bill during the Commerce Committee's consideration to reflect this additional support.

As many of you know, I have been trying to put the ''O'' back in NOAA for years, so it is interesting to be cosponsoring a bill which authorizes only the ''dry'' side of NOAA. My support for the ''wet'' programs of NOAA has not waned. Senator FRIST, Senator BREAUX, and I have also been working with Senators KERRY and SNOWE to craft a bill which will authorize all of the programs of NOAA.

NOAA is doing some important work. We need only look at their superior warnings during and after Hurricane Floyd to see that the National Weather Service directly impacts the lives of Americans every day. Every weather report heard on the Weather Channel,

CNN, and local affiliates was based on information provided by NOAA. The agency worked with emergency managers, the private sector, and the public to make sure that its predictions and warnings were heard and could save lives and property.

NOAA's atmospheric scientists are also at work to help us understand what our weather might be like not just next week but also next year or in the next decade. NOAA is trying to understand long-term climate change, as well as seasonal patterns like El Niño and La Niña. Meanwhile, NOAA's satellite operations keep our eyes in the sky in working order and help us understand and predict the path of large systems like hurricanes.

I especially appreciate the hard work that the Weather Service has undertaken in its modernization. While this is still a work in progress, NOAA has improved warning times and accuracy while undertaking a difficult streamlining process. I wonder if Congress may have asked NOAA to do too much with too little and am glad that the Weather Service has been able to fulfill its important mandate even where we might have cut too close to the bone.

Mr. President, while I hope each of us are benefitting from the forecasts and warnings of the Weather Service, I hope that far fewer of us have to interact with this nation's fire service. The United States has over 2 million fires annually. Each one can devastate a family or business. I should know. This August I lost my home in Charleston, South Carolina. The statistics—approximately 4500 deaths, 30,000 civilian injuries, more than $8 billion in direct property losses, and more than $50 billion in costs to taxpayers each year—do not tell the whole story. A fire can take away a lifetime of things that have true value only to the person who has suffered the loss. The tragic thing is that most of these fires are preventable.

The bill would authorize the United States Fire Administration which provides invaluable services—such as training, data, arson assistance, and research of better safety equipment and clothing—to the more than 1.2 million paid and volunteer firefighters throughout the nation. I hope the Fire Administration will work quickly to resolve the outstanding recommendations of the Blue Ribbon Panel so that they can once again focus on reducing losses from fire and meet new challenges like medical emergencies, hazardous spills, and even acts of terrorism. The Strategic Plan called for in Section 302 of the bill should lay out a road map for this process.

Finally, the bill would authorize the programs of the NEHRP. While most people only think of California as having earthquakes, all or parts of 39 states—populated by more than 70 million people—have been classified as having major or moderate seismic risk. In 1886, an earthquake leveled my hometown of Charleston. Estimates of the strength of the Charleston quake range from 7.0 to 7.6 on the Richter Scale. Of particular interest and concern about east coast quakes is that there is no known geological origin for them. This fact underscores the possibility of unpredictable seismic activity in the United States.

What we do know though is that the loss of life and property from earthquakes can be considerable. That is what NEHRP is here for. It is a Federal interagency program—with participation from the Federal Emergency Management Agency, the U.S. Geological Service, the National Science Foundation, and the National Institute of Standards and Technology—designed to help minimize the loss of life and property caused by earthquakes. It is supports scientific research on the origins of earthquakes, and funds engineering research to make buildings and other structures more seismically resistant. NEHRP also disseminates this technical information to the states and helps states and localities prepare for earthquakes. NEHRP focuses on helping states prepare for earthquakes, in contrast to Federal disaster response programs that help states after a major event.

Mr. President, in conclusion the public safety programs authorized in this bill—the Weather Service, fire safety, and earthquake preparedness—protect the lives and property of every American citizen. Protecting public safety is one of the first and most important functions of government, and I am hopeful that my colleagues will join me in supporting these programs and this bill.

By Mr. WELLSTONE:

S. 1640. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986 with respect to amendments resulting in defined benefit plans becoming cash balance plans; to the Committee on Finance.

PENSION BENEFITS PROTECTION AND PRESERVATION ACT OF 1999

• Mr. WELLSTONE. Mr. President, I rise to introduce the Pension Benefits Protection and Preservation Act of 1999, a bill that will protect the hard earned pensions of millions of American workers.

Mr. President, this legislation is long past due because big companies across America have been deserting their traditional defined benefit pension plan which promised a fair retirement to their long-time workers in favor of new ''cash-balance plans'' which promise less to loyal employees and more to CEO's who are already receiving record salaries, stock options and benefits. It is simply unfair for companies to discriminate against the very workers who have made those companies so successful.

Older employees who have been forced into these cash-balance plans are finding their eventual pensions cut by 20–50 percent, and sometimes even more. This conversion technique is saving corporate America billions of dollars, but it is older workers who are paying the price. The technical and actuarial issues of cash-balance conversions may be complex, but what is simple is that Congress must act now to put transition safeguards in place to protect the retirement security of the American worker.

Earlier this week, the Health, Education, Labor, and Pensions Committee heard testimony from long-time IBM employees who were shocked on July 1, 1999, to find that the accrued balance in their pension plans had been slashed up to 50 percent overnight. Why? Because IBM decided to join the corporate conversion parade and convert its defined benefit pension plan that had promised a secure retirement to IBM employees into a plan that left trusted employees both insecure and embittered. IBM employees, including those in my state of Minnesota, used their knowledge of the Internet to organize, to communicate and to ultimately win major, but not fully adequate, concessions from IBM. But most employees of most companies don't have that kind of on-line sophistication. And no employees should have to rely on protests in order to preserve what they have already earned.

That is why I am introducing this legislation. The Pension Benefits Protection and Preservation Act of 1999 offers a comprehensive approach to the difficulties of employees faced with cash-balance conversions. This measure will ensure fair treatment of American workers by requiring disclosure, pension plan choice, elimination of the ''wear-away'' of pension benefits, and enforcement of the Age Discrimination and Employment Act.

Workers have a right to know how much of a pension they will receive when an employer unilaterally changes its pension play. My bill required a detailed disclosure at least 45 days before a plan conversion becomes effective, if that conversion significantly reduces the pension benefits of employees. This gives employees adequate time to compare the benefits they would receive under the old plan with those of the new.

That time to compare plans is critical because my bill penalizes employers who significantly reduce employee pension benefit unless employees are able to knowledgeably choose between old and new plans. Employers who do

significantly reduce benefits and fail to allow choice will be liable for an excise tax equal in amount to 50 percent of the surplus in the pension fund of the company. What the threat of this penalty does is to direct pension monies where they belong—into the retirement benefits that employees receive, not into shareholder pockets or stock options of highly paid CEO's.

The Pension Benefits Protection and Preservation Act of 1999 also eliminates the ''wearing-away'' of employee's accrued pension benefits by preventing company pension plans from giving participating employees an opening account balance in their ''new'' plan that is lower than their already accrued pension benefits to date under the old plan. Under my bill, companies will no longer be able to engage in that tactic; instead, they will be required to continue to pay into workers' pension accounts without regard to the amount of pension benefits workers have accrued under their old plan.

Finally, the bill directs the Secretary of the Treasury to enforce the existing pension age discrimination law enacted in 1986.

Mr. President, 25 years ago this month ERISA, the Employee Retirement Security Act, was enacted. Congress passed ERISA to put an end to broken pension promises and to protect working men and women. Twenty-five years later what we see instead is ERISA neither adequate—nor adequately enforced—enough to protect workers' pensions.

Pension funds belong to the workers, not the employer, and we must put in place a strong safety net to prevent those funds from being raided in the guise of being improved. That is why I am introducing the Pension Benefits Protection and Preservation Act of 1999 today, and that is why I am asking my colleagues to join me in supporting this legislation.●

By Mrs. FEINSTEIN:

S. 1641. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code, of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of cancer screening; to the Committee on Health, Education, Labor and Pensions.

CANCER SCREENING COVERAGE ACT OF 1999

● Mrs. FEINSTEIN. Mr. President, today I am introducing a bill to require health insurance plans to cover screening tests for cancer. The bill requires plans to cover screening tests that are currently available and for which there is broad consensus on their value. To address future changes in scientific knowledge and medical practice, the bill allows the Secretary to change the requirements upon the Secretary's initiative or upon petition by a private individual or group. This bill is a companion to H.R. 1285, introduced by Representatives CAROLYN B. MALONEY and SUE KELLY.

A major way to reduce the number of cancer-related deaths and increase survival is to increase screening rates. The American Cancer Society predicts that the annual cancer death rate this year—563,100 Americans—will equal five Boeing 747 jumbo jets crashing every day for a year. Because early detection can save lives, requiring plans to cover detection tests can decrease the number of people who die each year from cancer.

To put cancer deaths in perspective, the number of Americans that die each year from cancer exceeds the total number of Americans lost to all wars that we have fought in this century. The American Cancer Society estimates that over 1 million new cancer cases will be diagnosed in the United States this year, including 132,500 in California.

Despite our increasing understanding of cancer, unless we act with urgency, the cost to the United States is likely to become unmanageable in the next 10–20 years. The incidence rate of cancer in 2010 is estimated to increase by 29 percent for new cases, and cancer deaths are estimated to increase by 25 percent. Cancer will surpass heart disease as the leading fatal disease in the U.S. by 2010. With our aging U.S. population, unless we act now to change current cancer incidence and death rates, according to the September 1998 report from the Cancer March Research Task Force, we can expect over 2.0 million new cancer cases and 1.0 million deaths per year by 2025. Listen to these startling statistics:

One out of every four deaths in the U.S. is caused by cancer.

This year approximately 563,100 Americans are expected to die of cancer—more than 1,500 people a day.

There have been approximately five million cancer deaths since 1990.

Approximately 12 million new cancer cases have been diagnosed since 1990.

The National Cancer Institute estimates that approximately 8.2 million Americans alive today have a history of cancer.

One out of every two men, one out of every three women will be diagnosed with cancer at some point in their lifetime.

Too many Americans die each year from cancer. The tragedy is that we have tools available which can prevent much unnecessary suffering and death. Early detection—finding cancer early before it has spread—gives a person the best chance of being treated successfully. Early screening for breast, cervical, prostate, and colorectal cancer can increase survival rates. Having insurance coverage for cancer screenings is a major way of encouraging people to get examinations and tests.

Screening examinations, if given on an appropriate schedule by a health care professional, have proven their value. Screening-accessible cancers, such as cancers of the breast, tongue, mouth, colon, rectum, cervix, prostate, testis, and skin, account for approximately half of all new cancer cases. The five-year relative survival rate for these cancers is about 81 percent. According to the American Cancer Society, if all Americans participated in regular cancer screening, this rate could increase to more than 95 percent. For example, people can have colon cancer long before they know it. They may not have any symptoms. Patients diagnosed by a colon cancer screening have a 90 percent chance of survival while patients not diagnosed until symptoms are apparent only have a 8 percent chance of survival.

Finding cancers in their early stages can mean that treatment is less expensive. Treatment of breast, lung, and prostate cancers account for over half of annual medical costs, which by National Institutes of Health estimates is $37 billion annually.

A colon cancer screening costs approximately $125–$300.00. If a patient is not diagnosed with colon cancer until symptoms are apparent, care during the remaining 4–5 years of life can cost up to $100,000. Similarly, the initial average cost of treating rectal cancer that is detected early is about $5,700. This is approximately 75 percent less than the estimated $30,000–$40,000 it costs to treat rectal cancer that is further along in its development.

The cost of lost productivity due to cancer is $11 billion annually, while the cost of lost productivity due to premature death is $59 billion annually. We can't afford not to screen.

Insurance coverage is a major determinant in whether people obtain preventive screenings. In short, when screenings are covered by plans, people are more likely to get them. In California, screening rates for cervical and breast cancer are lower for uninsured women, who are less likely to have had a recent screening and more likely to have gone longer without being screened than women with coverage.

According to a University of California-Los Angeles Center for Health Policy Research study from February 1998, in California women ages 18–64, 63 percent of uninsured women had not had a Pap test during 1997 versus 40 percent of insured women. Additionally, approximately 67 percent of uninsured Californian women ages 30–64 had not had a clinical breast examination during 1997, compared to 40 percent for insured women in the same age group.

In 1997, Congress added cancer screening coverage under Medicare for certain cancers, such as breast and cervical. Medicare beneficiaries now receive cancer screenings without having to pay out-of-pocket for such tests. Americans under the age of 65 who are privately insured deserve the same

health care. Under Medicaid, preventive services are optional benefit. States can choose to cover them or not so coverage varies state to state.

All Americans deserve access to cancer screening, regardless of whether one has health insurance because they are an employee of the Department of Defense, a Medicare beneficiary, or a veteran. Certainly individuals who have private health insurance through their employers—56 percent of Californians have private health insurance—should be guaranteed access to life-saving and life-prolonging cancer screenings. Offering coverage for cancer screening simply makes good sense.

The bill requires plans to cover screenings according to current guidelines:

Annual mammograms for women ages 40 and over and for women under 40 who are at high risk of developing breast cancer.

Annual clinical breast exams for women ages 40 and over and for women between the ages of 20 and 40 who are at high risk of developing breast cancer.

Clinical breast exams every three years for women who are between the ages of 20 and 40 and are not at high risk for developing breast cancer.

Annual pap tests and pelvic examinations for women ages 18 and over or women who are under the age of 18 and are or have been sexually active.

Screening procedures for men and women ages 50 and over or under age 50 and at high risk for developing colorectal cancer, including annual screening fecal-occult blood test and screening flexible sigmoidoscopy every 4 years.

Men and women at high risk for colorectal cancer (in any age group) may receive a screening colonoscopy every 2 years.

Annual digital rectal examination and/or annual prostate-specific blood test for men ages 50 and over or males who are at high risk.

The bill authorizes the Secretary of Health and Human Services to modify coverage requirements to reflect changes in medical practice or new scientific knowledge, based both on the Secretary's own initiative or upon petition of an individual or organization.

Cancer touches virtually every American in some way. The Comprehensive Cancer Screening Act can be one way to alleviate the fear and reality of cancer felt by millions of Americans. We all want to believe that when a family member is diagnosed with cancer, he or she will get care of the highest quality and that their medical team will conquer this disease. Early detection, while it does not prevent cancer from occurring, can stop cancer before it spreads, extend life, reduce treatment costs, and improve the quality of life for cancer patients. By requiring private health plans to cover cancer screening as a preventive measure, my bill is cost effective and could ease the cancer burden felt by America due to lost productivity related to cancer deaths and illness.

It is long past due for this Congress to send a strong message to insurance companies. Cancer screening is an important prevention measure and should be covered under all insurance plans. America cannot afford not to screen.●

ADDITIONAL COSPONSORS

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 505

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 956

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 956, a bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss.

S. 1036

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1074

At the request of Mr. TORRICELLI, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1074, a bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

S. 1317

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1317, a bill to reauthorize the Welfare-To-Work program to provide additional resources and flexibility to improve the administration of the program.

S. 1455

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1455, a bill to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1498

At the request of Mr. BURNS, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1498, a bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1594

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1624

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1624, 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 NORFOLK.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

AMENDMENT NO. 1751

At the request of Mr. CLELAND the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of amendment No. 1751 intended to be proposed to 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.

AMENDMENT NO. 1755

At the request of Mr. KERRY the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of amendment No. 1755 intended to be proposed to 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.

AMENDMENT NO. 1756

At the request of Mr. KERRY the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 1756 proposed to 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. At the request of Mr. BINGAMAN his name was added as a cosponsor of amendment No. 1756 proposed to H.R. 2684, supra.

AMENDMENT NO. 1761

At the request of Mr. BINGAMAN his name was added as a cosponsor of Amendment No. 1761 proposed to 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.

AMENDMENT NO. 1789

At the request of Mr. JEFFORDS his name was added as a cosponsor of Amendment No. 1789 proposed to 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.

SENATE RESOLUTION 185—RECOGNIZING AND COMMENDING THE PERSONNEL OF EGLIN AIR FORCE BASE, FLORIDA, FOR THEIR PARTICIPATION AND EFFORTS IN SUPPORT OF THE NORTH ATLANTIC TREATY ORGANIZATION'S (NATO) OPERATION ALLIED FORCE IN THE BALKAN REGION

Mr. GRAHAM submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 185

Whereas the personnel of the Air Armament Center at Eglin Air Force Base, Florida, developed and provided many of the munitions, technical orders, expertise, and support equipment utilized by NATO during the Operation Allied Force air campaign;

Whereas the 2,000-pound Joint Direct Attack Munition (JDAM) developed at the Air Armament Center was the very first weapon dropped in Operation Allied Force;

Whereas the Air to Ground 130 (AGM 130) standoff missile, developed at the Air Armament Center, enabled the F–15E Strike Eagle aircrews to standoff approximately 40 nautical miles from targets and attack with very high precision; and

Whereas the reliable performance of the JDAM and AGM 130 enabled the combat air crews to complete bombing missions accurately, effectively, and with reduced risk to crews, resulting in no casualties among NATO air personnel, thereby making these munitions the ordinance favored most by combat air crews: Now, therefore, be it

Resolved, That the Senate—

(1) commends the men and women of Eglin Air Force Base, Florida, for their contributions to the unqualified success of Operation Allied Force;

(2) recognizes that the efforts of the men and women of the Air Armament Center, Eglin Air Force Base, Florida, helped NATO conduct the air war with devastating effect on our adversaries, entirely without American casualties in the air combat operations;

(3) expresses deep gratitude for the sacrifices made by those men and women and their families in their support of American efforts in Operation Allied Force; and

(4) commits to maintaining the technological superiority of American air armament as a critical component of our Nation's capability to conduct and prevail in warfare while minimizing casualties.

• Mr. GRAHAM. Mr. President, 6 months ago today on March 24, 1999, the United States and its allies launched Operation Allied Force in the Balkan region. To commemorate this event, I am submitting a resolution expressing the sense of the Senate that the men and women assigned to and employed by Eglin Air Force Base should be recognized and commended for their participation in, and efforts associated with, the North Atlantic Treaty Organization's (NATO) Operation Allied Force.

The personnel of the Air Armament Center at Eglin Air Force Base developed and provided many of the munitions, technical orders, expertise and support equipment utilized by NATO during the air campaign. Specifically, the two thousand pound Joint Direct Attack Munition (JDAM) was the first weapon dropped in the operation. Additionally, the Air to Ground 130 (AGM 130) standoff missile enabled F15E Strike Eagle aircrews to attack targets with precision from a distance of forty miles.

The reliable performances of the JDAM and AGM 130 enabled combat air crews to complete bombing missions accurately, effectively, and with reduced risk to crews. The result was zero casualties among NATO air personnel.

The availability of these arms was the result of the vision of the Air Armament Center personnel who recognized years earlier that these munitions would be important to American armament.

The brave service personnel from Eglin Air Force Base—and their families—sacrificed much in support of Operation Allied Force. We express our deepest gratitude to them. We recognize that their efforts allowed NATO to conduct an air war with no American combat casualties, yet with a devastating effect on our adversaries.

We commit to maintaining the technological superiority of American air armament as a critical component of our nation's capacity to conduct and prevail in warfare while minimizing casualties.•

SENATE RESOLUTION 186—EXPRESSING THE SENSE OF THE SENATE REGARDING REAUTHORIZING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. LOTT (for himself, Mr. GREGG, and Mr. COVERDELL) submitted the following resolution; which was ordered placed on the calendar:

S. RES. 186

Whereas the fiscal year 2000 Senate Budget Resolution increased education funding by $28,000,000,000 over the next five years, and $82,000,000,000 over the next ten years, and the Department of Education received a net increase of $2,400,000,000 which doubles the President's requested increase;

Whereas compared to the President's requested levels, the Democratically controlled Congress' appropriations for the period 1993 through 1995 reduced the President's funding requests by $3,000,000,000, and since Republicans took control of Congress, Federal education funding has increased by 27 percent;

Whereas in the past three years, the Congress has increased funding for Part B of Individuals with Disabilities Education Act by nearly 80 percent, while the Administration's fiscal year 2000 budget only requested a 0.07 percent increase which is less than an adjustment for inflation, and Congress is deeply concerned that while the Administration has provided rhetoric in support of education of the disabled, the Administration's budget has consistently taken money from this high priority program to fund new and untested programs;

Whereas Congress is not only providing the necessary funds, but is also reforming our current education programs, and Congress recognizes that significant reforms are needed in light of troubling statistics indicating—

(1) 40 percent of fourth graders cannot read at the most basic level;

(2) in international comparisons, United States 12th graders scored near the bottom in both mathematics and science;

(3) 70 percent of children in high poverty schools score below even the most basic level of reading; and

(4) in mathematics, 9 year olds in high poverty schools remain two grade levels behind students in low poverty schools;

Whereas earlier in 1999, the 106th Congress took the first step toward improving our Nation's schools by passing the Education Flexibility and Partnership Act of 1999, which frees States and local communities to tailor education programs to meet the individual needs of students and local schools;

Whereas the 1999 reauthorization of the Elementary and Secondary Education Act of 1965 will focus on increasing student achievement by empowering principals, local school boards, teachers and parents, and the focus should be on raising the achievement of all students.

Whereas Congress should reject a one-size-fits all approach to education, and local schools should have the freedom to prioritize

their spending and tailor their curriculum according to the unique educational needs of their children;

Whereas parents are the first and best educators of their children, and Congress supports proposals that provide parents greater control to choose unique educational opportunities to best meet their children's educational needs.

Whereas every child should have an exceptional teacher in the classroom, and Congress supports efforts to recruit, retrain, and retain high quality teachers;

Whereas quality instruction and learning can occur only in a first class school that is safe and orderly;

Whereas Congress supports proposals that give schools the support they need to protect teachers and students, remove disruptive influences, and create a positive learning atmosphere; and

Whereas success in education is best achieved when instruction focuses on basic academics and fundamental skills, and students should no longer be subjected to untried and untested educational theories of instruction, rather our Nation's efforts should be geared to proven methods of instruction. Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) this Congress has taken strong steps to reform our Nation's educational system and allowed States, local schools and parents more flexibility and authority over their children's education; and

(2) the reauthorization of the Elementary and Secondary Education Act of 1965 will enable this Congress to continue its efforts to send decision making back to States, local schools and families.

SENATE RESOLUTION 187—TO EXPRESS THE SENSE OF THE SENATE REGARDING EDUCATION FUNDING

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY) submitted the following resolution; which was ordered placed on the calendar:

S. RES. 187

Whereas the American people know that a strong public education system is vital to our Nation's future and they overwhelming support increasing the Federal investment in education.

Whereas, the funding level for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate has been reduced to pay for other programs.

Whereas the current allocation for the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations is 17 percent below fiscal year 1999 levels.

Whereas the 17 percent reduction in Head Start will result in 142,000 children not being served.

Whereas the 17 percent reduction will cost school districts the funds for 5,246 newly hired teachers.

Whereas the 17 percent reduction will deprive 50,000 students of access to after-school and summer school programs.

Whereas the 17 percent reduction in funding for the Individuals with Disabilities Education Act (IDEA) will make it far more difficult for States to provide an appropriate education for students with disabilities by reducing funding by more than $880,000,000;

Whereas the 17 percent reduction will deprive 2,100,000 children in high-poverty communities of educational services to help them do well in school and master the basics;

Whereas the 17 percent reduction will result in 1,000 fewer school districts receiving support for their initiatives to integrate technology into their classrooms;

Whereas the 17 percent reduction will deny nearly 200,000 disadvantaged and middle-income students access to counseling and educational support to help them succeed in college;

Whereas the 17 percent reduction will reduce funds provided to schools to improve school safety by nearly $100,000,000;

Whereas the 17 percent reduction will cause 100,000 students to lose their Federal Pell Grant awards;

Whereas no action has been taken in the Senate on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000; and

Whereas there are only 4 legislative work days left before the end of fiscal year 2000; Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) the Senate should increase the Federal investment in education, including providing—

(A) $1,400,000,000 for the second year of the initiative to reduce class sizes in early grades by hiring 100,000 qualified teachers;

(B) an increase in support for programs that recruit, train, and provide professional development for, teachers;

(C) $600,000,000 for after-school programs, thereby tripling the current investment;

(D) an increase, not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994;

(E) an increase in funding for part A of title I of the Elementary and Secondary Education Act of 1965 for children from disadvantaged backgrounds, and an increase in funding for reading and literacy grants under part C of title II of such Act;

(F) an increase, not a decrease, in funding for the Individuals with Disabilities Education Act;

(G) funding for a larger maximum Federal Pell Grant award for college students, and an increase in funding for mentoring and other need-based programs;

(H) an increase, not a decrease, in funds available to help schools use technology effectively in the classroom and narrow the technology gap; and

(I) at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities; and

(2) the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize important investments in other key programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate.

STATE RESOLUTION 188—EXPRESSING THE SENSE OF THE SENATE THAT ADDITIONAL ASSISTANCE SHOULD BE PROVIDED TO THE VICTIMS OF HURRICANE FLOYD

Mr. EDWARDS (for himself, Mr. HELMS, Mr. GRAHAM, Mr. HOLLINGS, Mr. WARNER, Mr. ROBB, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. MOYNIHAN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. SARBANES, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 188

Whereas from September 14 through 16, 1999, Hurricane Floyd menaced most of the southeastern seaboard of the United States, provoking the largest peacetime evacuation of eastern Florida, the Georgia coast, the South Carolina coast, and the North Carolina coast;

Whereas the evacuation caused severe disruptions to the businesses and lives of the people of Florida, Georgia, South Carolina, and North Carolina;

Whereas in the early morning hours of September 16, 1999, Hurricane Floyd made landfall at Cape Fear, North Carolina, dumping up to 18 inches of rain on sections of North Carolina only days after the heavy rainfall from Hurricane Dennis and producing the worst recorded flooding in North Carolina history;

Whereas after making landfall, Hurricane Floyd continued to move up the eastern seaboard causing flooding, tornadoes, and massive damage in Delaware, Virginia, Maryland, Pennsylvania, New Jersey, North Carolina, New York, and Connecticut;

Whereas portions of Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia have been declared to be Federal disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

Whereas Hurricane Floyd is responsible for the known deaths of 65 people;

Whereas 45 people are confirmed dead in North Carolina, with many people still missing;

Whereas 4 people were killed in New Jersey, 2 people in New York, 6 people in Pennsylvania, 4 people in Virginia, 2 people in Delaware, 1 person in Connecticut, and 1 person in Vermont;

Whereas as the flood waters recede, the death toll is expected to increase;

Whereas the rainfall resulting from Hurricane Floyd has caused widespread flooding in North Carolina along the Tar River, the Neuse River, and the Cape Fear River, among other rivers, in Connecticut along the Still River, and in Virginia along the Nottoway River and the Blackwater River;

Whereas some of the rivers are expected to remain at flood stage for more than a week;

Whereas the floods are the worst seen in North Carolina in 80 years;

Whereas the flood level on the Tar River exceeds all previous records by 9 feet;

Whereas flood waters engulfed cities such as Tarboro, North Carolina, Franklin, Virginia, Bound Brook, New Jersey, and Danbury, Connecticut;

Whereas tens of thousands of people have fled to shelters scattered throughout North Carolina, South Carolina, New York, New Jersey, and Virginia;

Whereas thousands of people remain isolated, surrounded by water, in their homes in North Carolina and Virginia;

Whereas approximately 50,000 homes have been affected by the hurricane, and many of those homes will ultimately be condemned as uninhabitable;

Whereas water supplies in New Jersey, New York, North Carolina, South Carolina, and Virginia have been severely disrupted, and, in many cases, wells and private water systems have been irreparably contaminated;

Whereas hundreds of thousands of homes and businesses have lost electric power, telephone, and gas service as a result of Hurricane Floyd;

Whereas there have been road washouts in virtually every State struck by Hurricane Floyd, including 900 road washouts in North Carolina alone;

Whereas many farmers have suffered almost total crop losses; and

Whereas small and large businesses throughout the region have been gravely affected: Now, therefore, be it

Resolved,

SECTION 1. NEED FOR ASSISTANCE FOR VICTIMS OF HURRICANE FLOYD.

It is the sense of the Senate that—

(1) the victims of Hurricane Floyd deserve the sympathies of the people of the United States;

(2) the President, the Director of the Federal Emergency Management Agency, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, and the Director of the Small Business Administration are to be commended on their efforts to assist the victims of Hurricane Floyd;

(3) the Governors of Connecticut, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia are to be commended for their leadership and coordination of relief efforts in their States;

(4) the National Guard, the Army, the Marine Corps, the Navy, and the Coast Guard have provided heroic assistance to the people of the afflicted areas and are to be commended for their bravery;

(5) the Red Cross, the Salvation Army, and other private relief organizations have provided shelter, food, and comfort to the victims of Hurricane Floyd and are to be commended for their generosity and invaluable aid; and

(6) additional assistance needs to be provided to the victims of Hurricane Floyd.

SEC. 2. FORMS OF ASSISTANCE FOR HURRICANE FLOYD VICTIMS.

To alleviate the conditions faced by the victims of Hurricane Floyd, it is the sense of the Senate that the President should—

(1) work with Congress to provide necessary funds for—

(A) disaster relief administered by the Federal Emergency Management Agency;

(B) disaster relief administered by the Department of Agriculture;

(C) disaster relief administered by the Department of Commerce;

(D) disaster relief administered by the Department of Transportation;

(E) disaster relief administered by the Small Business Administration; and

(F) any other disaster relief needed to help rebuild damaged homes, provide for clean water, renourish damaged beaches and protective dunes, and restore electric power; and

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing a program to provide disaster assistance to the victims of Hurricane Floyd, including assistance in the form of—

(A) direct economic assistance to agricultural producers, small businesses, and displaced persons;

(B) an expanded loan and debt restructuring program;

(C) cleanup of environmental damage;

(D) small business assistance;

(E) repair or reconstruction of private homes;

(F) repair or reconstruction of highways, roads, and trails;

(G) provision of safe and adequate water supplies; and

(H) restoration of essential utility services such as electric power, telephone, and gas service.

• Mr. EDWARDS. Mr. President, on September 14, Hurricane Floyd began making its way up the eastern coast, leaving in its path unprecedented destruction. The hurricane made landfall at the mouth of the Cape Fear River in North Carolina on September 16 and brought with it strong winds and torrential downpours. To date, Hurricane Floyd is responsible for 65 deaths, 45 in North Carolina alone. One week after Hurricane Floyd made landfall, flood waters just beginning to recede and North Carolinians are now starting the grim task of starting over.•

AMENDMENTS SUBMITTED

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

DASCHLE (AND OTHERS) AMENDMENT NO. 1790

Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, and Mrs. MURRAY) proposed an amendment to the 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; as follows:

On page 113, between lines 16 and 17, insert the following:

SEC. ___. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The American people know that a strong public education system is vital to our Nation's future and they overwhelmingly support increasing the Federal investment in education.

(2) The funding level for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate has been reduced to pay for other programs.

(3) The current allocation for the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations is 17 percent below fiscal year 1999 levels.

(4) The 17 percent reduction in Head Start will result in 142,000 children not being served.

(5) The 17 percent reduction will cost school districts the funds for 5,246 newly hired teachers.

(6) The 17 percent reduction will deprive 50,000 students of access to after-school and summer school programs.

(7) The 17 percent reduction in funding for the Individuals with Disabilities Education Act (IDEA) will make it far more difficult for States to provide an appropriate education for students with disabilities by reducing funding by more than $880,000,000.

(8) The 17 percent reduction will deprive 2,100,000 children in high-poverty communities of educational services to help them do well in school and master the basics.

(9) The 17 percent reduction will result in 1,000 fewer school districts receiving support for their initiatives to integrate technology into their classrooms.

(10) The 17 percent reduction will deny nearly 200,000 disadvantaged and middle-income students access to counseling and educational support to help them succeed in college.

(11) The 17 percent reduction will reduce funds provided to schools to improve school safety by nearly $100,000,000.

(12) The 17 percent reduction will cause 100,000 students to lose their Federal Pell Grant awards.

(13) No action has been taken in the Senate on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000.

(14) There are only 5 legislative work days left before the end of fiscal year 2000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should increase the Federal investment in education, including providing—

(A) $1,400,000,000 for the second year of the initiative to reduce class sizes in early grades by hiring 100,000 qualified teachers;

(B) an increase in support for programs that recruit, train, and provide professional development for, teachers;

(C) $600,000,000 for after-school programs, thereby tripling the current investment;

(D) an increase, not a decrease, in funding for the Safe and Drug-Free Schools and Communities Act of 1994;

(E) an increase in funding for part A of title I of the Elementary and Secondary Education Act of 1965 for children from disadvantaged backgrounds, and an increase in funding for reading and literacy grants under part C of title II of such Act;

(F) an increase, not a decrease, in funding for the Individuals with Disabilities Education Act;

(G) funding for a larger maximum Federal Pell Grant award for college students, and an increase in funding for mentoring and other need-based programs;

(H) an increase, not a decrease, in funds available to help schools use technology effectively in the classroom and narrow the technology gap; and

(I) at least $3,700,000,000 in Federal resources to help communities leverage funds to modernize public school facilities; and

(2) the Senate should stay within the discretionary spending caps and avoid using the resources of the social security program by finding discretionary spending offsets that do not jeopardize important investments in other key programs within the jurisdiction of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate.

ROBB (AND OTHERS) AMENDMENT NO. 1791

Mr. ROBB (for himself, Mr. WARNER, and Mr. DEWINE) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AERONAUTICS RESEARCH.

(a) FINDINGS.—The Senate finds the following:

(1) Every aircraft worldwide uses and benefits from NASA technology.

(2) Aeronautical research has fostered the establishment of a safe, affordable air transportation system that is second to none.

(3) Fundamental research in aeronautics is not being supported anywhere in the country outside of NASA.

(4) The Department of Transportation predicts that air traffic will triple over the next twenty years, exacerbating current noise and safety problems at already overcrowded airports. New aeronautics advancements need to be developed if costs are to be contained and the safety and quality of our air infrastructure is to be improved.

(5) Our military would not dominate the skies without robust investments in aeronautics research and development.

(6) Technology transferred from NASA aeronautics research to the commercial sector has created billions of dollars in economic growth.

(7) The American aeronautics industry is the top contributor to the U.S. balance of trade, with a net contribution of more than $41 billion in 1998.

(8) Less than ten years ago, American airplane producers controlled over 70% of the global market for commercial aviation.

(9) America's dominance in the world's civil aviation market is being challenged by foreign companies like Airbus, which now has approximately 50% of the world's civil aviation market, and is aiming to capture 70%.

(10) The rise of foreign competition in the global aviation market has coincided with decreases in NASA's aeronautics research budget and a corresponding increase in European investment.

(11) NASA's aeronautics laboratories have the research facilities, including wind tunnels, and technical expertise to conduct the cutting-edge scientific inquiry needed to advance state-of-the-art military and civil aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should increase its commitment to aeronautics research funding.

FEINSTEIN AMENDMENT NO. 1792

Ms. MIKULSKI (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 2684, supra; as follows:

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.

SMITH AMENDMENT NO. 1793

Mr. STEVENS (for Mr. SMITH of Oregon) proposed an amendment 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.''

BREAUX AMENDMENT NO. 1794

Ms. MIKULSKI (for Mr. BREAUX) proposed an amendment to the bill, H.R. 2684, supra; as follows:

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking of ''1999'' and inserting ''2000''.

CHAFEE (AND OTHERS) AMENDMENT NO. 1795

Mr. STEVENS (for Mr. CHAFEE (for himself, Mr. BROWNBACK, Ms. SNOWE, Mr. LIEBERMAN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SCHUMER, Mr. KENNEDY, Mr. BINGAMAN, Mr. JEFFORDS, Mr. DASCHLE, Mr. ROTH, Mrs. BOXER, and Mr. GRAMS) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 78, line 20, strike ''$1,885,000,000'' and insert ''$1,897,000,00''.

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''.

GRAMM AMENDMENT NO. 1796

Mr. STEVENS (for Mr. GRAMM) proposed an amendment 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''.

DODD (AND BENNETT) AMENDMENT NO. 1797

Ms. MIKULSKI (for Mr. DODD (for himself and Mr. BENNETT)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place under the heading Federal Emergency Management Agency, insert: ''For expenses related to Year 2000 conversion costs for counties and local governments, $100,000,000, to remain available until September 30, 2001: *Provided*, That the Director of the Federal Emergency Management Agency shall carry out a Year 2000 conversion local government emergency grant and loan program for the purpose of providing emergency funds through grants or loans of not to exceed $1,000,000 for each county and local government that is facing Year 2000 conversion failures after January 1, 2000 that could adversely affect public health and safety: *Provided further*, That of the funds made available to a county or local government under this provision, 50 percent shall be a grant and 50 percent shall be a loan which shall be repaid to the Federal Emergency Management Agency at the prime rate within five years of the loan: *Provided further*, That none of the funds provided under this heading may be transferred to any county or local government until fifteen days after the Director of the Federal Emergency Management Agency has submitted to the House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform a proposed allocation and plan for that county or local government to achieve Year 2000 compliance for systems directly related to public health and safety programs: *Provided further*, That the entire amount 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, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of the amounts provided under the heading ''Funds Appropriated to the President'' in Title III of Division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $100,000,000 are rescinded''.

BOND (AND LAUTENBERG) AMENDMENT NO. 1798

Mr. STEVENS (for Mr. BOND (for himself and Mr. LAUTENBERG)) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 113, line 14, strike out ''in any way tends'' and insert in lieu thereof: ''is designed''.

BOND AMENDMENT NO. 1799

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 44, insert before the period on line 10 the following: '': *Provided further*, That the Secretary may not reduce the staffing level at any Department of Housing and Urban Development state or local office''.

HUTCHISON AMENDMENT NO. 1800

Mr. STEVENS (for Mrs. HUTCHISON) proposed an amendment to the bill, H.R. 2684, supra; as follows:

At the appropriate place, insert the following:

SEC. _____. PROMULGATION OF STORMWATER REGULATIONS.

(a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater 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

(b) PHASE I REGULATIONS—No later than 120 days after enactment of this Act, the Environmental Protection Agency shall submit to the Senate Environment and Public Works Committee a report containing—

(1) 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).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

COVERDELL AMENDMENT NO. 1801

Mr. STEVENS (for Mr. COVERDELL) proposed an amendment to the bill, H.R. 2684, supra; as follows:

On page 38, line three, insert before the period the following: ": *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers";

On page 40, line two, insert before the period the following: ": *Provided further*, That no amounts made available to provide housing assistance with respect to the purchase of any single family real property owned by the Secretary or the Federal Housing Administration may discriminate between public and private elementary and secondary school teachers".

CRAIG AMENDMENT NO. 1802

Mr. STEVENS (for Mr. CRAIG) proposed an amendment 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. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON IMMIGRATION

Mr. STEVENS. Mr. President, the Immigration Subcommittee of the Committee on the Judiciary requests unanimous consent to conduct a markup on Friday, September 24, 1999, beginning at 9:30 a.m. in Dirksen room 226.

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

ADDITIONAL STATEMENTS

GOVERNMENT WHISTLEBLOWERS

• Mr. GRASSLEY. Mr. President, I rise to warn the Senate of intensifying harassment against government whistleblowers. This trend threatens Congress' right to know, and preserves secrecy that shields bureaucratic misconduct. From the IRS to the State Department, retaliation is increasing against government employees who blow the whistle on wrongdoing by high government officials.

How did we get here? In the view of this Senator, one of the major problems has been the judicial activism of the Federal Circuit Court of Appeals, which has jurisdiction over challenges by government employees to illegal retaliatory acts, and which has grossly misinterpreted existing federal laws. To illustrate my concerns, I am enclosing for the RECORD a New York Times editorial; and a Federal Times article by the Government Accountability Project about the most extreme Federal Circuit precedent, involving Air Force whistleblower John White. This precedent could functionally cancel both the whistleblower law and the Code of Ethics.

I have no intention of passively acquiescing to the judicial equivalent of contempt of Congress.

The material follows:

[From the New York Times, May 1, 1999]

HELPING WHISTLE-BLOWERS SURVIVE

Jennifer Long, the Internal Revenue Service agent who nearly lost her job two weeks ago after publicly blowing the whistle on abuses at the agency, was rescued at the last minute by the intervention of an influential United States Senator. But the fact that her employers had no inhibitions about harassing her is clear evidence that the laws protecting whistle-blowers need to be strengthened. As they stand, these laws merely invite the kind of retaliation that Mrs. Long endured.

A career tax auditor, Mrs. Long was the star witness at Senate Finance Committee hearings convened in 1997 by William Roth of Delaware to investigate complaints against the IRS. She was the only IRS witness who did not sit behind a curtain and use a voice-distortion device to hide her identity. She accused the agency of preying on weaker taxpayers and ignoring cheating by those with the resources to fight back. She has since said that she was subjected to petty harassments from the moment she arrived back at her district office in Houston. Then, on April 15 of this year, she was given what amounted to a termination notice, at which point Mr. Roth intervened with the IRS commissioner and saved her job—at least for now.

Had he not intervened, Mrs. Long's only hope of vindication would have been the remedies provided by the Civil Service Reform Act of 1978 and the Whistle-Blower Protection Act of 1989. These two statutes prescribe a tortuous and uncertain appeals process that in theory guarantees a whistle-blower free speech without fear of retaliation, but in practice is an exercise in frustration. Despite recent improvements, only a handful of Federal employees, out of some 1,500 who appealed in the last four years, have prevailed in rulings issued by the Government's administrative tribunal, the Merit System Protection Board. Overwhelmingly, the rest of the cases were screened out on technical grounds or were settled informally with token relief.

A few prominent whistle-blowers have won redemption outside the system. Frederic Whitehurst, the chemist who was dismissed after disclosing sloppiness and possible dishonesty in the Federal Bureau of Investigation's crime laboratory, won a sizable cash settlement because he had a first-class attorney who mounted an artful public relations campaign. Ernest Fitzgerald, the Pentagon employee who disclosed massive cost overruns, survived because he was almost inhumanly persistent and because his cause, like Mrs. Long's, attracted allies in high places. But the prominence of an issue does not guarantee survival for the employee who discloses it. Notra Trulock, the senior intelligence official at the Energy Department who tried to alert his superiors to Chinese espionage at a Government weapons laboratory, has since been demoted.

Senator Charles Grassley, an Iowa Republican, has been seeking ways to strengthen the 1989 law with the help of the Government Accountability Project, a Washington advocacy group that assists whistle-blowers. One obvious improvement would be to give whistle-blowers the option to press their claims in the Federal courts, where their cases could be decided by a jury. To guard against clogging the system with frivolous litigation, the cases would first be reviewed by a nongovernment administrative panel. But the point is to give whistle-blowers an avenue of appeal outside the closed loop in which they are now trapped.

A reform bill along these lines passed the House in 1994 but died in the Senate. With Mrs. Long's case fresh in mind, the time has come for both Houses to re-examine the issue.

[From the Federal Times, July 26, 1999]

COURT TURNS WHISTLEBLOWER ACT INTO TROJAN HORSE

(By Tom Devine)

In a stunning act of extremism, the Federal Circuit Court of Appeals has functionally thrown out two statutes unanimously passed by Congress: the Code of Ethics for Government Service and the Whistleblower Protection Act.

The decision, Lachance vs. White, reflects unabashed judicial activism to overturn unanimous congressional mandates.

The case involves an Air Force whistleblower, John White.

In 1992, he was moved and stripped of duties after successfully challenging as gross mismanagement a local command's Quality Education System, a bureaucratic turf builder camouflaged as reform by micromanaging

and imposing de facto military accreditation on participating universities.

Experts inside and outside the government agreed with White.

The Air Force canceled the program after a scathing report by its own experts found the program counterproductive for education and efficiency.

Whistleblowing doesn't come any better than this.

The Merit Systems Protection Board three times ruled in White's favor, each time challenged on technicalities by the Office of Personnel Management.

But the appeals court decided it knew better.

The court concocted a hopelessly unrealistic standard for whistleblowing disclosures to pass muster.

The court said a whistleblower must have had a ''reasonable belief'' that he was revealing misconduct.

This ''reasonable belief'' is the prerequisite to be eligible for reprisal protection, the court found.

At first glance, the court's definition of ''reasonable belief'' is almost boringly innocuous: ''could a disinterested observer with knowledge of the essential facts reasonably conclude . . . gross mismanagement?''

But the devil is in the details. The court warmed up by establishing a duty of loyalty to managers.

''Policymakers have every right to expect loyal, professional service from subordinates,'' the court said.

So much for the Code of Ethics, which is on the wall of every federal agency since unanimous passage in 1980: ''Put loyalty to the highest moral principles and to country above loyalty to persons, party or government department.''

The court decreed that whistleblowing does not include ''policy'' disputes.

But that's not what Congress said in 1994 amendments to the whistleblower protection law: ''A protected disclosure may . . . concern policy or individual misconduct.''

A CRUEL ILLUSION

Most surreal is the court's requirement for MSPB to conduct an independent ''review'' to see if it was reasonable for the employee to believe he revealed misconduct.

And whistleblowers must overcome the presumption that government agencies act ''correctly, fairly, in good faith'' and legally unless there is ''irrefragable'' proof otherwise.

What's ''irrefragable''? My dictionary defines it as ''[i]ncapable of being overthrown; incontestable, undeniable, incontrovertible.''

This means if disagreement is possible, the whistleblower's belief is unreasonable and eligibility for legal protection vanishes.

Not content to render the Whistleblower Protection Act a bad joke, the Court turned it into a Trojan Horse, instructing the board to violate it routinely by searching for evidence that the whistleblower has a conflict of interest as part of its review.

Amendments to the whistleblower law in 1994 outlawed retaliatory investigations—those taken because of protected activity.

These developments are no surprise.

Before Chief Judge Robert Mayer's arrival on the court, he served as deputy special counsel when his office tutored managers and taught courses on how to fire whistleblowers without getting caught.

Mayer's actions helped spark the Whistleblower Protection Act's birth.

Now under his leadership, the Federal Circuit is killing it with a sternly obsessive vengeance.

Under current law, there is no way out in the courts.

Except for unprecedented Supreme Court review, the Federal Circuit Court of Appeals has a monopoly on judicial review of whistleblower decisions by the MSPB. As long as it persists, the Whistleblower Protection Act's promise will be a cruel illusion.

Congress has a clear choice: passively institutionalize its ignorance of executive branch misconduct, or restore its and the public's right to know.

The solution is no mystery:

Pass a legislative definition of ''reasonable belief'' overturning all the nooks and crannies of this case.

Give federal workers the same access to the court that is a private citizen's right—jury trials and an all-circuits judicial review in appeals courts.

It is unrealistic for the government to expect federal employees with second-class rights to provide first-class service to the public.●

EIGHTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

● Mr. KENNEDY. Mr. President, in 1991, the Ukrainian people, after decades of difficult and often tragic struggle, won their right to self-determination. They declared their independence, as did other peoples of the former Soviet Union, fulfilling the wishes of generations of Ukrainians.

Eight years have now passed since that dramatic time, and Ukraine and U.S.-Ukrainian relations are stronger than ever. We now have a U.S.-Ukraine Joint Commission, chaired by Vice President GORE and President Kuchma, which seeks to improve bilateral relations on a wide range of issues.

A significant part of this effort is the sister city project to help Ukrainian communities develop more effective local government. I'm proud that the City of Lowell in Massachusetts is a sister city with the Ukrainian city of Berdiansk in this worthwhile project.

I especially commend the members of the Ukrainian-American community for their constant courage and commitment in championing the cause of Ukrainian independence over the years. They never gave up this struggle, even during the darkest days of the Cold War. They can be proud of their achievements. Their efforts in recent years have made Ukraine the third largest annual recipient of U.S. assistance. I'm prouder than ever to support their impressive efforts.

I also commend the Ukrainian-American community for its ongoing work to help American high school students understand that the Great Famine of the 1930s was a man-made terror-famine, used by Stalin to suppress the Ukrainian people. Millions of Ukrainians died in this great crime against humanity.

Sadly, the twentieth century has been filled with too many of these massive crimes. We must never forget the atrocities that have been inflicted on millions of citizens in other lands, including the Ukrainian people. We must do all we can to build a better world in the years ahead.●

TRIBUTE FOR MS. LINDA COLEMAN

● Mr. WARNER. Mr. President, I would like to recognize the exceptionally distinguished service of Ms. Linda Coleman, who is leaving Federal Service on September 30, 1999, after 30 years. She has been the mainstay within the Office of the Chief of Legislative Liaison, United States Army for the past 20 years. It is a privilege for me to recognize the many outstanding achievements she has provided the Congress, the United States Army and our great Nation.

Linda Coleman has worked for every Member of the Congress as the Secretary of the Army's legislative liaison within the Army's House Liaison Division, Congressional Inquiry Division, and Programs Division. Initiative, caring service, and professionalism are the terms used to describe Linda Coleman. She has been instrumental in providing information and explaining the diverse programs within the United States Army. Ms. Coleman is an expert in coordinating the interface between the Secretary and Chief of Staff of the Army and Members of Congress. She is an expert at cutting through the red tape of the bureaucracy without losing sight of the fact that taking care of the soldier is the ultimate goal. I have never known of an instance in which Ms. Coleman would back away from doing the right thing for the Army, the soldier or family members, or the Congress she served.

Ms. Coleman has earned a reputation on Capitol Hill as someone who could be relied upon to respond to inquires in a responsive, professional manner. She expanded the Army's understanding of Congress and the Army's role in the legislative process through continuous interaction with Members of Congress and the Army's leadership. Ms. Coleman established procedures to assist in informing and explaining the Army to Congress. Ms. Coleman prepared the Army's senior leaders for all of their meetings with Members of Congress. For each meeting, she prepared the Army senior leader with detailed information on the issues and the interests of the Members of Congress involved in the meetings. Ms. Coleman has been the ''go to'' person in Army Legislative Liaison. When Members of Congress had a really complex issue, the legislative action officers and assistants would go to her for advice.

Ms. Coleman is able to communicate effectively with both military officials and Congressional staff members and has developed superb working relationships. Her professional abilities have earned her the respect and trust which served her, the Army, and Congress so well.

Mr. President, Linda Coleman is a great credit to the Army and this great Nation. As she now departs after 30 years of Federal Service, I call upon my colleagues to recognize her great contribution to the Nation, and in particular, the Congress. I wish her well in her future endeavors.●

EAST PEORIA, ILLINOIS, COMBATS RACISM AND HATRED

● Mr. DURBIN. Mr. President, I rise today to call the attention of my colleagues to an article published in the New York Times on September 21, 1999. The article describes the efforts by the people of East Peoria, Illinois, to combat racism and hatred in the aftermath of Benjamin Smith's shooting rampage during the July 4 weekend. Mr. Smith, a former member of the so-called World Church of the Creator, targeted Jews, African-Americans, and Asian-Americans, killing two and wounding nine before shooting himself. Matthew Hale, a self-proclaimed white supremacist who established the World Church of the Creator, set up its headquarters in East Peoria.

Mr. President, it would have been easy for the citizens of East Peoria to simply move on with their lives, dismissing this incident as an aberration and passively hoping that future acts of racial hatred would not plague their community. But the citizens of East Peoria are embracing a proactive approach to combating hatred, fostering tolerance, and celebrating diversity. Mayor Charles Dobbelaire recently announced the creation of a Human Relations Commission, which will guide East Peoria in their campaign to combat hate and teach tolerance.

While we can prosecute crimes motivated by hatred, we unfortunately cannot legislate hate out of the human heart. Each of us has a responsibility to speak out against racism and embrace our differences, rather than use them as a wedge to divide our communities. I ask that my colleagues join me in recognizing the commendable efforts made by the citizens of East Peoria to combat racial hatred and promote tolerance and that an article from the New York Times be inserted in the CONGRESSIONAL RECORD.

The article follows:

[From the New York Times, September 21, 1999]

A CITY TAKES A STAND AGAINST HATE

(By Jo Thomas)

EAST PEORIA, ILL.—For years, the hard-working residents of this mostly white town on the eastern bank of the Illinois River did not take seriously the white supremacist views of Matthew F. Hale, 27, the son of a retired local policeman.

They recall trying to ignore his leaflets and appearances on public-access television. When he set up the headquarters of the World Church of the Creator in his parents' home, some thought it was a joke.

But after the July 4 weekend, when Benjamin Smith, a former World Church member, went on a two-state rampage against Jews, blacks and Asian-Americans, killing two and wounding nine before shooting himself, the laughter stopped.

''We were sickened,'' said Dennis Triggs, 54, the City Attorney. ''We had the sense that benign neglect must come to an end.''

Mr. Triggs called Morris Dees, co-founder of the Southern Poverty law Center, a nonprofit civil rights organization, to ask what East Peoria could do.

Mr. Dees sent Mr. Triggs and Mayor Charles Dobbelaire, 59, a copy of the center's publication ''Ten Ways to Fight Hate,'' and advised city leaders to do two things: Speak out immediately and form a broad-based coalition on race issues.

Mr. Dees also put leaders in touch with the Rev. David Ostendorf, a United Church of Christ minister in Chicago who leads the Center for a New Community, a group dedicated to fighting white supremacist ideas and organizations in the Midwest.

Mr. Ostendorf, who believes that ''the only way this movement is going to be stopped is if communities stand up and say no and organize to oppose it,'' added a stop in East Peoria to a civil rights tour that retraced Mr. Smith's deadly trip through Illinois and Indiana.

On July 22, with members of Mr. Ostendorf's caravan and 200 local residents present, the Mayor announced that East Peoria, which has only a few dozen nonwhites in its population of 23,400 would set up a Human Relations Commission ''to guide us in combating hate and teaching tolerance.''

''We will not surrender the minds of our young to Matt Hale,'' Mr. Dobbelaire continued.

''I know that still today there are those who believe we should not attract attention to the hatemongers,'' he said. ''They believe that if we quietly go about our everyday life, those who preach hate will fade slowly into the night. I ask you this: If we do not speak out, loud and clear, when the hate messages spewing forth from this so-called church lead to death, then when do we speak out?''

Mr. Dobbelaire's speech was followed by a prayer vigil in front of the Hale family home. On the other side of the ordinary, tree-lined street, a neighbor had posted a sign saying ''Hate Has No Home here.''

The Mayor, who grew up in East Peoria and said racial issues rarely crossed his mind, appointed a new Human Relations Commission on Aug. 17.

''We're in this for the long haul,'' he said.

East Peoria has survived severe blows before, the worst being the closing of a Caterpillar tractor plant that had been its economic cornerstone. But it has enjoyed a comeback in recent years, with a new riverboat casino and jobs in entertainment, tourism and service industries.

The idea that their town might be seen as some kind of hate capital horrified the Mayor and the human relations commissioners.

''This is really causing a bad image for our tri-county area, not just East Peoria.'' said David Mingus, the commission chairman. ''It's unfortunate and unrealistic. Our towns are good towns.''

Mr. Mingus, 48, a mental health professional, said the commission intended to take a broad look at diversity and tolerance.

''We will keep it open to all areas,'' he said. ''It's something nobody has on the scope all the time. We have to change attitudes.''

Another member of the commission, Charles Randle, 53, who is black, said he had lived in an upscale neighborhood of East Peoria for 17 years with no difficulty. But Mr. Randle said he could not forget the searing experience of childhood on a cotton plantation in Mississippi, where two of his brothers, then young boys, were jailed for supposedly whistling at a white woman. To escape that life, their father, a sharecropper, moved his wife and 10 children to Peoria, where he worked at a slaughterhouse and then started a series of successful family businesses.

Mr. Randle, the director of economic development for Illinois Central College, said he saw the Human Relations Commission as a chance for East Peoria ''to step outside the box and look around.''

Other communities have made similar efforts.

In Boise, Idaho, several years ago, the state's image began to worry the staff at Hewlett-Packard, said Cindy Stanphill, the company's diversity and staffing manager.

''When we recruit, people know about Idaho potatoes and the Aryan nations,'' Ms. Stanphill said. ''The image does not necessarily represent the reality, but you have to deal with both.''

For three years, the Hewlett-Packard staff has tried to find ways to insure that people they recruit and employ in Boise feel welcome at work and in the community. Staff members are now trying to organize an Idaho Inclusiveness Coalition, a group of major employers and human rights groups to promote tolerance and celebrate diversity.

In Pennsylvania, the state's Human Relations Commission has helped more than 50 communities form groups to do something about hate. One group started in Boyertown, a historically all-white community northwest of Philadelphia where the Ku Klux Klan distributed recruitment literature once a month.

Residents formed a unity coalition and asked citizens to pledge 5 cents to 50 cents for each minute the Klan spent in town. The money went to civil rights groups and helped organize the town's first rally to honor the Rev. Dr. Martin Luther King Jr.

The head of the local Klan complained that the group, which was collecting $1,051 an hour, was using the Klan's name to raise money, said Louise Doskow, a member of the coalition. But the group persisted. ''We have raised over $11,000,'' Ms. Doskow said. ''We did it every month for 13 months, then they didn't show up again for a year. One person came to the corner at the end of June, so we did another collection.''

The experiences of these communities and others, collected by Jim Carrier, a former reporter for The Denver Post, have been added to an updated version of ''Ten Ways to Fight Hate.'' Mr. Carrier said the Southern Poverty Law Center would distribute a million free copies of the booklet and a companion, ''Responding to Hate at School.'' The booklets will go to every school principal, mayor and police chief in the nation, as well as to human rights groups, religious leaders and interested citizens.

One group profiled, Coloradans United Against Hatred, formed after an African immigrant was murdered by a skinhead in 1997. Seeing the use of the Internet by hate groups, the group set up its own Web site to offer an alternative.

''Are we making a huge impact?'' said Anita Fricklas, the Colorado director of the American Jewish Committee, which helped underwrite the project. ''It's hard to know. But an impact? Definitely.''●

RECOGNITION OF ALASKA QUARTERLY REVIEW

• Mr. MURKOWSKI. Mr. President, two years ago I rose to highlight a publication of the University of Alaska, Anchorage when it was honored as ''one of the nation's best literary magazines.'' Today, I rise to again call the Senate's attention to the continuing praise for the Alaska Quarterly Review. Specifically, I rise to praise its latest issue, Alaska Native Writers, Storytellers & Orators, The Expanded Edition.

The literary journal, now in its 18th year, for its summer-fall issue has published a 400-page volume including more than 80 original works, many by Alaska Natives. The volume could win my praise simply for taking the step of publishing 15 classic Native stories in both English and in traditional Alaska Native languages. You see, in June 1991, I introduced the Alaska Native Languages Preservation Act (S. 1595). The bill, which became law in 1992 and was implemented in 1994, was designed to provide grants to Alaska Native groups and media for language preservation projects, including research, preservation and instruction to teach Alaska's traditional languages to younger Natives.

There are 20 original Native languages spoken in Alaska—more than 155 nationwide—but only two of them, Siberian Yup'ik and Central Yup'ik are healthy.'' That means they continue to be spoken by Native children. Thus 18 of the Alaska Native languages face extinction by 2055, unless more is done to preserve them. For example, only a single speaker of Eyak, a language spoken only in the Copper River Delta in Alaska, is still alive to pass the unique sounds of the language on to new speakers.

Thus the new effort by the review's Executive Editor and Founding Editor Ronald Spatz of Anchorage would win my praise simply because it has published stories in Eyak, Haida, Tlingit, Tsimshian, Ugangan, Alutiiq, Central Yup'ik, St. Lawrence Island Yup'ik, Inupiaq and Dena'ina. But the issue has done much more for classic and modern literature and for the preservation of Alaska's Native history and traditions.

Through its stories, short stories, oral histories, folk tales and poems, the literary magazine has taken a giant step to convey Alaska's rich and diverse Native cultures. It pays tribute to the Native language speakers and tradition bearers that keep their cultures alive through their stories and through their words. And over the years Alaskans have learned that one of the best ways to protect the social fabric of Native Alaskans is to protect their culture, thus maintaining Native residents' pride in their history and their heritage.

Kirkus Reviews, in its Aug. 1, 1999 review of the journal called it, ''quite a tidy little omnibus of poems, oral histories, folk tales and stories by Native Alaskans. . . . Sociologists and folklorists will be particularly grateful for the bibliography and source notations, and those unfamiliar with Alaskan culture, will find in the very extensive commentaries a useful orientation to what remains a largely unknown world. . . . offering as they do a glimpse into the history of our Last Frontier.''

This is certainly not the first time that the review has won literary praise. Since its inception at the Anchorage campus of the University of Alaska in 1982, the Alaska Quarterly Review (AQR) has served as an instrument to give voice to Alaska writers and poets, while also publishing the best of material from non-Alaskan authors. While the AQR is firmly rooted in Alaska, it maintains a national perspective—bridging the distance between the literary centers and Alaska, while also sharing an Alaskan perspective. This balanced presentation of views has earned AQR local, regional and national/international recognition over the years.

In June 1997 the Washington Post book review section, Book World, called it ''one of the nation's best literary magazines.'' Bill Katz in the Library Journal said ''AQR is highly recommended and deserves applause.'' While Patrick Parks in the Literary Magazine Review said, ''It is an impressive publication, comprising as diverse and rewarding an aggregation of work as a reader is likely to find in any literary journal.''

The review has won a host of national awards including a 1999 Beacon Best award, a 1997 O. Henry Award, a 1996 award from Scribner for Best American Poetry, and the 1995 Andres Berger Award from Northwest Writers Inc., plus literally a dozen other awards and mentions.

I rise today to honor the publication, not just because of its many awards, but because many Alaskans still do not understand or appreciate the breadth and scope of the publication and how important it has become as a gateway for Alaskan authors to win recognition from a wider literary audience.

I want to thank the University of Alaska Board of Regents and the leadership of the University of Alaska Anchorage for supporting the publication. Alaska's university system continues to face difficult economic times because of falling Alaska State revenues. It has taken a tremendous commitment to academic excellence to continue the funding necessary to permit the review to be a quality publication and artistic success. The University deserves great credit for its efforts at promoting the publication in these difficult financial times. It is because of the need for more revenues for the University to permit it to reach the highest level of greatness that I continue to press for the University to finally gain its full land-grant entitlement that it should have received at its founding. The University of Alaska Land Grant Bill, still pending full Senate consideration, would greatly help the University gain the economic means to support such important endeavors. But more on that at another time.

I also want to thank and again publicly recognize the work of Mr. Spatz. A recent recipient of the 1999 Edith R. Bullock Award for Excellence—the most prestigious award bestowed by the University of Alaska Foundation, Mr. Spatz is a professor and chair of the University of Alaska Anchorage's Department of Creative Writing and Literary Arts and has been involved with the UAA's honors program. A film maker and writer, besides editor, Mr. Spatz wrote a series of illuminating notes in the current volume. He was joined in shaping it by Contributing Editors Jeane Breinig, assistant professor of English at the University of Alaska Anchorage, and by Patricia Partnow, vice president of Education at the Alaska Native Heritage Center. A final thank you must be provided to the National Endowment for the Arts, which provided a Heritage and Preservation Grant that helped pay the costs of publication of the expanded edition.

Mr. President, Alaska, in fact all of America, is far richer artistically because of the review's presence. It truly is a window for Americans to view society in Alaska at the close of the 20th Century, and a worthy stage for the serious works of all writers as we enter the 21th Century. That is particularly the case with this edition. I commend it and its contributors for its many achievements, and I know all members of the U.S. Senate join me in wishing it continued success.•

NATIONAL HISPANIC HERITAGE MONTH

• Mr. TORRICELLI. Mr. President, I rise today in recognition of National Hispanic Heritage Month. In my own state of New Jersey, we celebrate and recognize the proud history of a people who have a deep affinity to faith, a strong work ethic, and commitment to family values. Hispanic Americans share a diverse ancestry with countries spanning Europe, Africa, and South and Central America, and close cultural ties to Mexico, the Caribbean, Central America, South America, and Spain. This diversity has brought variety and richness to the American mosaic and has strengthened our national character with invaluable perspective, experiences, and values.

For countless years, Hispanic Americans have played an integral role in all walks of life and made our country stronger. Whether it is in the entertainment industry, business, medicine

or public service, the contributions of Hispanic Americans cannot be understated. I am proud to represent a state with a large concentration of Puerto Ricans, Cubans, Dominicans and immigrants from countless countries in South and Central America.

In counties such as Hudson, Essex, Passaic, Union, Camden, Atlantic and Cumberland, Hispanic Americans have been contributing to my state's diversity for years. In our state legislature, we are proud to have four members of the General Assembly of Hispanic Heritage with Wilfredo Caraballo, Raul ''Rudy'' Garcia, Nilsa Cruz-Perez and Nellie Pou. At the county level, we have three distinguished members of the Board of Chosen Freeholders with Nidia Davila-Colon, Silverio Vega, and Neftali Cruz in Hudson County. And at the local level, countless Cuban Americans, Puerto Ricans and Central and Southern Americans have achieved the office of council person and mayor. New Jersey was especially proud to elect its first Hispanic member of the House of Representatives with the election of Representative ROBERT E. MENENDEZ, who also serves in the House leadership.

Through my own Italian heritage, I share a special bond with people of Hispanic descent. When Christopher Columbus set sail to discover this continent, it was done so with the financial support of Spain. Hundreds of years later, the Hispanic heritage continues to be an important and critical aspect of our national accomplishments. Hispanic Americans comprise eleven percent of the nation's population. In just a few years, Hispanic Americans will be the largest ethnic group in the United States. Their commitment to this country has not gone unnoticed. Whether it is serving in our Armed forces or through their growing economic consumer strength, Hispanic Americans are indeed thriving and intertwined in the fabric that is this great country.

Activism is important to creating a sense of personal responsibility for one's community. The Hispanic American community embodies this concept, and should be commended for successfully instilling it in others. The contributions of Hispanic Americans has spread to other communities in a manner that transcends racial and ethnic differences, and I am confident they will continue to grow as a vital component of life in New Jersey and indeed the United States.●

OIL ROYALTY VALUATION

● Mr. MCCAIN. Mr. President, I want to state for the record that, had I been able to, I would have voted against the Hutchison amendment to the Interior appropriations bill, which proposed to continue a moratorium on revising Interior regulations governing how much oil companies pay for oil drilled on public lands and resources. I regret that previous commitments prevented my availability to be in the Senate for this critical vote.

This issue seems fairly straightforward. Oil companies are required to pay royalties for on- and off-shore oil drilling. Fees are based on current law which clearly states that ''the value of production for purposes of computing royalty on production . . . shall never be less than the fair market value of the production.'' Revenues generated from these royalties are returned to the federal treasury. However, for many years, oil companies have been allowed to set their own rates.

In the past, I have supported similar amendments which extended a moratorium on rulemaking while affected parties were involved in negotiations to update the regulations. However, this process has been stalled for years, with little possibility of reaching resolution because these legislative riders imposing a moratorium on regulation changes have created a disincentive for oil companies to agree to any fee increases, resulting in taxpayers losing as much as $66 million a year.

Who loses from this stalemate? The taxpayers—because royalties returned to the federal treasury benefit states, Indian tribes, federal programs such as the Historic Preservation Fund and the Land and Water Conservation Fund, and national parks.

I supported cloture twice to end debate on this amendment because I believe we should vote on the underlying amendment to allow a fair and equitable solution of royalty valuation of oil on federal lands. On the final vote, however, I would have opposed the Hutchison amendment to continue this moratorium because I believe we should halt the process by which oil companies can set their own rules and determine how much they pay the taxpayers for the use of public assets. I do not support a structure which only serves to benefit big oil companies and allows them to continue to be subsidized by the taxpayers.

We should seek fairness for each and every industry doing business on public lands using public assets, and we should insist that same treatment be applied to oil companies. Fees that are assessed from drilling oil on public lands are directed back to the federal treasury and these fees should reflect the true value of the benefit oil companies receive.

We have a responsibility, both as legislators and as public servants, to ensure responsible management of our public lands and a fair return to taxpayers. That responsibility includes determining a fair fee structure for oil drilling on public lands. Despite passage of this amendment which continues this moratorium for yet another year, I hope that we can reach a reasonable agreement to ensure proper payment by oil companies for utilizing public resources.●

RECOGNIZING THE MAY 13, 1999, SPEECH OF HANS W. BECHERER, CHAIRMAN AND CEO OF DEERE AND COMPANY BEFORE THE DES MOINES ROTARY CLUB

● Mr. GRASSLEY. Mr. President, I would like to recognize and enter into the RECORD a recent speech presented to the Des Moines Rotary Club by Hans Becherer, Chairman and CEO of Deere and Company. His remarks are insightful and provide a long term outlook from one of the leaders in our agricultural community. The speech is entitled, ''All Farming is Global''.

Today I'd like to discuss some of the major trends that will help shape agriculture as it moves into the new century and millennium. This is of particular importance to Iowa since almost one-fourth of the state's population works in the agricultural complex . . . and 90% of the land area is devoted to farms.

Farming remains critical to John Deere, as well. Although we've diversified a good deal in recent years, both in product breadth and geographic reach, farm machinery remains our flagship business . . . and the domestic farmer our number one customer.

Needless to say, the farm sector is struggling right now due to depressed grain and livestock prices. As a result, North American retail demand for farm equipment is expected to be off 25% or so this year with lesser reductions in Europe. Accordingly, we're making aggressive cutbacks in our production in order to adjust inventories and bring more balance to the market.

One farmer, on an Internet message board devoted to Deere, recently summed it up this way: ''The quality of the green tractor is there,'' he said. ''The quality of the green money to pay for it isn't.''

Thus far, that seems to be a fair assessment of the situation.

Of course, the farm economy was in good shape heading into this downturn, from the standpoint of debt levels and land values, and will likely prove quite resilient. There's nothing to suggest this will be a rerun of the 1980s.

Moreover—the next year or two aside—the future of farming looks extremely promising for the long run.

That's what I'd like to focus on this afternoon—less the problems of the present, than the promise of the future.

Of the key forces dictating change in agriculture today, the most important ones concern increasingly open markets and freer trade; the explosive growth in technology, which is transforming the entire economy these days; plus, the continuing importance of environmental issues.

Let's take a closer look at these issues now.

* * * * *

As a first point, farming is becoming far more market-oriented.

Most of us, I suspect, believe in free trade and open agricultural markets. We feel farmers in Iowa have a lot to gain from such a situation. We have, after all, some of the world's best farmland literally in our backyards, plus an excellent distribution system for getting crops to market, and access to highly productive farm machinery.

Just what does an open market, increasingly free of controls and restrictions, mean to the farm sector?

Mostly, it will accelerate trends already under way—putting a premium on large, efficiently run operations that are able to make the most of today's technology and fast-moving markets.

Less-regulated farming will have a positive impact in terms of overall economic efficiency—and it's likely a plus for the nation's agricultural complex as a whole. It certainly gives U.S. farming a leg-up in a global market, something that works to Iowa's benefit.

As for the decline in smaller farms, this very definitely marks the passing of an era, which many find a source of regret. But it's a process that has been in motion for some time: Even in the robust economic environment of the last few years, Deere was selling less than half as many tractors and combines to the domestic market as in the early 1970s. The number of U.S. farms has contracted by one-third (from 3 to 2 million) over this time, with a similar pattern seen in Iowa.

I should point out that some small operators will do quite well in tomorrow's less-regulated market. These are the ones who devote themselves to a type of management-intensive, or niche, agriculture, such as growing organic crops. Still, it will take quite an entrepreneurial breed to overcome the economies of scale that are becoming more and more a part of farming.

Along the same lines, a more open agricultural climate means farming will become more internationally focused and geared to exports. Indeed, the farmer of the future will have to be a man of the world.

And that's definitely a plus for Iowa.

Agriculture has always been regarded as the most basic of local enterprises. And rightly so: What could be more a part of our communities than our own soil? Farming, moreover, has constituted the soul of rural life in our country for over 200 years, and been widely associated with the virtues of honesty and hard work that built America.

But in truth, ladies and gentlemen, all farming is global.

Every ear of corn, or pod of soybean produced in Iowa makes an impact on the world market . . . and affects farmers in faraway places such as Australia and Argentina.

Similarly, every drop of rain that falls on Brazil's creddados . . . has an effect on Iowa's farms and fields.

Legislation approved in Berlin and Brussels . . . is felt by farmers in Burlington and Belle Plaine.

Soybean prices went into a nosedive awhile back . . . not because of a leap in supply or a lag in demand, but because the Brazilian currency lost one-quarter of its value overnight. Brazil, of course, is a major soybean producer and exporter. That action alone shaved roughly a dollar a bushel off bean prices.

Global trade, manifested by exports, has become a mainstay for our nation's farmers. Roughly one-fourth of farm receipts today come from overseas sales. And Iowa is right in the thick of things, being the nation's number-two exporter of agricultural commodities (~$4B year) after California.

Farm exports will drop this year due to the economic travails of the developing world and are down almost 20%—or $10 billion—from their peak. But this is almost surely a short-lived phenomenon . . . and completely at odds with the long-range picture.

The world's fundamentals—namely, strong population growth, improved diets and more open trade policies—all point to U.S. farming, and Iowa agriculture, being an export-driven, growth-intensive business with solid prospects well into the future.

* * * * *

Farming will get more competitive, too, as farmers scramble to add value to their crops and gain an edge in productivity, yields and costs.

Technology—my second point—will help them get there. Technology, of course, has been the story in agriculture since the days of Cyrus McCormick's reaper . . . John Deere's plow . . . and the Waterloo Boy tractor. Forerunners of modern-day combines and cotton-pickers weren't far behind.

The cultural effect of ever-more productive machinery goes well beyond the farm. It's what transformed our society into an industrial power since it takes so much less physical labor to feed our population today. The average farmer gets as much done by 9 a.m. now as in a full day in the post-war 1940s. Over this time, crop production has nearly tripled from virtually the same amount of farmland. Especially noteworthy, farm-labor's role in the agricultural process has dropped by more than two-thirds during this time.

What accounts for such improvements? Technology, mostly . . . in the form of better seeds and fertilizer, as well as—indeed—more sophisticated farm machinery.

As important as technology has been to farming's past . . . it's fair to say we haven't seen anything yet. Genetically modified seeds . . . plus precision, or satellite-guided, farming and other, almost unimaginable, advances in information technology . . . put farming on a truly exciting, high-tech plain for the new century.

Going forward, in fact, a farmer's biggest problem will not be having access to technology, but figuring out how to apply it to his best advantage. ''What we're trying to do here,'' one farmer recently said at a precision-farming conference, ''is create knowledge out of chaos.''

Meeting this need—helping farmers bridge the gap between information and intelligence—may constitute a promising business opportunity in its own right. Deere recently formed a new business unit—John Deere Special Technology Group—to help supply solutions to these challenges.

One of the unit's most exciting new ventures is the VantagePoint network, a kind of silo in cyberspace. More to the point, VantagePoint is an Internet-based data-warehouse subscription service that allows farmers to collect, store, and reference a full array of data about their farming operation—such as yield and seed population. Subscribers can also see aggregated data from neighboring areas. VantagePoint functions as a server to contain this information . . . and, as an interface, to organize and present the data in creative and useful ways.

As for the Internet itself, we believe it adds an important new dimension to the selling process, which should work to the benefit of our John Deere dealers . . . by helping them provide even more responsive service and counsel.

A number of dealers have their own websites. Many more are listing used equipment on a company-sponsored site called MachineFinder-dot-com, launched late last year. Roughly 6,000 pieces of equipment, mostly tractors and combines, are presently available over MachineFinder . . . and about 15,000 users have registered for the site.

What ever the future of MachineFinder and other emerging Internet-related services, one can safely assume that technology will play as big a role in the success of tomorrow's farmers as the weather or government policies.

* * * * *

As technology makes farmers more productive, it's also helping them be good stewards of the soil, the air and the water. That's the third area I'd like to touch on today.

Outside of large hog lots—which is certainly a newsworthy issue in Iowa—the environmental side of farming doesn't grab many headlines. But it's quite a factor in the farming process . . . and seems likely to stay that way.

Regulation, for one thing, will see to it that farmers remain serious about limiting emissions . . . preserving the soil . . . and controlling the run-off of chemicals and waste. Some of the proposals you hear about would even limit the hours farmers spend in their fields, based on dust restrictions. Noise abatement is an emerging concern. And water quality seems likely to be the next big area of regulatory focus.

All this, of course, adds cost and complexity to the farming process. But many of the very things that make farmers environmentally sensitive . . . are actually fiscally sensible. That is, they help farmers become more productive and profitable.

New engines are cleaner-burning and more efficient. Precision farming helps farmers cut down on input costs. New sprayers apply herbicides with laser-like precision, cutting down on waste and over-spray.

All that's good for the environment, of course. But it's also beneficial for the farmer's bottom line.

Iowa's farmers are truly among the unsung heroes in today's environmental movement. For without modern fertilizers, herbicides and machinery . . . without high-yield production practices . . . and without the tremendous yield gains we've seen over the years . . . an additional one-million square miles of our nation (all the land east of the Mississippi River, in size) would need to be plowed under and made into cropland, merely to equal present levels of grain production.

That's no less than three miles the amount of land currently devoted to farming. It's fair to say, moreover, that these new fields would come at the direct expense of forested areas and other land now serving as wildlife habitat or as part of our natural watershed.

Clearly, farmers have done quite a job of safeguarding our natural resources, while meeting the world's growing need for food. Nevertheless, tomorrow's increasingly formidable environmental pressures will require an even more intensive commitment on their part.

* * * * *

Regardless of the challenges ahead for agriculture, I assure you that Deere remains firmly committed to providing solutions to our customers' needs and customers in our case go far beyond the farm.

Over the last several years, John Deere has worked hard to achieve a good deal of diversification in our operations. We've done so not by plunging into altogether-new businesses, but by applying the lessons learned from generations of dealing with farmers to a broader range of customers.

Our view is that the characteristics of our Waterloo-made tractors, or Des Moines cotton pickers—such as durability and reliability—work just as well for construction equipment, such as Dubuque-made backhoes.

The same goes for our new skid-steer loaders, Gator utility vehicles, golf and turf

equipment or the full range of lawn-care machinery now being offered in green and yellow.

Similarly, our Des Moines-based credit operation owes its success not to the fact that the money it lends goes farther than anyone else's . . . but because of the integrity and service that has long been associated with the John Deere name. (John Deere Credit, incidentally, is quite a successful enterprise in its own right, normally adding 20% or so to the company's overall net income.)

Moreover, it is these non-ag operations that have been the focus of major investment programs of late . . . and which we're counting on to help us achieve more consistency in our profits whenever the farm economy weakens.

* * * * *

None of which, in any way, dampens our enthusiasm for farming.

Because despite some of the challenges I've mentioned—and the current downturn is very real and painful—the future for agriculture looks good.

Darned good, in fact.

Regardless of Indonesia's financial problems . . . the world still has 10,000 new mouths to feed every hour, and, again, will need three times today's grain output within 50 years.

No matter what's ahead for Brazil's real or Russia's ruble . . . a good deal of money will be spent on the increased consumption of meat—which is a primary driver of demand for grain.

Beyond the Third World's growing pains . . . the global farm population, now over 40%, will shrink as industrial growth creates new opportunities and higher living standards. This will make Iowa's contribution to the world food supply all the more important.

True, these things may take shape more slowly than we expected, but the fundamental trends are headed in the right direction.

All point . . . to a promising future . . . for a globally attuned . . . technologically astute . . . environmentally aware . . . agricultural sector—such as exists in Iowa and surrounding states.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 231 and 233; and the nominations on the Secretary's desk in the Air Force, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

DEPARTMENT OF DEFENSE

The following named United States Army officer for reappointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

To be general

Gen. Henry H. Shelton, 0000.

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Joseph W. Dyer, Jr., 0000.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Michael L Colopy, and ending Eveline F Yaotiu, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 1999.

Air Force nomination of Thomas G. Bowie, Jr., which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Air Force nominations beginning James W Bost, and ending Grover K Yamane, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps nomination of Michael J. Dellamico, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Marine Corps nomination of Charles S. Dunston, which was received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy nominations beginning Thomas K Aanstoos, and ending Robert D Younger, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 1999.

Navy nominations beginning David M Brown, and ending Paul W Witt, which nominations were received by the Senate and appeared in the Congressional Record of August 4, 1999.

Navy nominations beginning Anibal L Acevedo, and ending Steven T Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy nominations beginning Daniel A Abrams, and ending John M Zuzich, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

Navy nominations beginning Marc E Arena, and ending Antonio J Scurlock, which Nominations were received by the Senate and appeared in the Congressional Record of September 13, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

EXTENSION OF AIRPORT IMPROVEMENT PROGRAM

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1637 introduced earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (S. 1637) to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, I ask unanimous consent this bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1637) was passed, as follows:

S. 1637

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

SECTION 1. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking ''$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.'' and inserting ''$2,410,000,000 for the fiscal year ending September 30, 1999.''.

(b) OBLIGATION AUTHORITY.—Section 47104(c) of such title is amended by striking ''August 6, 1999,'' and inserting ''September 30, 1999,''.

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The provision of the Department of Transportation and Related Agencies Appropriations Act, 1999, with the caption ''GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)'' is amended by striking ''Code: *Provided further*, That no more than $1,660,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999,'' and inserting ''Code.''.

ORDERS FOR MONDAY, SEPTEMBER 27, 1999

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until the hour of 12 noon on Monday, September 27. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 3:30 p.m., with Senators speaking for up to 5 minutes each with the following exceptions: Senator THOMAS, or designee, 1 hour; and Senator DURBIN, or designee, 1 hour.

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

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, the Senate will convene on Monday at 12 noon and be in a period of morning business until 3:30 p.m. By previous order, at 3:30 p.m.

the Senate will begin consideration of two resolutions that were introduced today regarding education. The Lott and Daschle resolutions will be debated concurrently for 2 hours, and the Senate will then proceed to two stacked votes. Therefore, Senators can expect the first vote on Monday at approximately 5:30 p.m. Following the votes, the Senate may begin consideration of any conference reports, appropriations bills, or nominations available for action.

ORDER FOR ADJOURNMENT

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator COVERDELL.

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

Mr. ROTH. 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. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL SURVIVORS FOR PREVENTION OF SUICIDE DAY

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 283, Senate Resolution 99.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 99) designating November 20, 1999, as ''National Survivors for Prevention of Suicide Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc and the motion to reconsider be laid upon the table.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 99), with its preamble, reads as follows:

S. RES. 99

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, 200,000 people become suicide survivors (people that have lost a loved one to suicide), and there approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved, That the Senate—

(1)(A) designates November 20, 1999, as ''National Survivors for Prevention of Suicide Day''; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE CLOSE OF THE YEAR

Mr. BYRD. Mr. President, earlier this week we have heard again the chiming of the celestial clock, the autumnal equinox sounded the arrival of fall and the harvest season. In Washington, the skies today are sapphire blue and they look like parchment marked only with wispy glyphs of aircraft contrails. The air is crisp and the air is clear, with none of the steaminess that burdened our torrid summer days. Evenings serve up the glorious gradations of vivid colors from a palette only God could paint. Night comes earlier and night is cooler. The hum of air conditioners is giving way to the weight of blankets on the bed. In the words of Humbert Wolfe:

Listen! The wind is rising,
and the air is wild with leaves.
We have had our summer evenings,
now for October eves!

The year is advancing, cycling into its season of greatest abundance as crops mature and are harvested—such crops as they are. I have to add that, in the light of the terrible drought that has afflicted the eastern part of the United States, from Vermont to Tennessee. But as the crops, such as they are—mature and are harvested against the coming of winter. Branches are bent over with crisp apples and succulent pears, foretelling the apple butter festivals to come.

Mr. President, we have great apple butter festivals in West Virginia. Go to Berkeley Springs in Morgan County, just an hour and a half's drive from here. Go to the apple butter festival there. And there are apple butter festivals in other parts of West Virginia.

In my backyard, the squirrels and the chipmunks are gathering, and I play a little game with those squirrels and chipmunks. My wife, Erma, always sees to it that I have a large bag of peanuts. And when I look out the window and see squirrels, I go to the door, softly unlock the door, but the squirrels, they hear. And when they hear the little noises at the door they perk up, they sit up on their haunches and they look at the door, and then they break out into a run. They run to the door—my door, my door that opens on the back porch of my house—they run to the door because they sense that there is about to be a peanut that will emerge from a tiny crack when the door is opened. And they pounce upon that peanut.

The chipmunk also runs for the peanut. Sometimes he wins and gets there first, but many times he doesn't get there first, and I can just sense the disappointment on his little face as he becomes very excited and runs here and there, thither and yon, looking for a peanut which the squirrel was first to get. So I throw out another peanut and the chipmunk gets that one.

The squirrels and chipmunks are gathering and storing acorns and peanuts and every bit of corn and birdseed that they can steal from my feeders. Erma and I average about 40 pounds of bird food a week that we put in our bird feeders.

The tomato plants—aha, my tomato plants, great farmer that I am—I, every year, put out a half-dozen tomato plants. This year was a terrible year for tomatoes. The tomato plants that I cultivate in my backyard are

straining under their last load of ruby jewels. But the jewels have been so slow this year to become ruby-colored. They remain green. And, of course, Mr. President, you might understand the greed with which I approach those succulent fruits from the tomato plant. But they have suffered this year not only from the heat, but also from the drought, and then from the recent heavy rains.

I am a fortunate farmer. My little crop is grown for pleasure, in the main. I try to furnish my own table and that of any of the grandchildren who happen to come by. My little crop is grown for pleasure. My clay pots have not been cracked by this summer's record drought, nor flooded by Hurricane Floyd. Many farmers upon whose labors my winter table depends have not been so fortunate, of course. Crops and livestock throughout the Nation have been buffeted by rather exceptional weather conditions this year, and particularly in the eastern part of the United States, from Tennessee to Vermont.

Come November, farmers are likely to be saying prayers—and I should think they probably have already been saying prayers—prayers of relief because, indeed, there were some rains still left in the heavens.

In our conference committees, Senators are working to provide assistance to our family farmers, so that they might be able to recover partially, at least, from this disastrous year and return to oversee the plowing and the calving, the planting and the lambing, the pruning and the blossoming once again, rather than giving up on their most honorable and arduous careers.

I have no doubt that the distinguished Senator who presides over the Senate this afternoon with a degree of dignity and skill, that is so rare as a day in June, knows what I am talking about because he comes from Wyoming and there are farmers there and farms. He knows when I talk about calving, lambing, pruning, planting, and plowing, these are not strange, alien words to him.

I hope that we will succeed in our efforts here in the Senate and speed up this relief to our farmers. It is much needed, and it should be on its way without delay. Those people are suffering.

The march of the seasons also brings us nearer to the close of the year. This year, that event has a special import. We have just begun—I believe it was yesterday—on the 100-day countdown to a calendar change that has spawned many nicknames, Y2K being one of the most common in the United States.

The concern over computer glitches caused by the date change certainly warrants our attention and corrective action. But the hype over Y2K and its alias, the ''millennium bug,'' has spawned a misguided perception regarding the true beginning of the third millennium since the birth of our Lord. It is a small but irritating example of sloppy, careless media reporting and advertising that reject the role of informer and educator in favor of following the popular trend. This trend might be termed ''the odometer theory,'' in which the physical act of watching all the nines roll over to zeros on a car's odometer becomes a symbolic ritual unrelated to how well the car is or is not running. Watching 1999—1–9–9–9—roll over to 2–0–0–0 may be a rare event that warrants a new year's party, but it does not truly signify anything except a new year.

To be formal, accurate, and correct, we must not confuse, as so many are presently confusing, January 1, 2000, with the beginning of the new millennium, which it is not. January 1, 2000, does not begin the new millennium, unless we wish history to say that the second millennium contained only 999 years.

When the Christian calendar, observed in the United States and, indeed, in most of the world, was established in the 6th century by the Scythian monk, chronologist, and scholar Dionysius Exiguus, died A.D. 556, he began his calendar with January 1, year 1. Thus, the third millennium will begin on January 1, 2001, not 2000. Not 2–0–0–0. So forget it. The coming year of 2000 is not the beginning of the next millennium. It is only the end of the current millennium. And this coming January is not the beginning of the 21st century. The year 2000 merely closes out the 20th century. Otherwise, we lose a year somewhere along the line—a good old fiddle tune. Somewhere along the line, we are going to throw away a year.

This may be the new math, but according to the old math, there are 100 years in every century for it to be a complete century, and there are 1,000 years in every millennium to complete a millennium. So let's be more accurate.

We may party, we may think, we may say the millennium begins next year. So on December 31 of this year, when the clock strikes 12 midnight, there are those who may wish to bring out the champagne and say: Ah, this is the new millennium!

It is not. We may party like it is, this December, but I caution everyone against living it up as if the world were going to end or you may face a very embarrassing morning after.

I thank you, Mr. President, for allowing me a few minutes to set the record straight. There it is. Unless the new math says that 999 years constitute a millennium, and that 99 years constitute a century, unless that is a given, we have to wait another year before the beginning of the third millennium.

Let's set the record straight on that score. It may seem like a small thing, just a little thing, the cranky ranting of a cranky older fellow. The Bible says ''the little foxes that spoil the vines.'' I am talking about one of those little foxes.

I am confident that others share my desire for accuracy, and my suspicion that reporters and commentators and public figures who fail on a fact so readily checked may be sloppy with other facts as well.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 27, 1999

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until noon on Monday.

Thereupon, the Senate, at 2:09 p.m., adjourned until Monday, September 27, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 24, 1999:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A.J. EGGENBERGER, OF MONTANA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2003. (REAPPOINTMENT)

JESSIE M. ROBERSON, OF ALABAMA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2002, VICE HERBERT KOUTS, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 24, 1999:

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED UNITED STATES ARMY OFFICER FOR REAPPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

GEN. HENRY H. SHELTON, 0000.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOSEPH W. DYER, JR., 0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MICHAEL L. COLOPY, AND ENDING EVELINE F. YAOTIU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

To be colonel

THOMAS G. BOWIE, JR., 0000.

AIR FORCE NOMINATIONS BEGINNING JAMES W. BOST, AND ENDING GROVER K. YAMANE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL J. DELLAMICO, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES S. DUNSTON, 0000.

NAVY

NAVY NOMINATIONS BEGINNING THOMAS K. AANSTOOS, AND ENDING ROBERT D. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 1999.

NAVY NOMINATIONS BEGINNING DAVID M. BROWN, AND ENDING PAUL W. WITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 4, 1999.

NAVY NOMINATIONS BEGINNING ANIBAL L. ACEVEDO, AND ENDING STEVEN T. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

NAVY NOMINATIONS BEGINNING DANIEL A. ABRAMS, AND ENDING JOHN M. ZUZICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

NAVY NOMINATIONS BEGINNING MARC E. ARENA, AND ENDING ANTONIO J. SCURLOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 13, 1999.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE HOME ENERGY GENERATION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. INSLEE. Mr. Speaker, I rise today to introduce the Home Energy Generation Act, which will benefit individuals and small business owners who are currently producing their own energy, or wish to do so in the future. This legislation is a necessary incentive to help increase the use of environmentally sustainable technologies, and give Americans the independence and self-sufficiency they deserve.

The Home Energy Generation Act is a comprehensive ''net metering'' bill, which enables individuals who generate electricity using fuel cells or renewables such as wind, solar, or biomass, to receive credit for the surplus electricity they put back into the electricity grid. Credit for their excess energy generation is realized by allowing their electricity meter to literally run backwards when their energy unit is generating more energy than their household, farm, or small business is consuming.

In addition to net metering, the Home Energy Generation Act addresses many other barriers which can prevent Americans from generating their own electricity. This bill sets uniform national reliability and safety standards for interconnection of electricity generation units into the electricity grid, by utilizing private professional organizations. National standards are absolutely imperative to the development of reliable and affordable technology to interconnect. (It was national standards that allowed multiple companies, and consequently multiple technologies to interconnect into the once monopolized AT&T telephone system.)

The Home Energy Generation Act also allows retail electricity suppliers and utilities to count home energy generation capacity amongst their customers towards any renewable portfolio requirements.

This bill will function in the current electricity industry legislative structure, or in a deregulated electricity industry. It gives families, farms, and small businesses the same right as industrial generators by allowing home generators to sell their end of the year energy credit on the open market. Under a restructured industry, this will likely create a market for home generated power.

Although net metering is now allowed in 30 states, federal legislation is needed to create the national interconnectivity standards necessary to allow for safe and reliable interconnection, as well as to allow home generation industries to cost-effectively produce these technologies. In addition, this legislation is needed to resolve any uncertainty regarding state and local authority to implement net metering, since a state court has recently ruled that net metering requires explicit federal authority. This bill will provide that authority.

This bill is truly a bipartisan effort. It has been an honor for me to work with Both Congressmen ROSCOE BARTLETT of Maryland, and VERNON EHLERS of Michigan. In addition to these distinguished members, I would also like to thank the following original cosponsors to this important legislation: Mr. BRIAN BAIRD of Washington, Mr. SHERWOOD BOEHLERT of New York, Mr. EARL BLUMENAUER of Oregon, Mr. MERRILL COOK of Utah, Mr. PETER DEFAZIO of Oregon, Mr. NORMAN DICKS of Washington, Mr. LANE EVANS of Illinois, Mr. SAM FARR of California, Mr. BOB FILNER of California, Mr. MARTIN FROST of Texas, Mr. BENJAMIN GILMAN of New York, Mr. LUIS GUTIERREZ of Illinois, Mr. MAURICE HINCHEY of New York, Mr. PATRICK KENNEDY of Rhode Island, Mr. JAMES LEACH of Iowa, Mr. JOHN LEWIS of Georgia, Mr. JIM MCDERMOTT of Washington, Mr. JACK METCALF of Washington, Ms. JUANITA MILLENDER-MCDONALD of California, Ms. NANCY PELOSI of California, Mr. TED STRICKLAND of Ohio, Mr. MARK UDALL of Colorado, Mr. TOM UDALL of New Mexico, Mr. ROBERT UNDERWOOD of Guam, and Mr. BRUCE VENTO of Minnesota.

Lastly, I would like to acknowledge the assistance of the following groups who have been so helpful in crafting this legislation. They include the Solar Energy Industry Association, American Wind Energy Industry Association, public utilities, private investor owned utilities, fuel cell advocates, and various consumer groups.

I urge my colleagues to join me by cosponsoring the Home Energy Generation Act.

PERSONAL EXPLANATION

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SANDLIN. Mr. Speaker, I was very surprised to see my vote in the CONGRESSIONAL RECORD on H.R. 2490, Treasury Postal Appropriations. I am certain I intended to vote ''no'' and did, in fact, vote ''no,'' yet the RECORD reflects a vote of ''aye'' on my part. Therefore, I enter this statement into the RECORD to reflect the error that has been made with respect to this vote.

Please note that I have filed resolutions of disapproval with regard to pay raises for Members, and I have consistently voted against legislation providing for such increases.

CALVERT ALLIANCE AGAINST DRUG ABUSE: 10 YEARS OF SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize the Calvert Alliance Against Substance Abuse, Inc., or CAASA, in celebrating its 10th Anniversary. CAASA, an organization which aims to fight substance abuse, has become a key player in reducing alcohol and drug abuse across Calvert County, Maryland. I commend CAASA for its starting as a grassroots drug prevention efforts.

It is imperative that youth are taught the dangers of drugs and alcohol at an early age. CAASA's sponsorship of numerous community activities geared towards children has encouraged them to steer away from drugs. Their support of various activities such as DARE, Just Say No Clubs, the Haunted Crack House, and many other programs have helped to keep many of the youth of Calvert County drug-free and out of trouble. By providing more school-based substance abuse programs, they have given these children alternatives to drug use.

Without the full support of the government and local communities, CAASA could not have enjoyed ten years of success. I would like to recognize community members, schools, civic and service organizations, religious groups, businesses, public agencies, and the county government for their continuous support of CAASA. This valuable partnership has enabled CAASA to reduce alcohol and drug abuse through public awareness, education, treatment, and law enforcement.

Alcohol and drug use remains a problem in both rural and urban communities across the Nation. Calvert County is fortunate to have such a valuable resource. I congratulate CAASA on 10 years of service and wish it all the best in the years to come.

RECOGNIZING THE 300TH ANNIVERSARY CELEBRATION OF KHALSA PANTH'S BIRTH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Khalsa Panth's 300th birth anniversary. Khalsa Panth was born April 13, 1699 and is a figure of the Sikh community.

The purpose of founding the Khalsa was to spread righteousness and to uproot the repression and injustice; to create love and harmony amongst humankind and to end evil hatred. Khalsa stands for gender equality; to instill self-confidence; to live a humble life with self-respect and serve the society as its honorable Sant Sipahi.

The guidelines to the Sikh religion are as follows: Sikh's must have honest earnings, worship only one god, and share with the needy. They may only perform Sikh religious ceremonies and should meditate on God's name every day. Sikhs must not commit any one of the four misdeeds: cutting or shaving of the hair, drinking alcohol, using any intoxicant, and using adultery. Sikhs must give service to the religious congregation without expecting anything in return. They must not worship idols, graves and mortals. Sikhs must always be ready to defend the weak and fight for justice and freedom.

There are five symbols that have both practical and spiritual meaning for the Sikh's. Unshorn hair means moral and spiritual strength. A wooden comb is to keep the hair neat and tidy. The Sikh must always wear a turban and women must keep their heads covered with traditional heading or a turban. An Iron bracelet reminds a Sikh that he must keep himself away from bad deeds. Special tailored shorts remind a Sikh that he is not to indulge in adultery. A sword on the person of an Amritdhardi Sikh represents freedom. Last is political sovereignty. This reminds a Sikh of his duty to stand for truth, justice and righteousness.

Mr. Speaker, I rise today to recognize the Khalsa Panth's 300th birth anniversary. I urge my colleagues to join me in wishing the Sikh community many more years of continued success and happiness.

TAIWAN'S NATIONAL DAY MARKS THE TRIUMPH OF DEMOCRACY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to express my congratulations to the people of Taiwan on the occasion of their forthcoming 88th National Day. The people of Taiwan on October 10, 1999 will commemorate the anniversary of the 1911 revolution in China, which marks the ousting of the last imperial dynasty and beginnings of the Republic of China under the leadership of Dr. Sun Yatsen.

As we celebrate the 88th anniversary of the Republic of China's triumph as a democratically free and economically prosperous nation state, it is becoming of us to pay tribute to leadership and heroic efforts of Dr. Sun Yatsen. The courage and determination of the Chinese people in Taiwan, to act as architects of their own ambitions and choose their own destiny, serves as a profound inspiration to the freedom-loving people around the world. The success of the Chinese people stands strong as a model for emerging nations in Asia and the Pacific Rim.

Let this be a celebration of the outstanding successes people can achieve when they are free to exercise their rights, when they can aspire to greater heights, which they can pursue what they desire for themselves, their families and their nation. As the delegate from Guam, I recognize the fact that the island and people I represent share deep cultural and historical ties with Taiwan. As the closest American community to Taiwan, we, the people of Guam, feel especially proud of our relationship and wish them all the best on their celebration of National Day. The strong ties between the Taiwanese people and the people of Guam are longstanding. Whether as visitors or as new neighbors, the historical, economic and cultural traditions that exist between our peoples have cultivated a unique relationship. Toward that end, I would like to take this opportunity to honor the work of the Taipei Economic and Cultural Office in Guam under the Director General Leo Chenjan Lee. Through his capable hands, the Taiwan-Guam relationship is sure to yield even greater fruit and blossom ever brighter in the future. Let us, as a Nation, reaffirm our support as a vital trading partner and as a partner in democracy with Taiwan.

Mr. Speaker, I offer my most profound congratulations to Taiwan and President Lee Teng Hui on their celebration of National Day and on their continuous economic and democratic successes. It is altogether proper and fitting that we extend our prayers and remembrances, on behalf of the people of Guam, to all those who perished in the recent earthquake in Taiwan. May both the people of Guam and Taiwan continue to draw inspiration from one another and prosper long into the next millennium.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. GIBBONS. Mr. Speaker, I would like to congratulate Chairman SPENCE for all of his hard work on this bill. His time and commitment is appreciated by me and this entire Congress.

The reason I am before you is to discuss the ability of State and local governments to carry out their legitimate environmental, safety, and health oversight authority under the newly formed National Nuclear Security Administration, as set forth in this bill.

Mr. Speaker, the State of Nevada is among several states that house nuclear weapons production and/or testing facilities. Nevada is in fact home to the Nevada Test Site. A unique national resource, the Nevada Test Site is a massive outdoor laboratory and national experimental center that is larger than the state of Rhode Island.

Established as the Atomic Energy Commission's on-continent proving ground, the Nevada Test Site has seen more than four decades of nuclear weapons testing. Since the nuclear weapons testing moratorium in 1992, and under the direction of the Department of Energy (DOE), test site use has diversified into many other programs such as hazardous chemical spill testing, emergency response training, conventional weapons testing, and waste management and environmental technology studies.

Mr. Speaker, the states that house our nation's nuclear weapons testing facilities, including my home state of Nevada, will be subject to the DOE re-organization provisions in this bill. Our efforts to protect the oversight rights of these states is paramount.

Mr. Speaker, the citizens of Nevada need your assurance that nothing in Title 32 of this bill, relating to the National Nuclear Security Administration, is intended to limit, modify, affect, or otherwise change any local, state or federal environmental, safety or health law, including any waiver of federal sovereign immunity in any such federal law, or any obligation of the Administration or the Department to comply with any such local, state or federal law.

Again, I would like to thank Chairman SPENCE for his work on this bill and I appreciate his willingness to work with me on this very important issue.

IN COMMEMORATION OF THE PRESENTATION OF ''THE GOLDEN MOMENT,'' AN ICE SKATING EXTRAVAGANZA, PRESENTED BY THE KRISTI YAMAGUCHI ALWAYS DREAM FOUNDATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Ms. LEE. Mr. Speaker, I rise to recognize The Kristi Yamaguchi Always Dream Foundation, which is headquartered in Oakland, CA, on its September 18, 1999 presentation of an ice skating extravaganza, ''The Golden Moment.'' This presentation will serve as a fundraiser for the Foundation in support of its efforts to help in the fight against breast cancer. Kristi Yamaguchi created the Always Dream Foundation to inspire and embrace the hopes and dreams of children and help them fulfill their dreams.

Since its incorporation in 1996, The Always Dream Foundation has provided substantive support to organizations that have a positive influence on children. The Foundation's motto, ''Always Dream,'' has served as the personal inspiration for Kristi Yamaguchi for many years, and has served as a constant reminder to dream big and never lose sight of her goals. Her dreams and accomplishments have been fulfilled as a direct result of her family's nurturing and love. The Kristi Yamaguchi Always Dream Foundation and Mervyn's California are presenting ''A Golden Moment'' figure skating concert on ice, accompanied live in-concert by the Oakland East Bay Symphony. This unique performance will be dedicated to helping make strides to overcome breast cancer.

I commend The Kristi Yamaguchi Always Dream Foundation for its diligence and perseverance in garnering the resources necessary

to enrich and uplift the lives of the youth of this nation and the world. It has been through the Foundation's perseverance that it has garnered the resources necessary to support the struggle to overcome the ravages of breast cancer.

I wish to extend to The Kristi Yamaguchi Always Dream Foundation, its staff, donors, and volunteers sincere best wishes for success as they present ''A Golden Moment'' ice skating extravaganza to the citizens of Oakland and Alameda County.

INTRODUCTION OF THE LAS CIENEGAS NATIONAL CONSERVATION AREA ESTABLISHMENT ACT OF 1999

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KOLBE. Mr. Speaker, today I am proud to introduce legislation creating the Las Cienegas National Conservation Area (Las Cienegas National Conservation Area Establishment Act of 1999). Las Cienegas is Spanish for marshes or bogs. In the Southwest desert, water is a treasured commodity. A cienega is even more precious and rare. This essential resource—water—is becoming increasingly difficult to manage because of the changes we see in the region. This legislation takes a large step to provide positive management. It establishes a national conservation area in the Cienega Creek and Babocomari River watersheds located in southern Arizona. The NCA will conserve, protect, and enhance various resources and values while allowing environmentally responsible and sustainable livestock grazing and recreation.

Congressionally designated National Conservation areas (NCAs) have developed through the years as a method to protect and manage special areas that do not fit neatly into a traditional designation, such as wilderness. The NCA designation allows for flexible and creative management strategies for a resource area, while a designation of wilderness mandates a management structure set out in law. Therefore, an NCA is useful when there is a need to accomplish two objectives: (1) permanence to a management strategy, which is usually a compromise by all the stakeholders; and (2) flexibility to stipulate special management practices.

In 1995, the Sonoita Valley Planning Partnership (SVPP) was formed to work on public lands issues in the Empire-Cienega Resources Conservation Area, which the BLM established in 1988. The Partnership is comprised of various stakeholders, such as hiking clubs, conservation organizations, grazing and mining interests, off-highway vehicle clubs, mountain bike clubs, as well as Federal, State, and county governments. The SVPP has developed a collaborative management plan for these lands, and an NCA designation would give this plan's objectives permanence and assure implementation.

The Las Cienegas National Conservation Area Establishment Act would save a large tract of land significant for preserving a cross-section of plants and wildlife. The NCA would provide corridors for animal movements that are necessary for the long-term viability of important species. Two of southern Arizona's perennial streams, the Cienega Creek and the Babocomari River, would be protected, ensuring a long-term, sustainable riparian area. However, the NCA designation also retains these lands for human use. Ranching and recreation are integral parts of this conservation area, and the proposed legislations states this clearly.

The core of this NCA designation is the management plan, which must be based on the SVPP land use management plan. The plan will include several key elements: A program for interpretation and public education; a proposal for needed administrative and public facilities; a cultural resources management strategy prepared in consultation with the Arizona State Historic Preservation Officer; a wildlife management strategy prepared in consultation with Arizona's Game and Fish Department; a production livestock grazing management strategy drafted in consultation with the State Land department; a strategy for recreation management including motorized and nonmotorized recreation, formulated in consultation with the State; and a cave resources management strategy.

Another key component of the proposed legislation is the acquisition of land. This proposal reaffirms the principle of maintaining private property in Arizona, currently only 17.7 percent of the State, while providing the flexibility needed to include state lands in management strategies. Under this proposed bill, private land can be acquired only through donation, exchange, or conservation easements. To further ensure that Arizona's privately held lands will not be diminished, the proposed legislation specifically states that an exchange must not ''reduce the tax base within the State of Arizona.'' In addition, conservation easements are given a priority, and any activity related to private lands must be done with the consent of the owner.

This bill has been drafted by the people who live and work in this area, and I am honored to introduce this bill for them and for future generations of Arizonans. The Las Cienegas National Conservation Area Establishment Act is proof positive that people with seemingly different objectives can work together and find a large expanse of common ground. This bill supported by ranchers and environmentalists, both understanding that they want the same thing—a beautiful and vibrant southern Arizona.

THE SENIORS MENTAL HEALTH ACCESS IMPROVEMENT ACT OF 1999

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. DEAL of Georgia. Mr. Speaker, I rise today to introduce Seniors Mental Health Access Improvement Act of 1999. I urge support of this important legislation to address the mental health needs of our nation's elderly population.

According to the National Institute of Mental Health (NIMH), nearly 2 million Americans over the age of 65 suffer from depression. Timely and appropriate access to mental health services is a critical component in depression treatment and suicide prevention. Unfortunately, many of those two million older Americans do not have access to appropriate mental health services or, if they do have access, the mental health provider available to them is not covered by the Medicare program.

Failure to treat depression has devastating consequences. It is a national tragedy that one of the highest rates of suicide in the United States is found in white males over the age of 85. Depression is treatable and suicide preventable if we make mental health services more readily available to the Medicare population. The legislation Representative STRICKLAND and I introduce today is an important step in the battle to improve mental health services access for older Americans.

The Seniors Mental Health Access Improvement Act would authorize Medicare Part B coverage of marriage and family therapists (MFTs). For many years, the Federal Government has recognized a core group of mental health providers. The five groups of professionals are: psychiatrists, psychologists, social workers, psychiatric nurses, and marriage and family therapists.

When assessing the availability of mental health services, the Federal Office of Shortage Designation (OSD) determines the availability of each one of these health professionals when determining whether a community should be considered a Mental Health Professional Shortage Area. According to OSD, nearly 50 million Americans currently reside in areas designated by the Federal Government as a Mental Health Professional Shortage Area.

Unfortunately, while many older Americans may live in an area the Federal Government has determined to have an adequate supply of mental health professionals, the reality may be something quite different. You see, Mr. Speaker, of the five core mental professionals I mentioned earlier, all but one are covered by the Medicare program. Marriage and family therapists are the only mental health professional not recognized by Medicare.

The Seniors Mental Health Access and Improvement Act seeks to correct this oversight Many may hold a common misconception that marriage and family therapists only deal with marital strife or family communication problems. In fact, like psychologists and social workers, marriage and family therapists provide a full range of mental health services. When you examine the state laws governing social workers and marriage and family therapists, my colleagues will find that the education and training criteria for licensure as a social worker is often identical to the requirements for licensure and certification as a marriage and family therapist. In other words, like social workers, marriage and family therapists are educated and trained to diagnose and treat those mental disorders and services currently covered by the Medical program.

Currently, 42 states license or certify marriage and family therapists, and legislation is either pending or anticipated in the remaining 8 states. In each of these states, the standards of licensure or certification are virtually

identical to the standards for licensure or certification as a social worker: possession of a Master's degree or Ph.D. from a recognized program for marriage and family therapy or a related field and at least two years of supervised clinical experience in marriage and family therapy. In the 8 states where licensure or certification has not been achieved. MFTs are able to practice if they are eligible for clinical membership in the American Association for Marriage and Family Therapy which is the national certifying body for marriage and family therapists.

Although the name might suggest that the scope of services MFTs provide would be limited to problems arising due to marriage, their title merely refers to the context in which they treat common mental disorders. For example, research has shown that one of the greatest risk factors for depression is family stressors. In addition, the likelihood of relapse is more likely when family stressors are not addressed in treatment. MFTs treat the individual in the context of their spousal and family relationships. Such an approach not only affords the provider a better context in which to deal with the underlying problem, but increases the likelihood for a successful outcome.

I want to make it clear to my colleagues that the proposal we are putting forward today does not expand the scope of mental health services currently available to Medicare beneficiaries. Our proposal would simply state that when a marriage and family therapist providers a mental health service to a Medicare beneficiary that is covered by Medicare when provided by a psychiatrist, psychologist, social worker or psychiatric nurse, then the same service is covered if provided by a marriage and family therapist. Equally important, when the marriage and family therapist provides a covered service to a Medicare beneficiary, the fee paid shall be 75% of what has been paid by Medicare had the service been provided by a psychiatrist or psychologist.

Our proposal, Mr. Speaker, is modeled after earlier laws passed by Congress relating to Medicare coverage of mental health services provided by psychologists and social workers. Individuals must meet certain minimum educational standards, as well as compete clinical experience requirements and be licensed or certified by the state as a marriage and family therapist. In the event the individual provides services in a state that does not license MFTs, the therapist would be required to meet equal education and experience qualifications, adhere to standards determined by the Secretary of Health and Human Services, and be eligible for clinical membership in the American Association for Marriage and Family Therapy.

Mr. Speaker, I suspect that many of my colleagues would be surprised to learn that much of their Congressional Districts may be considered Mental Health Professional Shortage Areas by the federal government. Indeed, in my own rural district, all 20 counties are considered Mental Health Professional Shortage Areas.

The time has come to correct the oversight in the Medicare law and treat marriage and family therapists the same way we treat other mental health professionals. Millions of Medicare beneficiaries could benefit from being able to receive their covered mental health services from a marriage and family therapist. Equally important, I believe the Medicare program could benefit by covering these individuals. We have an opportunity to make an investment to improve access to mental health services for the Medicare population. Failure to make this investment now could result in far higher Medicare expenditures in the future, but more importantly, many mental disordered that could have been successfully handled by a marriage and family therapist will go untreated. If this is allowed to happen, the human toll, as well as the financial toll, will steadily increase.

I welcome my colleagues' support for this important legislation, and I look forward to working with both the Commerce and Way and Means Committees to secure the bills' adoption.

TRIBUTE TO EVELYN PRINCE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. UPTON. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to a wonderful young woman, Evelyn Prince, who was tragically taken from us last week. Many of us here in the House of Representatives had the opportunity to meet Evelyn when she served with great pride and enthusiasm as a Congressional Page. I was honored to say she was "our page" from back home in Kalamazoo, Michigan.

The head of the Kalamazoo Close Up Program, Gerhard Fuerst, where Evelyn served as President from 1997–1999, described her simply as a "sheer joy." He encouraged her to continue setting and meeting her own great expectations of herself, including participation in the Page program. He shared with me recently an article she wrote upon returning from Washington, DC. In the article, Evelyn encourages and challenges fellow students, as she so loved to do, to get involved in "observing the inner works of government" and to "have fun while learning!"

After she completed the Page program, Evelyn traveled to Wolfsburg, Germany. There she was staying with a family as an exchange student as part of the Youth for Understanding program. It is there, too, that she met with the harsh fate of an automobile accident she did not survive.

Evelyn is remembered today as a talented and spirited 17-year-old. She was a dedicated student, earning straight-As and looking forward to attending college next year. But while she was focused on excelling at school, it is as a loyal friend and loving daughter and sister that she will be so sorely missed.

Evelyn's family shared her sense of adventure and her dreams for the future. Their lives were enriched immeasurably by her presence and are undoubtedly altered immeasurably by her absence. With a young person as talented, exuberant and ambitious the sky was the limit. Sadly, we will never know how far she could have soared with a long life. But we thank God for the contributions she made, the people she inspired and the happiness she created in her all too short life. I close with a poem by Edna St. Vincent Millay:

My candle burns at both ends: It will not last the night;
But, ah, my foes, and oh, my friends,
It gives a lovely light.

Mr. Speaker, I urge all of my colleagues here in Congress to join me in extending our deepest sympathies to the family and friends of Evelyn Prince. All members of the Congressional family send our thoughts and prayers especially to Evelyn's parents, DeeAnn and Charles "Skip" Prince, and her sister Lauren.

Evelyn was indeed a rising star whose lovely light still shines on the many people she touched.

CONFERENCE REPORT ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1999

Mr. HUNTER, Mr. Speaker, I would like to express my strong support for the National Defense Authorization Act for Fiscal Year 2000, S. 1059, which includes the authorization of funds for the upgrade of Army weapon systems. I rise today to address the concern that the $3.5 million increase, which was contained in the House-passed Fiscal Year 2000 Defense Authorization Bill for software and hardware upgrades to Improved Moving Target Simulators was inadvertently dropped from the Conference Report on S. 1059, the National Defense Authorization Act for Fiscal Year 2000 due to an administrative error. The conferees intended to authorize this increase. It should be included in the Department of Defense Appropriations Act for Fiscal Year 2000.

THE VETERANS MILLENNIUM HEALTH CARE ACT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. ROGERS. Mr. Speaker, I rise today to voice my concerns with an item contained in H.R. 2116, the Veterans Millennium Health Care Act, which passed the House last Tuesday with overwhelming support.

Let me first say that I voted in favor of this bill, and believe its passage was long overdue. This bill ensures the continuation of vital healthcare services for our Nation's veterans into the next century by reforming many aspects of delivery and support services.

The veterans who have so bravely served each and every one of us deserve our highest respect and they deserve a Federal Government that lives up to its commitment to them. With the aging of our veteran population, there is a greater need for long-term care, and this bill sends a strong message that America is prepared to live up to that commitment by expanding these services.

Unfortunately, there is one concept contained in this legislation which I oppose. The Veterans Tobacco Trust fund, contained in section 203 of the bill, requires that a certain percentage of any proceeds recovered from tobacco manufacturers, as a result of a U.S. Government lawsuit, be transferred to a special account within the Treasury to treat smoking-related illnesses for veterans. While I support the Federal Government providing adequate resources to the VA to combat and treat smoking-related or any other illnesses, this language legitimizes Federal lawsuits against tobacco companies. That is wrong.

As we saw yesterday, the Justice Department finally unleashed its forces on tobacco by filing a suit in U.S. court, seeking to recover billions in health-related costs to the government. The administration is proceeding with a politically motivated, and legally suspect, attack on a private industry that manufactures and sells legal products. If successful, this action will further damage the farm economies of Kentucky and other States.

I believe it is hypocritical for the Department to propose spending millions of taxpayer dollars trying to develop a legal basis for yet another lawsuit. After all, the Federal Government has earned billions of dollars on the sale of tobacco, through Federal excise taxes, and warned the public about the risks of smoking through labels for decades. It also is hypocritical for this body to pass an appropriations bill that denies funding for a tobacco lawsuit, to then turn around and set up a trust fund in anticipation of receiving proceeds from one.

Section 203 is unnecessary for achieving the objective of improving veterans' health care. It also can be interpreted to implicitly encourage civil actions by the Federal Government made against private industries, including, but not limited to, tobacco related products.

I hope that during the further consideration of H.R. 2116, the House and the other body will agree to omit section 203 from the bill.

TRIBUTE TO A HERO: JASON SHRADER

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mrs. FOWLER. Mr. Speaker, I would like to take this moment to honor a young man in my district. Last year, one of my constituents in Ormond Beach, Florida, risked his own life to save another man's life.

Jason Shrader was only 15 years old in May 1998 and just a freshman at Seabreeze High School when he rescued 40 year old Edward Skelton from drowning. Skelton and his girlfriend had gone swimming at the Division Avenue shell pit, a popular swimming hole, when he blacked out and went under. Jason, who was sitting on the shore with his friends, did not think twice before he dove in to search for Skelton.

As Jason himself so movingly described it, ''I was scared that either I was going to die trying to save him or he was going to die before I could get him to safety. I grabbed his foot and pulled him to the surface. He had turned blue from lack of oxygen, the cold water, and being at a depth of fifteen feet of water.''

Fortunately for Mr. Skelton, Jason is a Boy Scout—an experience that taught him how to perform CPR, and allowed him to keep Mr. Skelton alive until paramedics arrived.

Too often we are too busy with our own lives to think about the people around us whom we may not know. Jason's selfless and heroic action reminds us that sometimes it is important to get involved and to do something. As the Bible says, ''Greater love hath no man than this, that a man lay down his life for his friends'' (John 15:13).

Jason is truly a role model for all of us and I commend him for his courage and bravery in the fact of such a frightening and dangerous situation. The Coast Guard has issued a special award to recognize Jason's actions, awarding him the Meritorious Public Service Award. I wish to add my congratulations and applause for Jason Shrader, as he represents the definition of a true hero.

HONORING KSEE 24 HISPANIC-AMERICAN HERITAGE MONTH HONOREES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Hon. Jane Cardoza, Pilar De La Cruz, Gabriel Escalera, Frank C. Franco, and Dr. Cecilio Orozco for being selected as the 1999 Portraits of Success program honorees by KSEE 24 and Companies that Care. In celebration Hispanic-American Heritage Month for September, these five leaders were honored for their unique contributions to the betterment of their community.

KSEE 24 and Companies that Care launched the 1999 Portraits of Success program to honor five distinguished local leaders in celebration of Hispanic-American Heritage month. Currently in its fifth year, this special project combines specially produced public service announcements, a five-part news series, plus an awards luncheon to publicly recognize the unique contributions of the Hon. Jane Cardoza, Pilar de la Cruz, Gabriel Escalera, Frank C. Franco and Dr. Cecilio Orozco.

Since graduating from law school in 1981, Judge Cardoza started her law career in the Fresno County District Attorney's office, proceeding to the offices of the Fresno City Attorney and State Attorney General, Fresno County Municipal Court and now is the Presiding Judge of Family Law for the Fresno County Superior Court. She is active in the San Joaquin College of Law Board of Trustees, the Fresno Metropolitan Museum Board of Trustees, Fresno Metropolitan Rotary, Fresno City College Puente Project Mentoring Program and Domestic Violence Rountable.

Pilar de la Cruz began her nursing career in 1969 at Fresno Community Hospital and has moved up the corporate ladder to become vice-president of Education Department at Fresno Community. She has been instrumental in the development of the Jefferson Job Institute, a program to provide training for parents of school children for entry-level jobs in hospital settings. Ms. De la Cruz was named 1998 Volunteer of the Year by the American Health Association and 1997 RN of the Year by the Central Valley Coalition of Nursing Organizations. She received the Latina Beyond Boundaries Award in Healthcare for 1998.

Gabriel Escalera has been in the field of education for 27 years, as principal of Alta Sierra Intermediate School for five years and is the principal of Gateway High School. His college major was physical education; played football for San Diego State and was an athletic director and coached football and wrestling for 12 years. Mr. Escalera is president of the Fresno chapter of the Association of Mexican-American Educators and is also president of the Fresno chapter of ACSA. He is a member of the Latino Educational Issues Roundtable and numerous professional and service organizations.

Mr. Franco is Business Development Manager for the Fresno County Economic Opportunities Commission and has been with the Commission for 16 years. He is Chairperson of the Board of the Metropolitan Flood Control District which is instrumental in developing new parks, is past president and board member of Central California Hispanic Chamber of Commerce. Mr. Franco enjoys working for the benefit of children and serves as a board member for Genesis, Inc., a group home for girls that also provides substance abuse counseling for women.

Dr. Orozco is Professor Emeritus at CSUF's School of Education. In 1980 in Utah he discovered the origins of the Nahaatl people, the ancestors of the Anasazi and Aztecs, and has repeatedly visited the sites. One of his proudest accomplishments was proposing the name of Miguel Hidalgo Elementary School which was the first school in Fresno to be named for a Hispanic, and this effort was partially responsible for his receiving the National Association for Bilingual Education's ''Pioneer In Bilingual Education Medal'' in 1997. Dr. Orozco published a book explaining the details of the Sun Stone of the Mexicas and the Aztec Calendar and in 1998 published (in Spanish) the essence of his research on the work of Lic. Alfonso Rivas Salmon which dealt with the origins of the Nahuatl people.

Mr. Speaker, I want to recognize the contributions of Judge Jane Cardoza, Pilar De La Cruz, RN, Gabriel Escalera, Frank C. Franco, and Dr. Cecilio Orozco for the month of September, Hispanic-American Heritage Month. I urge my colleagues to join me in wishing these honorees many more years of continued success.

H.R. 2684, VA–HUD APPROPRIATIONS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SANDLIN. Mr. Speaker, it is our duty to fulfill our promises to our nation's veterans,

the men and women who have put themselves in harm's way in service to their country. It is our duty to care for our veterans, and if we pass this legislation, we will fail miserably.

We are faced today with a bill that fails to deliver to our veterans the funding they so desperately need. If we pass this bill, we will only be perpetuating the failure of the President's severely lacking budget. Even though this bill would provide $1.7 billion more than the President's request, it is still not nearly enough. Two wrongs do not make a right, and if we pass this legislation our veterans will be wronged yet again, by Congress as well as the Administration.

The Republican leadership would have you believe that the Independent Budget submitted by the veterans themselves is bloated and overstates the funding needs for veterans programs. I reject this assertion completely and am horrified that the Republicans are alleging double-counting and padding of budget estimates by respected veterans' groups such as the Veterans of Foreign Wars, Disabled American Veterans, AMVETS, and Paralyzed Veterans of America.

As if these allegations were not enough, the Republican leadership is now touting this anemic bill as a cause for celebration and criticizing veterans for ''complaining'' when they fail to celebrate over a bill that is lacking over one billion in critically needed funds. The Republicans have resorted to these tactics against veterans who fought to preserve the prosperity of this country—the prosperity in which veterans will not share if this bill is passed. These accusations are a slap in the face to our veterans and add insult to injury.

As a strong supporter of our nation's veterans, I am forced today to vote against this bill due to its severe lack of funding for veterans' programs. Veterans groups agree that this bill falls short by at least $1.1 billion. In light of projected budget surpluses and an irresponsible trillion dollar tax cut, it is especially disappointing to see the men and women who have served this country overlooked by those who would rather squander the surplus recklessly than use it to secure the future of critical programs such as veterans benefits and Social Security and reduction of our growing national debt.

Our veterans are aging, and their medical needs are growing as a result. This bill, however, does not address those needs. The number of VA medical facilities has decreased almost 35% in the last ten years, but this bill fails to address the growing demand for VA services as a result of the increasing number of veterans over the age of 65. According to the Congressional Research Service, 36% of all veterans are over the age of 65, and that number is expected to increase exponentially over the next eight years. An aging veterans population will undoubtedly put a strain on our nation's Veterans Health Services. At the current pace of construction, we will not have the necessary facilities to meet veterans' extended care needs.

Faced with this reality, I am unable to vote for a bill that will short-change veterans by over a billion dollars while Republicans insist on robbing Social Security and sacrificing veterans' healthcare, in favor of squandering the surplus on fiscally irresponsible tax cuts.

CELEBRATING THE CITY OF PALOS VERDES ESTATES

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize the City of Palos Verdes Estates. Palos Verdes Estates is currently celebrating its 60th year as an incorporated city. Situated along the Pacific coastline, the City of Palos Verdes Estates is a spacious community that has changed little since its establishment.

Incorporated December 20, 1939, Palos Verdes Estates is the oldest of the four cities on the Palos Verdes Peninsula. The land was first developed in the early 1920's by Frank A. Vandelip, a wealthy New York City financier. Vanderlip envisioned a coastal community that preserved and highlighted its natural resources, one that blended in with the surrounding environment. He commissioned the Olmsted Brothers, the sons of Frederick Law Olmsted, Sr., who designed Central Park in New York City, to lay out and develop the community.

The great care and pains that they took in designing the community are still apparent today. They set aside 28 percent of the land to be permanent open space. In today's age of environmental awareness, the need for open space has become more prevalent. Vanderlip and the Olmsted Brothers recognized the value of natural resources and had the foresight and vision to preserve the land for future generations to enjoy.

Palos Verdes Estates has thrived over the last 60 years, and as we enter the 21st century, Palos Verdes Estates will continue to be the unique, scenic community of the South Bay. I congratulate the City of Palos Verdes Estates and its residents on this milestone.

MIN MATHESON HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KANJORSKI. Mr. Speaker, it is with great pride that I rise today to bring the remarkable life of Mrs. Min Matheson to the attention of my colleagues. On September 24, the people of the Wyoming Valley will pay a long overdue tribute to Min, as a historical marker is dedicated to her on the Public Square in Wilkes-Barre, Pennsylvania. I am pleased and proud to join in this historic tribute.

One of eight children, Min Lurye was born in Chicago in 1909. Her father, a Jewish immigrant, was a cigar maker and a militant labor leader. Min grew up in a household of radical labor meetings, with her father organizing rallies and strikes within the cigar industry. Max Lurye fought organized crime and big business at the same time, once even having a confrontation with Al Capone. Min's childhood occurred in an atmosphere of violence and fear in the labor movements as her father saw some of close friends killed for resisting mob control of the industry. Max's legacy was continued by both his daughter Min and son Will, who also dedicated his life to labor causes.

When she was nineteen, Min met and fell in love with Bill Matheson. Defying the convention of the time, they set up a household together without marrying. At Bill's urging, Min traveled to New Jersey to help striking textile workers, but the strike was crushed after six months and Min was uncertain of her next move. They soon moved to New York City and began careers in the garment industry. Min worked in a dress factory until Bill accepted a position in Pennsylvania with the International Ladies' Garment Workers Union (ILGWU). When they decided to have children, they married and Min stayed out of union affairs for a time to raise her two small children.

In 1944, the New York ILGWU asked Bill and Min to move to Northeastern Pennsylvania, where dozens of small garment factories were sprouting up. Union officials asked Min and Bill ''to clean up the mess down there,'' and within a few years, Min was General Manager of the Wyoming Valley ILGWU and Bill was the Director of Education.

During strikes, she walked the picket lines with the rank and file and stood her ground when confronted by factory bosses. Eventually, Min realized the press was a union's best friend and regularly used radio shows to bring the union's case to the attention of the public. She organized union blood drives and the union locals gave freely to the United Fund. The community began to accept and appreciate the good works of the ILGWU. At one point, Min realized the union needed to become more active in the political arena and began the strong relationship between labor and the Democratic Party in Northeastern Pennsylvania which still exists to this day.

Mr. Speaker, Min and Bill Matheson were the parents of the garment industry workforce in Northeastern Pennsylvania. They organized it, fought for it, and gave it standing in the community. Seven hundred people turned out at a farewell salute after Min and Bill accepted a transfer to New York in 1963.

Min and Bill chose to come back to the Wyoming Valley upon retirement. They moved back in 1972, a few months before the Susquehanna river overflowed her banks, flooding the entire area and devastating the lives of tens of thousands of area residents. An organizer by birthright, Min immediately helped to organize the Flood Victims Action Council to speak for those devastated by the disaster. She brought her concerns and plight of the flood victims to the immediate attention of the federal government and worked closely with then-Congressman Dan Flood to insure relief for the thousands of displace residents. I am proud to have worked closely with Min on that effort, acting as legal counsel to the Flood Victims Action Council. Even in retirement, Min Matheson had found a way to better the lives of her neighbors in the Wyoming Valley. She continued to contribute her time and energy to our community until her death several years ago. Then-Wilkes-Barre City Councilman Joe Williams said it best: ''There should be a statute of Min on Public Square for all that she has done for this Valley.''

Mr. Speaker, I am pleased and proud to join with my good friends at the ILGWU, the Commonwealth of Pennsylvania, and the entire community in paying a much over-due tribute to this beloved figure in our region's history, Mrs. Min Matheson.

CONTINUING THREATS TO THE RUSSIAN JEWISH COMMUNITY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SMITH of New Jersey. Mr. Speaker, as my colleagues are aware, for the past year or so, the Jewish community of Russia has been subjected to anti-Semitic threats and violence. And this is not just from marginalized, thuggish elements on the streets; even elected officials in Russia have resorted to anti-Semitic slurs and threats.

Amid the latest explosions in Moscow, it is all the more remarkable that no Jewish institutions were attacked in Russia during the Jewish New Year celebration of Rosh Hashanah. Responding to the concerns of the Russian and American Jewish communities, as well as the U.S. Government and Members of Congress, the Russian authorities provided adequate protection for the synagogues, at least in the capital city, Moscow. The federal government of Russia and Moscow's city government deserve credit for this protection of their citizens. Monday's Yom Kippur celebration also passed without incident, and authorities would also be well advised to ensure that future holiday observances are accompanied by a visible and comprehensive police presence.

In the past several weeks, a Jewish community leader was violently attacked inside the Moscow Choral Synagogue, and explosives or false bomb threats have been uncovered in synagogues as well. In addition to synagogues, schools and other institutions are also at risk. The school year has now begun, and elderly Jews will again turn to social services institutions with the approach of winter. Russian authorities should be encouraged to continue protecting Jewish facilities, as well as seriously investigating and prosecuting those guilty of crimes against Jews. In addition, Russian officials should speak out frequently and publicly against those who would—either through word or deed—tear at the fabric of tolerance in Russia. To his credit, President Yeltsin has denounced ''disgusting acts of anti-Semitism'' in Russia, and in a telegram to the Chief Rabbi of Russia, His Holiness Patriarch Alexei II condemned the attack in the Moscow Choral Synagogue. Hopefully, these statements against violence and for tolerance will be emulated by responsible Russian leaders throughout Russia.

As much as permitting the free exercise of religion is a duty of any government, so is the protection of those exercising that right. As we Americans have unfortunately witnessed in our own country in recent months, our Nation is not immune to anti-Semitic violence. Law enforcement cannot completely guarantee against infringement of these rights, but we have demonstrated what I believe is an appropriate model of community and official response. For instance, when synagogues in California were bombed earlier this year, the California State Legislature condemned the attacks, and the alleged perpetrators are now in custody.

The police protection of synagogues throughout Moscow, along with President Boris Yeltsin's strong message of support to the Jewish community on the eve of the Jewish High Holy Days, represent a commendable Russian step in that same direction. Effective security measures should continue as long as the Jewish community is under threat, but we hope that ultimately such measures will no longer be necessary in a stable, democratic Russia.

THANKING CHUCK RUSSELL FOR HIS MANY YEARS OF SERVICE TO THE STATE OF TEXAS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor the 30 years of service Chuck Russell has provided to the children of Texas and our great nation. At the end of this month, Chuck will retire from his position as Assistant to the Texas Education Commissioner for Government Relations. Although Chuck has enjoyed his time in Washington, I am certain that he is looking forward to going home to Texas.

Chuck has spent his career working tirelessly on behalf of all children. As a government affairs official, he worked to make education funding formulas more equitable. He facilitated discussions between the Congress, U.S. Department of Education, the White House, the Texas Education Agency and local school districts. He always promoted what was best for school children, never forgetting that they were the reason for him being here. Their best interest was his driving force.

Chuck's education experience was not limited to government affairs. He has also worked as a special education teacher in Monterey, California and as a project director for the Texas School for the Blind.

American historian and writer Henry Adams once stated that ''an educator affects eternity; he can never tell when his influence stops.'' For Chuck Russell, the lives he has touched over his many years in the education field will ensure that his influence carries on far into the future.

I ask my colleagues to join me in honoring the career of one of Texas' education heroes as Chuck Russell completes his final days as an advocate for education. Chuck, we wish you and your wife Judy all the best.

TRIBUTE TO THE SOJOURNER TRUTH INSTITUTE IN COMMEMORATION OF THE SOJOURNER TRUTH MEMORIAL MONUMENT

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the Sojourner Truth Institute for their hard work and dedication to the Sojourner Truth Memorial Monument, which is being unveiled in Battle Creek, Michigan on Saturday, September 25, 1999.

Deserving recognition for this historic event are monument sculptor Tina Allen, Institute Administrator Michael Evans, Dr. Velma Laws-Clay and the entire Monument Steering Committee for the vision of turning an idea into a reality. The monument will stand to commemorate Sojourner Truth's crusade for the abolition of slavery, women's suffrage, and human rights for all.

Sojourner Truth is one of Battle Creek's greatest citizens and her impact on American history is immeasurable. She stood as a strong voice for the nation's ideals of freedom and equality at a time of great conflict. She was an abolitionist and an outspoken leader for women's rights. ''Today I have the right to speak out in public and be as successful as I choose to be because she was a pioneer for the rights of women and others'', said Dr. Laws-Clay.

The Sojourner Truth Institute, with the proud support of the entire Battle Creek community, will sponsor a weekend-long celebration culminating with the unveiling of sculptor Tina Allen's 12-foot tall bronze statue of Sojourner Truth in Battle Creek's new Monument Park. ''The intention was to provide a place where visitors and residents of the city can learn about what she really meant to the city of Battle Creek and bring the city's history to an even larger audience. It is also a very appropriate welcome at the gateway of our city'', said Michael Evans.

I wish to thank everyone involved in bringing this monument to life and continuing the legacy of Sojourner Truth, who is one of the greatest human rights activists in this nation's history. I am honored to represent a city with such character and determination. The work of the Sojourner Truth Institute will ensure that Battle Creek and America long remembers Sojourner Truth's message of freedom and I commend the Institute's vision and dedication.

CONSOLIDATION OF MILK MARKETING ORDERS

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 1999

The House in Committee of the Whole House on the State of the Union 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:

Mr. LUTHER. Mr. Chairman, I rise in opposition to H.R. 1402, legislation to consolidate Federal Milk Marketing Orders. I grew up on a small, family dairy farm near Fergus Falls, Minnesota and understand how the current antiquated dairy pricing system discriminates against the family farms in the Midwest. In 1996, this Congress passed the Freedom to Farm Act, legislation that seriously affected American family farmers. Freedom to Farm has not worked out as its authors had said it would, but part of the bill called for a more market-oriented dairy pricing system. In other words, the Freedom to Farm Act encouraged the Department of Agriculture to do exactly what it has proposed: develop a pricing system that does not penalize Midwestern states.

For too long, farmers in Minnesota and other states in the Upper Midwest have suffered from unfair dairy prices. Instead of correcting this problem, H.R. 1402 forces us to remain in this regime. This bill also forces us to maintain a price support system that jeopardizes our ability to negotiate international trade agreements for agricultural products. Before we can make progress on trade issues, we must set an example by moving toward a market-oriented dairy pricing system. I encourage my colleagues to reject the old way of doing things in Washington, support regional equity in the dairy industry and vote against the legislation before us today.

TRIBUTE TO DELON HAMPTON, PH.D., P.E.

HON. JAMES E. CLYBURN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Delon Hampton who is soon to be inaugurated President of the American Society of Civil Engineers (ASCE). His installation as president of this fine organization is historic in that Dr. Hampton will be the first African-American ever to serve in that capacity. As Chairman of the Congressional Black Caucus, I applaud this outstanding achievement.

It is not surprising that Dr. Hampton would be honored with such distinction. Currently he is Chairman of the Board and Chief Executive Officer of his own consulting engineering, design, and construction and program management services firm, Delon Hampton & Associates, Chartered (DHA). This successful venture has been in operation for 26 years and is one of the top 360 design firms in America.

Dr. Hampton has also lent his talents to academic pursuits. He was actively involved in university teaching and research for approximately 25 years and has published over 40 papers in professional and technical journals.

In addition to his active role with the ASCE, Dr. Hampton has also been involved as an Associate Member of the Board of Governors of the American Public Transit Association (APTA). His other involvements include serving on the Board of Directors for the Greater Washington Board of Trade, as a Director for the Center for National Policy, and as a Malcolm Baldrige Award Overseer for the U.S. Department of Commerce.

Dr. Hampton's honors include being a Councillor of the National Academy of Engineering, receiving Honorary Doctorate degrees from Purdue University and the New Jersey Institute of Technology, being selected a Distinguished Engineering Alumnus and Old Master by Purdue University, being a recipient of the Civil Engineering Alumni Association's Distinguished Alumnus Award of the University of Illinois, and being a recipient of the Edmund Friedman Professional Recognition Award and the James Laurie Prize both given by the American Society of Civil Engineers.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to this outstanding civic leader and businessman. Dr. Hampton's historic selection as the first African-American president of the American Society of Engineers is a reflection of his impeccable credentials and a testament to the successes that can be achieved by minorities when they are empowered with education and opportunity. The example of excellence he exemplifies deserves the highest commendation.

INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions:

Mr. CASTLE. Mr. Chairman, I rise today in strong support of H.R. 1875, the "Interstate Class Action Jurisdiction Act of 1999" because it contains provisions essential to preserving the reliable body of state case law that guides the governance of internal corporate affairs, most of which is developed by specialized courts in my state of Delaware. The depth and quality of this case law gives boards of directors for corporations all over the country the necessary guidance and predictability to move forward with multi-million dollar transactions according to their business judgment without the threat of courts overturning these transactions.

On July 22, 1998, the House passed H.R. 1689, the "Securities Litigation Uniform Standards Act" by a vote of 340 to 83. That bill contained a non-controversial carve out, constructed with technical assistance from the Securities Exchange Commission (SEC), for state class actions involving the purchase or sale of securities. Congress and the SEC recognized that the states had a well-developed body of law on the fiduciary duty of directors to disclose information to shareholders in connection with votes and investment actions, such as proxy solicitations, mergers, restructures, exchanges and tender offers. Therefore, there was no need to remove class actions concerning these transactions from state courts to federal courts.

As originally drafted, the Class Action Jurisdiction Act failed to provide for this same protection of state expertise. In fact, it would have undone the widely accepted Securities Litigation Uniform Standards Act's carve out. Furthermore, because the Class Action Jurisdiction Act federalizes a broader range of class actions, adding the Securities Litigation Uniform Standards Act carve out would not have been sufficient. Therefore, in cooperation with expert corporate law attorneys from both the plaintiff and defense bars, legal scholars, and Congressman GOODLATTE, I drafted an amendment to carve out class actions involving securities and internal corporate governance matters. The amendment was included in the manager's amendment when the bill was marked up in the Judiciary Committee.

Some of my colleagues have raised concerns that state corporate law issues should not be the only ones exempted from "federalization" under the Class Action Jurisdiction Act. I look forward to the debate on whether other class actions should be exempted. However, it is important to note that what makes corporate law issues unique is that there is no federal corporate law. State incorporation laws act like enabling statutes. That is, there is no law unless case law develops it. Traditionally, this law has been developed at the state level. Delaware, New York, and California particularly have large bodies of well-developed state corporate law. Given the structure of the federal court system with twelve circuit courts of appeal and the limited ability of the Supreme Court to adjudicate conflicts among the circuits, the removal of state courts from the adjudicatory process for class actions involving corporate law issues could add significant uncertainty to the resolution of issues arising under state corporate laws.

The SEC recognized this problem in its testimony concerning the Securities Litigation Uniform Standards Act. It stated:

> Preemption of state duty of disclosure claims raises significant federalism concerns. Many state courts, particularly those in Delaware, have developed expertise and a coherent body of case law which provides guidance to companies and lends predictability to corporate transactions. In addition, the Delaware courts, in particular, are known for their ability to resolve such disputes expeditiously—in days or weeks, rather than months or years. Delay in resolving a dispute over a merger or acquisition could jeopardize completion of a multi-billion-dollar transaction. Broad preemption would diminish the value of this body of precedent and these specialized courts as a means of resolving corporate disputes.

Furthermore, a trend has begun to emulate Delaware by creating courts with jurisdiction designed to provide a forum for the resolution of disputes involving business entities with expertise and efficiency. New York and Pennsylvania have created such courts. This reflects a judgment that the coherent articulation and development of state law governing business entities is a goal to be pursued, and one best addressed by the creation of a forum with subject matter expertise in the area. Federalizing class actions involving state corporate law would only serve to fracture the development of the law, rather than leaving it in the hands of a small number of highly specialized and expert jurists, conversant with the history and current trends in the development of the law.

Mass tort product liability law is not a highly specialized area of the law requiring adjudication by judges specially trained in the subject matter. The issue of whether or not we federalize mass tort product liability suits does not jeopardize the completion of multi-billion-dollar transactions that can determine if U.S. companies will continue to compete in the global marketplace.

Mr. Chairman, I am extremely proud of the corporate law legal expertise that has developed in Delaware. It is just one of many features that makes Delaware a ''Small Wonder.'' Members may have divided opinions on the merits of the overall legislation, but just as there was no controversy over the state corporate law carve out when the House passed the Securities Litigation Uniform Standards Act, there should be no controversy over the need for the corporate law carve out in this bill.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today in support of my colleague from New York's motion to instruct.

Once again, we are standing here having to remind Republicans that protecting our children from gun violence is the most important issue we should be addressing in Congress.

And yet, my colleagues on the other side of the aisle are sitting and doing nothing. We can not stand for this!

Every day that goes by that we do not act is another day a child falls victim to gun violence. How many more deaths are we going to allow before we take action?

Our children are scared and so are their parents. We cannot afford to let another child slip through the cracks.

I ask you, who's taking care of our children?

Let's address this issue once and for all. Let's not sacrifice the life of another child to indecision.

IN HONOR OF HELEN KARPINSKI ON HER 100TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Helen Karpinski on her 100th birthday, October 7, 1999. She will be celebrating this joyous occasion with her family on October 10, 1999.

Born in 1899 in Cleveland, Ohio, Helen Karpinski has dedicated her life to government and civic service. She has actively participated in the American Polish Women's Club and has been a member of the Cleveland Cultural Garden Federation. Additionally, she has spent her life being a political activist, promoting and supporting women aspiring to public office. She helped catalyze the women's movement in government by such accomplishments as being the first woman to survive a primary election for Cleveland City Council under the current city charter. The work she has done for women in politics has been immeasurable.

At 100 years young, Helen continues to live a fulfilling and happy life. She has been a wonderful mother of three beautiful daughters, Gloria, Mercedes, and Diane. Helen is loved by her family and the many lives in her community that she has touched. My fellow colleagues, please join me in wishing a great lady a very happy birthday and many more delightful years to come.

SUPPORTING THE ETHNIC AND MINORITY BIAS CLEARINGHOUSE ACT OF 1999

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. ENGEL. Mr. Speaker, I rise in support of greater diversity in our national media. If we learned anything this past year, it is that the media has a tremendous influence in our day-to-day lives. The impact of this ''Information Age'' influence needs to be examined because it does not always promote accurate images. To address this important issue, I introduced H.R. 125, the ''Ethnic and Minority Bias Clearinghouse Act of 1999.''

While this legislation will shed a good deal of sunshine upon our media, it will not attempt to place any mandates upon broadcasters. H.R. 125 will direct the Federal Communication Commission to begin compiling data on complaints, grievances and opinions regarding radio and television broadcasters depiction of ethnic and minority groups. This information will be released to the public on a yearly basis and will be discussed in an annual conference to examine our nation's perception of the media's depiction of our great ethnic diversity.

In support of my legislation I submit for the RECORD a letter that was sent by the National Italian American Foundation (NIAF) to the Academy of Television Arts and Sciences which illustrates the need for my legislation.

September 7, 1999.

MS. MERYL MARSHALL,
Chairwoman and CEO, The Academy of Television Arts and Sciences, North Hollywood, CA.

DEAR MS. MARSHALL: The National Italian American Foundation (NIAF) is pleased to note that a large number of Italian Americans have been nominated by The Academy of Television Arts and Sciences for their contributions to primetime television.

Your September 12th Annual Primetime Emmy Awards has nominated NIAF supporters such as Stanley Tucci for Outstanding Lead Actor In A Miniseries Or Movie; Joe Mantegna for Outstanding Supporting Actor in the same category; and Tony Danza as Outstanding Guest Actor In A Drama Series. Italian Americans are also up for awards in comedy, drama, direction, editing, hairstyling, makeup, and music.

These nominations confirm the tremendous contributions that Italian Americans have made in the fields of art and entertainment. However, NIAF is greatly concerned about the amount of attention and acclaim which has been given to the Home Box Office series, ''The Sopranos'', and how it relentlessly focuses only on Italian Americans in organized crime.

NIAF appreciates and recognizes the acting skills and hard work of Emmy nominated performers like James Gandolfini, Lorraine Bracco, and Edie Falco, as well as the work of the rest of the cast and crew. But NIAF agrees with writer Bill Dal Cerro, who wrote in the June 20th Chicago Tribune that the show ''not only exploits popular prejudice about Italian Americans, but allows the audience to giggle at such images guilt-free.''

This past year has seen an open season assault by the entertainment industry on people of Italian American heritage. Whether it be a Pepsi television ad featuring a little girl speaking in an Italian American ''Godfather'' voice, derogatory films such as Spike Lee's ''Summer of Sam'', or TNT's despicable ''Family Values: The Mob & The Movies'', your industry has reinforced the stereotype that all Italian Americans are losers, or mobsters, or both.

The stereotyping is also insidious: type in the phrase ''Italian Americans'' in the internet search box of HBO's parent company, Time Warner, and you get a glossary of terms from ''The Sopranos'' with words like ''Stugots'', ''Ginzo gravy'' and ''Wonder Bread Wop.'' These words are offensive to Italian Americans and should not be glamorized on the world-wide web in so careless a fashion.

Clyde Haberman of the New York Times, wrote the following in a July 30th article entitled ''An Ethnic Stereotype Hollywood Can't Refuse'':

''In this age of correctness, other groups have managed to banish the worst stereotypes about them. How often these days do you see shuffling blacks, grasping Jews or drunken Irishmen on the screen? . . . (but) Among major ethnic groups that have formed the country's social bedrock for at least a century, Americans of Italian origin may be the last to see themselves reflected in mass culture, time and again, as nothing but a collection of losers and thugs.''

A study by the Italic Studies Institute, Floral Park, New York, bears out Mr. Haberman's assertion. The Institute analyzed 735 Hollywood films that featured Italian Americans from 1931 to 1998. It found 152 films were positive and 583 were negative towards Italian Americans.

NIAF agrees with Bergen, New Jersey Assemblyman Guy Talarico, who recently said that Italy has produced some of the finest artists, scientists, athletes and other professionals. Mr. Talarico introduced a resolution condemning the film industry's negative portrayal of Italians and warned that ''it is inaccurate and insensitive to insinuate that a small number of people (in organized crime) represent an entire ethnic group.'' Or to put it another way, Energy Secretary Frederico Pena told a conference last year that stereotyping ''is the package in which racism finds a home.'' And if allowed to continue, Pena said ''we depersonalize each other and we see not the faces of the personal stories we can all share but the face of an impersonal group.''

In fact, because Hollywood has been reluctant to reduce harmful stereotyping of Italian Americans and other minorities, NIAF has given its full support to ''The Ethnic and Minority Bias Clearing House Act of 1999.'' The bill, HR 125, sponsored by New

York Congressman Eliot Engel, would create an office, probably within the Federal Communications Commission, to collect and analyze the media's portrayal of ethnic, racial and religious minorities, with an annual report on such portrayals in the industry prepared for Congress.

NIAF has begun a major effort to ''Stamp Out Italian American Stereotyping,'' and we need the help of influential people in the entertainment community like yourself to help us achieve success.

We have enclosed NIAF's report, ''Fact Sheets On Italian Americans In US History And Culture'', and ask that you review it and distribute it to all members of the Academy of Television Arts and Sciences. The 37-page document contains a listing of significant contributions Italian Americans have made to the US in such fields as politics, education, entertainment, sports and law enforcement. Academy members who read this document, which is also available on NIAF's web site, www.niaf.org, would get a fuller representation of Italian Americans which could lead to depicting our people on television and in the movies in a more positive fashion.

We also ask that the Academy consider for next year's awards the Arts and Entertainment (A&E) film ''Italians in America'' and the History Channel film ''Ellis Island.'' Both will be shown in October and both document Italian American history and achievements.

Finally, we would ask that the Academy agree to participate in an NIAF-sponsored workshop on ''Italian American Stereotyping'' which will take place in the second quarter of the Year 2000. Your participation will convince others in the entertainment industry that this is a problem which needs to be addressed if 20 million Americans of Italian descent, the nation's fifth largest ethnic group, are to be fairly depicted, as honest, hard-working individuals.

I have designated Dona De Sanctis, head of the NIAF's Media Institute Board, as your direct contact on these issues. Please contact her at NIAF headquarters, 1860 19th St., NW, Washington, DC, 20009, telephone: (202) 387–0600.

Sincerely,

FRANK J. GUARINI,
NIAF Chairman.

CONCORDIA LUTHERAN SCHOOL DRUG TESTING

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 1999

Mr. SOUDER. Mr. Speaker, there has been occasional controversy about drug-testing high school students.

Evidence is showing that this is the single most effective way to actually reduce drug abuse at school.

The Concordia Lutheran school system in Fort Wayne, Indiana is the largest Lutheran School system in the nation.

The following is an excellent summary of their reasons and debate around implementing a drug testing program.

I hope other school systems will show the commitment to improving the lives of their students that Concordia has.

FORT WAYNE LUTHERAN ASSOCIATION FOR SECONDARY EDUCATION, CONCORDIA LUTHERAN HIGH SCHOOL,

Fort Wayne, IN, September 21, 1999.

To The Honorable Mark Sounder.

Re Substance Abuse Prevention Program Concordia Lutheran High School.

Thank you for the opportunity to share information on our newly-instituted program of substance abuse prevention, including the requirement of random drug testing for all students and staff.

A bit of the history of this effort . . . The student surveys we have had conducted by research firms in Fort Wayne over the past 5–8 years have clearly confirmed our sense that the problem of student use of drugs and alcohol was in many ways similar to that of other schools. We have never hid from that reality, yet it was not until the spring of 1998 that we finally moved in a significant way to address and ''do something'' about the problem.

Two incidents of illegal use and possession were the ''last straw'' for us to act! Our goal was to do something about the problem, not study it. We were beyond further study.

The school administration formed a task force comprising students, staff, administrators, pastors, lawyers, professionals in the field, and officials from law enforcement. Judge Charles Pratt was also a member. The question was not, ''Is there a problem?'' Rather, the compelling issue was what can we do about the problem. I chaired the task force because I wanted it to do the right thing and get at the problem. I believed I had to demonstrate the commitment we had to the issue. Their interest and enthusiasm was inspiring, especially when they realized we were serious about this problem and getting at it!

The attached brochure outlines the program which was formulated over a period of six months. The Board of Directors of our Association endorsed the effort. The faculty also supported it. It was clearly apparent from the beginning that, if we wanted to do something to impact student use of illegal drugs and alcohol, random drug testing had to be a part of the program. As the professionals indicated, if you are not willing to drug test, we were wasting our time. As a task force, we crossed that hurdle and moved forward in the spring of 1999 with a proactive program of testing and ministry support when a problem occurs.

In the spring of 1999 we began a series of parent meetings at which time we shared the very real and dramatic data from the survey results. Then we outlined the plan and informed them that required random testing will begin with the 1999–2000 school year. We did not survey our parents. We knew we had a serious problem and we needed to act. Quite frankly, it would have muddied the process, resulted in political debate and parent reaction. We were convinced we were doing the right thing and all of the expertise we had totally supported the action plan! The program was built around education, prevention, and treatment [see attached brochure].

There was some opposition from parents who were really bothered by the fact that we were going to conduct random testing of all students, but we concluded that we simply had to do it. Many hours were spent talking with families who expressed concerns. We took the news to the media and made the news ourselves, having concluded that this was the best approach. As you might know, the media made a rather negative issue out of the news, focusing attention only on testing and not the overall program. Publicly it appeared that there were many who objected. Yet there were many who wrote and supported our efforts, including our own students.

I did not receive even five negative letters. Since the spring, as people have talked through the issue of testing and considered it, we have had total cooperation from families. To our knowledge, NOT ONE student did not return as a result of this issue. In fact, we lost fewer students over the summer than we normally do in an average year. Every parent signed a release form. We have had no complaint or refusal.

The procedures we put in place are carefully laid out and had the input of a variety of professionals. We take all the precautions, and more, of the DOT guidelines on testing. We have a doctor certified as a Medical Review Officer who would first review any positive tests. This takes place prior to the school ever being notified.

The testing company in Kansas City has an impeccable record and the percent chance of false positives is scientifically insignificant. We have overcome many fears as a result of careful and thoughtful planning. That, of course, is part of our philosophy of education. The testing is conducted weekly on students whose numbers come up on the randomization computer program. It works smoothly, and most people are totally unaware that it is even taking place!

All new employees are tested as a requirement of employment. This includes a cafeteria worker as well as an administrator. We have all staff in a randomization pool and have a plan in place should a positive test arise. Both the proactive plan to assist students and the plan for staff members are based on our approach to ministry, part of what makes our education distinctive.

All of the evidence told us that testing WILL reduce the usage among students. That is our prayer and hope, and we have seen and heard evidence that it does. The goal is to deter young people from using illegal drugs and alcohol.

Finally, alcohol is a problem more difficult to test and trace. Parties continue to take place outside of school but our testing program will not impact that behavior directly. It is our hope that the overall impact of the program is also having a positive effect on other student behaviors. Only time will tell. In the mean time, our families, students and staff are dealing with the problem in a very real way. The actual testing takes place almost unnoticed during the day. It has simply become a part of our day and we like it that way. I might add that we have a registered nurse on duty every school day, all day. Our program which the clinic has put together is high impact, connecting with our guidance program. We use urine testing as our method. The current cost is $16 per test. A courier picks up the material on its way to Kansas City!

It is public knowledge that the son of our head nurse, a good student and athlete, was one of the students arrested in May of 1998, taken away from school in handcuffs, and of course was expelled. He is back in school after one full semester away [our minimum policy] and is doing very well in school. He is a good kid who hopefully learned a huge lesson about selling marijuana! The judge asked us if he could do some of his service hours at Concordia. We agreed and he paid that price in the summer of 1998 leading into his semester away from Concordia.

I also recommended to our administrators that we move our annual Cadets In Cadence

Auction out of our facility to an off-campus site. The Board of Directors supported that move, but there were many who simply did not ''buy'' the argument that we needed to set the example and not serve alcohol, even to adults, on our campus, even to raise money! We made a once-a-year exception and served alcohol in the building. On December 4, 1999, we have our first off-campus auction at the Coliseum . . . and we believe we can make it an even better event!

Concordia took a stand on the issue. We have ''laid the issue on the kitchen table'' of CLHS parents and many other families in Fort Wayne . . . and we hope some lives will be saved and some teenagers will be spared the potential tragedies which accompany the use of illegal drugs and alcohol. We want a drug-free school and want to give good kids another reason to say NO!

Thank you for your interest and allowing me to share this testimony.

Cordially,

DAVID WIDENHOFER,
Executive Director.

TREATMENT

We are compelled to provide treatment alternatives when a student is discovered to have used, be in possession of, or be a seller or provider of drugs or alcohol. The identification of those who are involved with drugs or alcohol calls for clear assessment and follow-up.

First Positive Test—A parent conference, an assessment by a state-approved drug and alcohol agency, an educational and/or counseling plan, a 12-month probationary period, follow-up testing, and applicable activity penalties are indicated.

Second Positive Test—The student is expelled. A parent conference is held to discuss assistance measures and a plan for re-entry if desired.

Student Under the Influence—The student is immediately suspended for a period of 5 school days. A parent conference, an assessment by a state-approved drug and alcohol agency, an educational and/or counseling plan, a 12-month probationary period, follow-up testing, and appropriate activity penalties are indicated.

Student Possession/Distribution or Second Under Influence—The student is expelled. A parent conference is held to discuss assistance measures and a plan for re-entry if desired.

CHRIST-CENTERED EDUCATION

We believe that:

All students are chosen and redeemed children of God. As parents and teachers, we have a responsibility to them. ''Train up a child in the way he should go, and when he is old he will not turn from it.'' Proverbs 22:6.

All our hope is in the Lord. ''For I know the plans I have for you,'' declares the Lord, ''plans to prosper you and not to harm you, plans to give you hope and a future.'' Jeremiah 29:11.

As Christians we know that we have a responsibility to take care of the life God has given us. ''Do you not know that your body is a temple of the Holy Spirit, who is in you, whom you have received from God? You are not your own; you were bought with a price. Therefore, honor God with your body.'' I Corinthians 6:19–20.

We also realize that in a sinful world, we must be prepared to face temptations every day of our lives. We can do this confidently as His faithful people. ''God is faithful; He will not let you be tempted beyond what you can bear. But when you are tempted. He will also provide a way out so that you can stand up under it.'' I Corinthians 10:13.

Lutheran schools impact the lives of young people by providing Christian values through all school activities and programs and by proclaiming God's love.

THE PROBLEM

Data provided from several research studies of high school students, including CLHS students, present a picture of the use of drugs and alcohol by our students that resembles that of other states and high schools. Our own experience with young people verifies the existence of a problem that compels a response. We are called ''to minister to students as chosen and redeemed children of God.'' We can no longer avoid confronting head-on this reality of American culture.

Teenagers are making poor choices to use drugs and alcohol in every high school in America. As a Christ-centered high school, we must respond to this tragic reality. Our plan is founded on our sincere concern for nurturing Christian faith and healthy lifestyles in our students. We intentionally want to reduce the use of drugs and alcohol and discourage students from making poor choices. We act because we care.

Our goal is to maintain a safe, positive and zero-tolerance school environment, conducive to learning and spiritual growth for all students. We have set forth preventive measures to check the student use of alcohol and drugs, especially on the CLHS campus and at CLHS activities. The plan includes education for staff, students and parents so that they understand the realities of the problem and are better able to identify and help students using drugs and alcohol. Our ministry to students calls for providing assistance and treatment options for students who become involved in the use of drugs and alcohol.

PREVENTION

We need consistent, fair, firm, enforceable and clear policies regarding the school's position on the illegal use of drugs and alcohol. Clear deterrents are needed so that students and adults know that we are serious about this issue and want to reduce student drug and alcohol use.

Zero Tolerance Policy—All use, possession or distribution of drugs or alcohol will have consequences. We will not tolerate those who introduce illicit drugs or alcohol into our school setting.

Tip Line—Evening calls to Student Services (471–1996) will be recorded on an answering machine to allow anonymous reporting of information about illegal activity.

Surveillance Cameras—These have been installed to observe activity in the parking lot and other high traffic areas of the school grounds.

Locker and Parking Lot Searches—Random searches involving the use of police drug dogs will occur as needed.

Random Drug Testing of Students—This is the key component that addresses the issue of usage. Urinalysis is the method used and great care is taken to ensure confidentiality of results.

Reasonable Suspicion—When reasonable suspicion of drug or alcohol use exists, a breath scan and/or urinalysis will be required.

EDUCATION

It has become clear that many students, teachers and parents do not fully understand the laws dealing drugs and alcohol, the consequences of being caught, the signs of student use of alcohol and drugs (at home and at school), and the very real seriousness of this issue in the lives of youth and adults. We want to emphasize the seriousness of the issues being addressed, the identification of students using or under the influence, the identification of those possessing or selling drugs or alcohol at school, and the legal consequences of alcohol and drug use by adolescents and adults.

Curriculum—Drug and alcohol education is a part of the curriculum each year in high school.

Student Assemblies—At least once each year an assembly using outside resources is presented to the student body.

Staff In-Service—Education and skill-building are a regular part of the staff in-service program.

Parent Support Group—This group works with the school administration to ensure that education efforts continue for both students and parents.

Parents In-Service—At least one parent in-service activity is planned per semester.